

# Frequently Asked Questions

## Updated August 27, 2020

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### DAILY HEALTH SCREENING

1. What are the current morning screening questions for employees and judges?
  - i. **Have you been in close contact with a suspected or confirmed case of COVID-19 in the last 14 days?**
  - ii. **Have you had a fever at or above 100.4 degrees Fahrenheit or felt feverish in the last 72 hours?**
  - iii. **Are you experiencing any respiratory symptoms including a runny nose, nasal congestion, sore throat, cough, or shortness of breath?**
  - iv. **Are you experiencing any new muscle aches, chills, or severe fatigue?**
  - v. **Have you experienced any new change in your sense of taste or smell?**
  - vi. **Has a member of your household been referred by a medical professional for a COVID-19 test in the past 14 days?**
  - vii. **Is a member of your household experiencing symptoms consistent with COVID-19?**
  - viii. **Are you experiencing any gastrointestinal symptoms such as nausea, vomiting, or diarrhea?**
  - ix. **Have you travelled in the past 14 days either internationally, by cruise ship, or domestically outside of New England?**
  
2. How will I respond to these morning screening questions? **As of Friday August 28, 2020, you will respond to these questions through an Employee Screening Tool, and a link will be available on the JIBB. In addition to the questions above, employees will be asked to verify that they do not have a temperature at or exceeding 100.4 degrees Fahrenheit. We believe this**

**approach will be less invasive than recording actual temperatures. These measures are being taken to promote the safety of the community, reduce the impact of COVID-19, and to comply with the Governor's Safer at Home Universal Guidelines.**

3. What should I do if I do not have a thermometer at home? **When completing the morning screening questions through the Employee Screening Tool, there will be an option to select the response, "I do not have a thermometer." Additionally, the Administrative Office of the Courts is working to acquire thermometers that can be distributed to employees who do not have one, and are unable to purchase one. These will be distributed on a first-come, first-serve basis. If you do need a thermometer, please inform your supervisor.**
4. Who will receive and be able to view my responses? **Your daily responses will be sent to your direct supervisor for review. You will however have the ability to select a name from the directory on the screening tool in the event your supervisor is absent, or if you have been instructed to submit your responses to someone other than your direct supervisor. You no longer need to CC Human Resources on your responses, as HR will automatically receive all responses and will maintain all employees' responses through a secured SharePoint site.**
5. If I am teleworking, do I need to answer these health screening questions? **No. You should only answer these health screening questions on days you are working on-site.**
6. Should I wait until I come in to work to tell my supervisor that I have been in close contact with someone who is being tested for COVID-19 or who has tested positive for COVID-19? **All employees who are coming to work on a particular day are encouraged to ask themselves these questions *before* they leave the house and, if the answer to any question is "yes", to contact their supervisor, explain the nature of the answer, and wait for a response before coming to work. If an employee learns of this information during the course of the workday, the employee should also contact their supervisor immediately and await further instruction.**
7. Should I tell my supervisor when answering the daily health screening questions if I am experiencing symptoms I typically have due to allergies? **Not necessarily. If you are experiencing a runny nose, a cough or other symptoms that you believe are consistent with the type of symptoms you normally have, you do not need to do so. If you believe your symptoms are worse than usual or are different in nature, please report this to your supervisor. If your symptoms are consistent with known seasonal allergies, you may answer this question as if you would respond to the following, "Are you experiencing respiratory symptoms including a runny nose, sore throat, cough, or shortness of breath that cannot be attributed to normal seasonal allergies?"**

