

Continuity of Operations (COOP) Planning

A Toolkit for Pennsylvania Courts

Developed by the Administrative Office of Pennsylvania Courts
and the University of Pittsburgh Center for Public Health Preparedness

November 6, 2007

Dear Judges and District Court Administrators of the Courts of Common Pleas,

Article I of the Pennsylvania Constitution, its Declaration of Rights, begins “That the general, great and essential principles of liberty and free government may be recognized and unalterably established, We Declare That...” The Article then enumerates, in twenty seven sections, the rights of Pennsylvania citizens.

Only one section, Section Eleven, defines how a citizen can protect the rights declared in the Constitution. It provides: “All courts shall be open; and every man for an injury done him in his lands, goods, person or reputation shall have remedy by due course of law, and right and justice administered without sale, denial or delay....”

Stirring words. But what does it mean to say the courts shall be “open” and who has the responsibility to assure the constitutional requirement is met?

The effect on court operations caused by floods, fires, tornados, electrical outages, computer and telecommunication interruptions and criminal acts, coupled with the specter of pandemic flu, makes clear these are not idle questions. In our complex modern society even minor disruptions can have acute effects. While the consequences of those disruptions cannot be anticipated with precision, the fact they will occur cannot be ignored.

By defining those matters courts must be prepared to address within a specified time after a disaster, we can assure the citizens of the Commonwealth their access to the court system will not be unduly impaired. This continuity of operations planning template is intended to establish a common definition of what it means for a court to be “open.” While each judicial district must develop its own plan, reflecting the district’s own unique circumstances, the obligation to plan will be uniform statewide.

The responsibility to assure the courts are “open” is an institutional responsibility shared by the entire judicial branch. Assuring we have the capacity to keep the courts open in the wake of disaster is essential to the preservation of the rule of law and democratic government. It is a constitutional responsibility we are confident will be discharged, in the language of our oath of office, “with fidelity.”

Sincerely,

PENNSYLVANIA COURT CONTINUATION OF OPERATIONS (COOP) PLANNING COMMITTEE

Court operations and public health experts from across the Commonwealth were convened to develop this Guide. The Administrative Office of the Pennsylvania Courts gratefully acknowledges their contributions and continued commitment to emergency preparedness for courts.

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Continuity of Operations (COOP) Planning

A Toolkit for Pennsylvania Courts

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SECTION I: CONTINUITY OF OPERATIONS PLANNING FOR PENNSYLVANIA COURTS - A PLANNING GUIDE

I. INTRODUCTION:

In recent years, natural disasters, terrorist attacks, and the threat of a flu pandemic have highlighted the need to establish plans to continue/resume court operations as quickly and efficiently as possible following a disaster that affects court facilities, employees, or both.

To prepare for such situations, the National Center for State Courts (NCSC) has created a Continuity of Operations plan (COOP plan) model to facilitate courts establishment of processes and procedures to ensure that essential court operations can be sustained until normal court operations are reconstituted.

To assist Pennsylvania President Judges and District Court Administrators in creating COOP plans tailored to their local needs, the Administrative Office of Pennsylvania Courts convened a PA Court COOP planning team. Using the NCSC COOP planning guide as a model, this team created a planning guide that has integrated the statutory and regulatory requirements which Pennsylvania courts must meet in order to maintain the functions that are critical to the preservation of life, liberty, and safety.

This PA Court COOP Planning guide directs the development of COOP plans in county Courts of Common Pleas. However, as each plan is developed, it is important to consider the Magisterial District Judge offices in each county as well as each of the related offices that impact your court operations. Your planning team may directly incorporate these offices into your COOP plan. Alternatively, your planning team may elect to secure copies of the related offices' COOP plans and include them as appendices to your plan. Whichever course is chosen, your court related office functions and their COOP plans must be considered and potential conflicts addressed, to ensure the effectiveness of your court's plan.

The COOP Planning toolkit consists of four major sections:

- Section I. An overview of COOP Planning.
- Section II. A series of *COOP planning worksheets* for documenting critical plan details.
- Section III. A *COOP plan template* for each court to use as a base for plan development.
- Section IV. *Appendices* containing a detailed *COOP Planning Resource Guide*, a legal issues appendix outlining applicable laws, rules, time frames, and employee health related materials.

A. WHAT IS A COOP PLAN?

COOP stands for continuity of operations. Courts develop a COOP plan to ensure they know what to do if faced with an emergency that threatens the continuation of normal operations. COOP plans are developed and implemented for situations in which the courthouse or court-related facilities or court operations are threatened or inaccessible (e.g., as a result of a natural or manmade disaster). A COOP plan establishes the processes and procedures needed to quickly

deploy personnel, equipment, vital records and supporting resources to an alternative site so that organizational functions can be sustained until normal court operations are reconstituted.

B. COURT COOP PLANNING GOALS:

- Reduce the loss of life, minimize property damage and losses;
- Facilitate decision making, including designating who is in charge and what authorities are granted during specific emergencies;
- Reduce or mitigate disruptions to operations;
- Identify alternate facilities and designate principals and support staff to relocate;
- Protect essential facilities, equipment, records, and other assets;
- Recover and resume normal operations; and
- Maintain COOP readiness through a testing, training, and exercise program.

C. HOW TO BEGIN THE COOP PLANNING

Step 1: Provide leadership and develop infrastructure

First, your planning team must create an infrastructure that builds a preparedness culture and initiates discussions regarding the court's role and responsibilities with those who work for the court and those who are critical partners in the event of an emergency.

For local courts, this means that the President Judge, with active support of the District Court Administrator, underscores the value and importance of emergency planning and encourages the involvement of all judges and court staff. In addition, the President Judge appoints a planning team and a point of contact and gives both the authority to engage in planning activities.

Your court planning team should consult representatives from all functional areas which impact court operations (e.g., facilities management, judicial administration, data processing and operations, clerks of court, prothonotary, clerks of orphans court, district attorney, public defender, human resources, judges, jury management, sheriff and/or other court security, accounting, corrections, and the county bar association).

The structure of your court COOP planning team will vary depending on the size and complexity of your court system. A one-size-fits-all approach will not work because of the uniqueness of each jurisdiction. A key factor in determining your structure is the number of personnel available to conduct the functions associated with COOP plan implementation.

Step 2: Review court's legal authority in COOP planning and execution

The primary legal source for governmental authority to deal with emergencies is found in the Pennsylvania Constitution, and is amplified by statute, rule, administrative procedure, and case law. At the judicial district level, the primary responsibility for the continuation of court operations rest with the President Judge. To assist local planners, the PA Court COOP Planning Committee has provided an analysis of key legal issues which is located in Appendix ? Additional questions may be addressed to the AOPC Judicial Programs Department at:

Judicial.ProgramsQ&A@pacourts.us. Furthermore, for information about the courts and public health cases, see the Pennsylvania Public Health Law Bench Book which can be accessed at: <http://www.aopc.org.Index/PublicHealth/Default.asp>.

Step 3: Gather information on related efforts

Every County Emergency Management Agency has developed an emergency operations plan. Your planning team must know what plans are in place or are underway in each of the departments or agencies with which your court interacts. This information can be found through contact to relevant groups not represented on the team.

Step 4: Acknowledge potential disaster scenarios for which the court must plan

Not all emergencies will require COOP plan activation. A sudden emergency, such as a fire that is contained, may require the evacuation of the building for only a short time, will not require COOP activation. Alternatively, an emergency, such as a major fire that renders the building unusable, will require implementation of the COOP plan. Therefore, when COOP planning, your planning team must consider alternative lengths of time during which COOP plans may be activated, from short term, only days to weeks, to long term, requiring continuation of the COOP plan for 12 to 18 months or more. In constructing your court's COOP, your planning team will need to plan for each of the following scenarios, keeping in mind local conditions, resources, political issues, and court culture:

Scenario 1: Portion of a building is affected

Under this scenario, the courthouse, or primary workplace is closed for normal business activities, but the cause of the disruption has not affected surrounding buildings, utilities, or transportation systems. The most likely causes of such disruption are structural fire, system/mechanical failure, loss of utilities such as electricity, telephone, water, or steam, or explosion (regardless of cause) that produces no significant damage to surrounding buildings or utility systems.

Scenario 2: Courthouse and immediate surrounding area are affected

Under this scenario, the courthouse as well as surrounding buildings within a few blocks are closed for normal business activities as a result of widespread utility failure, natural disasters (flood, hurricanes), massive explosion (whether or not originating in the courthouse), civil disturbance, or credible threats of actions that would preclude access to or use of courthouse or other court facilities and surrounding areas. In Pennsylvania, this scenario depicts incidents which are generally regarded as the greatest risk. Under this scenario there could be uncertainty regarding whether additional events (such as cascading utility failures) could occur.

Scenario 3: Geographic region is affected

Under this scenario, the region is closed for normal business activities as a result of an event that causes the evacuation of and/or closure of court environs. For example, the President may declare a national security emergency or the governor or mayor may declare a state of disaster emergency.

Scenario 4: Pandemic infectious illness

Under this scenario, the community and region are affected by a pandemic that causes 40% or more absenteeism, public transportation and other public agencies and services are closed. In addition, while the court facility is open, it may not be accessible, and employees are not available to perform work at the facility.

Step 5: Plan with specific assumptions in mind

As your planning team begins to consider COOP planning they must acknowledge the following planning assumptions.

- Disruption to the operations of the court and/or courthouse may occur at any time and without warning.
- The ability to continue to use the physical courthouse may be threatened or non-existent.
- Once the COOP is activated, key personnel and the court's emergency organization may have to be moved to an alternate facility.
- Information systems, communication, commerce and transportation may not function
- There will be funding constraints.
- Health and safety of employees may be at risk.

Planning Assumptions specific to pandemic illness

- With little warning an influenza pandemic will cause simultaneous outbreaks across the United States limiting the ability to transfer assistance from one jurisdiction to another.
- The estimated morbidity and mortality during the first 12 – 16 weeks of a pandemic influenza is projected to be extreme.
- Courts must be able to perform their mission essential functions, all emergency matters and cases and public health related cases brought by public health officials.
- Face to face contact between the parties (e.g., judges, prosecutors, attorneys, parties, jurors, etc.), necessary to perform mission essential functions and other tactical objectives, may be dramatically limited or unavailable.
- Essential functions may need to be performed at alternate sites by remote access, such as video conferencing, or by working from home.
- Up to forty percent of your staff may not be available due to illness or death, or to attend to family illness/injury or to children remaining at home due to school closures and dismissals.
- Widespread illness in communities may increase the likelihood of significant disturbance in essential community services. (e.g. law enforcement, EMS, food suppliers, etc.).
- Special human resource issues may arise such as use of sick time, overtime, flex-time, payroll payment and record keeping procedures, and union agreements, etc.
- Court operations may be detrimentally impacted by a pandemic for up to eighteen months.

II. PREPARE THE ELEMENTS OF YOUR COURT COOP PLAN

To facilitate the formulation of each court COOP Plan, the PA Court COOP Planning Committee created a series of worksheets to coincide with the elements of COOP planning. Completing the worksheets provides the information needed to complete the COOP Plan Template and develop a customized COOP plan for your court. Each worksheet has a cover page that provides detailed instructions. The worksheets follow in Section II of this toolkit. For more information see the *COOP Planning Resource Guide (Appendix)P*.

COOP plan element	Worksheet
Prioritize essential functions	Worksheets A-1, A-2, and A-3: Prioritizing Court Essential Functions and Identifying Essential Staff
Identify related/affected offices	Worksheet B: Identifying COOP staff
Designate essential functions staff	Worksheets A-1, A-2, and A-3: Prioritizing Court Essential Functions and Identifying Essential Staff
Delegate decision making authorities	Worksheet C: Delegation of authorities
Orders of succession	Worksheet D: Orders of succession
Designate alternate facilities	Worksheet E: Alternate work site requirements Worksheet F: Alternate work site options Worksheet G: Alternate work sites by disaster scenario
Prepare “Disaster Supply Kits”	See <i>COOP Planning Resource Guide</i>
Identify communications methods	Worksheet J: Communication plan Worksheet L: Staff directory
Ensure interoperable communications systems	Worksheet K: Interoperability of communications systems Worksheet L: Staff directory
Identify vital records, forms & databases	Worksheet H: Vital records and forms
Protect vital records	Worksheet I: Restoration and recovery resources
Establish procedures to address personnel issues and assist employees	See <i>COOP Planning Resource Guide</i>
Suggest orders to support COOP	See <i>COOP Planning Resource Guide</i>
Cooperative agreements to support COOP	See <i>COOP Planning Resource Guide</i> See Appendix 13 for Sample cooperative agreements and memorandum of understanding
Plan devolution process	See <i>COOP Planning Resource Guide</i>

III: PREPARE COOP PLAN PROCEDURES

Once the worksheets are completed, it is time to develop the procedures needed to implement your COOP plan. During an emergency, your court officials and staff will be faced with unknown situations. Spelling out a plan of action before an emergency gives your court a head start in responding to the incident rather than trying to figure out what to do when the emergency is upon them. Written procedures help ensure that implementation goes forward smoothly and

that critical decisions and activities are not overlooked because of confusion and stress resulting from the emergency.

Using the worksheets in section II and the *Planning Resource Guide (Appendix P)*, your planning team is to develop procedures for each of the following:

- Procedures for COOP plan activation
- Procedures for alert and notification
- Procedures for transition to the alternate facility
- Procedures for alternate facility operations
- Procedures for reconstitution
- Modifications for a pandemic

IV: COMPLETE THE PLAN TEMPLATE

Then, with procedures defined, it is time to bring all the information gathered as part of Section II and all the procedural decisions made as part of Section III together. Section IV of this Guide provides a template for this purpose. The template describes the information that should be included in each section and, to assist your planning efforts, offers some of the questions to be answered in each section. The questions are posed in a table format but this can readily be changed to narrative text if your planning team prefers.

V: MAINTAIN AND PRACTICE THE COOP PLAN

The final step to ensure your court's COOP capability is to develop and implement an ongoing testing, training, and exercise (TTE) program. A COOP TTE program allows the planning team to test the effectiveness of the plan, educate all staff about their respective roles and responsibilities during COOP plan implementation, provide opportunities to practice the plan, and identify needed modifications and enhancements to the plan. See *COOP Planning Resource Guide (Appendix P)*.

VI: ASSISTANCE AVAILABLE FOR YOUR COOP PLANNING TEAM

Although these tasks must be performed by each district, the Administrative Office of Pennsylvania Courts (AOPC) has established a team of staff from several departments (Judicial Programs, HR, Legal, IT, and Administrative Services) to serve as a resource for President Judges and District Court Administrators during the COOP development process. The main point of contact for COOP questions is the Judicial Programs department. They can be reached at Judicial.ProgramsQ&A@pacourts.us. Once this initial contact is made, inquiries will be directed to the appropriate team member(s) or other court authorities based on the nature of the issue.

Lastly, the Administrative Office of the Pennsylvania Courts will provide assistance and guidance for planning for and execution of continuation of court operations, but the burden will fall upon the local authorities to be prepared to deal with the issues that will arise when attempting to re-establish court functions following an emergency. **In the event of an actual emergency, advice on procedural or policy questions should be addressed to the Court Administrator of Pennsylvania. Philadelphia: 215-560-6300, Mechanicsburg: 717-795-2000. If a court COOP plan is to be activated, the AOPC is to be notified at COOPActivation@pacourts.us.**

SECTION II: CONTINUITY OF OPERATION PLANNING WORKSHEETS

The following Worksheets are provided to help courts gather information critical to preparing their COOP plans. The Worksheets are linked to various steps discussed in the COOP Planning Guide.

- Worksheet A: Schedule of Essential Court Functions and Essential Staff
- Worksheet B: COOP Staff Roster
- Worksheet C: Delegation of Authorities
- Worksheet D: Orders of Succession
- Worksheet E: Alternate Work Site Requirements
- Worksheet F: Alternate Work Site Options
- Worksheet G: Alternate Work Sites by Disaster Scenarios
- Worksheet H: Vital Records, Forms, File Systems & Databases
- Worksheet I: Restoration and Recovery Resources
- Worksheet J: Communications Plan
- Worksheet K. Interoperability of Communications Systems
- Worksheet L: Staff Directory
- Worksheet M: COOP Plan Testing Program
- Worksheet N: COOP Plan Training Program
- Worksheet O: COOP Plan Exercise Program

Worksheets A-1, A-2, and A-3: Prioritizing Court Essential Functions and Identifying Essential Staff

Instructions:

Courts must take all steps necessary to remain “open.” Identifying the essential functions which a court must perform in the event of any emergency is the heart of COOP planning.

The PA Court COOP Planning Team analyzed court functions and corresponding rules or statutory mandates. A list of court activities which are to be conducted within specified time frames has been created for you. These activities, called Essential functions, are listed on the subsequent worksheets according to the following specified time frames:

1. **Worksheet A-1:** Court activities which are to be re-instated within 48 hours of Court COOP activation ,
2. **Worksheet A-2:** Court activities which are to be re-instated within 1 – 2 weeks of Court COOP activation, and
3. **Worksheet A-3:** The remaining Court activities that must be performed for the court to be considered completely operational.

The PA Court COOP Planning Team has identified essential court functions according to the time frame within which each function must be operational, rather than by area of law. Your planning team may choose to separately list all essential functions within areas of law, i.e., civil, criminal, orphan’s, etc., and then subdivide each area according to timeframe (within 48 hours, within 2 weeks and greater than two weeks). However your planning team chooses to list the essential functions, it is clear that certain functions take precedence over others. Consequently, to further guide your COOP plan implementation, each essential court function must be prioritized within each time frame. Use the middle column of each **Worksheet A** for this purpose.

Lastly, the third column of each **Worksheet A** is used to identify the staff positions capable of carrying out each essential function. This will require the identification of a cadre of personnel with the knowledge, skills, abilities, and security clearances needed to perform the essential functions.

Use **Worksheets A-1, A-2 and A-3** to prioritize the essential functions within each time frame, and to identify the staff positions/ titles and/or offices that will be needed to operationalize each essential function.

Please Note: The PA Court COOP Planning Committee did not attempt to itemize the essential functions generally performed by the minor judiciary. However, either as part of this COOP plan or separately, each judicial district must consider the continuity of operations of the minor judiciary. Your attention is specifically directed to certain time-sensitive functions usually performed by the minor judiciary identified in the Pennsylvania Rules of Court, including but not limited to: Pa.R.Crim.P. Nos. 117 (coverage for issuing warrants, conducting preliminary arraignments, summary trials and accepting bail), 430 (issuance of warrants), 431 (procedure when defendant arrested with a warrant), 441 (procedure following arrest without a warrant), 513 , 516, 517 (arrest warrants) and 519 (procedure in cases initiated by arrest without a warrant) ; Pa.M.D.J. Rule 112 (availability and temporary assignment of Magisterial District Judges); and Pa.R.J.C.P. Nos. 210 (arrest warrants) and 220 (procedure in cases commenced by arrest without a warrant).

Worksheet A-1: Essential Functions – Within 48 hours

Essential Function	Priority	Essential Staff/Offices
(All Divisions) Emergency legal matters arising as a result of the disaster	<i>(County specific)</i>	Filing Clerk (all divisions) Court Administration Staff Judicial Officer
(All Divisions) Initiate process to disseminate information (general information – not case specific)	#	President Judge Court Administrator County/Court Communications Director (if one) Web site Administrator
(Civil) Equity/Emergency matters are scheduled (examples: TRO, Stay Requests, etc.)	#	Filing Clerk (Prothonotary) Court Administration Staff Court Reporter (possibly) Judicial Officer
(Civil) Mental Health (302) Review by Judge		Filing Clerk (Prothonotary) Court Administration Staff Judicial Officer
(Criminal) Emergency Bail Review & Habeas Hearings		Filing Clerk (Clerk of Courts) District Attorney Staff Public Defender Staff Court Administration Staff Court Reporter Judicial Officer Sheriff Deputy
(Criminal) Bail Administration		Filing Clerk (Clerk of Courts) Bail Director/Administrator
(Criminal) Bench Warrant and Detainer Hearings		Filing Clerk (Clerk of Courts) District Attorney Staff Public Defender Staff Court Administration Staff

		Court Reporter Judicial Officer Sheriff Deputy
(Family) Emergency Protection from Abuse Processing		Filing Clerk (Prothonotary) Court Administration Staff Judicial Officer Sheriff's Office Staff
(Family) Child Support and Bench Warrant Emergencies <i>See Pa.R.C.P. 1910.13-1</i>		Filing Clerk (Prothonotary) DRO Staff Court Administration Staff Court Reporter Judicial Officer
(Family) Other emergency matters arising in normal course of family division cases (example, child custody emergencies)		Filing Clerk (Prothonotary) DRO Staff (possibly) Court Administration Staff Court Reporter (possibly) Judicial Officer
(Juvenile) Emergency Juvenile Dependency Hearings		Filing Clerk (Juvenile Clerk of Cts.) OCY Staff JPO Staff Court Reporter Judicial Officer Sheriff Deputy
(Juvenile) Juvenile Intake Hearings (JPO function)		JPO Staff
(Juvenile) Juvenile Detention Hearings (Delinquency) and Shelter Care Hearings (Dependency)		Filing Clerk (Juvenile Clerk of Cts.) JPO Staff OCY Staff (Dependency) Court Reporter Judicial Officer Sheriff Deputy
(Juvenile) Emergency Protective Custody Orders		Filing Clerk (Juvenile Clerk of Cts.) OCY Staff

		Court Reporter Judicial Officer
(Orphans') Emergency Guardianships for incapacitated persons		Filing Clerk (Orphans' Court) Court Administration Staff Court Reporter Judicial Officer
(Orphans') Abortion Control Act petitions		Filing Clerk (Orphans' Court) Court Administration Staff Court Reporter Judicial Officer
(Fiscal) Schedule interpreters for emergency court cases (later for all other matters)		Court Administration Staff
(Fiscal) Ensure ADA compliance for emergency court cases (later for all other matters)		Court Administration Staff

Worksheet A-2: Essential Functions – Within 1 to 2 Weeks

Function	Priority	Essential Staff/Offices
(All Divisions) Creation/Distribution of Revised General Court Calendars (if necessary)	<i>(County specific)</i>	Court Administration Staff
(All Divisions) Respond to case-specific questions	#	Court Administration Staff
(Civil) Pre-trial Civil Emergency Matters are Scheduled	#	Filing Clerk (Prothonotary) Court Administration Staff Court Reporter Judicial Officer
(Criminal) Arrest Processing (Pa.R.Crim.P. 571)		Filing Clerk (Clerk of Courts) Court Administration Staff Court Reporter (if formal arraign.) Judicial Officer
(Criminal) Pre-Trial Hearings/Arguments (Examples: Extradition, etc.)		Filing Clerk (Clerk of Courts) District Attorney Staff Public Defender Staff Court Administration Staff Court Reporter Judicial Officer Sheriff Deputy
(Family) Protection from Abuse Final Hearings (and ICC “scheduling”) **within 10 days** See 23 Pa.C.S.A. § 6107(a), 6113(f)		Filing Clerk (Prothonotary) Court Administration Staff Court Reporter Judicial Officer Sheriff’s Office Staff
(Juvenile) OCY (Dependency) Hearings		Filing Clerk (Juvenile Clerk of Cts.) OCY Staff JPO Staff Court Reporter Judicial Officer

		Sheriff Deputy
(Juvenile) Delinquency Hearings/Trials if a juvenile is detained		Filing Clerk (Juvenile Clerk of Cts.) JPO Staff District Attorney Public Defender Court Reporter Judicial Officer Sheriff Deputy
(Orphans') Termination of Parental Rights		Filing Clerk (Orphans' Court) Court Administration Staff Court Reporter Judicial Officer
(Fiscal) Process payroll information, time sheets		Court Administration Staff
(Fiscal) Process requests for substitute staff Reassignment of support staff		Court Administration Staff
(Fiscal) Procurement of Supplies - process and approve purchase requisitions and expense sheet		Court Administration Staff
(Fiscal) Receipt/expenditure of cash/funds		Filing Office Staff (all divisions) Court Administration Staff

Worksheet A-3: Essential Functions – More Than 2 Weeks

Function	Priority	Essential Staff/Office
(All Divisions) Statistical Reporting Requirements	<i>(County specific)</i>	Court Administration Staff
(All Divisions) Records Management	#	Court Administration Staff
(Civil and Criminal) Jury Management	#	Jury Board Staff and/or Court Administration Staff
(Civil) License Suspension Appeal Scheduling		Filing Clerk (Prothonotary) Court Administration Staff Penn DOT Counsel Court Reporter Judicial Officer
(Civil) Pre-trial Motions List Matters are Scheduled/Processed		Filing Clerk (Prothonotary) Court Administration Staff Judicial Officer (?)
(Civil) Pre-trial Arguments are Scheduled		Filing Clerk (Prothonotary) Court Administration Staff Judicial Officer
(Civil) Civil Settlement Conferences Scheduled		Court Administration Staff Judicial Officer/Master
(Civil) Arbitration Hearings are Scheduled		Filing Clerk (Prothonotary) Court Administration Staff Arbitrators
(Civil)		Filing Clerk (Prothonotary)

Arbitration Appeals are Scheduled		Court Administration Staff Jury Board Staff (for jury trials) Tipstaves (for jury trials) Court Reporter Judicial Officer
(Civil) Civil Trials Scheduling		Filing Clerk (Prothonotary) Court Administration Staff Jury Board Staff (for jury trials) Tipstaves (for jury trials) Court Reporter Judicial Officer
(Criminal) Pre-Trial Conferences		Filing Clerk (Clerk of Courts) Court Administration Staff District Attorney Staff Public Defender Staff Judicial Officer Sheriff Deputy
(Criminal) ARD Scheduling		Filing Clerk (Clerk of Courts) Court Administration Staff District Attorney Staff Public Defender Staff Court Reporter Judicial Officer
(Criminal) Trial Scheduling		Filing Clerk (Clerk of Courts) Court Administration Staff District Attorney Staff Public Defender Staff Jury Board Staff (for jury trials) Tipstaves (for jury trials) Court Reporter Judicial Officer Sheriff Deputy
(Criminal) Sentencing Hearing Scheduling		Filing Clerk (Clerk of Courts) Court Administration Staff

		District Attorney Staff Public Defender Staff Court Reporter Judicial Officer Sheriff Deputy
(Criminal) Parole/Probation Violation Hearings		Filing Clerk (Clerk of Courts) Court Administration Staff District Attorney Staff Public Defender Staff Adult Probation Officer Court Reporter Judicial Officer Sheriff Deputy
(Criminal) Summary Appeal Scheduling		Filing Clerk (Clerk of Courts) Court Administration Staff District Attorney Staff Public Defender Staff Court Reporter Judicial Officer
(Criminal) Drug Court Scheduling (and other specialty courts)		Filing Clerk (Clerk of Courts) Court Administration Staff District Attorney Staff Public Defender Staff Judicial Officer
(Family) Family Hearings/Arguments		Filing Clerk (Prothy/DRO) Court Administration Staff Court Reporter Judicial Officer Sheriff Deputy
(Family) Family Masters-Level Hearings/Arguments (custody, divorce, ED, support)		Filing Clerk (Prothy/DRO) Court Administration Staff Court Reporter (for some) Master
(Juvenile) Juvenile (Delinquency) Hearings/Trials		Filing Clerk (Juvenile Clerk of Courts) Court Administration Staff

(if the juvenile is not detained)		JPO Staff District Attorney Staff Public Defender Staff Court Reporter Judicial Officer Sheriff Deputy
(Juvenile) Placement/Review/Violation of Probation Hearings		Filing Clerk (Juvenile Clerk of Courts) Court Administration Staff JPO Staff Court Reporter Judicial Officer
(Orphans') Guardianships of incapacitated persons and minors (non-emergency)		Filing Clerk (Orphans' Ct.) Court Administration Staff Court Reporter Judicial Officer
(Orphans') Adoptions		Filing Clerk (Orphans' Ct.) Court Administration Staff Court Reporter Judicial Officer
(Orphans') Audit of accounts		Filing Clerk (Orphans' Ct.) Court Administration Staff Court Reporter Judicial Officer
(Orphans') Hearings scheduled (Objections to accounts, Minors' Settlements, PEF Code, etc.)		Filing Clerk (Orphans' Ct.) Court Administration Staff Court Reporter Judicial Officer
(Orphans') Will contests		Filing Clerk (Orphans' Ct.) Court Administration Staff Court Reporter Judicial Officer

Worksheet B: COOP Staff Roster

Worksheet A identified the staff positions needed to perform each essential function.

Use **Worksheet B** to identify, by title, department, and name, each individual that will serve as COOP Essential Function Personnel. Staff should be selected for these roles based upon their knowledge, skill, and ability to perform the essential functions. To the extent possible, several backups for each person should be identified in case the primary designee is unavailable. This COOP Staff Roster should include individuals from the Court Related Offices that carryout functions which are essential to court operations.

Contact information for these individuals can be found on **Worksheet L**.

For more information see **Determine essential functions staff** in the **COOP Planning Resource Guide** (*Appendix P*).

Instructions:

Depending upon the size and structure of your court, your planning team may wish to list COOP staff on **Worksheet B** by separate “area of law” (family, civil, criminal, orphans, etc.) with the presiding Judge of each listed first and their staff following. Conversely, smaller courts, not so operationally separated into areas of law, may wish to list all judges first, by seniority, with all other COOP staff following. To the extent possible, make certain that your planning team identifies up to three back-ups for each identified COOP staff member. Also, additional columns and rows may be added as appropriate for your court.

Worksheet C: Delegation of Authorities

During an emergency that involves the court or courthouse, numerous decisions must be made. Delaying these decisions because of uncertainty over who has the responsibility or authority to act can compound the emergency. Therefore, a critical component of COOP planning is determining who is authorized to do “what” and “when”.

Worksheet C is used to identify each emergency responsibility, specify the position that has authority to perform that responsibility, and identify the triggering conditions which give rise to the responsibility to act.

Before assigning COOP planning decision making responsibility, your planning team must be certain that those who will be assigned a particular responsibility have the authority to carry out that responsibility. To assist your planning in this area, the PA Court COOP Planning Team has provided a review of the statutes, case law and rules of court in this area. See **Appendix O**.

Instructions:

To complete **Worksheet C**

- In column 1 list all the responsibilities that need to be performed should your court activate its COOP plan. (Please note: the list has been started by the PA Court COOP Planning Team however, additional decision making responsibilities may be added to address local needs.)
- Complete column 2 by identifying the position that holds the authority for this responsibility.
- In column 3 list the conditions that will trigger that authority, or determine when that position may undertake that responsibility.

For more information see **Delegate decision making authorities** in the **COOP Planning Resource Guide** (*Appendix P*).

Worksheet C: Delegation of Authorities

Responsibility (Function)	Position Holding Authority	Triggering Conditions
Activate COOP plan	e.g., President Judge	One or more facilities is unsafe for staff and public
Closing court facilities	e.g., Court Administrator	President judge activates COOP plan
Closing satellite facilities	e.g., Senior executive of the satellite facility	Facility deemed unsafe and no communications with Presiding judge, court manager or their successors
Updating and maintenance of contact lists and contact information		
Internal Communications - building occupants - court personnel - web site - internet provider		
External Communications - EMS/911 - Law enforcement - AOPC - Chief Justice - Medical authorities - Public Health authorities - critical outside agencies - county bar associations - media - public		
Internal building security - needs of special populations - sheltering in place		
Continuity of off-site operations - maintenance		

- security		
Cessation of operations under COOP plan		
Suspension of Court Rules and Procedures		
Records		

Worksheet D: Orders of Succession

For COOP planning, it is vital to designate who is “next in command” in the event a key decision maker is incapacitated or otherwise unable to exercise his or her authority during an emergency.

While the number of key decision makers will depend upon the size of the court and its management structure, it is necessary to identify successors for all key positions in your court.

To ensure that critical decisions are not delayed because of uncertainty regarding permissible succession planning, the PA Court COOP Planning Committee has analyzed Pennsylvania law with regard to judicial officers. Direction concerning succession planning can be found in **Appendix Q**.

Worksheet D is to be used to identify each key decision maker in your court and who may succeed that individual in an emergency.

The worksheet requires that you designate a successor in each office under the direction of the President Judge. The PA Court COOP Planning Team suggests that your planning team consider designating successors for other key stakeholders such as facilities managers, security officers, etc. Furthermore, depending upon how your court is structured and staffed, a designee may not be the next most senior candidate. For example, a President Judge may determine that someone other than a recognized successor should be assigned to a particular role. If that is the case it needs to be communicated in the plan and noted that this succession is limited to COOP Plan implementation.

Instructions: To complete **Worksheet D**

- List each key decision maker in your court in column 1
- In column 2 list the designated successors for each decision maker.
- In column 3 identify any special issues that may arise if the successor assumes the key position

Worksheet D: Orders of Succession

Key Position (Title)	Designated Successors (Title)	Any conditions or limitations of Authority?
President Judge	1. e.g., A.J. or Judge's designee 2. e.g., Most Senior Judge	
Court Administrator		

Worksheet E: Alternate Work Site Requirements

If an emergency renders courthouse facilities uninhabitable, in all or part, the court must have alternate space options for continuing to perform essential functions. Ideally, your planning team should identify a move-in ready facility with the necessary computer, telecommunications, and infrastructure (e.g., water, electricity, heating/air conditioning) to allow the court to continue essential functions. Courts in Administrative Units may seek out neighboring counties to possibly share existing court facilities. More typically however, courts identify alternate facilities that need augmentation of equipment or infrastructure in order to support the performance of essential functions. While it is ideal to have a formal agreement or contract ensuring the court's access to the designated alternate sites when needed, it is not necessary during the initial stages of COOP planning. However, absent such an agreement, it is critical that your planning team receive assurance that your selected alternate site(s) has not been designated as an alternate site in any other agency or department emergency operations plans.

Instructions:

Before looking for alternate facilities, your planning team must determine what your court will need in terms of space, equipment, and infrastructure to continue operation of essential functions. **Worksheet E** aids in this process.

- In the first column on the left, list each essential functions recorded on **Worksheet A**. (As before, your planning team may elect to categorize the essential functions by area of law or according to the time frame within which each function must be operational.)
- In the second column, record the number of essential staff for each function (refer to **Worksheet A and Worksheet B**).
- In the third column, list the furniture and office equipment (e.g., 3 desks, 5 chairs, 2 computers, 1 tape recorders, 1 copy and 1 fax machines) that are needed.
- In the fourth column, identify communications needs such as land lines, cell phones, satellite dish, two-ray radios, tape recorders, network access, and internet access.
- Lastly, estimate the floor space needed to accommodate the staff for each function in column five. This can be listed as square footage or as space for a specified number of people.

Once **Worksheet E** has been completed for each essential function your planning team will compile summary sheets listing all the staff, furniture, communications and floor space that each division or area of law (civil, criminal, orphan's etc.) needs in order to perform their essential functions within each designated time frame – 48 hours, within two weeks and greater than two weeks.

Your planning team may elect to list alternative worksite requirements according to essential functions, i.e., within 48 hours, within 1-2 weeks, and after 2 weeks. If you so choose, **Worksheet E** may be designated **Worksheet E1**, **E2** and **E3** to correspond with **Worksheets A1**, **A2**, and **A3**.

Worksheet F: Alternate Work Site Options

After completing **Worksheet E**, planning team members should make a list of potential alternate sites. Use **Worksheet F** to record potential sites. The list should begin with any facilities maintained by the court. Next, the planning team should explore potential public and private facilities in the community including; schools, colleges and universities, libraries, convention centers, hotels, empty commercial spaces, etc. Finally, the planning team should identify at least a few potential sites located outside of the court's immediate vicinity in case a disaster affects a wide geographic area. These might include court facilities in other jurisdictions as well as the public and private facilities already mentioned.

Instructions:

In the first column of **Worksheet F** list each potential alternate site identified by your Planning Committee.

When visiting the facility, use **Worksheet F** to record

- **Staff capacity** - the number of staff it can accommodate;
- **Power Supply** - what type of power supply it has and the number of accessible outlets;
- **Offices/Furniture/Equipment** - the number of desks, chairs, computers and other types of office equipment and whether there are any private offices available;
- **Communications** - the types of phone and data lines available;
- **Floor Space** - the floor space available and whether it is contiguous or on different floors or in separate wings;
- **Accessibility** - how accessible the facility is for staff and public, whether parking is available at the facility, and whether transportation and/or lodging for staff will be needed; and
- **Vulnerabilities** - whether it is vulnerable (e.g., lease restrictions, located in a flood zone or near hazard materials storage)

Once Worksheet F has been completed, use **Worksheet F-1** Alternate Facilities Information Sheet to record additional data for each potential site. Your plan may include alternate site floor plans, driving maps to alternate sites, bus routes to alternate sites, etc.

Worksheet F: Alternate Work Site Options

Facility name, address and contact	Staff capacity (#)	Power Supply	Offices/ Furniture/ Equipment	Communications	Floor Space (sq. ft.)	Easily Accessible?	Vulnerabilities?

Worksheet F-1: Alternate Facility Information

Facility Name: _____	Date of Review: _____
Address: _____	Telephone: _____
Contact Information:	
Name: _____	Telephone: _____

Basic Facilities Specifications:	
Number of Private Offices: _____	Number of parking spaces: _____
Number of cubicles: _____	Loading dock: Yes ____ No ____
Number of conference rooms: _____	Handicapped Accessible: Yes ____ No ____
Public transportation Yes ____ No ____	Total floor space (sq. ft.): _____

Communications:	
Number of commercial telephone lines available: _____	
Number of secure telephone lines available: _____	
Two-way radio support infrastructure:	Yes ____ No ____
Internet Connection:	Yes ____ No ____

Office Equipment Available:	
Number of desks: _____	Number of computers: _____
Number of chairs: _____	Computers with internet access: _____
Number of telephones: _____	Number of copiers: _____
Number of fax machines: _____	Number of printers: _____
Office supplies: Yes ____ No ____	

Utilities Available:

Water: Yes ____ No ____

Electricity: Yes ____ No ____

Natural Gas: Yes ____ No ____

Telephone: Yes ____ No ____

Cable TV: Yes ____ No ____

Security: Yes ____ No ____

Maintenance: Yes ____ No ____

Housekeeping: Yes ____ No ____

Generator: Yes ____ No ____

Local Post Office: Yes ____ No ____

Heat: Yes ____ No ____

Air Conditioning: Yes ____ No ____

Other: _____

General Questions:

Is this facility designated for any other emergency uses? Yes ____ No ____

If yes, state use: _____

Is this facility available for an extended period of time? Yes ____ No ____

Vulnerabilities:

Other Comments:

Worksheet G: Alternate Work Sites by Disaster Scenarios

Once **Worksheets F and F-1** are completed, they are to be compared with **Worksheet E** to determine which facilities best meet your court's requirements. When conducting this comparative analysis, different potential disaster scenarios should be considered. For example, scenario I: where just a portion of court building is affected; scenario II: the courthouse and immediate surrounding area is affected; scenario III: the geographic region where the courthouse is located is affected; and scenario IV: a pandemic infectious disease outbreak has decimated your workforce. It may be necessary for your planning team to "piece" several alternate facilities together to ensure that all essential functions staff are accommodated. Or, in the case of scenario IV, the planning team may determine that it is best to allow staff to work from home in which case staff must be provided with necessary equipment. (For more information see **Consider potential disaster scenarios** in the **Court COOP Planning Resource Guide** (Appendix P).

Instructions:

Use **Worksheet G** to record information about the alternate sites your Planning Team selects for each disaster scenario.

In column 2 list the staff that will be assigned to the alternate site. This can be done by position or area of law. If more than one alternate facility will be used, please provide information that explains which staff will be assigned to each facility.

In column 3 please record the name of the facility and the contact information for each alternate facility identified by the Planning Team. If at least some essential staff will work from home, list "work from home" as one of the alternate facilities.

In columns 4 and 5, list what (if any) agreements the court has made with the facility (e.g., MOU for 500 sq. ft.) and when the agreement was made.

List any costs associated with the facility in column 6.

Provide any additional information about the facility that needs to be communicated in column 7.

Worksheet G: Alternate Work Sites by Disaster Scenarios

Disaster Scenario 1*	Staff assigned	Alternate Facility(s) Name, Address, Phone #, & Contact	Agreement	Date Executed	Annual Cost	Notes
I: Primary Site		1. Facility Name: Address: Phone: Contact: 2. Facility Name: Address: Phone: Contact:				
I: Secondary Site						
Disaster Scenario 2*	Staff assigned	Alternate Facility(s) Name, Address, Phone #, & Contact	Agreement	Date Executed	Annual Cost	Notes
II: Primary Site						
II: Secondary Site						
Disaster Scenario 3*	Staff assigned	Alternate Facility(s) Name, Address, Phone #, & Contact	Agreement	Date Executed	Annual Cost	Notes
III: Primary Site						
III: Secondary Site						
Disaster Scenario 4*	Staff assigned	Alternate Facility(s) Name, Address, Phone #, & Contact	Agreement	Date Executed	Annual Cost	Notes
IV: Primary Site						
IV: Secondary Site						

*Scenario 1: portion of building affected; Scenario 2: courthouse and immediate surrounding area affected; Scenario 3: geographic region affected; Scenario 4: pandemic

Worksheet H: Vital Records, Forms, File Systems & Databases

Vital records and databases are those files, documents, and forms that have such value that their loss or unavailability would significantly impair the ability of the court to carry out its essential functions during an emergency. In the area of vital records there are three tasks the planning team must complete:

1. Identify vital records and forms
2. Determine how these materials can be protected from damage in the event of an emergency
3. Determine how these materials will be restored or recovered and accessed if they are damaged during an emergency.

Electronic backup of CPCMS and MDJS is conducted by AOPC. Whereas the protection and preservation of court records (those used for adjudication of cases) is generally a function of the court's clerks (prothonotary, clerk of courts and clerk of the orphan's court division). Court related offices that house the official record are strongly encouraged to maintain a backup of data and docket entries, electronically or otherwise. The judiciary has authority to ensure those records are adequately maintained, protect and secured. See Appendix O. Consequently, the planning team will need to consult with your court related offices e.g. the prothonotary, clerk of court and clerk of the orphans' court to ensure that in the event of a disaster at the courthouse and to the particular court record retaining office, that electronic backup of data and docket entries are maintained.

Instructions: Worksheet H is to be used for the purpose of ensuring access to the vital records and forms that your court needs to be able to perform its essential functions. Your planning team will create a Worksheet H for each essential function identified in Worksheet A,

- In column 1, list the records, forms, file systems and databases needed for your court to be able to perform the listed essential function.
- In column 2, describe the format of each record, e.g., Print, WORD, paper.
- In column 3 and 4, note whether these records, forms, systems or data bases need to be pre-positioned at the alternate facility or will need to be hand carried to the site upon plan activation and transfer of functions to the alternate facility.
- In column 5, record who keeps this record or where it is stored.
- In column 6, denote who has responsibility for maintaining the records, forms, databases and how often the maintenance is done.
- Lastly, in column 7, denote how the records are currently protected, e.g., by electronic back - up on county server, paper copy in court administrators office, etc.

Your planning team may elect to list the vital files, documents, and forms needed to perform categories of essential functions, i.e., within 48 hours, within 1-2 weeks, and after 2 weeks. If you so choose, Worksheet H may be designated Worksheet H1, H2 and H3 to correspond with Worksheets A1, A2, and A3.

Worksheet I: Restoration & Recovery Resources

Recovery efforts are facilitated by off site back up of court server information. It is recommended that during the COOP planning process, courts develop a process for off site back up storage of vital records and forms and server information

Records recovery involves consideration of the following:

- Who will be responsible for recovering the records
- The priority for the recovery of each vital records
- How records will be recovered
- How they can be made accessible once recovered
- What equipment will be needed.

Instructions: Worksheet I is to be used to record information your court will need to recover or restore vital records, forms, file systems and databases..

In column 1 list the name and address of each record recovery and restoration resource your court will need in order to restore its vital records, forms, file systems and databases.

In column 2 provide the name, address, phone, and email address of a daytime contact person at that resource.

Use column 3 to record the name, address, phone, and email address for an after hours/holiday/emergency contact for that resource.

Lastly, use column 4 to record the services each company will provide, e.g., restore civil system, etc.

Worksheet J: Communications Plan

Maintaining communications with court staff, COOP partners, and the public is critical, therefore, the COOP team must place a great deal of emphasis and consideration on the planning and preparedness for sustaining communication. The planning team should identify primary and alternate methods of communicating with various parties during an emergency. The PA Court COOP Planning Team has developed a list of parties that will need to be notified should your Court COOP plan need to be implemented. **Worksheet J** provides that list.

Your planning team will need to identify how each party will be notified. Because communication systems often break down during an emergency, several alternative methods should be listed for each party (e.g., telephonic, electronic, paper, in-person, and media contacts). Your planning team will also need to identify one or more individuals (by position) responsible for notifying each party.

Instructions: Use **Worksheet J** to record contact information for parties that will need to be notified in the event of your Court COOP Plan activation.

In column 1 you will find a list of parties that will need to be contacted if it is necessary to activate the COOP plan. You may add to this list by simply adding rows to the table.

In columns 2 and 3, record the contact information for a primary and secondary person for each entity to be notified.

Column 4 is to be used for identifying the staff member responsible for making the communication.

In column 5, denote three methods that this party can be reached, in descending order of preference.

Please note: MDJs need to be included in **Worksheet J** - your court communication plan. Also, make certain that all MDJ office manager are listed on **Worksheet L**.

Worksheet J: Communications Plan

Party to be Notified	Contact Information	Who Notifies them	Method of notification		
			primary	secondary	tertiary
County Executive	Primary Contact Name: Title: Office Phone: Cell Phone: Pager: Office Email: Home Email:				
	Secondary Contact Name: Title: Office Phone: Cell Phone: Pager: Office Email: Home Email:				
Alternate facility manager	Primary Contact Name: Title: Office Phone: Cell Phone: Pager: Office Email: Home Email:				
	Secondary Contact Name: Title: Office Phone: Cell Phone: Pager: Office Email: Home Email:				
AOPC	Primary Contact Name: Title: Office Phone:				

	Cell Phone: Pager: Office Email: Home Email:				
	Secondary Contact Name: Title: Office Phone: Cell Phone: Pager: Office Email: Home Email:				
COOP staff	Primary Contact Name: Title: Office Phone: Cell Phone: Pager: Office Email: Home Email:				
	Secondary Contact Name: Title: Office Phone: Cell Phone: Pager: Office Email: Home Email:				
County Human Resource Director	Primary Contact Name: Title: Office Phone: Cell Phone: Pager: Office Email: Home Email:				
	Secondary Contact Name: Title: Office Phone: Cell Phone:				

	Pager: Office Email: Home Email:				
County Finance Officer/ County Controller	Primary Contact Name: Title: Office Phone: Cell Phone: Pager: Office Email: Home Email:				
	Secondary Contact Name: Title: Office Phone: Cell Phone: Pager: Office Email: Home Email:				
Row Officers	Primary Contact Name: Title: Office Phone: Cell Phone: Pager: Office Email: Home Email:				
	Secondary Contact Name: Title: Office Phone: Cell Phone: Pager: Office Email: Home Email:				
Admin. Regional Units / neighboring courts	Primary Contact Name: Title: Office Phone: Cell Phone: Pager:				

	Office Email: Home Email: Video Conferencing capable? ____ Yes ____ No				
	Secondary Contact Name: Title: Office Phone: Cell Phone: Pager: Office Email: Home Email: Video Conferencing capable? ____ Yes ____ No				
MDJ courts	Primary Contact Name: Title: Office Phone: Cell Phone: Pager: Office Email: Home Email: Video Conferencing capable? ____ Yes ____ No				
	Secondary Contact Name: Title: Office Phone: Cell Phone: Pager: Office Email: Home Email: Video Conferencing capable? ____ Yes ____ No				
Superior Court	Primary Contact Name: Title: Office Phone: Cell Phone: Pager: Office Email: Home Email				
	Secondary Contact Name: Title:				

	Office Phone: Cell Phone: Pager: Office Email: Home Email				
Commonwealth Court	Primary Contact Name: Title: Office Phone: Cell Phone: Pager: Office Email: Home Email				
	Secondary Contact Name: Title: Office Phone: Cell Phone: Pager: Office Email: Home Email				
Neighboring Courts	Primary Contact Name: Title: Office Phone: Cell Phone: Pager: Office Email: Home Email: Video Conferencing capable? ____ Yes ____ No				
	Secondary Contact Name: Title: Office Phone: Cell Phone: Pager: Office Email: Home Email: Video Conferencing capable? ____ Yes ____ No				
Bar associations	Primary Contact Name:				

County and State	Title: Office Phone: Cell Phone: Pager: Office Email: Home Email:				
	Secondary Contact Name: Title: Office Phone: Cell Phone: Pager: Office Email: Home Email				
Law enforcement Jurors Litigants General Public	Primary Contact Name: Title: Office Phone: Cell Phone: Pager: Office Email: Home Email:				
	Secondary Contact Name: Title: Office Phone: Cell Phone: Pager: Office Email: Home Email				
County Emergency Management officials	Primary Contact Name: Title: Office Phone: Cell Phone: Pager: Office Email: Home Email:				
	Secondary Contact Name: Title:				

	Office Phone: Cell Phone: Pager: Office Email: Home Email				
State Emergency Management officials	Primary Contact Name: Title: Office Phone: Cell Phone: Pager: Office Email: Home Email:				
	Secondary Contact Name: Title: Office Phone: Cell Phone: Pager: Office Email: Home Email				
Local Public health officials	Primary Contact Name: Title: Office Phone: Cell Phone: Pager: Office Email: Home Email:				
	Secondary Contact Name: Title: Office Phone: Cell Phone: Pager: Office Email: Home Email				
County Public Health officials	Primary Contact Name: Title: Office Phone:				

	Cell Phone: Pager: Office Email: Home Email:				
	Secondary Contact Name: Title: Office Phone: Cell Phone: Pager: Office Email: Home Email				
State Public Health officials	Primary Contact Name: Title: Office Phone: Cell Phone: Pager: Office Email: Home Email:				
	Secondary Contact Name: Title: Office Phone: Cell Phone: Pager: Office Email: Home Email				
Video Conferencing Contact	Primary Contact Name: Title: Office Phone: Cell Phone: Pager: Office Email: Home Email:				
	Secondary Contact Name: Title: Office Phone: Cell Phone:				

	Pager: Office Email: Home Email				
Web Master	Primary Contact Name: Title: Office Phone: Cell Phone: Pager: Office Email: Home Email:				
	Secondary Contact Name: Title: Office Phone: Cell Phone: Pager: Office Email: Home Email				
Media	Primary Contact Name: Title: Office Phone: Cell Phone: Pager: Office Email: Home Email:				
	Secondary Contact Name: Title: Office Phone: Cell Phone: Pager: Office Email: Home Email:				
Radio	Primary Contact Name: Title: Office Phone: Cell Phone: Pager:				

	Office Email: Home Email:				
	Secondary Contact Name: Title: Office Phone: Cell Phone: Pager: Office Email: Home Email				
Television	Primary Contact Name: Title: Office Phone: Cell Phone: Pager: Office Email: Home Email:				
	Secondary Contact Name: Title: Office Phone: Cell Phone: Pager: Office Email: Home Email				
(Include as many additional rows as necessary)					

Worksheet K: Interoperability of Communications Systems

Interoperable communications refers to the ability to exchange information through compatible systems. During an emergency, the court needs to maintain communications with the parties listed on **Worksheets J and L** and must be able to access electronic databases to conduct essential functions. If the court's primary methods of communication are disrupted, alternative methods must be available; and these methods must be compatible with those being used by others during the emergency. Local emergency management officials may have recommendations for improving the interoperability of the court's communications systems and suggestions for resources to implement the recommendations

Your planning team will also need to consider communications systems that will be used at your alternate facility(ies). It is important to know, whether the information system available at the alternate facility is compatible with the court's information system in the courthouse or that the alternate facility has the necessary framework and data jacks to connect communication devices and connect to court databases. To ensure that communication is maintained between all necessary parties your planning team should:

- Inventory the court's communications systems/devices,
- Determine the compatibility of the systems/devices with others with whom the court will need to communicate,
- Determine if there are some parts of information systems that cannot be reached with current backup systems; and, if so,
- Identify options to overcome the deficiencies.