## **WORKPLACE SAFETY AND PERSONAL PROTECTIVE EQUIPMENT**

8. Do I have to wear a mask at work? **YES. Per the Supreme Court Order issued on Friday July 24, 2020, individuals entering State of New Hampshire courthouses and other Judicial Branch workplaces *must wear face coverings that cover the mouth and nose.* This is applicable to all judicial and non-judicial staff whenever they are in hallways, common areas, shared work spaces, including cubicles and security stations, and other areas where more than one person may be present.**
9. Are members of the public also required to wear masks? **YES. The Supreme Court Order also applies to litigants, lawyers, members of the media, and other members of the public in all areas of a courthouse.**
10. Are there any exceptions to wearing a mask? **This rule does not apply to anyone for whom wearing a mask would be contrary to their health or safety. If there is a medical reason that prevents you from wearing a mask while at work, you should contact your physician who should provide documentation to you certifying as such. As with any ADA request, your physician should specify in writing the medical condition affected, and recommend an accommodation or alternative to wearing a face covering. Human Resources will review each ADA request, and determine what might be considered a reasonable accommodation as requested by your physician. If you have a reasonable accommodation in place under the ADA that permits you to not wear a mask, you are asked to limit your contact and exposure to others in the workplace and avoid commonly-shared spaces to the extent possible.**
11. Do I still need to maintain six feet of social distancing, even if I am wearing a mask? **YES.**
12. What is the proper way to wear a mask? **A well-fitting mask should completely cover your nose and mouth, and secured around the ears or back of the head.**
13. Could a plastic face shield replace wearing a surgical mask, or cloth face covering? **The intent of the Supreme Court Order is to wear a surgical mask or cloth face covering, which covers the nose and mouth. Wearing only a face shield is prohibited as a substitute for a face covering/mask. Face shields alone are not acceptable substitutes for face coverings/masks. Face shield can be worn with face coverings/masks for additional protection.**
14. What steps should I take to protect myself and others at work?
  - a. **Wear a mask or cloth face covering.**
  - b. **Maintain 6 feet of social distancing from others.**
  - c. **Stay home if you are not feeling well.**
  - d. **Follow the CDC guidelines and use disinfectant to regularly wipe down your workspace or frequently touched items such as the telephone, metal detecting wand, or computer keypad.**
  - e. **Regularly wash your hands with soap and water for at least 20 seconds.**

15. Can employees be moved temporarily to another court location? **We encourage this for purposes of social distancing, to ensure proper staffing of courts, and to ensure all work opportunities are available for employees who are unable to telework. If spacing is an issue, clerks should reach out to their administrators about moving employees to a safer workspace.**
16. What Personal Protective Equipment does the Judicial Branch provide? **The Judicial Branch is providing masks, disinfecting wipes, hand sanitizer and disinfecting sprays in ample supplies at each court location.**

## **PAY AND BENEFITS**

1. Do I have to utilize my sick and annual leave before the COVID-19 federal leave is used? **No.**
2. Do I continue to accrue sick and annual leave while using federal leave or while working from home? **Yes.**
3. If my anniversary date occurs during the use of federal leave or working from home am I still eligible for the step increase that is due, if any? **Yes.**
4. Will I need to complete a leave slip for my supervisor? **Employees who are taking leave time related to COVID-19 should complete the NHJB Emergency Paid Sick Leave (EPSL) and Expanded FMLA Notification Form. (See #3 under Access to Information.) Leave taken for any other reason should require a leave slip as normal.**
5. Will I need to complete a timesheet? **Yes, you should continue creating your timesheet as normal, when possible.**
6. How do I code my time taken under EPSL or Expanded FMLA? **Beginning with FY 20 pay period #23 (April 10<sup>th</sup>-April 23<sup>rd</sup>) any COVID-19 federal time taken for yourself should be coded with an "FA", and any COVID-19 federal time taken to care for someone else (including childcare) should be coded with an "FB." If you have exhausted your hours of COVID-19 federal time under codes FA or FB, and continue to remain out of work for the purpose of childcare which is covered under the Expanded FMLA, you should now code those hours with an FC.**
7. Why is there more time being deducted from my allowed EPSL when I use the FB code? For example: I was out for 3.00 hours to care for my child and I put 2.00 hours on my timesheet for FB and 1.00 hour of my sick time. Why were 3.00 hours of FB deducted from my emergency leave bucket? **Three (3) hours are deducted from your emergency leave FB bucket because that is the total number of hours you were out of work to care for another due to COVID19. Only two-thirds (2/3) of emergency leave used to care for others is paid, which is why you could only record 2.00 hours of your total leave to the FB**