Worksheet K is provided to help guide your planning team's effort on this task.

Instructions:

In column 1 the PA Court COOP Planning Team provides a list of communication methods, systems and devices that may be available to your court.

Column 2 denotes the provider of the service or manufacturer of the device or system

Column 3 is used to record where this device or system is located.

In column 4 denote whether the system or device is either available or could be operational at your alternate facility(ies).

Column 5 is used to detail who can access the system or device.

Lastly, Column 6 is used to list all parties with whom the user could exchange information using the system/device, the limitations to that information exchange and alternate options.

Worksheet K: Interoperability of Communications Systems

Communication System/ Device	Who Provides Service or Makes the System/ Device?	Where is the System/ Device Located?	Available at alternate site?	Who Has Access?	Limitations/ Vulnerabilities and Options
Voice Lines	Name of company	Throughout courthouse		Court-house users	
Fax Lines					
Data Lines					
Cellular Phones					
Pagers					
E-mail					
Internet Access					
Instant Messenger Services					
Blackberry and other PDAs					
Radio communication Systems					
Court Hotline					
Laptop computers					
Video-conferencing					
Court Security System provider					
On-Star					

Worksheet L: Staff Directory

Instructions:

Worksheet L is to be used to keep up to date accurate contact data for all court personnel, judges and staff.

In column 1, your planning team is to record contact information for every judges and member of the court staff.

In column2, record emergency contact information for every judge and court staff member.

Remember to include MDJ Office managers

Worksheet L: Staff Directory

Employee	Emergency Contact
Name: Title: Office Address: Office Phone: Office Email: Home Address Home Phone: Home Email: Cell Phone: Pager:	Name: Title: Office Address: Office Phone: Office Email: Home Address Home Phone: Home Email: Cell Phone: Pager:
Name: Title: Office Address: Office Phone: Office Email: Home Address Home Phone: Home Email: Cell Phone: Pager:	Name: Title: Office Address: Office Phone: Office Email: Home Address Home Phone: Home Email: Cell Phone: Pager:
Name: Title: Office Address: Office Phone: Office Email: Home Address Home Phone: Home Email: Cell Phone: Pager:	Name: Title: Office Address: Office Phone: Office Email: Home Address Home Phone: Home Email: Cell Phone: Pager:
Name: Title: Office Address: Office Phone: Office Email: Home Address Home Phone: Home Email: Cell Phone: Pager:	Name: Title: Office Address: Office Phone: Office Email: Home Address Home Phone: Home Email: Cell Phone: Pager:

Worksheet M: COOP Plan Testing Program

Testing your COOP plan ensures that your court will be ready to respond to an emergency and provides feedback for updating and improving your plan.

Instructions: Worksheet M is to be used to create a plan testing program.

In column 1 the PA Court COOP Planning Team has listed the COOP plan components that require testing.

Column 2 is used to record how each component will be tested.

In column 3, your planning team is asked to identify the individual who will be responsible for testing each component;

Lastly, column 4 denotes how frequently the plan will be tested.

Worksheet M: COOP Plan Testing Program

Plan Component	Method(s)	Who is responsible for testing?	Frequency
Ensure access to vital records needed to perform essential functions	e.g., Check that data and records at the alternate facility are complete and current	e.g., Division supervisors	e.g., Quarterly
Test communications systems			
Test alert & notification procedures			
Check alternate facility readiness			
(Include as many additional rows as necessary)			

Worksheet N: COOP Plan Training Program

A well- thought-out training program ensures clarity and comprehension of the roles and responsibilities for all staff and for specific groups or divisions within the court.

Worksheet N is used to record your staff training plan.

Instructions:

List the kinds of training needed in column 1 (e.g., orientation, refresher course, subject-specific information for different audiences).

Column 2 is used to denote the intended recipients of the training

Column 3 establishes the method of training

Column 4 denotes the frequency of training.

Worksheet N: COOP Plan Training Program

Type of Training	Recipients	Method(s)	Frequency
Orientation	▪ All judges & staff	▪ In-person training program	Once
	▪ New judges & staff	▪ CD or Web-based program	Once
(Include as many additional rows as necessary)			

Worksheet O: COOP Plan Exercise Program

Instructions: List the types of exercises (e.g., verbal walk-through, tabletop, physical relocation) that will be conducted in the first column and the individuals or groups (e.g., all judges and staff, essential functions staff) required to participate in the exercise in the second column. In the third and fourth columns, note the frequency (e.g., biannual, annual, semiannual, quarterly) with which the exercise will be conducted and the location of the exercise (e.g., courthouse, alternate facility).

Worksheet O: COOP Plan Exercise Program

Type of Exercise	Participants	Frequency	Location
Verbal walk-through	Entire staff	Biannual	Courthouse

SECTION III: COMPLETE YOUR COURT COOP PLAN

This template is a guide for use in preparing your own continuity of operations (COOP) plan. Each section describes the information that should be included and, in some cases, offers language that can be adapted to fit individual courts.

Template

Insert Cover Page for your court. For example:

Continuity of Operations (COOP) Plan

_____ *County Court of Common Pleas]*

[Effective Date _____]

[Insert Court Seal or other Graphic]

Include any restrictions on dissemination. For example:

Distribution of this COOP Plan is limited to those who are involved in activating and implementing the Plan. [If applicable, include any statutes or rules that cover exemption from public disclosure.] Prior written approval is required by [insert authority] to reproduce the Plan, in whole or in part.

*County Court of Common Pleas
Continuation of Operations Plan
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 - P. Coop Planning Resource Guide
 - Q. Legal Analysis for Pennsylvania Court Coop Planning Toolkit
 - R. Preparedness Guide for Employees
 - S. Questions and Answers About Pandemic And Avian Influenza
 - T. Frequently Asked Questions About Avian Influenza
 - U. Sample Cooperative Agreements and Sample Model Orders
 - V. Sample Coop Planning Team Structure

I. COOP PLAN PURPOSE

A continuity of operations (COOP) plan is developed and implemented to ensure that court personnel know what to do if faced with an emergency that threatens continuation of normal operations. A COOP plan may be needed when courthouse or court-related facilities become inaccessible due to a natural or manmade disaster, or staff resources become critically low because of a pandemic or other health hazard. A COOP plan establishes effective processes and procedures to quickly transition the court from normal operations to mission essential functions until such a time that normal operations can be reconstituted. In the case of impaired facilities, this includes deployment of pre-designated personnel, equipment, vital records and supporting hardware and software to an alternative site. In the case of a pandemic, deployment to an alternative site may not be necessary; but some staff may need or be required to work from home for personal, medical, or public health reasons.

COOP planning goals:

- continue court's essential functions and operations;
- reduce the loss of life, minimize property damage and losses;
- facilitate decision making processes, including designating who is in charge and what authorities are granted during specific emergencies;
- reduce or mitigate disruptions to operations;
- identify alternate facilities and designate principals and support staff to relocate;
- protect essential facilities, equipment, records, and other assets;
- recover and resume normal operations; and
- maintain COOP readiness through a testing, training, and exercise program.

Court COOP planning objectives:

Each Court's COOP should be:

- capable of being maintained at a high level of readiness;
- capable of implementation with or without warning;
- able to achieve identified essential functions within designated timeframes noted on Worksheet A;
- able to sustain operations until normal operations are reconstituted and plan is deactivated, and, take maximum advantage of existing department or jurisdiction field infrastructures.

II. APPLICABILITY AND SCOPE OF COOP PLAN

This COOP plan applies to the (Court name) and its related facilities (specify name/locations).

The COOP plan:

- Covers all of the essential functions performed by *Court Offices*;
- Includes provisions for resources (staff, files, space, etc.) *of Related Offices* required in the performance of the Court's essential functions;
- Encourages all *Related Offices* to have working COOPS of their own (some of their essential functions will overlap those of the Court) in order for the Court's COOP to be fully operational;
- Considers how the continued performance of the Court's essential functions will impact or be affected by the Affected Offices;
- Covers all individuals who work or conduct business in these facilities; and
- Takes an "all hazards" approach. (That is, it applies to all emergencies, natural or man made, that affect the essential operations of the court.)

III. COURT ESSENTIAL FUNCTIONS

During an emergency or pandemic, the court may not have adequate resources to maintain normal operations. In these situations, the court will need to restrict its activities to those functions deemed essential to performing the court's mission. These are the functions that the court must provide to remain "open." Court functions deemed essential are provided in Appendix A. The functions are classified by the time period in which the activities must be resumed following activation of the COOP plan.

IV. COOP IMPLEMENTATION PROCESS

Phase One: Procedures for COOP plan activation and implementation

This section describes what procedures are included as part of "activation and implementation." For example:

- determining whether to activate the COOP plan,
- notifying parties when the plan has been activated, and
- transitioning from the primary facility to the alternate facility(ies).

a. Decision to activate the plan

This section provides answers to the questions listed in the table below. See **COOP plan activation procedures** in the **COOP Planning Resource Guide** (*Appendix P*) for more information.

The following procedures are followed at this stage.

<i>Question</i>	<i>Procedures</i>
<i>1. Who (what position) determines whether to activate the COOP plan?</i>	<i>For example: The President Judge, in consultation with the COOP coordinator and available members of the COOP planning team, decides if and when the COOP plan is activated. If the President Judge is unavailable, his or her successor (see Appendices B and C) makes the decision.</i>
<i>2. What information is used to make the decision?</i>	
<i>3. Who obtains the information and from which sources is it gathered?</i>	
<i>4. Who checks with the alternate facility to ensure immediate availability?</i>	
<i>(Note. Please add questions to cover any additional procedures the court wishes to specify for this topic.)</i>	

Procedures for Question 1 should reference orders of succession in *Appendix D* and contact information in *Appendix L*.

Procedures for Question 4 should reference alternate sites in *Appendices D and E*.

b. Procedures for alert and notification

This section provides answers to the questions listed in the table below. See [Alert and notification procedures](#) in the [COOP Planning Resource Guide](#) (Appendix P) for more information.

The following procedures are followed at this stage.

<i>Question</i>	<i>Procedures</i>
<i>1. Who prepares the notification? Is there a review?</i>	
<i>2. What does the notification cover?</i>	
<i>3. Who disseminates the information, who gets the information, and what methods are used?</i>	
<i>4. Who has access to interoperable communications devices if normal communications methods are unavailable?</i>	
<i>5. What guidelines must the court follow to issue emergency orders?</i>	
<i>(Note: Please add questions to cover any additional procedures the court wishes to specify for this topic.)</i>	

Procedures for Questions 1 and 3 should reference the communication plan in [Appendix J](#). Staff contact information and emergency contacts are located in [Appendix L](#) and media contact information in [Appendix J](#).

Procedures for Question 4 should reference [Appendix K](#).

If the planning team has prepared sample emergency orders, these should be added as [Appendix T](#).

c. Transition to alternate facility

This section provides answers to the questions listed in the table below. See **Transition to alternate facility procedures** in the **COOP Planning Resource Guide** (Appendix P) for more information.

The following procedures are followed at this stage.

<i>Question</i>	<i>Procedures</i>
<i>1. Who (what position) coordinates the deployment effort and what does this person do?</i>	
<i>2. What procedures should be followed if a trial is in process?</i>	
<i>3. What actions should COOP staff take prior to departing for the alternate facility, assuming staff has some time to prepare?</i>	
<i>4. Will an Advance Team precede the COOP essential functions staff to the alternate facility? If so, who leads the Advance Team and what does the Advance Team do to prepare the facility?</i>	
<i>5. How will COOP staff be transported to the alternate facility?</i>	
<i>6. What security measures will be taken to protect the courthouse?</i>	
<i>(Note: Please add questions to cover any additional procedures the court wishes to specify for this topic.)</i>	

Procedures for Question 1 should reference orders of succession in [Appendix D](#) and delegation of authorities in [Appendix C](#).

Procedures for Question 3 should reference vital records in [Appendix H](#) and drive-away kits in the *COOP Planning Resource Guide*.

Procedures for Question 4 should reference the court’s Advance Team, assuming the court has one, which is included in [Appendix B](#) and backups for the Advance Team which are provided there as well. If the Advance Team is in charge of vital records, the procedures for Question 4 also should reference [Appendix H](#).

Phase Two: Procedures for alternate facility operations

This section describes what procedures are included as part of “alternate facility operations”. For example:

Phase II includes procedures for executing essential functions; establishing communications with staff, the supreme court, other relevant organizations, and the public; and addressing personnel and staffing issues.

This section provides answers to the questions listed in the table below. See **Alternate facility operations** in the **COOP Planning Resource Guide** (Appendix P) for more information.

The following procedures are followed at this stage.

<i>Question</i>	<i>Procedures</i>
<i>1. How is COOP staff accounted for at the alternate facility?</i>	
<i>2. What information is provided to COOP staff upon arrival?</i>	
<i>3. What updates are provided to staff and other parties?</i>	
<i>4. What personnel issues should be addressed?</i>	
<i>5. What security measures will be taken to protect the alternate facility?</i>	
<i>(Note: Please add questions to cover any additional procedures the court wishes to specify for this topic.)</i>	

Procedures for Question 1 should reference the COOP staff roster in [Appendix B](#).

Procedures for Question 3 might reference the communications plan in [Appendix J](#), staff contact information in [Appendix L](#) and staff emergency contacts in [Appendix L](#), and media contact information in [Appendix J](#).

Procedures for Question 6 should reference restoration resources in [Appendix I](#).

Phase Three: Procedures for Reconstitution

This section describes what procedures are included as part of “reconstitution.” For example: Part III includes procedures to terminate alternate operations and resume normal operations.

This section provides answers to the questions listed in the table below. See [Reconstitution](#) in the [COOP Planning Resource Guide](#) (*Appendix P*) for more information..

The following procedures are followed at this stage.

<i>Question</i>	<i>Procedures</i>
<i>1. What initial assessment is done for reconstitution?</i>	
<i>2. Who develops the plan to resume normal functions and what does the plan include?</i>	
<i>3. What information is communicated to staff and other parties?</i>	
<i>4. What follow-up actions are taken once normal operations are resumed?</i>	
<i>(Note. Please add questions to cover any additional procedures the court wishes to specify for this topic.)</i>	

Procedures for Question 1 should reference restoration resources in [Appendix H](#) .

Procedures for Question 3 might reference the communications plan in [Appendix J](#), staff contact information in [Appendix L](#), staff emergency contacts in [Appendix L](#), and media contact information in [Appendix J](#).

Phase Four: Modified Procedures for a Pandemic

This section describes what modifications to standard COOP plan procedures are necessary in the event of a pandemic. For example:

Although many COOP procedures are applicable no matter what the disaster, some modifications are necessary in the event of a pandemic. The modifications listed below assume that the standard COOP procedures are followed except where indicated.

Record any modifications necessary to standard COOP procedures in the table below. See **Modified procedures for a pandemic** in the **COOP Planning Resource Guide** (Appendix P) for more information.

The following modifications should be made to standard COOP procedures when a pandemic is in effect.

<i>COOP Procedures</i>	<i>Modified Procedures</i>
<i>Phase I: COOP plan activation</i>	
<i>Phase I: Alert and notification</i>	
<i>Phase I: Transition to alternate facility</i>	
<i>Phase II: Alternate facility operations</i>	
<i>Phase III: Reconstitution</i>	
<i>(Note. Please add additional procedures the court wishes to specify for this topic.)</i>	

Phase Five: Procedures for testing, training, and exercising your Court COOP Plan

This section describes the procedures needed to implement a program to test, train and exercise your COOP plan to ensure that your court will be ready to respond to an emergency. Testing and exercising provides feedback for updating and improving your plan. A well- thought-out training program ensures clarity and comprehension of the roles and responsibilities for all staff and for specific groups or divisions within the court.

This section provides answers to the questions listed in the table below. See **Worksheets M, N and O** for more information.

<i>Question</i>	<i>Procedures</i>
<i>1. When/how often will you test your COOP plan?</i>	
<i>2. What type of exercise will be used?</i>	
<i>3. How will you determine the training needs of your COOP staff?</i>	
<i>4. Who will conduct the training?</i>	
<i>(Note. Please add questions to cover any additional procedures the court wishes to specify for this topic.)</i>	

SECTION V: APPENDICES

Appendices

- A. Essential Functions
- B. COOP Staff Roster
- C. Delegation of Authorities
- D. Orders of Succession
- E. Alternate Sites
- H. Vital Records
- I. Restoration and Recovery
- J. Communications Plan
- K. Interoperability of Communications Systems
- L. Staff Directory and Emergency Contacts
- M. COOP Plan Testing Program
- N. COOP Plan Training Program
- O. Coop Plan Exercise Program
- P. Coop Planning Resource Guide
- Q. Legal Analysis for Pennsylvania Court Coop Planning Toolkit
- R. Preparedness Guide for Employees
- S. Questions and Answers About Pandemic And Avian Influenza
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- U. Sample Cooperative Agreements and Sample Model Orders
- V. Sample Coop Planning Team Structure

Appendix A Essential Functions and Prioritized Staff

Insert completed Worksheets A1, A2, and A3.

Appendix B: COOP Staff Roster

Insert completed [Worksheet B](#).

Appendix C: Delegation of Authorities

Insert completed [Worksheet C](#).

Appendix D: Orders of Succession

Insert completed [Worksheets D](#) .

Appendix E: Alternate Sites

Insert completed [Worksheets E, F and G](#) .

Appendix H: Vital Records

Insert completed Worksheet H

Appendix I: Restoration and Recovery

Insert completed [Worksheet I](#).

Appendix J. Communications Plan

Insert completed [Worksheet J](#).

Appendix K: Interoperability of Communications Systems

Insert completed [Worksheet K](#).

Appendix L: Staff Directory and Emergency Contacts

Insert completed [Worksheet L](#)

Appendix M: COOP Plan Testing Program

Insert completed Worksheet M.

Appendix N: COOP Plan Training Program

Insert completed Worksheet N.

Appendix O: COOP Plan Exercise Program

Insert completed Worksheet O.

Appendix P: The Pennsylvania Court COOP Planning Resource Guide

I. WHAT IS A COOP PLAN?

COOP stands for continuity of operations. Courts develop a COOP plan to ensure they know what to do if faced with an emergency that threatens the continuation of normal operations. COOP plans are developed and implemented for situations in which the courthouse or court-related facilities or court operations are threatened or inaccessible (e.g., as a result of a natural or manmade disaster). A COOP plan establishes effective processes and procedures to quickly deploy pre-designated personnel, equipment, vital records and supporting hardware and software to an alternative site to sustain organizational operations until operations are reconstituted. It also covers the resumption of normal operations after the emergency has ended.

COOP planning must also take into consideration the impact a pandemic could have on normal operations. Although the courthouse facility might remain intact, normal operations may be suspended because there are too few individuals—due to quarantines, sickness, or death—to perform the court’s work or work upon which the court relies (e.g., mail delivery, sanitation activities, equipment repairs). Under these conditions, aspects of the COOP plan may be activated even though staff remains in the courthouse.

Court COOP plan goals

- Continue court’s essential functions and operations
- Reduce the loss of life, minimize property damage and losses;
- Facilitate decision making processes, including designating who is in charge and what authorities are granted during specific emergencies;
- Reduce or mitigate disruptions to operations;
- Identify alternate facilities and designate principals and support staff to relocate;
- Protect essential facilities, equipment, records, and other assets;
- Recover and resume normal operations; and
- Maintain COOP readiness through a testing, training, and exercise program.

Court COOP planning objectives:

Each Court’s COOP should be:

- Capable of being maintained at a high level of readiness;
- Capable of implementation with or without warning;
- Able to achieve identified essential functions within designated timeframes noted on Worksheet A
- Able to sustain operations until normal operations are reconstituted and plan is deactivated, and, take maximum advantage of existing department or jurisdiction field infrastructures

II. WHAT DOES A COOP PLAN INCLUDE?

COOP plans include:

- Court policy regarding continuity of operations, including the reasons for developing a COOP capability, the major components of an adequate capability, and the general standards for implementation;
- Specific objectives for COOP as they relate to the court's mission and the functions it performs;
- An overall approach for maintaining essential functions during an emergency;
- The emergency roles and responsibilities of organizations and positions;
- Orders of succession to key positions and arrangements for pre-delegation of authority for making policy determinations and decisions;
- Essential court functions and staffing and resource requirements for each;
- Measures to protect all vital records, databases, and information systems needed to support the court's essential functions;
- Alternate operating facilities capable of immediately supporting the performance of essential functions under various threat conditions;
- Preparations for the emergency relocation of COOP contingency staffs to the alternate facilities;
- Interoperable communications requirements for the alternate facility to ensure the availability and redundancy of critical communications systems;
- A basis for training COOP participants, testing equipment, and conducting exercises to evaluate specific aspects of COOP plans, policies, procedures, systems, and facilities; and
- A multi-year strategy and program management plan for developing and maintaining COOP capabilities.

Court COOP plans should also:

- Cover all of the essential functions performed by *Court Offices*;
- Include provisions for resources (staff, files, space, etc.) *of Related Offices* required in the performance of the court's essential functions;
- Encourage all *Related Offices* to have working COOPS of their own (some of their essential functions will overlap those of the court) in order for the court's COOP to be fully operational; and
- Consider how the continued performance of the court's essential functions will impact or be affected by the Affected Offices.

III. COOP PLANNING STEPS

The steps that follow are designed to help a court develop a COOP capability in the event of a manmade or natural disaster. Each step includes an explanation of what needs to be done and links to additional resources, if necessary.

❑ STEP 1: INITIATE PLANNING PROCESS

- Step 1.a: Provide leadership and develop infrastructure
- Step 1.b: Review court's legal authority for COOP planning and execution
- Step 1.c: Gather information on related efforts
- Step 1.d: Specify planning assumptions
- Step 1.e: Consider potential disaster scenarios

❑ STEP 2: PREPARE COOP PLAN ELEMENTS

- Step 2.a: Prioritize essential functions
- Step 2.b: Identify related/affected offices
- Step 2.c: Designate essential functions staff
- Step 2.d: Delegate decision-making authorities
- Step 2.e: Establish orders of succession
- Step 2.f: Designate alternate facilities
- Step 2.g: Prepare "Disaster Supply Kits"
- Step 2.h: Identify communication methods
- Step 2.i: Ensure interoperable communications systems
- Step 2.j: Identify vital records, forms and databases
- Step 2.k: Protect vital records
- Step 2.l: Establish procedures to address personnel issues and assist employees
- Step 2.m: Suggest orders to support COOP
- Step 2.n: Develop cooperative agreements and memorandum of understanding to support COOP
- Step 2.p: Establish plan devolution process

❑ STEP 3: PREPARE COOP PLAN PROCEDURES

- Step 3.a: Phase I - Procedures for COOP plan activation
- Step 3.b: Phase I - Procedures for alert and notification
- Step 3.c: Phase I - Procedures for transition to the alternate facility
- Step 3.d: Phase II - Procedures for alternate facility operations
- Step 3.e: Phase III - Procedures for reconstitution
- Step 3.f: Phase IV - Modifications for a pandemic

❑ Step 4: COMPLETE THE PLAN TEMPLATE

❑ Step 5: MAINTAIN AND PRACTICE PLAN

STEP 1: INITIATE PLANNING PROCESS

It can be difficult to dedicate time to planning when the press of everyday business seems overwhelming. Yet, by taking one step at a time, courts can build a culture of emergency preparedness that maximizes everyone's safety and knowledge of what to do in a crisis.

This step creates the infrastructure for building a preparedness culture and initiates discussions regarding the court's role and responsibilities with those who work for the court and those who are critical partners in the event of an emergency. This step directs courts to:

- Step 1.a: Provide leadership and develop infrastructure
- Step 1.b: Review court's legal authority in COOP planning and execution:
- Step 1.c: Gather information on related efforts
- Step 1.d: Specify planning assumptions
- Step 1.e: Consider potential disaster scenarios

Step 1.a **Provide leadership and develop infrastructure**

Across the Commonwealth, court size and staffing vary widely. Consequently, COOP planning guidelines cannot be “one-size-fits-all.” The planning template provided must be adapted to the needs and resources of each jurisdiction. However, there are infrastructure elements which are typical of emergency planning in both the private and public sectors which must be present in every county’s COOP Planning. The support of the chief executive, a planning committee or team representing different functions, a central point of contact, and plans which address all three “stages” of an emergency (pre- emergency, emergency, and post-emergency).

For local courts, this means that the President Judge, with active support of the District Court Administrator, underscores the value and importance of emergency planning and encourages the involvement of all judges and court staff. In addition, the President Judge appoints a planning team and a point of contact and gives both the authority to engage in planning activities. (See CCJ/COSCA, 2006, White Paper on Court security (available at <http://cocsa.ncsc.dni.us/>).

Planning Team Membership

Your planning team should either involve or consult representatives from all functional areas which impact court operations (e.g., commissioners, row offices, facilities management, judicial administration, data processing and operations, clerks of court, prothonotary, clerks of orphans court, district attorney, public defender, human resources, judges, jury management, sheriff and/or other court security, accounting, corrections, and the county bar association). To foster cooperation between courts and elected officials impacting court operations, it may be particularly important to reach out to these individuals and their staff in your court’s planning. *It is suggested that courts which already have a security or emergency management committee may wish to task this committee with COOP planning.* Although security and emergency preparedness focus on different aspects of a court’s overall public safety agenda, there may be benefit from an integrated approach rather than separate committees working independently.

The planning team should also invite representatives of local emergency agencies and other government agencies (e.g., public health) to participate in the planning process when community issues are discussed. This step is vital to ensure that a court COOP plan is not in conflict with other emergency operations plans in the jurisdiction (e.g., the court may select an off-site location that may have already been designated for another function in the community’s Emergency Operations Plan).

Selection of the COOP Coordinator

The COOP Coordinator or point of contact (POC) is either the President Judge or the District Court Administrator. The POC works with the COOP Planning Team to develop the COOP plan and to conduct plan training. Selection of the POC should be guided by the following:

- POC should be someone within the organization who is familiar with each division/department and knows, generally, what is required from each division/department,

- POC should be comfortable in this key leadership position and able to work well with many entities (pre-emergency, emergency, and post-emergency),
- POC must be organized. The POC is in charge of creating the COOP Planning Team, getting each member to submit information for his/her division/department in a timely manner, and assembling the COOP plan,
- POC will have the best understanding of the COOP planning guide and template, and must be available to assist other COOP Planning Team members.

Responsibilities of the COOP Coordinator

- POC calls meetings of the COOP Planning Team,
- POC notifies court leaders when emergencies arise,
- POC is responsible for developing, maintaining, and testing the COOP plan, and
- POC serves as a liaison to emergency responders in the community.

COOP Plan Implementation Team Structure

The organizational team structure for implementation of the COOP plan will vary depending on the size and complexity of each court system. A one-size-fits-all approach will not work because of the uniqueness of each jurisdiction. A key factor in determining your structure is the number of personnel available to conduct the numerous functions associated with COOP plan implementation. It is important to note that in all COOP plans, there are three stages of responsibilities which must be considered: Pre-emergency, emergency, and post-emergency. An example of an implementation team structure is contained in *Appendix V*.

Step 1.b Review court's legal authority for COOP planning and execution

The primary legal source for governmental authority to deal with emergencies is found in the Pennsylvania Constitution, and is amplified by statute, rule, administrative procedure, and case law. At the judicial district level, the primary responsibility for the continuation of court operations rest with the President Judge. The Administrative Office of the Pennsylvania Courts will provide assistance and guidance for planning for and execution of continuation of court operations, but the burden will fall upon the local authorities to be prepared to deal with the issues that will arise when attempting to re-establish court functions following an emergency.

To assist local COOP planners *Appendix Q* of this guide contains a Legal Issues document which provides legal opinions relating to key issues such as the suspension or tolling of procedural time limitations, contracting and purchasing powers, venue, and personnel policy questions. For legal authority and procedures in a public health emergency, see the Pennsylvania Public Health Law Bench Book which can be accessed at:
<http://www.aopc.org.Index/PublicHealth/Default.asp>.

In developing local COOP plans, questions regarding legal issues may be addressed to the AOPC Judicial Programs Department at: Judicial.ProgramsQ&A@pacourts.us.

In the event of an actual emergency, advice on procedural or policy questions should be addressed to the Court Administrator of Pennsylvania. Philadelphia: 215-560-6300, Mechanicsburg: 717-795-2000. If a court COOP plan is to be activated, the AOPC is to be notified at COOPActivation@pacourts.us.

Step 1.c ***Gather information on related efforts***

Your planning team must be aware of efforts underway by other departments or other community partners that could affect the implementation of your COOP plan elements.

Every County Emergency Management Agency has developed an emergency operations plan. Across all sectors, both public and private, the need for continuation of operations plans is being discussed. Your planning team must know what plans are in place or are underway in each of the departments or agencies with which your court interacts. Coordination with these efforts is necessary to ensure consistency across plans, to determine whether several different plans are relying on the same resources (e.g., alternate sites, critical infrastructure elements such as phone lines, the internet, satellite systems that may be overwhelmed or not available in certain emergencies), and to avoid conflicting policies and procedures in the event of an emergency. In addition, changes made in one component of the justice system may impact your court's planning efforts. For example, if the court's information system is about to undergo changes, or if the court system is contemplating electronic filing, or if the clerk's office is changing its file storage policies, this information must be considered, to ensure that your court's COOP plan is not dated before it is complete.

Start by having planning team members explain relevant efforts taking place in the county that might impact COOP planning. This information can be supplemented with contacts to relevant groups not represented on the team.

Step 1.d ***Specify planning assumptions***

To ensure that all planning teams begin their planning from the same point and are not working at cross purposes, the PA Court COOP Planning Committee has established the following COOP planning assumptions.

PA Courts COOP Planning Assumptions:

- Disruption to the operations of the court and/or courthouse may occur at any time and without warning.
- The ability to continue to use the physical courthouse may be threatened or non-existent.
- The COOP may have to be activated at any hour of the day or night
- Once the COOP is activated, key personnel and the court's emergency organization may have to be moved to an alternate facility.
- Information systems, communication, commerce and transportation may not continue to function either unimpaired or at all; therefore, plans need to be in place almost immediately to compensate.
- There will be funding constraints.

- Health and safety of employees may be at risk.
- The operational infrastructure, including power, water, and sewer, may be damaged and severely compromised or may be unsupportable due to personnel shortages.
- The geographical relocation of some of all of the population may be extensive and/or may impact the resources available for recovery.
- The planning staff levels may be significantly reduced due to high levels of illness, death, lack of transportation, and the need to attend to family concerns.
- The planning done must be adequate for even the most extreme disaster.

PA Courts Pandemic Influenza COOP Planning Assumptions

- An influenza pandemic is inevitable and will likely give little warning.
- An influenza pandemic will cause simultaneous outbreaks across the United States limiting the ability to transfer assistance from one jurisdiction to another.
- The estimated morbidity and mortality during the first 12 – 16 weeks, nationwide and in Pennsylvania, is projected to be extreme.
- Courts must be able to ensure they have the capacity to perform their mission essential functions, and all emergency matters and cases generated due to issues associated with the quarantine and isolation of individuals and other public health related cases brought by public health officials. The first wave of pandemic influenza will be followed by a second wave arriving three to nine months after the first wave.
- During a pandemic, the courthouse or other court facilities may be intact, open, and available but internal resources, (e.g., personnel, and external resources, law enforcement, counsel, jurors, and vendors) are unavailable. Essential functions could be performed in the court facility, through work-at-home telecommuting arrangements, or at alternate sites through remote access such as video conferencing, or through a combination of technologies and strategies.
- Face to face contact between judges, attorneys, parties, clerks and deputy clerks, sheriffs and deputy sheriffs, court administrators and staff, state and local public health officials, jurors, etc., necessary to perform mission essential functions and other tactical objectives, may be dramatically limited or unavailable.
- Of the judges, attorneys, parties, clerks and deputy clerks, sheriffs and deputy sheriffs, court administrators and staff, state and local public health officials, jurors, etc., necessary to perform mission essential functions and other tactical objectives, up to forty percent may not be available due to illness or death, or to attend to family illness/injury or to children remaining at home due to school closures and dismissals Absenteeism may also be due to public fear, government ordered social distancing, mass transit operational difficulties, limited supply of vaccine and anti-retrovirals, public health imposed quarantines and isolation, closing of public facilities, etc.
- Remaining workers may be psychologically affected by disease, fear, family concerns, or concerns about economic loss, and require behavioral health assistance.

- An increase in cases with individuals seeking relief and other matters may occur, creating caseload surges (e.g., quarantine, isolation, search and seizure, public nuisance, guardianship, etc.).
- Response and recovery will be bottom-up with local court officials primarily responsible for the response and recovery efforts in their area with only limited support from federal and state government officials.
- An influenza pandemic may exhaust availability of assistance from the federal government.
- Widespread illness in communities may increase the likelihood of significant shortages of those who provide other essential community services. (e.g. law enforcement, prosecutors, defense council, jurors and child welfare agencies).
- The operational infrastructure, including power, water, and sewer, may be damaged and severely compromised or may be unsupportable due to personnel shortages.
- Special human resource issues may arise such as overtime, flex-time, payroll payment and record keeping procedures, and union agreements, etc.
- Court operations may be detrimentally impacted by the pandemic for up to eighteen months.

Step 1.e Consider potential disaster scenarios

Not all emergencies will require COOP plan activation. For example, a sudden emergency, such as a fire during business hours that is contained, may require the evacuation of the building for only a short time. Alternatively, an emergency, such as a major fire that renders the building unusable, will require implementation of the COOP plan. The occurrence of a pandemic that causes mass absenteeism may also necessitate the activation of the COOP plan even though the court facility is available. Therefore, when considering scenarios for COOP planning, the planning team must consider alternative lengths of time during which COOP plans may be activated, from short term, requiring activation for only days to weeks, to long term, requiring continuation of the COOP plan for 12 to 18 months or more.

In constructing your court’s COOP, your planning team will need to consider and plan for each of the following disaster/emergency scenarios within the context of your local conditions, resources, political issues, and court culture:

Scenario 1: Portion of a building is affected.

Under this scenario, the courthouse, or primary workplace is closed for normal business activities, but the cause of the disruption has not affected surrounding buildings, utilities, or transportation systems. The most likely causes of such disruption are structural fire, system/mechanical failure, loss of utilities such as electricity, telephone, water, or steam, or explosion (regardless of cause) that produces no significant damage to surrounding buildings or utility systems.

Scenario 2: Courthouse and immediate surrounding area are affected.

Under this scenario, the courthouse as well as surrounding buildings within a few blocks are closed for normal business activities as a result of widespread utility failure, natural disasters (flood, hurricanes), massive explosion (whether or not originating in the courthouse), civil disturbance, or credible threats of actions that would preclude access to or use of courthouse or other court facilities and surrounding areas. In Pennsylvania, this scenario depicts incidents which are generally regarded as the greatest risk. Under this scenario there could be uncertainty regarding whether additional events (such as cascading utility failures) could occur.

Planning Scenario 3: Geographic region is affected.

Under this scenario, the region is closed for normal business activities as a result of an event that causes the evacuation of and/or closure of court environs. For example, the President may declare a national security emergency or the governor or mayor may declare a state of disaster emergency.

Planning Scenario 4: Pandemic.

Under this scenario, the community and region are affected by a pandemic that causes 40% or more absenteeism, public transportation and other public agencies and services are closed. In addition, while the court facility is open, it may not be accessible, and employees are not available to perform work at the facility.

The planning team must understand the range of possible conditions that might result from an emergency and have effective responses for each. For example, a nearby building could serve as an alternate site for scenario 1 but would be useless in scenario 3. While designating a couple back-ups for each position in scenario 1 would be appropriate, scenario 4 might require ten or more backups if the workforce is significantly reduced.

STEP 2: PREPARE COOP PLAN ELEMENTS

The PA Court COOP Planning Committee has identified the following elements which are to be included in each county court COOP plan.

- Step 2.a: Prioritize essential functions
- Step 2.b: Identify related/affected offices
- Step 2.c: Designate essential functions staff
- Step 2.d: Delegate decision making authorities
- Step 2.e: Establish orders of succession
- Step 2.f: Designate alternate facilities
- Step 2.g: Prepare “Disaster Supply Kits”
- Step 2.h: Identify communications methods
- Step 2.i: Ensure interoperable communications systems
- Step 2.j: Identify vital records, forms & databases
- Step 2.k: Protect vital records
- Step 2.l: Establish procedures to address personnel issues and assist employees
- Step 2.m: Suggest orders to support COOP
- Step 2.n: Develop cooperative agreements to support COOP
- Step 2.o: Establish COOP Plan devolution process

Step 2.a **Prioritize essential functions**

Courts must take all steps necessary to remain “open.” Identifying the essential functions which a court must perform in the event of any emergency is the heart of COOP planning.

Focusing upon the identification of the court functions which are essential for the preservation of life, liberty and safety, the PA Court COOP Planning Committee has analyzed court functions and their statutory mandates and created a template identifying essential court functions and establishing the time frame in which each function should be re-instated. Please note: The identified essential functions are limited to the functions of Courts of Common Pleas. When making individual county COOP plans, Magisterial District Justice functions must also be considered as they will need to be operational as well.

Court functions have been designated as:

- **Primary essential functions:** Court activities which are to be re-instated within 48 hours of your court’s COOP activation. See Worksheet A.
- **Secondary essential functions:** Court activities which are to be re-instated within 1-2 weeks of your court’s COOP activation. See Worksheet A, and
- **Tertiary essential functions:** The remaining court activities which must be operational for the court to be considered completely, if not fully, operational. See Worksheet A.

The nature of the emergency and varying demand for the identified functions within each county court will necessitate the prioritization of activities within each category by each court COOP planning team. Prioritization within categories should be based on each court’s specific needs and resources. Some courts may need to have certain primary essential functions restored in a matter of hours while other courts may be able to wait the full 48 hours.

The templates provided in Worksheet A are to be customized and prioritized for your jurisdiction.

Please Note: The COOP Template Planning Committee [*or whatever we are calling it in the final product*] did not attempt to itemize those essential functions generally performed by the minor judiciary. However, either as part of this COOP plan or separately, each judicial district must consider the continuity of operations of the minor judiciary. Your attention is specifically directed to certain time-sensitive functions usually performed by the minor judiciary identified in the Pennsylvania Rules of Court, including but not limited to: Pa.R.Crim.P. Nos. 117 (coverage for issuing warrants, conducting preliminary arraignments, summary trials and accepting bail), 430 (issuance of warrants), 431 (procedure when defendant arrested with a warrant), 441 (procedure following arrest without a warrant), 513 , 516, 517 (arrest warrants) and 519 (procedure in cases initiated by arrest without a warrant) ; Pa.M.D.J. Rule 112 (availability and temporary assignment of Magisterial District Judges); and Pa.R.J.C.P. Nos. 210 (arrest warrants) and 220 (procedure in cases commenced by arrest without a warrant).

Step 2.b Identify related/affected offices

For court COOP planning purposes the following have been identified as Court Offices for which the President Judge is responsible for COOP planning:

- Adult Probation Office
- Juvenile Probation Office
- MDJ (Minor) Courts
- Domestic Relations
- Bail Director/Dept.

However, in addition to these Court Offices, there are a number of Related Offices and Affected Offices or organizations that will be impacted, to varying degrees, whenever the COOP plan is activated by the court.

While all related and/or affected offices may not need to be involved in the actual preparation of the COOP (Planning Team Membership), it is important to consider how the court’s COOP activity will impact and be impacted by, for example, each of the following related and/or affected offices, particularly as it pertains to the performance of the court’s essential functions:

Federal level:	<ul style="list-style-type: none"> ▪ Federal District Court ▪ Federal Office of Child Support Enforcement ▪ Internal Revenue Service ▪ Administration of Children and Families (ACF) ▪ Office of Juvenile Justice & Delinquency Prevention (OJJDP) ▪ United States Postal Service
State level:	<ul style="list-style-type: none"> ▪ AOPC <ul style="list-style-type: none"> ▪ Administrative Regional Unit (where applicable) ▪ Appellate Courts ▪ Attorney General’s Office ▪ Dept. of Education ▪ Dept. of Health ▪ Dept. of Public Welfare (BCSE, OCYF) ▪ Office of Mental Health & Substance Abuse ▪ Pa. Bar Association ▪ State Probation/Parole ▪ Sexual Offenders Assessment Board ▪ State Correctional Institutions ▪ Penn DOT ▪ State Police ▪ Pa. Commission on Crime & Delinquency (PCCD) ▪ Juvenile Court Judges Commission (JCJC) ▪ Justice Network (JNET)
County level:	<ul style="list-style-type: none"> ▪ Commissioners ▪ Communications ▪ County Solicitor

	<ul style="list-style-type: none"> ▪ Information Services ▪ Treasurer’s Office (Payroll) ▪ Controller’s Office ▪ Health Dept. (if have one) ▪ Human Resources ▪ Law Library ▪ Purchasing ▪ Public Property ▪ Public Safety ▪ Clerks of Court ▪ Prothonotary ▪ Jury Commissioners ▪ Register of Wills ▪ Orphans’ Court Clerk ▪ District Attorney ▪ Public Defender ▪ Sheriff ▪ Security Dept. ▪ Correctional Facility ▪ Youth Center ▪ Office of Children & Youth ▪ DUI Administration ▪ County Archives ▪ Child Care Services (if provided)
Local level (non-County Office):	<ul style="list-style-type: none"> ▪ County Bar Association ▪ County Legal Aid ▪ Public Transportation Systems ▪ Local Police Depts. ▪ Interpreter Services Vendors

Step 2.c Designate essential functions staff

Using **Worksheet A**, your planning team should identify staff positions that are critical to the performance of each essential function. The goal is to identify the minimum number of individuals necessary to perform the functions adequately. For example, assuming the issuance of temporary restraining orders (TROs) is an essential function, an intake or filing clerk is needed as well as a judicial officer. The filing clerk and judicial officer also will be available to handle other essential functions.

Once all the staff positions needed to perform the essential functions have been identified, the next step is to specify who will be included as essential staff. In some smaller jurisdictions, this may not be an issue given the limited number of staff available. In larger jurisdictions, there may be several individuals who could perform specific essential functions.

To identify essential function staff :

- Determine the knowledge, skills, abilities needed to perform the essential functions.

- Determine whether any security clearances are needed.
- Determine who is able to serve as COOP personnel, given personal/family and other special circumstances.
- Select a mix of personnel to satisfy the knowledge, skills, abilities, and security clearances needed to perform the essential functions.
- Consider selection of individuals cross-trained within and across department responsibilities.
- Identify other regional Administrative Offices willing to provide staffing supplementation and develop Memorandum of Understanding (MOU) to formalize these responsibilities.

To the extent possible, identify several backups in case the primary designee is unavailable. This is particularly true in a pandemic situation when judicial and staff levels may be dramatically reduced. **Worksheet B** provides a template for identifying backup staff for COOP essential functions.

For larger courts with several essential functions staff, it may be helpful to designate certain individuals as an Advance Team. The Advance Team would go to the alternate facility first and prepare it for the other staff. If the Planning Team determines this is a good option, asterisks can be placed next to specific positions in Worksheet B to designate Advance Team members.

Step 2.d ***Delegate decision making authorities***

Making decisions during an emergency should not be delayed because of uncertainty over who has the responsibility or authority to act.

A critical part of the planning process is assuring that those who have been assigned a particular responsibility to make decisions also have the necessary authority or power (vested in statutes, court rules or memoranda of understanding) to carryout the decisions they have made.

As the plan is developed, careful attention must be given to applicable legal authority. The practices and procedures developed as part of the COOP plan should be firmly rooted in statute, case law or rule of court. Legal issues that may be encountered in this area are addressed in the Legal Issues at **Appendix Q**. Planners should not assume local procedures and practices necessarily have their basis in statute or court rules.

To the extent that procedures are not directed by statute or court rule, affected parties should enter into a memorandum of understanding to assure there will be no confusion or misunderstanding in the midst of the emergency over the scope of anyone’s responsibility or authority.

Local administrative culture and practice will vary by county, but some issues will be common to all counties and should not be overlooked. For example, every county must:

- Determine who has the authority/responsibility to decide if a courthouse, or any part of it, should be closed, and when it should be reopened.

- Identify who has the authority/responsibility to activate the COOP.
- Determine who has the independent authority/responsibility to purchase, or authorize the purchase of, items needed during an emergency.
- Identify who has the authority/responsibility to maintain the security of prisoners, jurors, staff, or members of the public who happen to be in the courthouse when an emergency occurs.
- Determine who has the authority/responsibility to assure court records held by the Prothonotary, Clerk of Courts, Register of Wills, and Clerk of the Orphans' Court are safely maintained and available to the Court, perhaps at a remote location.

On Worksheet C, the Planning Team should identify each emergency management responsibility, specify who will meet the responsibility, identify the source of the person's authority to make necessary decisions, identify the triggering conditions which give rise to the responsibility to act, and specify whether and under what circumstances the responsibility may be delegated.

Step 2.e Establish orders of succession

It is vital to designate who is “next in command” in the event a key decision maker is incapacitated or otherwise unavailable to exercise his or her authority during an emergency. Succession orders should be prepared for all key positions in the court. The number of key decision makers will depend on the size of the court and its management structure. In some jurisdictions, the President Judge and District Court Administrator may handle all the major policy decisions for the court. In larger jurisdictions, there may be many layers of management, including executives responsible for satellite court facilities. Successors for all of these positions must be identified prior to an emergency.

To ensure that critical decisions are not delayed because of uncertainty regarding permissible succession planning, the PA Court COOP Planning Committee has analyzed Pennsylvania law with regard to judicial officers. Direction concerning succession planning can be found in the Legal Issues at Appendix Q.

Your planning team will use Worksheet D to record key decision makers in your court and their respective successors. Several successors will need to be identified for each position. This is particularly important in the event of a pandemic when judicial and staff levels could become critically low. Obviously, the depth of succession will depend on the number of court officials available to serve as successors. To the extent possible, it is wise to identify one successor who works in a different location than the key decision maker and other named successors.

Finally, your team will need to consider whether there are any conditions or limitation on that authority. (e.g., Will changes to court rules or the issuance of administrative orders be needed to allow certain positions to serve as successors?).

Step 2.f **Designate alternate facilities**

If an emergency renders courthouse facilities uninhabitable, in all or part, the court must have alternate space options for continuing to perform essential functions. In the best case scenario, the court has a pre-designated “hot site”— a move-in ready facility with the necessary computer, telecommunications, and infrastructure (e.g., water, electricity, heating/air conditioning) to allow the court to continue essential functions. More typical scenarios include facilities that need some or substantial augmentation of equipment and infrastructure to support the performance of essential functions.

Before looking for alternate facilities, your planning team must determine what your court will need in terms of space, equipment, and infrastructure to continue operation of essential functions. **Worksheet E** aids this process. The Worksheet begins with the essential functions and essential staff identified in **Worksheet A**.

For each essential function listed, the planning team, in consultation with staff who do the work, determine:

- Whether the work can be done manually or whether a power supply is needed and, if so, what type of power and how many outlets;
- What types of equipment are needed such as desk, chairs, computers, tape recorders, copy and fax machines;
- The number and types of communication devices such as land line and cell phones,
- Satellite dish, two-way radios and whether network or internet access is needed;
- Circuitry needed for CPS, MDJS and CPCMS; and
- The approximate square footage to accommodate the number of staff needed to perform the functions.

After completing **Worksheet E**, planning team members should make a list of potential alternate sites. The list should start with any facilities maintained by the court. Are there conference, storage, or other rooms available in these facilities that could be used to house staff on a short-term basis? There will be fewer logistical and contractual issues to address if staff can be moved to other facilities under the direct control of the judicial branch. Next, the planning team should explore potential public and private facilities in the community. These might include schools, colleges and universities, libraries, convention centers, hotels, empty commercial spaces, etc. Finally, the planning team should identify at least a few potential alternate sites located outside of the court’s immediate vicinity in case a disaster affects a wider geographical area. These might include court facilities in other jurisdictions as well as the public and private facilities already mentioned.

Planning team members should visit the potential sites and answer the following questions using **Worksheet F**:

- Does the facility have the capability to perform essential functions?
- Where is the facility located?
- Does this facility play any role in any other department’s or agency’s COOP or EOP?

- Are there any other designated emergency uses for this facility?
- How many staff can the facility accommodate?
- Is public transportation available to the site? If not, can it be arranged?
- Does the facility have electricity, a generator, and outlets to accommodate essential functions needs?
- How many desks, chairs, computers and other types of office equipment does it have? Does it have any private offices?
- Does the facility have appropriate capability to permit communications with internal and external organizations?
- What types of phone and data lines are available?
- Does the facility provide reliable logistical support services and infrastructure, including water, electrical power, heating and air conditioning?
- How much floor space does the facility have? Is the available floor space contiguous or on different floors/in different wings?
- How easy is it to get to the facility? Does it have parking? Will transportation or lodging be necessary for staff?
- Is the facility vulnerable (located in a flood zone, easily broken into) in any way?
- Does the facility permit appropriate physical security and access controls?
- What type of agreement (e.g., financial contract, memorandum of understanding/agreement, statutory change to allow the court to sit in another jurisdiction) is necessary to secure the facility for the court's use?
- Does the facility adequately provide for the health, safety and well being of employees?
- Is the facility available and able to sustain operations for an extended period of time?

Once **Worksheet F** is completed, **Worksheet E** and **Worksheet F** are to be compared to see which facilities best meet your court's requirements. *Each potential disaster scenario should be considered in this comparative analysis. (See **Consider potential disaster scenarios Step 1.e in this COOP Planning Resource Guide**).* For some scenarios in some jurisdictions, the planning team may need to "piece" several alternate facilities together to ensure that all essential functions staff are accommodated. For a pandemic, the planning team may determine that the best option is to allow staff to work from home in which case staff must be provided with necessary IT equipment.

The cost of alternate facilities must also be considered. Because securing alternate facilities can be expensive, the planning team may seek to share costs with other entities. Some facilities also may be willing to provide space for little or no cost during a disaster. Whatever arrangements are made, they should be clarified in writing to ensure the space is not usurped by another entity during a disaster and that both (or all) parties understand the parameters of the agreement.

The sites the Planning Team settles on for each disaster scenario should be recorded on **Worksheet G**. This Worksheet should be reviewed each year to make sure the sites and agreements are current.

Step 2.g Prepare disaster supply kits

Ideally, the files, materials, and equipment needed to perform essential functions would be pre-positioned at the court's alternate facility location. Since this may not be possible, an alternative is to prepare disaster supply kits (AKA "drive-away kits" or "to-go kits") filled with essential items that designated individuals, such as a President Judge or District Court Administrator, can quickly take with them if they are forced to leave a building during a disaster. While districts will need to determine the specific items that are appropriate to include in each person's kit, the list below offers ideas for consideration.

Disaster supply kits could include:

- Copy of the district's COOP plan and worksheets
- Contact information for all COOP plan-related teams
- Phone, address, and Email contact information for all judges and employees
- Checklist of initial actions to be taken following a disaster
- Contact information for local fire, police, and medical facilities
- Contact information for local media outlets
- Laptop computer w/extra batteries and electronic storage media (disks, CDs, etc.)
- 1 gigabit USB thumb drive (with important documents/forms already downloaded)
- Cell or satellite phone, radio/walkie-talkies or other wireless communication devices
- Radio w/extra batteries
- Maps/driving directions (and portable GPS device if available) to alternate facilities
- Flashlight or lantern w/extra batteries
- Tape recorder w/extra batteries
- First aid kit
- Pocket knife or multi-tool
- Car chargers for laptop and cell phone
- Personal hygiene items, and pandemic-specific items (masks, disposable gloves, hand sanitizer, etc.)
- Sneakers
- Small quantity of general office supplies (pens, paper, etc.)