**code and why you are supplementing that pay with one hour of paid sick leave.**

8. What if I am unable to complete a timesheet? **If you still need to complete or modify a timesheet and you do not have telework capabilities and/or VPN access, please notify your supervisor of your hours. You may do this via email or phone. Your supervisor should then send an email to BOTH [Accounting@courts.state.nh.us](mailto:Accounting@courts.state.nh.us) AND [Humanresources@courts.state.nh.us](mailto:Humanresources@courts.state.nh.us) with your timesheet information, including name, court, dates, hours, and any leave codes, if applicable.**
9. Will I retain my medical and dental benefits during this time? **Yes.**
10. If I come into work, will I be compensated above and beyond my normal wages? **No.**

### **TRAVEL GUIDANCE**

1. Will I need to self-quarantine after I return from my vacation to Maine, or to any other New England state or county? **No. Travel to a New England state or county by any mode of transportation will not require an employee to self-quarantine prior to returning to work.**
2. If I am travelling to a US state or county outside of New England, am I required to self-quarantine? **It depends. If you are travelling by a public mode of transportation (plane, bus, train), or are travelling to a state or county determined to be a “hot spot” for the spread of COVID-19, then yes you will need to self-quarantine for a period of 14 days upon your return home, prior to coming back to the workplace.**
3. What is a “hot spot”? **A Level 3 “hot spot” is an area where there have been at least 10 but not more than 25 daily new COVID-19 cases per 100,000 people, within a 7 day rolling average. A Level 4 “hot spot” is an area where there have been more 25 or more daily new cases per 100,000 people. These “hot spot” zones are colored orange and red on this website maintained by the Harvard Global Health Institute, and should be consulted before any travel: travel: <https://globalepidemics.org/key-metrics-for-covid-suppression/>.**
4. What if I am travelling to a state or county outside of New England, that is not a “hot spot”, and using my own personal vehicle—will I need to self-quarantine upon returning home? **No, but generally speaking, the CDC still advises against unnecessary travel. Just as with any public activity, out-of-state travel poses certain risks depending on the purpose. If an individual is limiting contact with others and wearing a face covering and maintaining social distancing, it is of less concern. Self-quarantining is highly dependent on the circumstances, and we ask that you share with us information necessary to determine whether you can work on-site.**

5. Will I need to self-quarantine after international travel or cruise ship travel? **Yes. Employees will need to self-quarantine for a period of 14 days upon their return home, prior to coming back to the workplace.**
6. If I am travelling by a public mode of transportation, to a “hot spot”, internationally, or via cruise ship, and I know I will be required to self-quarantine upon my return home, how should I submit my time off request? **Your time off request should include any period of self-quarantine in addition to the time you are requesting for the purposes of vacation. For example, if you are requesting 1 week off to travel to Disney World in Florida, your leave request should be for 3 weeks: 1 week for vacation, and 2 weeks (14 days) for self-quarantine.**
7. Will I be eligible for Emergency Paid Sick Leave (EPSL) if I have to self-quarantine upon returning home from vacation? **It depends, but generally no. If you are instructed by a medical professional to self-quarantine, or if you are tested for COVID upon your return home, then yes, you would qualify for EPSL, assuming that you have not already exhausted your EPSL hours. Otherwise, you will be required to use your own accrued leave time, including sick leave.**