Separate kits should be prepared for each designated individual for storage in their respective offices, and the contents may vary based on each person's role in a disaster. If a secure alternate location is available and will be accessible during a disaster, similar kits should also be stored there in case court facilities are not accessible or someone must come directly from their home to retrieve the kit.

Individuals could also keep a kit in their home or car in the event a disaster strikes after work hours. However, if kits will be kept at locations outside of the court's control, it will be important to ensure that no confidential data (i.e. employee Social Security Numbers) is stored on laptops, documents, or electronic storage media

All disaster supply kits should be updated regularly (every 6 months is recommended) to ensure contact information remains accurate. When items are updated or replaced, it will be important to make similar changes to any kits stored at alternate locations.

The planning team should ask personnel staff to complete **Worksheet L** to ensure that contact information for all staff is available when needed (e.g., to provide updates on the court's status, and to ask additional staff to augment essential functions staff as the court assumes more of its normal operations). In addition, the court should have a list of individuals to contact in an emergency or when a staff person cannot be reached. This information is included in **Worksheet L**. Personnel staff should review and update the Worksheets on a quarterly basis.

Step 2.h Identify communications methods

Incompatible, inadequate communication is the most often cited cause of emergency response failure. In the event of an emergency, Court leadership, staff, and related offices must be able to receive and exchange complete, accurate, and timely information. The ability to communicate throughout a crisis will be essential for the safe and successful maintenance or restoration of court essential functions. Therefore, every Court COOP planning team must thoroughly address all facets of communication (methods, systems interoperability/compatibility, processes, etc.) in their COOP document. In addition, because consistency of the information being communicated is so critical, the planning team should consider identifying one individual (a Public Information Officer or other designated staff member) to coordinate information dissemination.

Maintaining communications with court staff, COOP partners, and the public is critical, and therefore, the COOP team must place a great deal of emphasis and consideration on the planning and preparedness for sustaining communication. The planning team should identify primary and alternate methods of communicating with various parties during an emergency. Worksheet L is helpful in this process.

Because it is important to relay consistent information to all parties in a timely manner, the team also should identify one individual to coordinate information dissemination. Many courts assign their public information officer (PIO) this responsibility. If the court does not have a PIO, a member of the essential functions staff should be tasked with this duty.

1. The team's first task is to develop a list of parties to notify in the event of COOP plan implementation. Typically, these parties include:
 - Alternate facility manager,
 - COOP staff,
 - AOPC

- Critical partners (e.g., other courts, row officers, local bar associations, local, county, and state public health officials, law enforcement, local, county and state emergency management representatives and other professional service providers.)
- Litigants, witnesses, jurors
- General public, and
- Others with whom the court interacts.

2. Identify how each party is to be notified.

Because communication systems often break down during an emergency, several alternative methods should be listed for each party, (e.g., telephonic, electronic, paper, in-person, and media contacts).

EXAMPLES

A. Phone Tree

One alternative for notifying staff is a phone tree. A phone tree includes all staff and lists which staff members are contacted by whom (see Diagram 1). If the court does not already have a phone tree, the team should create one. Staff members should keep up-to-date contact information for each person they are responsible for contacting in the event of an emergency.

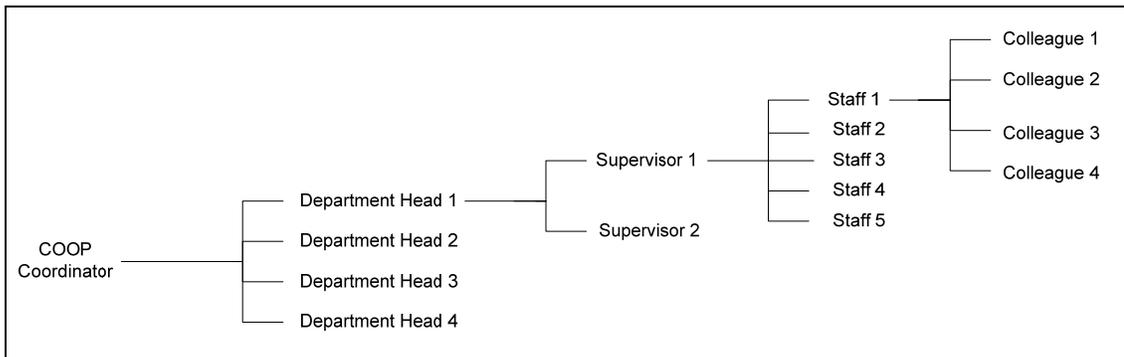


Diagram 1: Phone Tree Concept

B. Hotline

Another method for communicating with staff is to set up a telephone “hotline.” The hotline can provide a recorded message about the status of court operations and allow staff members to leave a message regarding their contact information. An advantage to the hotline is that it can be created with a company outside the court’s geographic area, in case local communications are disrupted and staff members are dispersed to other areas.

Additional alternative communications options include use of the internet and the creation of an emergency web site where court staff and critical partners can receive information critical to the court COOP.

C. Press Releases

The primary methods for communicating with the general public are through press releases, television and radio announcements and county and court web sites. To be

prepared, the planning team should identify major local and regional media outlets and record contact information on **Worksheet J**.

3. Once the alternative communications methods are identified, the team identifies one or more individuals (by position) responsible for notifying each party. **Worksheet J** is provided so that teams may identify primary and alternate methods of communicating with various parties during an emergency.

Step 2.i Ensure interoperable communications - systems

Interoperable communications refers to the technical side of communications: the ability to exchange information through compatible systems. During an emergency, the court needs to maintain communications with the parties listed on **Worksheet L** and access electronic databases to conduct essential functions. If the court's primary methods of communication for accomplishing essential functions are disrupted, alternative methods must be available; and these methods must be compatible with those being used by others during the emergency.

Communication with critical parties/partners

When exploring options for greater interoperability, the planning team should reach out to local emergency management officials. Significant work is underway with federal and state governments to increase the interoperability of communications systems across agencies at the local, state, and regional levels (see, for example, U.S. Department of Homeland Security, 2007, for assessments of the efforts of 75 urban/metropolitan areas to improve their communications capabilities). Because of this, local emergency management officials may have recommendations for improving the interoperability of the court's communications systems and suggestions for resources to implement the recommendations.

When creating the inventory list, be sure to include communications systems that will be used at the alternate facility. It is important to know, for example, whether the information system available at the alternate facility is compatible with the court's information system in the courthouse or that the alternate facility has the necessary framework and data jacks to connect communication devices and connect to court databases.

To ensure that communication is maintained between the parties defined on **Worksheet L**, the planning team should:

- a) Inventory the court's communications systems/devices,
- b) Discuss the compatibility of the systems/devices with others with whom the court will need to communicate,
- c) Determine if there are some parts of information systems that cannot be reached with current backup systems; and, if so,
- d) Identify options to overcome the deficiencies. Identified options should then be added to the original inventory list (and to **Worksheet J** if not originally listed as an alternative). **Worksheet K** helps guide the planning team's effort on this task.

Until alternate methods for communications are firmly established or immediate communication can be provided through posted messages to court staff members, consider establishing an employee call in number. The Planning Team will need to confirm that there is adequate

capacity to accommodate staff inquires. Identify who will be responsible for managing the message and commit the procedure to writing.

In addition, the phone company may offer customer redirect services. This allows the phone systems even a complex network, to immediately transfer calls and operate offsite. It may be possible to custom-make the services and rules for building a redirect service.

The following are possible means for communication. While this list is certainly not exhaustive, it provides ideas to begin the process. Each option is described and issues for the planning team to consider are highlighted.

Landline Telephones

Landline (land based) refers to a standard telephone signal which travels through a physical, land-based medium. A landline is also used to increase the security of communications, as it cannot be intercepted by a receiver without physical access to the line.

Most current, business telephones systems are digital, whereas analog is more prominent in households and has been around for many years. Analog transfers only voice frequencies whereas digit transfers the data into two signals (0 or 1) which filters out unwanted noise on the line. Analog phones cannot be plugged into a digital network without a converter, so make sure your alternate sites wiring is compatible with your telephone hardware. Contact your telephone company if you are uncertain to either your current or alternative sites telephone infrastructure.

The following issues must be addressed by the COOP planning team re-establishing court functions at an alternate site:

- Who will need a phone?
- Which features, such as voice mail and call forwarding are needed?
- Is the employee directory known?
- Do you have an employee telephone tree established?
- Does the current and the alternate site have a backup power supply (UPS)? Otherwise, a power outage will make the telephone system unusable.
- Does your back up telephone system meet all your business and functional requirements?
- How quickly can your telephone vendor provide you with a new service? Note that 30 days may not be considered abnormal.
- Does the new location have an adequate number of telephone jacks to support phones, fax machines, and possible connectivity of computer equipment?
- Verify the capacity of incoming/outgoing calls at the alternate site. Don't assume each telephone jack works independently. In other words, 4 telephone jacks at one site could share one telephone line.
- Do you currently have the ability to forward telephone calls to other locations?
- Analog telephones cannot be used in a digital system, so make sure equipment for alternative sites are compatible with the communication lines.
- Cordless phones require electricity and will not work during a power outage.

Internet phone

Instead of using a traditional telephone system, voice communication that approximates a telephone conversation can take place over the internet by using a combination of software and hardware,

- If the local telephone infrastructure is not functional, a computer based internet phone may still be functional, even wirelessly.
- A microphone, headphones, and software are required.
- The sound quality of current internet-phone systems is much less than that of traditional telephone systems.

Cellular Phones

Cellular telephones are a wireless mobile telephone service that relies on base stations to transmit. Having the mobility of cellular phones for your COOP team is critical but be aware that in a disaster scenario, these base stations (towers) may be damaged or they may be overwhelmed with traffic, preventing you from being able to use cellular phones.

In addition, consider establishing a text message distribution list by collecting cellular phone numbers and service providers from parties identified in your communications plan. Text messaging can be a fast, efficient and reliable way to communicate in the event of an emergency. A text message can be received by multiple parties very quickly with an additional benefit of freeing voice lines for first responders in emergency situations.

- Identify all critical staff and their back ups requiring a cellular phone.
- Does critical staff have extended life batteries (spare) and chargers?
- Do you have a cellular telephone user directory?
- Your cellular phone provider should be different from your Blackberry provider.
- AirCards can be used to connect with your laptop to establish a wireless connection.

Satellite Phones

Satellite phones offer global coverage and can be an emergency back-up communication system in case of disasters that effect landlines and cell towers. In the case of Hurricane Katrina, satellite networks appeared to be the communications service least disrupted by the storm. Since the networks are not dependent upon terrestrial-based infrastructures, they can be one of the most reliable communications medium in the initial stages of a disaster. After the attacks on the World Trade Center and the Pentagon, satellite phones were essential to emergency response crews when other telecom infrastructures had been destroyed or clogged.

- Satellite phones provide global coverage.
- Satellite phones require a clear line-of-sight view and buildings, trees, weather, etc. can affect performance.
- They are also bulkier than regular cell phones and more expensive than cellular technology.
- Ancillary charging equipment is required (chargers, batteries, etc.).

- Remember to have a listing of satellite user directories.

Satellite phones should be considered to assist in your COOP planning, but can not be your sole means of communication. It may be possible to issue purchase orders against a Commonwealth contract with Satellite Communication Services. For information, contact pfransisco@state.pa.us.

Blackberries

A Blackberry is a wireless hand held device which supports e-mail, mobile telephone, text messaging, internet faxing, and web browsing. Also included are applications such as address book, calendar, and task lists. To fully integrate the blackberry into the court's local area network, the installation of the Blackberry Enterprise Server is required.

- Consideration should be extended to provide all essential COOP personnel with a Blackberry in order to connect to the web and receive emails.
- Telephone capability should be added for COOP responders.
- All users need to receive appropriate training and refresher training on these devices if they are not used on a regular basis.
- Keep in mind that your Blackberry vendor should be different from your cellular phone provider in the event that a particular vendor is affected by a disaster.
- If exchange servers are down, you can send a PIN message which is similar to an Email, but it travels directly from one device to another without needing an operational and accessible server.

Two Way Radios

A two-way radio is simply a radio that can both transmit and receive. Portable two-way radios are often referred to as walkie-talkies. It is a voice network that provides an always-on connection enabling you to "push the button and talk."

- These devices are traditionally used by emergency responding agencies.
- As with most mechanisms involving technology, there are vary degrees of complexity and functionality among the units.
- A simplex channel system is the simplest system configuration and there is reliability because only two radios are needed to establish communication. However, this configuration offers only limited range or distance.
- More complex systems such as duplex extend the range, and are able to transmit on different channels, but it relies on infrastructure such as a base station.

Personal Computers/Laptops

Home computers and laptops, either court issued or personal, need to be considered in COOP planning. Such equipment will be crucial in processing work and maintaining communications. The Court COOP planning tem will need to discern the following:

- Which personnel have a laptop or personal computer at home? Is it adequate to perform essential business functions?
- Where is the laptop stored in the event of an emergency?

- Do staff have adequate workspace at home and at your alternative site, as well as ancillary equipment (printers, fax, copier)?
- Do staff members have home based internet access and is the network provider fast enough to process essential business activities?
- Do staff have necessary software licenses and has security protocol been secured?
- Can staff remotely access court computer systems? If not, the court administrator should contact AOPC.
- Does the court have established policies and procedures to support remote access users?
- Has the court computer network been accessed remotely and has the range of functionality required for identified tasks been verified?
- Does the computer or laptop have wireless capability?
- Consider creating a virtual desktop. This requires technical expertise and is costly, but allows the recreation of all applications at another PC without needing to actually load the applications on your local drive.
- Does the alternative site have appropriate paper supplies to continue operation. This includes not only normal, bond paper, but may also checks, preprinted forms with special perforations, and envelopes.

Videoconferencing

Video conferencing uses telecommunications of audio and video to bring people at different sites together for a meeting. This can be as simple as a conversation between two people in private offices (point-to-point) or involves several sites (multi-point) with more than one person in large rooms at different sites.

This form of communication may be an excellent method to continue with the business of the courts when facilities are closed or contagious individuals are of a concern.

Many counties have video arraignment equipment for the MDJ courts for conducting arraignments remotely. Consider utilizing this equipment in your continuity of court operations planning.

An executive agency, The Office of Administration, Office for Information Technology (OA/OIT) provides videoconferencing sites throughout the Commonwealth. Visit <http://www.portal.state.pa.us/portal> for information on registering, usage guidelines, reference materials, and videoconference sites.

Data connectivity to court management databases and your county network

Re-establishing the computer network is absolutely critical and needs to be the first consideration in COOP planning for reconstituting electronic processing. The COOP planning team must consider how to connect into the county LAN. The team must have a point of contact for a local technical group. In some counties, the technical group may have broader responsibilities beyond the courts, so keep in mind if there is a county-wide emergency, they may focused on other priorities such as 911, police, and fire communications. The COOP planning team needs to consider local network providers (service standards and contracts) as well as hardware needs such as cabinets, routers, and switches that may be required.

For case management systems, define the point of contact who will communicate the issues with AOPC. The contact at AOPC is Judicial.ProgramsQ&A@pacourts.us.

Decisions on how to reconnect to the case management systems will depend on the anticipated or expected time the court will function offsite and also on information collected by AOPC for each county prior to CPCMS deployment. A CPCMS user could easily and quickly access the system by logging on to CPCMS located in another county or at a PACNET appellate site. Other options for CPCMS may include write access through the internet, temporary access through cable broad band/DSL; or, if the alternative facility will house the court for an extended time, additional networking will be required to establish T1 lines, firewalls, and routers. Remember that your local telephone company will need to be involved in more long-term solutions and timeframes for installing circuits and other hardware can be lengthy and not under the COOP teams control.

User groups who directly access CPCMS are the Clerks of Court Office, District Court Administrator, Judges, and others such as county fiscal offices, probation department, and other justice-related offices with limited write access such as the district attorneys office, the sheriff's department, and the prison.

Reestablishing an MDJ court can be achieved very quickly if the COOP plan is to move an effected court to another MDJ court. Since the production system is contained on one iSeries 825 server, an MDJ user simply can sign on at another MDJ court location to access his/her court database. AOPC will change the printer that is defined within the user profile so that printouts are directed to the physical location where the court has temporarily reestablished.

Until reestablishment occurs for both the CPCMS and MDJS, the general public can be referred to the Public UJS Portal website to answer case specific questions. The site enables individuals to search for Common Pleas case information and print public versions of the CPCMS and MDJS docket sheets, and search and print a list of County court schedules.

Many external agencies and databases depend on CPCMS and the MDJS for information feeds and messaging. This includes JNET, PA Department of Corrections, State Police (CLEAN and Repository), Penn DOT, PA Department of Revenue, etc. Therefore, it is critical to have access to the CPCMS and MDJS as soon as possible to ensure that information not only is processed for court purposes but continues to be exchanged and published to other agencies and external databases.

Step 2.j Identify vital records, forms and databases

Vital records and databases are those files, documents and forms that have such value that their loss or unavailability would significantly impair the ability of the court to carry out its essential functions during an emergency.

There are three tasks in the area of vital records for the planning team to complete:

1. Identify vital records and forms
2. Determine how these materials can be protected from damage in the event of an emergency
3. Determine how these materials will be protected from damage, or be restored or recovered and accessed if they are damaged during an emergency.

The President Judge and the District Court Administrator should consult with these court related offices e.g. the prothonotary, clerk of court and clerk of the orphans' court to ensure in the event of a disaster at the courthouse and to the particular court record retaining office, that electronic backup of data and docket entries are maintained. Court related offices that house the official record are strongly encouraged to maintain a backup of data and docket entries, electronically or otherwise. Electronic backup of CPCMS and MDJS is conducted by AOPC.

There are three main types of vital records for the Planning Team to identify:

Emergency Operating Records

Records that are essential to the continued functioning or reconstitution of a court during and after an emergency. Examples of Emergency Operating Records include

- emergency plans and directives
- orders of succession
- delegations of authority
- staffing assignments
- case files
- records of a policy or procedural nature that provide essential personnel with the guidance and information resources necessary for conducting operations during an emergency, and for resuming normal operations after the emergency has ended.

Essential forms

Documents that are required for the performance of the Essential Functions listed in the COOP. Examples of essential forms include:

- Arraignment forms
- bail bond forms
- Protection From Abuse forms (Petition, Temporary Order, Final Order) etc.

While a blank sheet of paper can easily be converted into a formal Court Order, other forms required for the performance of the Court's essential functions are much more detailed. Unlike certain Court records which may require access to computer databases to retrieve, court forms can be easily stored in paper or electronic form, and can easily be transported to alternate facilities and mass-produced if necessary.

Essential forms may be divided between those maintained by the court's administrative offices and those maintained by judges' offices.

Legal and Financial Records

Records that are critical to carrying out the court's essential legal and financial functions and which protect the legal and financial rights of individuals directly affected by court activities. Examples of legal and financial records include:

- electronic case management files
- accounts receivable
- contracts and acquisition files

- official personnel records
- social security
- payroll
- retirement
- insurance records
- property management records
- inventory records

Using the list of essential functions identified in **Worksheet A**, identify the records, forms, file systems and databases that will be needed to perform these essential functions in **Worksheet H**. Completing this worksheet will create an inventory of the vital records and forms that will be essential to continuing the court’s operations either following an emergency or at an alternate facility. Alternatively, the planning team may wish to capture more detailed information regarding vital records and forms. Pennsylvania Emergency Management Agency’s COOP Plan Template (2005) provides a detailed Records Series Inventory Form on p.71 that can be used for each group of records deemed vital to support any one essential function.

The following guidelines may be used to help determine which records, forms and databases are vital:

- Similar to the process of identifying essential functions, all court records are important, but not all are vital to the continued operation of the court during an emergency.
- Only a small percentage of forms and records are vital in that they are essential to emergency operations, or that they are difficult or impossible to replace.
- Any record designated as vital at one time might not be deemed vital upon review at a different date.
- The length of time a record is retained does not mean that the record is vital.
- Vital records may be in any format or medium (paper file, electronic file, microform, etc).
- It is the information contained in the record, not the medium that is important.
- If the information is contained in a medium other than paper, than you must consider the technology that is required to access the information and the likely availability of that technology in the event of an emergency.
- Records that the Planning Team needs to evaluate as potentially “vital” may be divided between court records maintained by clerks of courts, and administrative records maintained by court administrators and judges’ offices.

Examples of:

Records for court’s administrative offices to evaluate for “vital” status:	Records for judges to evaluate for “vital” status:
<ul style="list-style-type: none"> ▪ Personnel files of current employees 	<ul style="list-style-type: none"> ▪ Calendars of future hearings and trial dockets that are not kept concurrently by the clerk or retained electronically

▪ Property inventory records	▪ Notes taken by judges on pending cases
▪ Policies and procedures manuals	▪ Memoranda prepared by court staff on active cases, if not stored elsewhere electronically
▪ Administrative rules and orders	▪ Research files
▪ Annual reports	▪ Files maintained by the President Judge
▪ Time and attendance reports	
▪ Procurement/purchase orders/ requisitions	
▪ Finance and accounting records	
▪ Budget amendments and allotment balances	
▪ Payroll records	

Examples of:

Forms for court’s administrative offices to evaluate for “vital” status:	Forms for judges to evaluate for “vital” status:
▪ PFA forms (Petition, Temporary Order, Final Order)	▪ Bench Warrant forms
▪ Waiver of Arraignment form	▪ Guilty Plea Colloquy
▪ In Forma Pauperis Petition and Affidavit (Rule 240)	▪ Transport Orders (Prisoner Disposition Records)
▪ Coversheets (if required by Local Rules)	▪ Sentence Sheet and Sentencing Guidelines forms
▪ Complaint for Custody (Rule 1915.15)	▪

Part of identifying vital records and forms includes prioritizing which records and forms will need to be most protected from destruction or inaccessibility during an emergency. In assessing which open court case records are vital, the planning team will need to elevate those involving the protection of human safety as the highest priority, in which case, for example, juvenile dependency and felony criminal files may be regarded as more vital than other open files, such as those involving non-criminal traffic infractions. The President Judge may be designated as responsible for determining the importance of records at a local level and even on a case-by-case basis depending on the type and duration of the emergency.”

Step 2.k Protect vital records

After the vital records, forms and databases have been identified, the planning team needs to select protection and preservation methods. Generally, the protection and preservation of court records (those used for adjudication of cases) is a function of the court’s clerks (prothonotary, clerk of courts and clerk of the orphan’s court division). However, the judiciary has authority to ensure those records are adequately maintained, protect and secured as well. See Appendix Q.

Use Worksheet I to identify the vital records protection methods. For any systems or databases that are deemed “vital”, the planning team must consider the critical processes and services that they support. Your COOP planning team cannot solely rely on its IT Department’s Emergency

Response Plan or Emergency Operating Procedures for the protection of information systems deemed vital for the continued operation of the court's essential functions.

The following guidelines are provided to help your COOP planning team determine the most effective protection methods for your court's vital records and databases:

- Consider the current back up and retention schedules for each vital record.
- Consider the equipment or power source needed for each record to be read or accessed.
- Duplicate files could be stored off-site.
- Access to records offsite can be limited through various security systems and procedures.
- Consider protecting vital records from fire, water, theft, sabotage, and so forth.
- Consider storing onsite records in fire resistant equipment.
- Contact the State Archives to help assess protection needs.
- Vital records should be available at designated alternate facilities within time frames specified in the COOP plan.
- Consider multiple media for storage of vital records so that records are accessible in the event of several different logistical scenarios.
- Maintain a complete inventory of records for both types of records, along with access and location information.
- Consider staff with IT responsibility. Recognize the need for cross-training. Should IT staff not be available throughout the emergency, ensure that alternate staff are designated, trained and authorized to access needed forms, records and technology.

Unfortunately, there are many situations in which protection methods might fail. Very often the greatest damage to vital records is caused by water, either from a flood, broken pipes, or as a result of fire fighting efforts. It is wise to determine now how the vital records will be recovered or restored if they are damaged by an emergency.

Records recovery involves consideration of the following:

- Who will be responsible for recovering the records
- The priority for the recovery of each vital records
- How records will be recovered
- How they can be made accessible once recovered
- What equipment will be needed.

Recovery efforts are facilitated by off site back up of court server information. It is recommended that during the COOP planning process, courts develop a process for off site back up storage of vital records and forms and server information.

The Pennsylvania Historical Museum Commission can help with assessment and mitigation of damaged paper records and can help your court identify and select companies who will assist

with records recovery. Contact potential contractors and select a company before recovery is needed so that records can be restored as quickly as possible if the need arises. You can use **Worksheet I** to store contact information about the selected vendors.

Step2.1 Establish Procedures to Address Personnel Issues and Assist Employees

Much of the COOP planning process focuses on how the essential functions of the court will be accomplished following a disaster, but attention must also be given to the effects of a crisis on individual employees. If disaster strikes, concerns about pay, benefits, leave, and workplace safety coupled with the potential for additional family care issues will heighten employee stress levels dramatically. This may be particularly true during a pandemic. While people generally respond well to short term “acute” crisis situations (fires, floods, etc.), they have more difficulty dealing with the ongoing chronic stress that may accompany a longer term pandemic flu outbreak.

The full range of possible employee related issues that may arise in a disaster cannot be anticipated. However, by creating emergency personnel policies that can be activated in a disaster and including 1) employee contact information, 2) emergency and social service provider contact information, and 3) personal disaster planning information in the COOP plan, districts should be prepared to effectively deal with any problems that occur.

Emergency Policy Development

By developing emergency personnel/administrative policies and procedures in advance of a disaster, districts can avoid the need to examine these issues in the midst of a crisis, and can easily transition to alternate rules on a temporary basis. If these policies are prepared well before a disaster situation, judges/managers will be able to address employee concerns quickly and minimize related stress.

While a President Judge has the authority to implement and/or enforce emergency personnel policies for court employees, the scope of that authority as it relates to county policies is uncertain. A discussion of this issue is included in Appendix C under Question III. This legal information should be considered before any temporary emergency policies are finalized.

In addition to the examining the legal aspects of these policies, the administrative issues outlined below must be considered. Each district should review their existing policies and procedures regarding pay, leave, benefits, etc. to determine whether they adequately address potential personnel issues that may accompany a facility-related disaster or pandemic situation. If existing policies would not cover the unique problems that may be faced in a disaster, emergency policies and procedures should be created and included in the final COOP plan. Personnel policies are subject to modifications as circumstances require.

General administrative policy questions to consider:

- Does the court have its own personnel policies for employees or are they covered by county personnel policies?
- Do collective bargaining agreements impact court personnel policies?
- Who has the authority to activate the court’s emergency personnel policies?

- Should some employees be pre-designated as “essential” employees and be required to work during an emergency?
- What action will the court take if an essential employee refuses to come to work?
- Can steps be taken to limit personal contact but still perform essential court functions during a pandemic? Possible options include – social distancing, allowing staff to work from home, staggering shifts, video conferencing, electronic filing of documents, adding information to court web sites, and installing glass or plastic barriers at public counters.

Leave-related questions to consider:

- Can standard leave usage policies remain in place during and/or following a disaster, or are temporary emergency leave policies needed?
- Should leave usage be required if a court facility is officially closed or no work is available due to a facility-related disaster?
- Should leave usage be required if employees are *told* to leave work or stay at home during a pandemic?
- Should employees be required to show proof of health before returning to work if they have been ill during a pandemic? This is difficult to address in advance of a pandemic. It may be best to create a policy that indicates the President Judge or DCA will consult with public health authorities to determine what criteria should be followed before permitting employees to return to work.
- Should the type and amount of leave use allowed be restricted during an emergency?
- Can leave requests be denied and employees be required to report to work?
- What steps will be taken if an employee refuses to come to work due to pandemic related concerns?
- How will the Family and Medical Leave Act (FMLA) affect leave usage?
- How will leave requests be approved and processed?
- What happens if an employee has no accrued leave available?

Pay and benefit policy questions to consider:

- Do all employees have direct deposit?
- If not, how will employees receive their pay?
- Is there a plan for administering payroll if normal processes and databases are unavailable?
- Will employees continue to be paid if a facility or work is unavailable?
- Will employees on LWOP continue to receive fringe benefits?
- Who should employees contact regarding medical benefit issues?

Each district will have additional questions to consider based on their unique local situation. Any emergency policies and procedures developed will need to take those circumstances into account.

Employee Contact Information

In addition to personal contact information, it will also be beneficial to include emergency contact information for each individual. **Worksheet L** should be used to track this information.

Emergency and Social Service Provider Information

During a disaster, employees may need to access various types of emergency and/or social services (e.g., medical assistance, crisis counseling, temporary housing, day care). As part of the COOP planning process, possible service providers should be identified and contact information for these services should be provided to employees. This can be accomplished by including these contacts in the Employee Preparedness Guide **Appendix R**.

Personal Disaster Planning Information

In addition to preparing emergency policies that will be ready to activate if a disaster occurs and maintaining lists of contact information, the COOP planning team should also take steps to 1) educate employees about the COOP plan, 2) provide resources for employees to turn to for information during a crisis, and 3) emphasize the importance of creating a personal emergency plan to address family concerns.

Appendix R can be customized by each district and distributed to court employees. This guide will offer employees an overview of their court's COOP plan, a list of contacts/resources for work-related information and emergency assistance, a discussion of pandemic related issues, and guidance on personal disaster planning. By distributing this information to employees in advance of a crisis, managers may be able to alleviate some of the fears and concerns that will no doubt exist in disaster situations. If possible, districts may also want to consider adding disaster related information to court websites. If all employees have access to the website, updated information can be quickly added to the site in the event of a crisis.

While it is difficult to require all employees to create a comprehensive personal disaster plan, staff should be strongly encouraged to review the preparedness guide and take the planning steps they feel are appropriate to their circumstances. Each person's plan will be different and will be influenced by their family structure, location, proximity to work and emergency services, and the amount of time, money, and space they have to dedicate to the plan. By distributing the guide, districts will have at least provided a framework for employees to use, and will have educated them about the district's plan.

Step 2.m **Suggest orders to support COOP**

During an emergency, the Pennsylvania Supreme Court, as well as the Appellate and trial courts, may need to enter "emergency orders" covering a variety of areas/issues in support of each Court's COOP Plan. The emergency orders contemplated herein are more general or administrative in nature, as opposed to being case-specific or emergency-specific.

In an effort to assist Judicial Districts with advance planning, the following is a list of examples of types of orders that might need to be considered/issued by the President Judge of each Judicial District in the event of an emergency:

- Order directing the full or partial implementation of the COOP Plan

- Order closing Court and related offices until safe operations of the Court and its offices can be restored
- Order relocating Court and related offices for the duration of the emergency
- Order suspending Local Rules or Administrative Orders/Regulations
- Order reassigning Judges or other court personnel within the district, as needed, to ensure continuation of operations
- Order appointing (new) court personnel on an emergency basis
- Order establishing emergency personnel policies for Court employees
- Order setting hours of operation for Court (and related offices) for the duration of the emergency
- Order transferring case(s) to another Judicial District, if necessary
- Order directing maintenance of Court (and related) records

COOP Teams should consider drafting templates for emergency orders in advance, to facilitate preparing orders during an actual emergency. The Court should also, to the extent possible, establish procedures that specify under what conditions and for what duration these orders can be issued. Please refer to **Procedures for alert and notification Step 3.b in this COOP Planning Resource Guide** for dissemination of the issuance and the content of emergency orders.

Step 2.n Develop Cooperative Agreements needed to support COOP

All courts and counties are reminded of the statutory directive of 42 Pa.C.S.C. §4101 – Coordination of activities:

“The several courts...executive agencies and political subdivisions shall devise a practical and working basis for cooperation and coordination of activities, facilitating the performance of their respective duties and eliminating duplicating and overlapping of functions, and shall, so far as practical, cooperate with each other in the use of employees, land, buildings, quarters, facilities, services and equipment...”

While the above directive is comprehensive in nature, there are certain areas of COOP planning that may benefit from more specific “cooperative agreements” or Memoranda of Understanding (MOUs) between courts and other governmental units. The following is a list of topic areas where cooperative agreements may be beneficial:

- Information technology resources (Criminal History Record Information 18 Pa.C.S. § 9131)
- Alternate facilities planning
- Cooperation within Regional administrative units
- Cooperation with other State and/or Federal Courts

See **Appendix V** for Sample cooperative agreements and memorandum of understanding

Step 2.o Establish Plan devolution process

The court's devolution plan describes what to do if a catastrophic event renders the court's leadership and essential functions staff incapacitated and the court and alternate facilities nonfunctional. During devolution, the court transfers authority and responsibility for essential functions to officials in another court. See Appendix Q.

Should these conditions be present, the involvement of the AOPC will be critical. Early notice to AOPC that a devolution process may be implemented is essential in determining:

- Which alternate court or court offices will perform the essential functions,
- Who transfers the authority to the alternate court(s),
- What written documentation is necessary to transfer the authority,
- How the alternate court is notified of the transfer,
- What court information (e.g., COOP plan, vital files and records) the alternate court needs to perform essential functions and how the information is provided, and
- How authority is returned to the court once it has been reconstituted.

AOPC is the sole determiner of any devolution sites and appropriate transfer of jurisdiction orders as needed and, if necessary, the appointment of a temporary devolution coordinator.

STEP 3: PREPARE COOP PLAN PROCEDURES

This step outlines the procedures for implementing the COOP plan and references the information assembled during step 2. It covers the primary decisions that must be made and actions that must be taken in the event that alternate operations are necessary to continue performance of the court's essential functions.

Developing the implementation process is critical to COOP planning. During an emergency, your court officials and staff will be faced with unknown situations. To the extent that a plan of action has been spelled out prior to an emergency, your court officials will have a head start in responding to the incident rather than trying to figure out what to do when the emergency is upon them. Written procedures will help ensure that implementation goes forward smoothly and that critical decisions and activities are not overlooked because of confusion and stress resulting from the emergency.

Some emergencies come with warning, and others do not. The implementation procedures assume the court has some warning. The actual implementation process will vary depending on the extent of the warning period. Your court planning team will need to specify procedures as much as possible prior to an emergency but do so with the understanding that the implementation process may be adapted as events unfold.

The planning team should complete the steps listed below. The phases include activation and relocation (steps 3a-3c), alternate facility operations (step 3d), and reconstitution (step 3e). In the event of a pandemic, some of the implementation procedures will differ from standard COOP plan procedures. For example, the second phase likely will involve procedures that allow many staff to work from home rather than moving to an alternate facility. Step 3f covers special procedures for a pandemic.

- Step 3.a Phase I - Procedures for COOP plan activation**
- Step 3.b Phase I - Procedures for alert and notification**
- Step 3.c Phase I - Procedures for transition to the alternate facility**
- Step 3.d Phase II - Procedures for alternate facility operations**
- Step 3.e Phase III - Procedures for reconstitution**
- Step 3.f Modifications for a pandemic**

Step 3.a Phase I - Procedures for COOP plan activation

Procedures for COOP activation specify:

- who determines whether to activate the plan,
- what information is used to make the decision,
- how the information is obtained,
- who contacts the alternate facility(s) to ensure availability, and
- what to do if devolution is necessary.

The planning team should decide these issues and record the procedures in the template under decision to activate the plan.

Generally, the President Judge decides to activate the plan. (In some cases, a higher authority such as the Chief Justice or Governor might require plan activation based on national security warnings or other information.) Often the judge seeks counsel from the COOP coordinator and members of the planning team (see **Provide leadership and develop infrastructure Step 1.a in this COOP Planning Resource Guide**) regarding whether to activate the COOP plan. In the event that the primary decision maker is incapacitated or otherwise unavailable, the COOP coordinator asks the appropriate successor as identified on **Worksheets C and D**.

Not every emergency requires activation of the COOP plan. Some emergencies may require a short-term evacuation of the court facility followed by a resumption of normal operations. The planning team should specify the criteria for plan activation.

The following factors may be used as criteria for plan activation:

- direction and guidance from higher authorities;
- the health and safety of personnel;
- the ability to continue to execute the court's essential functions;
- the potential or actual effects on communication systems, information systems, office facilities, and other vital equipment; and
- the expected duration of the emergency situation.

Procedures should also include provisions for obtaining decision-making information. The decision-maker and COOP coordinator should stay in contact with as many reliable sources of information about the emergency as possible. These might include state and local judicial and executive branch officials, state and local emergency preparedness and law enforcement agencies, and national and local news media. The COOP coordinator should also check with members of the planning team regarding specific conditions within court departments and partner organizations and relay the information to the primary decision-maker.

Additional procedures should specify who contacts the alternate facility to ensure it is ready in the event that the COOP plan is activated. The choice of alternate facility will depend on the disaster scenario as provided in **Worksheet G**.

Finally, COOP plan activation procedures should include implementation of the court's devolution plan in the event that a disaster renders the court's leadership, essential functions staff, and facilities incapacitated. The procedures should refer to the devolution process. .

Step 3.b Phase I - procedures for alert and notification

The planning team should delineate the process for notification and record the procedures in the template under alert and notification. This includes specifying all the parties responsible for preparing and reviewing the notification; identifying the information covered in the notification; designating who disseminates the notification, who receives it, and what methods are used. The

notification process should also cover the preparation and dissemination of emergency orders (see **Step 2.m Suggested orders to support COOP**).

During an emergency, it is important to inform staff and key stakeholders of the court's status as quickly and accurately as possible. Procedures should specify who is in charge of preparing communications and who else should be consulted. For example, a planning team member might be designated as the information coordinator (see **Worksheet B and C**) to prepare the notification after consulting with the COOP Coordinator to obtain the most accurate and up-to-date information. The procedures also should specify whether the President Judge or District Court Administrator reviews the notification before it is disseminated.

Next, the team prescribes the general content of the notification. Typically, notifications will:

- Provide a brief description of the emergency
- Tell parties of the decision to activate the COOP Plan
- Give COOP staff the go-ahead to implement COOP Plan procedures
- Provide any logistical information about transportation to an alternate facility and/or changes in the court's business hours
- Direct non-COOP staff to go home or move to another location
- Advise non-COOP staff of their communications requirements and how they can keep updated on the court's status.

The specific content of the notification will depend on factors such as the scope of the emergency, availability of information, and the time to prepare it. It may take several communications to convey all of the information, especially if the emergency has come with little or no warning. Courts with many staff may prefer to follow-up a general notification to all staff with a more specific notification targeted to COOP staff.

The procedures also specify who disseminates and received the notification message. For example, the information coordinator might begin the notification process by contacting all the individuals who are to notify others, listed in **Worksheet J** to disseminate the message. Contact information for staff is available in **Worksheet L**, and contact information for media outlets is available in **Worksheet J**.

Step 3.c Phase I - Procedures for transition to the alternate facility(if necessary)

These procedures cover activities related to the deployment of COOP staff to an alternate facility. The planning team should specify the following in the COOP plan section "transition to alternate facility":

- Who (what position) coordinates the deployment effort?
A likely candidate is the COOP Coordinator (in consultation with the President Judge, as necessary) Also, if the court has several buildings, the plan should identify a position in each building to assist the coordinator with deployment activities.
- What are the duties of the alternate site transition coordinator?

Duties that may be specified for the transition coordinator include:

- Ensuring that the alternate facility manager is ready for the court's COOP staff
 - Serve as a central resource for coordinating deployment efforts across departments
 - Monitor the status of transition
 - Assess resource needs
- How will order of succession and delegation of authorities be handled during transition?
 - What procedures should be followed if a trial is in process?
 - Who will decide whether to postpone the trial or relocate the jurors and what criteria should be followed for making the decision?
 - If jurors are relocated, who is in charge of the process and how are they transported?
 - Providing that there is time to prepare, what actions should COOP staff take prior to departing for the alternate facility?
 - For example, the plan might specify that COOP staff transfer the current version of essential documents to a medium accessible at the alternate facility (e.g., zip disks, CD, thumb drives, hard copy), ensure that all vital files are either in place at the alternate facility or in the appropriate staff's Disaster Supply Kit, request/order equipment and supplies not already in place, and continue to perform essential functions until the alternate facility is operational.
 - Will an advance team precede the COOP essential functions staff to the alternate facility?
 - If so, the procedures should specify who(what position) leads the advance team, what equipment and vital records the members are to take with them and what the advance team is expected to do (e.g., set up work stations, retrieve pre-positioned vital records) to prepared the alternate facility. Members of the Advance Team, if applicable, are included in Worksheet B.
 - How will COOP staff be transported to the alternate facility?
 - If the alternate facility is nearby, the procedures may specify that each staff member should arrange his or her own transportation to the alternate facility, relying on maps and directions included in each staff person's Disaster Supply Kit. However, if the alternate site is in another geographic area, the court should have car pooling procedures or other options to accommodate staff who may need transportation.
 - What security measures should be taken?
 - What procedures should court security follow to protect the equipment and records remaining at the courthouse?
 - How will individuals in custody be handled?
 - Do the procedures need to reference any memoranda of understanding with other law enforcement agencies?

Step 3.d Phase II - Procedures for alternate facility operations

These procedures provide guidance for continuing essential functions at the alternate facility, providing status reports to staff and other parties and addressing security. The planning team should specify the following in the COOP plan section "alternate facility operations" :

- How is COOP staff accounted for at the alternate facility?
- Who tracks COOP staff to ensure that all have arrived safely?
- What information is provided to COOP staff upon arrival?
- What information is accessible and who provide information?
- If the court does not have an advance team, which COOP staff positions are responsible for setting up work stations and equipment and retrieving pre-positioned vital records?
- What information updates are provided to staff and other parties?
 - All parties should be informed once the court facility has been officially closed and when essential functions have been resumed at the alternate facility.
 - Subsequent updates should address operational and communications status and the anticipated duration of relocation, if known.
 - Updates addressing specific personnel issues also may be needed for both essential and nonessential staff during the relocation phase.
- How frequently will updates be provided?
- What is the general content of the updates and who is responsible for providing them?
- What security measures will be taken to protect the alternate facility?
 - How will judges, other COOP staff, equipment, and records be protected?
 - Do the procedures need to reference any memoranda of understanding with other law enforcement agencies?

Step 3.e Phase Three - Procedures for reconstitution

Reconstitution begins when the President Judge confirms that the emergency situation has ended and is unlikely to recur. During this period a time-phased plan will be used to transfer functions, personnel equipment and records from the alternate facility to the restored facility. Once essential functions are transferred to the restored facility court operations at the alternate facility will cease.

Depending on the nature of the emergency there may be severe loss of life and or destruction of physical property and thus it may be necessary to rebuild or reconstitute the court. The reconstitution order may include an order to;

1. Continue to operate from the current alternate site(s)
2. Begin an orderly return to the court at its primary location and reconstitute the court from remaining personnel and resources
3. Begin to establish a reconstituted court at another location in the geographic region

Following a return to normal operations, the District Court Administrator, or designated representative, will coordinate the development of an after action report containing a discussion of lessons learned and issues to be considered for incorporation in to the COOP training program and COOP plan revisions.

Step 3.f ***Modified procedures for a pandemic***

Many COOP procedures are applicable in the event of a pandemic. However, of utmost importance during a pandemic is the need to limit personal contact. While court facilities will likely remain functional, court sessions may need to be held in other locations and staff may need to work from home. In addition, the number of cases addressing pandemic issues will likely increase, potentially modifying essential function priorities. COOP implementation for a pandemic also lasts longer than COOP implementation for most other emergencies.

A pandemic may require COOP plan modifications, in particular areas, most notably:

1. Procedures for plan activation

Procedures for plan activation for a pandemic should note that the Pennsylvania Department of Public Health or your County/Municipal health departments are primary sources of information for determining when it is time to activate the pandemic COOP plan as well as information regarding staff absenteeism and increases in the number of staff becoming ill at work. The procedures should also note that deployment to an alternate facility and, consequently, notifying the alternate facility manager may not be necessary. If the court's staff levels become critically low, devolution may be necessary.

2. Procedures for alert and notification

Procedures for alert and notification remain the same, except the COOP plan may require some staff to work from home rather than moving to an alternate facility.

3. Procedures for transitioning to alternate facilities

Procedures for transitioning to alternate facilities is likely the area of COOP planning least impacted by a pandemic because during a pandemic, court facilities are operational. Unless there is a specific reason for vacating the facility, staff likely will continue working in the court or return home to work.

4. Procedures for operating at alternate facility(ies)

During a pandemic, the COOP coordinator's role does not focus on alternate facilities operations but on staffing issues. Procedures should address this different focus.

The planning team should consider how to handle jurors if the COOP plan is activated. What instructions will be given to jurors and by whom? How will jurors return home if they used public transportation to travel to the court? Although staff who will telework need to prepare for deployment, an Advance Team is not necessary. Given the safety

issues related to using public transportation during a pandemic, procedures should specify how to transport staff home if access to a car is not available. Security will focus on the safety of judges and staff who remain in the courthouse as well as courthouse visitors in addition to courthouse property. Procedures should discuss prioritizing security needs in the event that security staff suffers a high rate of absenteeism. Procedures also should include screening individuals who enter the courthouse for influenza symptoms. During a pandemic, security also applies to maintaining a sanitary facility to decrease the spread of the virus..

Keeping track of staffing levels and the location of individual staff will be critical during a pandemic. As more staff become ill or need to work from home because of ill family members, the performance of essential functions likely will be affected.

Procedures at this point must designate who is in charge of monitoring staff levels and making adjustments to staff duties to ensure that all functions continue as best as possible. Procedures also should direct specific officials (named by position) to monitor the priorities of essential functions as priorities may change with the unfolding of events. For example, a sharp rise in certain types of cases may require priorities to be adjusted. COOP staff likely will work in the courthouse or from home (or possibly different community locations if the court holds sessions outside of the courthouse) rather than an alternate facility. Staff should be directed to implement strategies to limit personal contact. In addition, those who work from home should know who to contact for information or other assistance. Procedures also might specify that all essential staff members provide a brief written update of work at the end of each day in case someone needs to resume their work the next day. Updates to staff should cover the status of operations, policy-level job reassignments, policy changes, personnel issues as a result of the pandemic, and reminders about limiting personal contact. In addition, officials should make some provisions for informing staff when colleagues have succumbed to the virus. Personnel procedures generally are covered under the standard COOP procedures, with more emphasis on issues related to teleworking and sick leave. Procedures also should specify who staff contacts if a colleague becomes sick. Unless staff has moved to an alternate facility, security measures remain the same as discussed above in “procedures for transition to the alternate facility.” Finally, because a pandemic may last for several months, the court will need to address how to handle jury trials. Procedures should be added that direct court officials to review options and determine the best approach given the current state of the pandemic and the court’s resources.

5. Procedures for reconstitution

The initial assessment considers the effects of the pandemic on the court, its partners, and the public to determine what staff and resources are needed to resume normal functions. The plan must be based not only on the court’s staffing levels and resources but on those of critical stakeholders (e.g., attorneys, security officers, caseworkers) and service providers (e.g., mail carriers, technicians, vendors, waste disposal). Even if the court is prepared to resume all functions, it may not be able to do so because others on whom it relies are not fully functional. Thus the reconstitution plan must take into account the progress of the court’s operational partners to resume normal functions as well as its own progress. The information coordinator or other designated official should inform staff the

court is preparing to resume normal operations, outline the general plan, and notify staff of job reassignments and policy changes as a result of the pandemic. Procedures for follow-up activities do not change from the standard COOP procedures.

STEP 4: COMPLETE THE PLAN TEMPLATE

Now it is time to bring all the information gathered as part of Step 2 and all the procedural decisions made as part of Step 3 together. Section V of this Guide provides a template for this purpose. The template describes the information that should be included in each section and, in some cases, offers language that can be adapted to fit individual courts. (Suggested language is italicized; information to be added by the court is bracketed.) Where appropriate, template instructions also include links to specific Worksheets and other relevant information in the *Guide*.

STEP 5: MAINTAIN AND PRACTICE THE COOP PLAN

The final step to ensure the court's COOP capability is to develop and implement an ongoing testing, training, and exercise (TTE) program. A COOP TTE program allows the planning team to test the effectiveness of the plan, educate all staff about their respective roles and responsibilities during COOP plan implementation, provide opportunities to practice the plan, and identify needed modifications and enhancements to the plan.

Step 5.a Testing the Court COOP plan

Testing the following components of the plan ensures that the court is in a state of readiness to respond effectively to an emergency and provides feedback for updating and improving the plan.

- alert & notification procedures (for emergencies with or without warning, during work hours and outside of work hours), on a quarterly basis;
- communication systems for contact during relocation and at the alternate facility, on a quarterly basis;
- access to vital records, IS, and data needed to perform essential functions, on a semi-annual basis; and
- support services at the alternate facility (HVAC, water, electrical power, IT), on an annual basis.

Using Worksheet M, the planning team decides which components of the COOP plan are most important to test and develops a schedule for conducting the tests.

Step 5.b Training court personnel in COOP plan elements

Worksheet N is used to record the staff training plan. This part of the COOP TTE program includes an orientation to the COOP plan and procedures for all court staff, an annual refresher class for all court staff, an orientation for new staff, and subject-specific education. A well-thought-out training program ensures clarity and comprehension of the roles and responsibilities for all staff and for specific groups or divisions within the court.

Special training sessions related to pandemic issues should be included as part of the subject-specific training category. For example, an overview of public health law should be provided to judges to help them address substantive issues such as jurisdiction, venue, privacy and confidentiality, and due process considerations that may arise as a result of the health department's efforts to contain the virus. A Pennsylvania Public Health Law Bench Book has been published to help judges better understand this area of law. The *HHS Pandemic Influenza Plan* (2005, p. I-14) also identifies several due process issues to prepare for in the event of a pandemic. (See the *CDC Public Health Law Program* for several health law training resources.)

Other pandemic training should address personal hygiene and other precautions all staff should take in the event of a pandemic. See *Appendices R and S*. The Center for Disease Control provide guidance and resources in this area. The Bureau of Justice Assistance Web site also has several online videos about a range of pandemic issues.

Step 5.c: COOP plan exercise

The exercises component of the COOP TTE program provides the opportunity to practice the knowledge and skills learned during the training programs and ensure staff is ready to activate and implement the COOP plan successfully. The exercise program should address the spectrum of disasters most likely to affect the court. The exercises typically include a verbal walk-through of COOP plan activation, physical relocation to the chosen alternate facility, and a variety of tabletop exercises for all staff.

Examples of exercises can be found at:

- MEMA (2005, p. 68)
- Arizona Pandemic COOP Plan (2006, pp. 85-86).

Examples of tabletop exercises for pandemic scenarios can be found at:

- Arizona Pandemic COOP Plan (pp. 87-93)
- Bureau of Justice Assistance (2007, pp. 19-23).

The planning team should discuss the various types of exercises available and check with local emergency management officials to determine what kinds of exercises they conduct for COOP plan implementation. Following these discussions, the team should complete *Worksheet Q*.

APPENDIX Q: LEGAL ANALYSIS FOR PENNSYLVANIA COURT COOP PLANNING TOOLKIT

Legal Issues Presented:

- I. Which Court can Suspend or Modify Court Rules?
- II. What is the Impact on Criminal Rule 600 and a Defendant's Right to a Speedy Trial if a Courthouse is Closed or Operating in a Limited Capacity?
- III. Can the Court Suspend or Modify Statutes of Limitations?
- IV. What is the Common Pleas Court's Authority in Court Employees' personnel matters?
- V. Provisions for Securing and Protecting Court Records
- VI. May a Court Operate Outside of the County Government Center?
- VII. What is the Authority to Temporary assign (and reassign) Judges, Magisterial District Judges and Court Staff?
- VIII. What is the Authority to Transfer or Consolidate Cases?
- IX. Are there any laws or rules governing succession or seniority of judges?
- X. What are Pennsylvania's Emergency Disaster Laws and Regulations (including emergency powers of political subdivisions)?
- XI. What are Pennsylvania's "Good Samaritan" Laws

LEGAL ANALYSIS FOR PENNSYLVANIA COURT COOP PLANNING TOOLKIT

This section is provided for general informational purposes. While every attempt has been made to provide accurate information, the following does not necessarily constitute an authoritative statement of Pennsylvania law.