## **ACCESS TO INFORMATION**

1. Where can I go for updated information regarding employment related issues? **The Judicial Branch has created an employee section on the State of NH Courts page located at <https://www.courts.state.nh.us/>. Upon visiting the page, click on the red link centered at the top of the page titled, “Judicial Branch COVID-19 Update and Resources Page.” Here you will find additional links to information about the Branch’s response to COVID-19, including a link specifically for employees.**
2. Can I still access my email without a Judicial Branch laptop or VPN access? **Yes, email is still accessible to all employees via Outlook from any computer using an internet connection. Go to <https://mail.courts.state.nh.us/owa/> and enter your Judicial Branch email address and password. This is the same password you use to log into your Judicial Branch computer. Click “sign in”, and you will be brought to the screen where you can access your Mail, Calendar, and Contacts.**
3. What documentation do I need to complete to request the usage of EPSL or Expanded FMLA? **Beginning Monday April 20, 2020 we are asking employees who are newly requesting EPSL or Expanded FMLA to complete the NHJB Emergency Paid Sick Leave (EPSL) and Expanded FMLA Notification Form. For employees who have already been out of work for EPSL or Expanded FMLA, they will NOT be required to retroactively complete this form. The form can be found on the JIBB by clicking on Human Resources, then Forms. If you do not presently have access to the JIBB, please contact either your supervisor or Human Resources, and the form will be provided to you.**

## **EMERGENCY PAID SICK LEAVE, (EPSL), AND EXPANDED FMLA**

1. When can I start to use EPSL or Expanded FMLA? **This leave became available for use on April 1, 2020.**
2. Can an employee who only qualifies for 2/3 pay under EPSL and/or Expanded FMLA supplement with their own accrued leave to receive 100% pay? **Yes, an employee may supplement the 2/3 federal leave time with 1/3 of their own leave time. An employee may use any accrued leave time, including sick. If an employee chooses to use sick leave to supplement, the employee will not be eligible to accrue bonus leave.**
3. What if an employee wants to use EPSL/Expanded FMLA and only wants to get partial pay (i.e., does NOT want to draw off sick or annual time to continue to get a full paycheck)? Is there a specific mechanism for communicating that desire to HR? **Yes, just let HR know that the employee is choosing not to supplement, and choosing to only receive the 2/3 pay under the law.**
4. How does EPSL or Expanded FMLA impact bonus leave? **The use of EPSL and the use of Expanded FMLA do not impact earning of bonus leave. Consistent with the normal process, only the usage of sick leave will impact the earning of bonus leave, and in excess of 6 sick dependent days. If an employee chooses to use sick leave to supplement, the employee will not be eligible to accrue bonus leave.**
5. Are full time employees permitted to receive 75 hours or 80 hours under EPSL? **We are construing guidance from the United States Department of Labor as all full-time employees are allowed 80 hours, not 75 hours in a two-week period as originally communicated. The US DOL issued supplemental guidance that states that, if an employee is taking EPSL for reasons 1-3, and no longer has a qualifying reason for taking paid sick leave before paid sick leave is exhausted, an employee may take any remaining EPSL at a later time, until December 31, 2020, if another qualifying reason occurs. This means that employees have longer than a two-week period to use the 80 hours of EPSL.**
6. If an employee is over the age of 60, does that qualify them automatically for EPSL? **No. Telework options should be made available wherever possible to all employees, including this group of employees. If they have a medical professional advising them to self-isolate because of their age or because of a pre-existing medical condition, they would qualify for EPSL.**
7. Those employees who do not meet one of the 6 exceptions under the EPSL or Expanded FMLA but who are electing not to come to work because of fear, age, etc. – should their time be taken as annual or sick? **While the Judicial Branch respects such a decision during this public health crisis, the employee would use annual time and would not qualify for sick leave unless they have been**