The judicial power in Pennsylvania is vested in a unified judicial system. Pa. Const. Art. V, §1. The Pennsylvania Supreme Court has ultimate supervisory authority over the unified judicial system. Pa. Const. Art. V, §10; 42 Pa. C.S. §1701; *In re Petition of Blake*, 527 Pa. 456, 459, 593 A.2d 1267 (1991). President Judges are generally the executive and administrative heads of the courts of common pleas, and they also have general supervisory and administrative authority over the Magisterial District Courts. 42 Pa. C.S. §325(e) (Powers of the President Judge); Pa. R.M.D.J. 17. *See also* Pa. R.J.A. 706(d) and 204 Pa. Code §29.11 (Administrative Judges); *Blake supra* at 462. The President Judge, or where applicable, the Administrative Judge, supervises the judicial business of the court, may promulgate rules and regulations, and may make all judicial assignments, and assign and reassign among the personnel of the court available chambers and other physical facilities. 42 Pa. C.S. §325(e)(1); 204 Pa. Code §29.11(3) (Administrative Judges).

To assist the Supreme Court with the prompt and proper disposition of the business of the courts, the Pennsylvania Constitution provides for the office of the State Court Administrator. Pa. Const. Art. V, §10(b); 42 Pa. C.S. §1901. The powers and duties of the Court Administrator and the Administrative Office of Pennsylvania Courts are specified in the Rules of Judicial Administration, and in particular in Pa. R.J.A. 504 and 505. All "system and related personnel" of the unified judicial system are required to cooperate with all standing and special requests or directives made by the Administrative Office of Pennsylvania Courts. Pa. R.J.A. 506.

I. Which Court can Suspend or Modify Court Rules?

In an emergency, and when a court is operating under its COOP, the court may wish to suspend or modify some court rules. The question presented is: which court has authority to suspend or modify court rules?

A. Statewide Procedural Rules

Short Answer

Unless this authority is delegated, only the Supreme Court of Pennsylvania can suspend or modify state procedural rules.

Discussion

The Pennsylvania Supreme court has exclusive rule making authority over procedural rules. Pa. Const. Art. V, §10(c); *In re 42 Pa. C.S. §1703*, 482 Pa. 522, 526, 394 A.2d 444 (1978). The Supreme Court may prescribe or modify any rules governing the practice, procedure or conduct of all Pennsylvania courts. 42 Pa. C.S. §1722(a). Presumably, inherent in this authority is the power to suspend any court rules.

The Supreme Court may delegate the powers specified in §1722(a) to " . . . the Court Administrator . . . [or to another] government unit within the system created by the Constitution of Pennsylvania or by statute." 42 Pa. C.S. §1721. "Government unit" includes "any government

agency or any court or other officer or agency of the unified judicial system." 42 Pa. C.S. §102 (definitions). Presumably, pursuant to §1721, the Supreme Court could delegate the authority to modify or suspend statewide procedural rules to the Court Administrator, *id.* at §1721(b)(2), to the courts of common pleas, (created by Pa. Const. Art. V, §5), or to president judges (*see* 42 Pa. C.S. §325(e)). Absent such delegation however, the Court Administrator, the Courts of Common Pleas and president judges do not have the independent authority to modify or suspend Supreme Court rules. *See Appeal of Gibbons*, 104 Pa. 587 (1884); *Commonwealth v. Dalessio*, 580 A.2d 875, 876 (Pa. Super. 1990).

B. Local Court Rules

Short Answer

The Supreme Court and the Courts of Common Pleas may suspend or modify local court rules. The Supreme Court's civil and criminal procedural rules committees have also been given the authority to temporarily suspend local court rules.

Discussion

The Supreme Court has general administrative and supervisory authority over the unified judicial system. Pa. Const. Art. V, §10(a); 42 Pa. C.S. §§1701 and 1723. Accordingly, the Supreme Court may modify or suspend any local court rules. The authority to suspend, vacate or require amendment to a local rule has also been granted to the Supreme Court's Procedural Rules Committees (subject to review by the Supreme Court). *See* Pa. R.C.P. 239(e) and Pa. R.Crim.P. 105(F). In addition, as the entities creating the local rules, courts of common pleas may modify or suspend local court rules. *See e.g., McFadden v. Pennzoil Co.*, 326 Pa. 277, 279 (1937); *Monahan v. McGrath*, 636 A.2d 1197, 1199 (Pa. Super. 1994), *citing Jones Motor Corp. v. Pennsylvania Public Utility Comm'n*, 195 A.2d 125, 128 (Pa. Super. 1963) and *Werts v. Luzerne Borough Authority*, 329 A.2d 335 (Pa. Commw. Ct. 1974).

II. **What is the Impact on Criminal Rule 600 and a Defendant's Right to a Speedy Trial if a Courthouse is Closed or Operating in a Limited Capacity?**

If a courthouse is closed, or operating in a limited capacity, there could be an impact on a defendant's right to speedy trial. To what extent may Rule 600 and, in a more general sense, the right to speedy trial, be impacted if a courthouse is closed or operating in only a limited capacity under its COOP?

Short Answer

Pa. R.Crim. P. 600 (Rule 600) does not directly address this question. Arguably, the 365-day speedy trial time calculation would exclude the time that a court is closed. If the court is open, but operations are limited, the court may require the commonwealth to show it otherwise demonstrated due diligence in bringing the defendant to trial to avoid a Rule 600 violation. Regarding the 180-day time limitation for bringing incarcerated defendants to trial, Rule 600 does not address delays caused by court closures or other emergencies. Presumably the court would consider requests for nominal bail by reference to the existing balancing test that imposition of nominal bail would have on public safety.

Discussion

For a discussion of the court's authority to modify or suspend court rules generally, see question I, above.

There are two aspects to the right to speedy trial. The first is constitutional in both the U.S. Constitution, found in the Sixth Amendment, and the Pennsylvania Constitution, found in Article 1, Section 9. The right is further defined by Rule 600 (formerly Rule 1100).

The constitutional aspects of the right were enumerated by the U.S. Supreme Court in *Barker v. Wingo*, 407 U.S. 514, 530-532 (1972) which identified four factors to be considered in determining whether a defendant's right to speedy trial had been violated: (1) the length of the delay; (2) the reason for the delay; (3) the defendant's assertion of the right; and (4) the prejudice to the defendant.

In *Commonwealth v. Hamilton*, 449 Pa. 297, 302, 297 A.2d 127 (1972), the Pennsylvania Supreme Court held that the federal speedy trial standards of *Barker* were applicable to Pennsylvania as minimum standards. The Court in *Hamilton* noted that the right to speedy trial was also guaranteed under the Pennsylvania Constitution. *Id.* However, rather than establish a balancing test as in *Barker*, the Court stated that a clear rule of procedure would eliminate the inherent vagueness associated with any balancing test. *Id.* at 308. The Court directed that the Criminal Procedural Rules Committee study the question. *Id.* at 308-309.

The result of that directive was Rule 600 (originally promulgated as Rule 1100 in 1973). Rule 600 provides two general standards for the speedy trial right. The first is that trial in a court case, when the defendant is incarcerated on that case, must commence no later than 180 days from the date on which the complaint is filed. Rule 600(A)(2). The second standard is that trial in a court case, when the defendant is at liberty on bail, must commence no later than 365 days from the date on which the complaint is filed. Rule 600(A)(3). The rule also contains additional time provisions for other situations such as summary cases and cases in which new trials have been granted. The Rule also specifies certain time periods that are to be excluded from the speedy trial calculation. Rule 600(C). Time periods during which the courthouse is closed or operating in a limited capacity during an emergency are not mentioned in Rule 600(C).

If a defendant seeks dismissal of a case for a violation of Rule 600 during or after the courthouse was closed due to an emergency or operating in a limited capacity under its COOP, the court may determine that dismissal of the charges for a violation of Rule 600(A)(3) would be inappropriate, depending on the circumstances of the case. *See e.g., Commonwealth v. Stafford*, 416 A.2d 570, 572 (Pa. Super. 1979) (defendant's right to speedy trial was not violated because the courthouse was closed due to "a devastating snowstorm" and the case went to trial on the first day the courthouse was reopened).

Additionally, if a defendant seeks dismissal of the charges for violation of the 365-day time limitation when the courthouse is closed or operating in a limited capacity, the court may consider numerous factors before granting a dismissal. The first step would likely be to determine whether any of the delay in bringing the defendant to trial would be excludable from the speedy trial time calculation. Paragraph (C) of Rule 600 provides:

(C) In determining the period for commencement of trial, there shall be excluded therefrom:

(1) the period of time between the filing of the written complaint and the defendant's arrest, provided that the defendant could not be apprehended because his or her

whereabouts were unknown and could not be determined by due diligence;

(2) any period of time for which the defendant expressly waives Rule 600;

(3) such period of delay at any stage of the proceedings as results from:

(a) the unavailability of the defendant or the defendant's attorney;

(b) any continuance granted at the request of the defendant or the defendant's attorney.

Even if the delay does not fit within one of these categories, the court may find dismissal is not appropriate if the commonwealth proves that (1) it demonstrated due diligence in trying to bring the defendant to trial and (2) that the circumstances causing the postponement were beyond the commonwealth's control. *See e.g., Commonwealth v. Hunt*, 858 A.2d 1234 (Pa. Super. 2004); *Commonwealth v. Wroten*, 451 A.2d 678 (Pa. Super. 1982).

In the situation in which courthouse operations are curtailed but continuing, such as during a pandemic, the court may evaluate a defendant's argument for dismissal in light of case law defining "judicial delay." Generally however, when a trial is delayed due to inadequacy of court time or resources, such delay has not justified an extension of time under the speedy trial rule without a showing of due diligence on the part of the commonwealth. *Commonwealth v. Bytheway*, 434 A.2d 173, 177 (Pa. Super. 1981); *Commonwealth v. Suggs*, 432 A.2d 1042, 1045 (Pa. Super. 1981). It should be noted that these cases deal with non-emergency situations.

Incarcerated defendants generally must be brought to trial within 180-days. Rule 600(A)(2). There is no provision in Rule 600, nor in case law, for excluding time from this calculation beyond the circumstances contained in Paragraph (C) of Rule 600. However, the remedy for a violation of the 180-day rule is not dismissal of the charges, but rather the incarcerated defendant is to be granted release on nominal bail. It has been held that a court has little discretion on releasing a defendant who has not been brought to trial in 180 days. *Commonwealth v. Abdullah*, 652 A.2d 811, 812 (Pa. 1995); *Commonwealth v. Sisneros*, 692 A.2d 1105, 1110 (Pa. Super. 1997).

However, the right to release on nominal bail is not absolute. Under Article 1, Section 14 of the Pennsylvania Constitution, a defendant in a capital murder case is not entitled to bail and therefore the nominal bail provisions of Rule 600 are not applicable to capital cases. *Commonwealth v. Hill*, 736 A.2d 578, 584 (Pa. 1999); *Commonwealth v. Oliver*, 674 A.2d 287, 290 (Pa. Super. 1996). Additionally, the court may deny a request for nominal bail even if a case has not been brought to trial for an incarcerated defendant if "no condition or combination of conditions other than imprisonment will reasonably assure the safety of any person and the community . . ." Pa. Const. Art. 1, §14; *Commonwealth v. Jones*, 899 A.2d 353, 355 (Pa. Super. 2006); *see also Commonwealth v. Hunt*, 858 A.2d 1234 (Pa. Super. 2004). In such situations, the defendant would presumably remain in custody and the 365-day speedy trial standards for dismissal would be applicable.

Conclusion

The court may find the time period in which an emergency situation impacts court operations, especially when the courts are closed, could be excluded from the calculations of the 365-day

speedy trial "clock," especially if the commonwealth can demonstrate that the circumstances of the delay were beyond the control of the commonwealth and that the commonwealth had exercised due diligence in attempting to bring the defendant to trial in a timely fashion. Under the 180-day speedy trial "clock," release on nominal bail may remain a remedy, even in the face of an emergency, unless there is a demonstration that the defendant presents a risk to public safety against which no condition of bail could protect.

III. Can the Court Suspend or Modify Statutes of Limitations?

If a courthouse is closed, or operating in a limited capacity, there could be an impact on civil and criminal statutes of limitations. 42 Pa. C.S. §§5501 - 5574. The question presented is: to address the problem of a statute of limitation "running" while a courthouse is closed or operating in only a limited capacity under its COOP, can a court toll or suspend a statute of limitations?

Short Answer

Uncertain. Arguably the statutory limitations periods in Title 42, Chapter 55 can only be "tolled" or extended by legislation. However, the court may find there is authority to "toll" or extend the statutory limitations periods when the courthouse is closed or operating in a limited capacity due to an emergency.

Discussion

The Pennsylvania legislature has established time limits on when actions may be brought in courts, 42 Pa. C.S. §§5501 - 5574, and identified certain occurrences that do not count against statutory limitations periods in criminal proceedings. 42 Pa. C.S. §5554. Judicial extensions of time to these "statutes of limitations" are generally prohibited, except in the case of fraud or its equivalent. 42 Pa. C.S. §5504.

Neither the statutory provision detailing the computation of time, 1 Pa. C.S. §1908,¹ nor any of the provisions in Title 42, Chapter 55 exclude periods during which the courthouse is closed due to emergency conditions.

Arguably, pursuant to these statutes, any extension of time or "tolling" provisions for the statutes of limitations in Chapter 55 must be established by the Legislature.

However, one court has observed that "a suspension of proceedings and a tolling of time limitations cannot be construed as the equivalent of an extension of time." *Sobers v. Shannon Optical Co.*, 473 A.2d 1035, 1037 (Pa. Super. 1984). Accordingly, a court-ordered "tolling period" for the duration of an emergency may not be construed as the equivalent of an extension

¹ "Time" under 1 Pa. C.S. §1908, is calculated as follows: "[w]hen any period of time is referred to in any statute, such period in all cases . . . shall be so computed as to exclude the first and include the last day of such period. Whenever the last day of any such period shall fall on Saturday or Sunday, or on any day made a legal holiday by the laws of this commonwealth or of the United States, such day shall be omitted from the computation." This is essentially the same language as appears in Pa.R.C.P. 106, Pa. O.C.R. 4.1, Pa. R.C.P.M.D.J 203, and in the comment following Rule 600. See also *Erie Development Authority v. Pulakos*, 439 Pa. 157, 158, 267 A.2d.873 (1970) and *Bassett v. Bassett*, 543 Pa. 323, 325, 671 A.2d 661 (1995)(similar computation of time under the rules of appellate procedure).

of time in contravention of 42 Pa. C.S. §5504, and may be entirely appropriate. *See also* 54 C.J.S. *Limitations of Actions* §§114-115 (Tolling).

Only one Pennsylvania case has been found where a court was asked to dismiss a case on the basis of a statute of limitations "running" while a courthouse was closed due to an emergency. In *Petty v. Petratos*, 11 Pa. D. & C.3d 587 (C.C.P. Bucks 1979), the court held that because the courthouse was officially closed on the last day before the statutory filing period ended due to a blizzard, a Complaint filed on the next available day would not be barred by the statute of limitations. The following passages from that opinion may be instructive:

Thus, under ordinary circumstances, we would have no power to grant leave to file a complaint once the statutory period has run. In this case, however, the failure to comply with the statute was due not to any negligence on the part of plaintiffs, but rather to a combination of the weather and the actions on the part of persons acting with the apparent authority of this court which prevented a timely filing. . . . While there was no default on the part of any court officers in this case, the telephone announcement of the closing of the courthouse resulted in the same consequences so far as plaintiffs were concerned. In both cases, the parties have been prevented from exercising their statutory rights by the actions of the court. In essence, plaintiffs were advised that the judicial system was not in operation on January 20, 1978. . . . [Other cases discussing courthouse closures on holidays and weekend] stand for the common sense proposition that where the court offices in fact have been closed on the last day for the filing of some legal document, considerations of fairness dictate that a plaintiff should be permitted to file on the next available day rather than on the day preceding the closing of the court office.

Id. at 589-90. Apparently no appeal was taken from this decision, and no other court has cited to it.² *Accord In re General Election - 1985*, 531 A.2d 836, 839 (Pa. Commw. Ct. 1987)(court could suspend 1985 general elections in certain precincts in Washington County until after emergency flooding conditions abated, when the suspension was necessary to carry out the intent of the Election Code).³

In addition, the legislature has provided some guidance on the courts' authority to "define the acts, omissions or events from which the limitation shall be computed." 42 Pa. C.S. §5502. Pursuant to this statute, the Supreme Court established the "discovery rule" in tort actions. *Bond v. Gallen*, 503 Pa. 286, 290, 469 A.2d 556 (1983)(two-year statute of limitations does not begin to run until claimant knows or, exercising reasonable diligence, should know the claimant's losses exceed the threshold specified in the No Fault Act). *See also Centre Concrete Co. v. AGI, Inc.*, 522 Pa. 27, 28, 559 A.2d 516 (1989)(statute of limitations begins to run after the expiration

² Arguably the trial court's conclusion in *Petty* is consistent with court opinions discussing "judicial delays" in Rule 600 jurisprudence. *See* Question 11 *infra*. *See also Commonwealth vs. Spence*, 534 Pa. 233, 242-44 (1993)(judicial delay may support the grant of an extension on time under Rule [600]); *Commonwealth vs. Miller*, 568 A.2d 228, 231 (Pa. Super. 1990)(unavailability of any homicide judges justified "judicial delay" under Rule [600]); *Commonwealth vs. Stafford*, 416 A.2d 570, 573 (Pa. Super. 1979)(Rule [600] not violated when courthouse was closed due to a blizzard, and case went to trial on next available day after courthouse was reopened).

³ *See also* 42 Pa. C.S. §323 ("Every court shall have the power to . . . make such rules and orders of court as the interest of justice or the business of the court may require.")

of the mandatory 90-day waiting period in 8 P.S. § 194(a)). In *Centre Concrete*, the Court wrote "[t]he contrary result [strict adherence to the SOL] would be unfair and unjust and would undermine the intent of the legislature to provide a fixed period of time within which suits may be brought, *free of unexpected and unforeseeable shrinkage*." *Id.* at 30-31 (emphasis added).

Likewise, the Superior Court has endorsed the "repair doctrine" and the "acknowledgement of debt" doctrine as a means of tolling the statute of limitations. *Amodeo v. Ryan Homes, Inc.*, 595 A.2d 1232, 1237 (Pa. Super. 1991) and *Huntingdon Finance Corp. v. Newtown Artesian Water Co.*, 659 A.2d 1052, 1054 (Pa. Super. 1995). Additional tolling principles are articulated in 2 Standard Pa. Practice 2d, §§13:74-13:90.⁴

Accordingly, based on the rationale expressed in the cases cited above, a court may find there is authority to extend or toll the statutory limitations periods in Title 42.

Note: It has also been suggested that the Governor may have the authority to suspend statutes in an emergency, *see e.g., In re Farrow*, 754 A.2d 33, 35 (Pa. Commw. Ct. 2000)(filing deadline for candidate nominating petitions extended), however, it is not clear this is so with regard to the courts and statutes of limitations. Under 35 Pa. C.S. §7301, the Governor "may suspend any regulatory statute prescribing procedures for the conduct of any commonwealth business, or the regulations of any commonwealth agency if strict compliance with them would prevent, hinder or delay necessary action in coping with the emergency. It is not clear this statute applies to the judiciary, which is not a commonwealth agency. Moreover, it is not immediately clear that statutes of limitations in civil or criminal matters would necessarily "prevent, delay or hinder" necessary action in coping with an emergency. Accordingly, it is not necessarily clear that the Governor has the authority to suspend statutes of limitations.

Conclusion

The answer to this question is uncertain. Initially, pursuant to Judicial Code §5504, the judiciary is prohibited from extending statutes of limitations except in the case of fraud or its equivalent. No authority found suggests the closure of a courthouse during an emergency is the equivalent of fraud. Additionally, since the legislature has provided specific circumstances under which a statute of limitations in a criminal matter may be tolled, and these circumstances do not include situations in which the courthouse is closed, arguably there is no authority to extend or toll the statute of limitations in a criminal case. However, based on the case law cited in this discussion,

⁴ Similarly, the court has general authority to prescribe rules regulating time limits relating to appeals. 42 Pa. C.S.A. §1722(c)(1) and §5571(a). *See* Pa.R.A.P. 903. The time limits for taking appeals are strictly enforced. *In re Interest of C.K.* 535 A.2d 634, 642-643 (Pa. Super. 1987); *Drafts v. Bennett Shelburne Co.*, 362 A.2d 464, 465 (Pa. Commw. Ct. 1976). However, courts may grant appeals *nunc pro tunc* if a delay in taking an appeal was caused by some extraordinary non-negligent circumstances or a breakdown in the court's operations. *Criss v. Wise*, 566 Pa. 437, 442, 781 A.2d 1156 (2001); *Bass v. Commonwealth Bureau of Corrections*, 485 Pa. 256, 260, 401 A.2d 1133 (1979). This rule for allowing appeals outside of the time limits appears in case law, not in the Rules of Appellate procedure.

the Court may find there is authority to toll or extend a civil or criminal statute of limitations when courthouse operations are closed or limited due to an emergency.⁵

IV. What is the Common Pleas Courts' Authority in Court Employees' personnel matters?

If an emergency impacts court operations, the President Judge or Administrative Judge may need to make decisions about court personnel, such as reporting or not reporting to work, sick leave usage, leave with or without pay, additional or advance sick or vacation time, etc. Conceivably these decisions may differ from decisions made by county officials with regard to county employees. The question presented is: what is the Common Pleas Courts' authority over personnel matters, including employee leave provisions?

Short Answer

The answer to this question is not certain. The scope of the court's authority over employees has been litigated repeatedly in Pennsylvania courts since at least the early 1970's.

Discussion

Generally, county governments in Pennsylvania pay the salaries and provide the benefits for employees who work for the courts of common pleas and the minor judiciary. *Sweet vs. PLRB*, 457 Pa. 456, 462, 322 A.2d 362 (1974). However, the county's authority over court employees is generally limited to funding the courts, setting salaries and collective bargaining on behalf of the judiciary. 16 P.S. §1620; *Ellenbogen vs. County of Allegheny*, 479 Pa. 429, 435, 388 A.2d 730 (1978); *Jefferson County Court Appointed Employees Ass'n vs. PLRB*, 912 A.2d 894, 899 (Pa. Commw. Ct. 2006, *pet. for allowance of appeal filed Jan. 2007*, Docket No. 8 WAL 2007)(county may reduce funding for court positions that results in layoffs). The authority to hire, fire and supervise court employees rests with the judiciary, as these are essential elements of the judicial function. *Ellenbogen*, 479 Pa. at 437.⁶ Accordingly, county governments have been precluded from establishing mandatory retirement ages or anti-nepotism policies governing court employees. *See Gardner vs. Peoples*, 506 A.2d 479, 483 (Pa. Commw. Ct. 1986) and *In re Antolik*, 501 A.2d 697, 699 (Pa. Commw. Ct. 1985).

While the courts may not order monetary bonuses for court employees, *Curtis vs. Cleland*, 586 A.2d 1029, 1034 (Pa. Commw. Ct. 1991), it has been held that a judge has the authority to authorize paid leave for court employees. *Judges of the Court of Common Pleas of the 27th Judicial District vs. County of Washington*, 548 A.2d 1306 (Pa. Commw. Ct. 1988). In *County of Washington*, a judge granted certain employees paid leave to attend a funeral and permitted a law clerk to take paid leave during the bar exam. *Id.* at 1308-1309. The county controller asserted

⁵ Note: the foregoing discussion on civil and criminal cases relate to evaluations done on a case-by-case basis.

⁶ Unless otherwise provided by the Supreme Court, the president judge is the executive and administrative head of the common pleas court, 42 Pa. C.S. §325(e), and has general supervisory and administrative authority over the magisterial district courts. Pa. R.D.J. 17. (For judicial districts with administrative judges, see Pa. R.J.A. 706(d) and 204 Pa. Code §29.11.)

that a portion of the leave should have been unpaid. The commonwealth court held the common pleas court had authority to authorize paid leave. *Id.* at 1309.⁷

The authority over leave provisions may be limited however by a collective bargaining agreement, ("CBA"), or conceivably by personnel policies adopted by the court. A CBA or court-adopted personnel policies may limit a president judge's discretion *if* the judges were consulted during bargaining and approved the terms. *PLRB vs. AFSCME, Dist. Council 84*, 515 Pa. 23, 34-35, 526 A.2d 769 (1987).⁸ Even in areas that appear purely financial the Court has held "judges retain a vital managerial interest in terms such as hours, vacations and other paid leave which could be considered primarily financial." *County of Lehigh vs. PLRB*, 507 Pa. 270, 278, 489 A.2d 1325 (1985). Thus consultation with the court before or during collective bargaining is mandatory if the court is to be bound by the terms of the agreement.

Even if a contractual agreement limits a president judge's discretion over personnel matters, the court has held that "contractual terms which actually impair the independence [of the judiciary] must be declared void" *PLRB*, 515 Pa. at 35. A CBA cannot interfere with the inherent power of the judiciary to supervise its employees. *Eshelman vs. Commissioners of the County of Berks*, 436 A.2d 710, 713 (Pa. Commw. Ct. 1981), *aff'd per curiam, sub nom, Eshelman vs. AFSME, Dist. Council 88*, 502 Pa. 430, 489 A.2d 1325 (1983).

Conclusion

There is some authority for the proposition that the president judge may authorize leave for employees paid by the county. However, the court's discretion over leave time may be limited by personnel policies adopted by the court, or by a collective bargaining agreement, the terms of which having been agreed to by the court. If it is found the terms of a contractual provision interfere with the inherent power of the court to supervise court employees, that contractual provision may be found void.

Under the analysis above, arguably the president judge may authorize court employees to work (and be paid by the county) even if "county-supervised employees" are not required to report to work. Conversely, there is at least some authority for the proposition that a president judge may

⁷ However, in *County of Washington*, the collective bargaining agreement ("CBA") governing the relevant funeral leave provisions was not before the court. 548 A.2d at 1308-09. Arguably, the commonwealth court may have found the judge's decision to grant paid leave was in excess of his authority if the CBA were in evidence.