**directed by a medical professional to isolate because of age, pre-existing medical conditions, etc.**

8. If my doctor has instructed me to stay home because of a pre-existing condition, do I need to provide documentation? **If you are instructed by a medical provider to stay home due to a pre-existing condition, age, etc. you will be asked for medical documentation to certify coverage under EPSL. We understand that this documentation may take some time to obtain and we will allow leave while the documentation is pending. If your doctor's office is unable to provide you with this documentation, completion of the NHJB Emergency Paid Sick Leave and Expanded FMLA Notification Form may take its place.**
9. If my daycare provider remains open, but I choose not to send my child, or am told by my provider to keep my child home, do I qualify for EPSL and/or Expanded FMLA? Do I need to provide any documentation? **If your childcare provider is open, and you choose to keep your child home, you would NOT qualify for EPSL or Expanded FMLA. If your childcare provider is open, but you are asked to keep your child home, yes, you would qualify for EPSL, and would be asked for documentation from your childcare provider certifying such information. We understand that this documentation may take some time to obtain and we will allow leave while the documentation is pending. If your childcare provider is unable to provide you with this documentation, completion of the NHJB Emergency Paid Sick Leave and Expanded FMLA Notification Form may take its place.**
10. If I choose to self-quarantine because I took my child to a neighborhood play date, can I qualify for Emergency Paid Sick Leave? **If an employee chooses to self-quarantine for any reason, they will not qualify for EPSL but could use accrued leave time, including sick leave. If an employee is directed by a medical professional to self-quarantine, the employee could qualify for EPSL.**
11. Do I need to complete FMLA documentation if I am using the Expanded FMLA for childcare? **Typical FMLA documentation will not be needed for this purpose. However, beginning Monday April 20, 2020 we are asking employees who are newly requesting EPSL or Expanded FMLA to complete the NHJB Emergency Paid Sick Leave (EPSL) and Expanded FMLA Notification Form. For employees who have already been out of work for EPSL or Expanded FMLA, they will NOT be required to retroactively complete this form. The form can be found on the JIBB by clicking on Human Resources, then Forms. If you do not presently have access to the JIBB, please contact either your supervisor or Human Resources, and the form will be provided to you.**
12. Am I still eligible for overtime or comp time during this pandemic? **The use of federally paid leave under the FA, FB, or FC codes will not count towards the earning of overtime or comp time. As always, employees would need to seek prior approval to work beyond their regularly scheduled hours for overtime of comp time.**

13. May I take EPSL intermittently while working at my usual worksite, as opposed to teleworking? **It depends on why you are taking EPSL. Unless you are teleworking, EPSL for qualifying reasons related to COVID-19 must be taken in full-day increments. It cannot be taken intermittently if the leave is being taken for any of the following reasons: A) You are subject to a Federal, State, or local quarantine or isolation order related to COVID-19; B) You have been advised by a health care provider to self-quarantine due to concerns related to COVID-19; C) You are experiencing symptoms of COVID-19 and seeking a medical diagnosis; D) You are caring for an individual who either is subject to a quarantine or isolation order related to COVID-19 or has been advised by a health care provider to self-quarantine due to concerns related to COVID-19; or E) You are experiencing any other substantially similar condition specified by the Secretary of Health and Human Services.**
14. Does my prior FMLA leave affect the amount of EPSL/Expanded FMLA leave I can take now? **Yes. If an employee has taken regular FMLA leave within the past 12 months, the hours available to them under Expanded FMLA will be reduced based on this previous usage.**
15. I plan to take 12 weeks of maternity leave in the near future. If I take time under EPSL and Expanded FMLA, how will my maternity leave be impacted? **An eligible employee is allowed 12 weeks of federally protected FMLA leave in a given 12 month period for the birth of a child, their own serious medical condition, or caring for an immediate family member's serious medical condition. The new Expanded FMLA, which is for the purpose of childcare, is a new leave reason under the FMLA, and does not provide for additional weeks of FMLA. Therefore, any time taken under EPSL and Expanded FMLA now will reduce the amount of FMLA time, including maternity leave time, one can take in the next 12 months.**

### Unemployment Benefits

1. How is New Hampshire unemployment different under COVID-19? **Individuals who have a reduction of hours or job loss due to COVID-19, including those under quarantine or self-quarantine, caretakers, and those who are ill, are eligible to apply. This means that for New Hampshire Judicial Branch employees, who use all leave time and are unable to work for COVID-19 related reasons, they may be eligible to apply for unemployment benefits even though they are still employed. Please go to [nhes.nh.gov](http://nhes.nh.gov) for information, including how to file for benefits.**
2. Will I retain my medical and dental benefits if I apply for unemployment? **Yes, you will retain these benefits, but you may owe the Judicial Branch any missed deductions upon your return to work.**