⁸ Disputes over the authority to grant leave have been raised in other Pennsylvania cases, such as those discussed below. The cases that follow are not presented here to relate the current law, but to highlight some of the areas over which the courts of common pleas may determine there is authority over leave and scheduling matters for court employees in the absence of a CBA. *See e.g., Allegheny County vs. Allegheny Court Ass'n of Prof. Employees*, 513 A.2d 1101, 1004 (Pa. Commw. Ct. 1986) (sick leave found to be an improper subject of bargaining), *aff'd in part and rev'd in part* at 517 Pa. 505, 539 A.2d 348 (1988) (but the issue of sick leave was not appealed, 517 Pa. at 511, n.1); *Eshelman vs. Commissioners of the County of Berks*, 436 A.2d 710, 712 (Pa. Commw. Ct. 1981), *aff'd per curiam, sub nom, Eshelman vs. AFSME, Dist. Council 88*, 502 Pa. 430, 489 A.2d 1325 (1983). (leave provisions and other matters were stricken from labor arbitration award because of the courts' supervisory authority over court employees); *County of Allegheny vs. Allegheny County Ass'n of Professional Employees*, 22 Pa. D. & C.3d 166 (CCP Allegheny 1981), *aff'd* at 466 A.2d 1370 (Pa. Commw. Ct. 1982) (affirming the trial court's conclusion that decisions over vacations, scheduling, overtime and rest periods are within the vested rights of the court to determine and may not be usurped by others. 22 Pa. D. & C. 3d at 175). *But see PLRB vs. AFSME supra* (non-financial terms of employment may be subjects of collective bargaining).

authorize paid or unpaid leave for court employees notwithstanding county policies or decisions, when the needs of the judiciary require such leave.

V. Securing and Protecting Court Records

Conceivably, an emergency could cause the destruction of a courthouse, cause it to close, or have offices inaccessible for an extended period of time. If court record offices are destroyed, closed or inaccessible, court operations will be significantly impaired, if not impossible to conduct. The questions presented are: what is the authority, and who has the authority over securing and protecting court records, including the authority to order records to be "backed up" off site for use in an emergency?

Short Answer

The clerks of common pleas court records are charged with maintaining and being responsible for court records. Authority over how court records must be protected, secured and maintained also lies with the Pennsylvania Supreme Court, the AOPC and the court of common pleas in which the clerk serves.

Discussion

** Note: "Court records" refers to the paper files in the custody of the Clerks (pleadings, orders, motions, etc.) and docket entries. Throughout this discussion, the term "Clerks" is generally used to refer to the Clerks of Court (and Clerk of Quarter Sessions in Philadelphia), the Clerks of the Orphans' Court Division of the Court of Common Pleas and the Prothonotaries.

Under the 1968 Pennsylvania Constitution, the offices of the prothonotary and the clerk of courts became the "offices of the prothonotary and clerk of courts . . . of the court of common pleas of the judicial district. . . ." Pa. Const. Sch. Art. V, §15 (emphasis added). All court records and documents that are required to be filed with the courts of common pleas, are filed in the offices of the clerks identified in this discussion. 42 Pa. C.S. §§2702, 2736, 2756, and 2776.⁹ Among their other duties, the clerks must maintain and be responsible for the court records. Pa. Const. Sch. Art. V, §15. Prothonotaries, except in Philadelphia, clerks of court and clerks of the orphans' court divisions are independently elected county officers. 16 P.S. §§401, 1301, 3401 and 4301; 42 Pa. C.S. §§2731-2732, 2751-52, and 2771-2772. However, clerks themselves are included in "System and Related Personnel." 42 Pa.C.S. §102 (definitions); Pa.R.J.A. §102 (definitions).¹⁰

⁹ The president judge of each judicial district has general authority over how records are maintained in magisterial district courts. Pa. R.D.J. 17 (A) and (B)(1).

¹⁰ Generally the counties fund the operations of the court Clerks. See 42 Pa. C.S. §§2734, 2754, 2774 and 3722. The funds available to the clerks are largely controlled by the county commissioners or county executive department. *Medico vs. Markowski*, 793 A.2d 167, 170 (Pa. Commw. Ct. 2002); 16 P.S. 1701. The court has some inherent authority to compel necessary expenditures, see e.g., *Commonwealth ex rel. Carroll vs. Tate*, 442 Pa. 45, 52, 274 A.2d 193 (1971); *Lavelle vs. Koch*, 532 Pa. 631, 635, 617 A.2d 319 (1992), but that authority is very limited. See e.g. *Snyder vs. Snyder*, 533 Pa. 203, 210, 620 A.2d 1133 (1993)("the spending power resides exclusively with the legislature, and the only time the judiciary acquires the power to compel funding is when it cannot independently and adequately administer justice because the legislature has not provided it with the funds to do so").

"The Supreme Court has the power to prescribe general rules governing practice, procedures and the conduct of all courts . . . and the administration of all courts and *supervision of all officers of the judicial branch*. . . ." Pa. Const. Art. V, §10(c) (emphasis added). The clerks identified in this discussion are, by statute, "officers of the court." 42 Pa. C.S. §§2737(5), 2757(4) and 2777(5). Arguably then, the Pennsylvania Supreme Court has constitutional authority to supervise and prescribe general rules governing the practices and procedures used by the clerks identified in this discussion, including the practices and procedures used to maintain, protect and store court records.

Aside from constitutional authority, Pennsylvania statutes suggest the judiciary (including the courts of common pleas) has authority over the protection, maintenance and storage of court records. The purpose of the statutes governing court clerks is to provide the "prompt, fair and efficient administration of justice", 42 Pa. C.S. §2701, and the statutes are expressly subject to "any inconsistent general rule or rule of court . . ." *Id.* at 2701(b). The statutory duties of the clerks include, *inter alia*, those that may be imposed upon their offices by order or rule of court. 42 Pa. C.S. §§ 2737(6), 2757(5) and 2777(6).¹¹ Arguably, the prompt, fair and efficient administration of justice includes assisting with the operation of the courts during or after an emergency when access to the clerk's primary records is absolutely necessary, but limited or impossible. Presumably, this may require that court records be "backed-up" in a location other than the courthouse.

This assertion of authority is further buttressed by Chapter 43 of the Judicial Code, which gives AOPC supervisory authority over records maintained by the Clerks.

All system and related personnel engaged in clerical functions shall establish and maintain all dockets, indices and other records and make and file such entries and reports, at such times, in such manner and pursuant to such procedures and standards as may be prescribed by the Administrative Office of Pennsylvania Courts with the approval of the governing authority.

42 Pa. C.S. §4301(b).¹²

In addition, the Rules of Judicial Administration (RJA) also establish Supreme Court and AOPC supervisory authority over court records. While many of the RJAs seem applicable to court clerks, RJA 505(11) specifically directs the AOPC "to supervise all administrative matters relating to the offices of the prothonotaries and clerks of court and other system and related personnel engaged in clerical functions, including the institution of such uniform procedures, indexes and dockets as may be approved by the Supreme Court. . . ."

Note: No procedural rules appear to discuss "backing-up" court records, but some do discuss electronic filings (which could be a component of a "record maintenance" or a "back-up records" policy). While the Rules of Criminal Procedures do not go into detail on the subject of electronic filings, *see* Pa.R.Crim.P. 113-114, the Civil Rules do provide

¹¹ Presumably "order or rule of court" could be by the Supreme Court, the court of common pleas, or arguably by the president judge. *See* 42 Pa. C.S. §325(e)(Powers of president judge).

¹² The "governing authority" is the Supreme Court or its designee. 42 Pa. C.S. §102.

some detail. *See* Pa.R.C.P. 205.4. An even more detailed rule on electronic filing appears in Orphans' Court Rule 3.7(a).

Conclusion

Initially, pursuant to Pa. Const. Sch. Art. 5, §15, court clerks must maintain and be responsible for court records. In addition, pursuant to the constitutional provisions, statutes and court rules identified in this discussion, the Supreme Court, the courts of common pleas and the AOPC all presumably have authority over the security, maintenance and protection of court records.

VI. May a Court Operate Outside of the County Government Center?

In an emergency and when a court is operating under its COOP, it may become necessary to relocate court operations. The question presented is: may a court operate outside of the county government center?

Short Answer

Yes, there is statutory authority for courts to operate outside of the county government center.

Discussion

"The regular sessions of each court of common pleas shall be held at the county seat of each county comprising the judicial district *and elsewhere as prescribed by general rule or rule of court.*" 42 Pa. C.S. §913, (emphasis added). "General rule" means "[a] rule or order promulgated by the governing authority." 42 Pa. C.S. §102 (definitions). The governing authority is the Supreme Court or an agency to which the court has delegated authority to act. *Id.* A "rule of court" is defined as a rule promulgated by a court regulating practice or procedure before the promulgating court." *Id.* Accordingly, the regular sessions of a court of common pleas may be held in the county seat, or elsewhere, as prescribed by a general rule of the Supreme Court, or presumably by the president judge, 42 Pa. C.S. §325(e), or by local rule.¹³

VII. What is the Authority to Temporarily Assign (and Reassign) Judges, Magisterial District Judges and Court Staff?

In an emergency, and when a court is operating under its COOP, it may be necessary to assign or reassign judicial officers and staff during emergency operations. The question presented is: what is the authority (and limitation) on temporarily assigning and reassigning judicial officers and court staff.

Short Answer

The Supreme Court, president judge, and where applicable, administrative judges have wide authority to temporarily assign and reassign judicial officers and staff.

Discussion

The Supreme Court has ultimate supervisory authority over the judicial system, Pa. Const. Art. V, §10; *In re Petition of Blake*, 527 Pa. 456 (1991), and may temporarily assign and reassign regular and senior judges and magisterial district judges as needed. Pa. Const. Art. V, §10(a); 42 Pa. C.S. §§4121-23; Pa. R.J.A. 701(C). Rules governing requests for assignment of additional

¹³ Similar statutory provisions regarding the seat of court exist for the Supreme Court, 42 Pa. C.S. §504, the Superior Court, 42 Pa. C.S. §543 and the commonwealth Court, 42 Pa. C.S. §563.

judicial assistance appear in Pa. R.J.A. 701(C) (Requests through AOPC) and Pa. R.J.A. 701 (E) (Regional administrative units).

President judges are generally the executive and administrative heads of the courts of common pleas. 42 Pa. C.S. §325(e)(Powers of the president judge). *See also* Pa. R.J.A. 706(d); 204 Pa. Code §29.11 (Administrative Judges); *Blake supra* at 462. The president judge (or where applicable, the administrative judge) supervises the judicial business of the court, promulgates rules and regulations, and makes all judicial assignments, and assign and reassign among the personnel of the court available chambers and other physical facilities. 42 Pa. C.S. §325(e)(1). *See also* Pa. R.J.A. 702 (Divisional Assignment of Judges). The president judge also has the authority "to appoint and fix the compensation and *duties* of necessary administrative staff . . ." 42 Pa. C.S. §325(e)(2)(emphasis added); 42 Pa.C.S. §2301(a)(2). "Administrative staff" includes "[a]ll individuals employed in the business of a court, including the personnel of the office of the clerk of the court of common pleas. . . ." 42 Pa. C.S. §102. *See also* 42 Pa. C.S. §4101 (cooperation and coordination of activities among the judiciary and system and related personnel).

President judges may order the temporary assignment of magisterial district judges. Pa. R.M.D.J. 17(B)(6); Pa. R.M.D.J. 112. *See also* Pa. R.Crim.P. 132-133 (Temporary Assignment of Issuing Authorities and Powers of Temporarily Assigned Issuing Authorities).

For judicial districts that have been approved to combine with other judicial districts into regional administrative units pursuant to Pa. R.J.A. 701(E), judges and magisterial district judges may be assigned to any other judicial district in the unit, and may exercise the same power and authority of a judge or magisterial district judge of that judicial district.

President judges may transfer or reassign staff members of magisterial district judges (other than personal staff) from one magisterial district court to another and hire and assign "temporary or floater staff." Pa. R.M.D.J. 17(B)(3)(d).

A note on reactivating retired staff. Pennsylvania law was amended to generally permit retired state employees to return to "emergency" service for up to 95 days per calendar year without termination of retirement benefits. Act 2001-9, May 17, 2001. Similar provisions may apply for retired employees receiving benefits from a county retirement plan.

VIII. What is the Authority to Transfer or Consolidate Cases?

In an emergency, and when a court is operating under its COOP, it may be necessary to assign or reassign cases, or classes of cases, among different courts during emergency operations. The question presented is: what is the authority to assign or reassign cases?

Short Answer

The Supreme Court and president judges have wide authority to assign or reassign cases or classes of cases among the courts.

Discussion

The Pennsylvania Supreme Court has general administrative and supervisory authority over all courts and magisterial district justices. Pa. Const. Art. V, §10; 42 Pa. C.S. §§1701, 1723. The

Supreme Court may by, general rule, provide for the assignment or reassignment of classes of matters among the several courts of the commonwealth and the magisterial district judges, as the needs of justice require. 42 Pa. C.S. §503.

President judges, and where applicable, administrative judges, have the authority to make judicial assignments. 42 Pa. C.S. §325(e); Pa. R.J.A. 702; 204 Pa. Code §29.11. President judges may order the reassignment of cases or certain classes of cases to other magisterial district judges or to central courts within the judicial district. Pa. R.M.D.J. 17(B)(6), 112. *See also* Pa. R.Crim.P. 132-133 (Temporary Assignment of Issuing Authorities and Powers of Temporarily Assigned Issuing Authorities).

Matters generally decided or processed by the minor judiciary (e.g., preliminary arraignments, bail hearings, etc.) may be heard by common pleas court judges. 42 Pa. C.S. §912.

IX. Are there any laws or rules governing succession or seniority of judges?

In the event of an emergency, a president or administrative judge may be unavailable. If this occurs, the question presented is: are there any laws or rules governing succession or seniority of judges?

Short Answer

Yes. *See* Pa. R.J.A. 705 (Rule 705); Pa. R.J.A. 706 (Rule 706).

Discussion

Rule 705 addresses seniority for judicial officers. Rule 706 addresses the determination or selection of the chief justice, president judges and administrative judges. Rule 706(e) provides as follows:

Resignation and temporary inability. The Chief Justice or a president or administrative judge may resign such position and remain a member of the court or division. If the Chief Justice or a president judge of a court subject to subdivision (a) of this rule [Rule 706(a)] is temporarily unable to perform his duties as such, they shall be performed by the next senior judge of the court as determined by Rule 705 who is able to perform such duties. If the president judge of a court subject to subdivision (b) of this rule [Rule 706(b)] is temporarily unable to perform his duties as such, they shall be performed by:

- (1) In the case of a court having three or more divisions, the senior judge of the court, as determined by Rule 705, who is an administrative judge and who is able to perform such duties.
- (2) In the case of any other such court, by an acting president judge:
 - (i) designated from such court for a period of not more than 30 calendar days by the president judge; or
 - (ii) selected by such court pursuant to subdivision (f) of [Rule 706].

If the administrative judge of a division of such a court is temporarily unable to perform his duties as such, they shall be performed by an acting administrative judge designated

from such division for a period of not more than 30 calendar days by the Supreme Court. Where a president judge designates an acting president judge pursuant to this subdivision, the president judge or the Supreme Court, respectively, shall forthwith execute a statement of such designation on a form provided by the Administrative Office, file a copy of such certificate in the office of the clerk or prothonotary of the court, and transmit the original thereof, showing evidence of such filing, to the Administrative Office.

X. What are Pennsylvania's Emergency Disaster Laws and Regulations (including emergency powers of political subdivisions)?

The following information on Pennsylvania's emergency disaster laws is presented for general informational purposes. Of particular interest for emergency planning purposes may be sections B.2 and B.8 (temporary suspension of formal legal requirements and the use of schools and school vehicles). For more information on public health laws, see Pennsylvania Public Health Law Bench Book.

A. State of Emergency

By law, officials of the various political subdivisions, the Secretary of Health and Human Services, the Governor, and the President of the United States are each authorized to declare emergencies in Pennsylvania.

Statutory authority to respond to an emergency is given to the Governor, political subdivisions, and the Pennsylvania Emergency Management Agency ("PEMA") under the Emergency Management Services Code (35 Pa. C.S. §§7101-7707) and The Counterterrorism Planning, Preparedness and Response Act (35 P.S. §§ 2140.101- 2140.303). The President of the United States has authority to respond to an emergency through The Robert T. Stafford Disaster Relief and Emergency Assistance Act (P.L. 100-707, 42 U.S.C. §§ 5121 *et seq.* ("The Stafford Act")).

During a widespread disaster or emergency, federal, state and local laws could be simultaneously invoked in the name of public health and safety. Federal law authorizes cooperation between the states and the federal governments. 42 U.S.C. §243. PEMA is responsible for cooperating with the federal government to implement programs for disaster response and for accepting assistance under The Stafford Act. 35 Pa. C.S. §§ 7313(12),(14).

1. Emergency Declared by the Governor

The Governor can declare a *disaster emergency* upon finding that a *disaster* occurred or that the occurrence or threat of a disaster is imminent. 35 Pa. C.S. § 7301(c) (emphasis added). "Disasters" can be man-made, natural (such as hurricanes, tornadoes, storms, floods, high water, landslides, snowstorms, droughts, fire explosions, or other catastrophes which result in substantial damage to property, hardship, suffering or possible loss of life), and war-caused disasters. 35 Pa. C.S. §7102.

A disaster emergency includes conditions which may be found to actually or likely:

- (1) affect seriously the safety, health or welfare of a substantial number of citizens of this commonwealth or preclude the operation or use of essential public facilities;

- (2) be of such magnitude or severity as to render essential State supplementation of county and local efforts or resources exerted or utilized in alleviating the danger, damage, suffering or hardship faced; and
- (3) have been caused by forces beyond the control of man, by reason of civil disorder, riot or disturbance, or by factors not foreseen and not known to exist when appropriation bills were enacted.

35 Pa C.S. §7102.

A local emergency is a condition declared by the local governing body when the threat or actual occurrence of a disaster is of sufficient severity to warrant coordinated local government action to prevent or alleviate the damage, loss, hardship, or suffering. *Id.* Upon petition by a local governing body, the Governor can declare a *local disaster emergency* arising wholly or substantially from a *resource shortage*. *Id.* (emphasis added).

A resource shortage occurs when the supply of any raw or processed natural resource, or any commodity, goods or services that bear a substantial relationship to the health, safety, welfare and economic well-being of the commonwealth's citizenry, is absent, unavailable, or reduced. *Id.*

The Governor uses an executive order or a proclamation to declare a disaster emergency. 35 Pa. C.S. § 7301(c). The order or proclamation must be disseminated promptly and, unless circumstances do not permit, filed with PEMA. According to statute, the order or proclamation must contain: (1) The nature of the disaster; (2) the threatened area(s); and (3) the conditions which brought the disaster about. The disaster emergency will continue until the Governor finds that the threat or danger has passed or that the disaster has been dealt with to the extent that emergency conditions no longer exist. Unless renewed by the Governor, the disaster emergency will not continue longer than 90 days. The General Assembly can terminate a disaster emergency at any time. *Id.*

The sufficiency of an emergency declaration was tested when a candidate's petition to run for office was filed past the statutorily mandated deadline. *In re Farrow*, 754 A.2d 33, 34 (Pa. Commw. 2000). The petition was accepted, though, because the Governor had declared a disaster emergency and, as a result, the filing date was extended. *Id.* at 35. The complainant averred that no legitimate emergency existed so the Governor was in error in extending the deadline. *Id.* at 34. Numerous state offices remained open, Amtrak and bus service were running, and a *State of Emergency* was not expressly declared in the Governor's executive order. *Id.* at 34 n. 3. (emphasis added). The court recognized that even though the Executive Order did not specify that the Governor was declaring a "State of Emergency," it contained all the necessary requirements: (1) A disaster emergency existed in the form of a winter storm; (2) as a result of the storm, it was necessary to extend the filing deadline; (3) the Executive Order had an effective date for the declaration and a time it was ending; and, (4) the order was disseminated to the public by a news release. *Id.* at 35.

2. Emergency Declared by a Political Subdivision

The governing body of a *political subdivision* (i.e., any county, city, borough, incorporated town or township) can declare a local disaster emergency upon finding that a disaster has occurred or is imminent. 35 Pa. C.S. §§ 7102, 7501(b) (emphasis added).

A local disaster emergency is declared through an order or proclamation which must be given prompt and general publicity and filed with PEMA. *Id.* It cannot be continued or renewed for more than 7 days except with the consent of the governing body. *Id.*

3. Emergency Declared by the President of the United States

The Stafford Act provides for assistance by the federal government to state and local governments to alleviate suffering and damages resulting from disasters. 42 U.S.C. § 5121(a). A Governor must first ask the President to issue a declaration that an emergency or a major disaster exists. 42 U.S.C. § 5170 An emergency is defined as any occasion that the President determines federal assistance is needed to supplement state and local efforts to save lives, to protect property, public health and safety, or to lessen or avert the threat of a catastrophe in any part of the United States. 42 U.S.C. § 5122(1). A major disaster includes any natural catastrophe, fire, flood, or explosion in any part of the United States which, in the determination of the President, causes damage to warrant major disaster assistance under The Stafford Act. 42 U.S.C. § 5122(2).

The Governor's request must describe the severity of the disaster (i.e., that an effective response is beyond the capabilities of the state and local governments and that federal assistance is necessary), include that the Governor has taken appropriate response action under state law and the state's emergency plan, and contain information concerning the nature and amount of state and local resources committed to the disaster. 42 U.S.C. § 5170.

The President can also determine that an emergency exists when it involves a subject area under which the United States exercises exclusive or preeminent responsibility and authority (such as a federal building). 42 U.S.C. § 5191(b).

4. Emergency Declared by the Secretary of Health and Human Services

If the Secretary of Health and Human Services determines, after consultation with public health officials, that a disease or disorder presents a *public health emergency* or if a public health emergency exists (including a significant outbreak of an infectious disease or bioterrorist attack), the Secretary can take appropriate action to respond. 42 U.S.C. § 247d(a) (emphasis added). This term is not statutorily defined.

B. Changes in Governmental Powers During a State of Emergency

The following is a summary of changes in governmental powers during a state of disaster emergency:

1. Suspension of Laws

The Governor can issue, amend, and rescind executive orders, proclamations, and regulations. 35 Pa. C.S. § 7301(b). The Governor can also suspend any regulatory statute prescribing procedures for the conduct of any commonwealth business, or the regulations of any commonwealth agency (including The Pennsylvania Department of Health) if strict compliance with them would prevent, hinder or delay necessary action in coping with the emergency. 35 Pa. C.S. § 7301(f)(1). Also, the Pennsylvania Department of Health and other commonwealth agencies can implement their emergency assignments without regard to procedures required by other laws (except for mandatory constitutional requirements) relative to the performance of public work, entering into contracts, incurring obligations, employing temporary workers, renting equipment, and purchasing supplies and materials, and expenditures of public funds. 35 Pa. C.S. § 7308.

2. The Temporary Suspension of Formal Requirements

A political subdivision included in a disaster emergency can exercise its powers without regard to time-consuming procedures and formalities prescribed by law (except for mandatory constitutional requirements) relative to performing public work, entering into contracts, incurring obligations, employing temporary workers, renting equipment, purchasing supplies and materials, levying taxes, and appropriating/expending public funds. 35 Pa. C.S. § 7501(d).

3. Using Commonwealth Resources

The Governor can use all available resources of the commonwealth government and political subdivisions that are reasonably necessary to cope with the disaster emergency. 35 Pa. C.S. § 7301(f)(2).

4. Using Commonwealth Personnel

The Governor can transfer the direction, personnel and functions of commonwealth agencies, such as The Pennsylvania Department of Health, or their entities to perform emergency services. 35 Pa. C.S. § 7301(f)(3).

5. Commandeering Property

The Governor can commandeer or utilize any private, public or quasi-public property necessary to cope with a disaster emergency. PEMA can provide payment for the commandeered property. 35 Pa. C.S. §§ 7301(f)(4), 7313(10).

6. Evacuation

The Governor can compel the evacuation of all or part of the population if necessary to preserve life or for other disaster mitigation, response or recovery, including the prescription of routes, modes of transportation and destinations. 35 Pa. C.S. §§ 7301(f)(5)-(6).

7. Ingress and Egress

The Governor can control the movement of persons within the disaster area and the occupancy of the premises therein. 35 Pa. C.S. § 7301(f)(7).

8. Schools and School Vehicles

Publicly-funded universities, colleges, elementary schools, and secondary schools must be made available to local, county and State officials for emergency planning and exercises, as well as serving as mass care facilities during an emergency. School buses and other vehicles owned or leased by universities, colleges, and school districts must be made available to local, county, and State officials for the same purposes. 35 Pa. C.S. §§ 7701(d)-(e).

9. Specific Enumerated Responsibilities of the Pennsylvania Department of Health

During a disaster emergency, this agency is responsible for reporting to PEMA damage to medical facilities, supplying technical advice and assistance during emergency nuclear incidents, providing medical services through Pennsylvania Department of Health installations, and assisting in the procurement and distribution of medical equipment. 4 Pa. Code § 3.25(p)(3)(ii), (iv)-(vi).

C. The Role of PEMA

PEMA was created to assure the prompt, proper and effective discharge of basic commonwealth responsibilities relating to civil defense and disaster preparedness, operations and recovery. 35 Pa. C.S. § 7311. PEMA is comprised of The Pennsylvania Emergency Management Council (The Council). 35 Pa. C.S. § 7312.

The Council is primarily responsible for the overall policy and direction of a statewide civil defense and disaster program. *Id.* The Secretary of the Pennsylvania Department of Health sits as a member. 35 Pa. C.S. § 7312(a).

The following is a summary of PEMA's powers and duties:

1. Preparing a Pennsylvania Emergency Management Plan. 35 Pa. C.S. § 7313(1).
2. Rulemaking Authority - PEMA can promulgate, adopt and enforce rules, regulations and orders necessary to carry out its powers and duties. 35 Pa. C.S. § 7313(3).
3. Stockpiling Supplies and Emergency Equipment. 35 Pa. C.S. § 7313(19)
4. Suspending bidding and other contract procedures - For the period during which a disaster emergency is declared, PEMA can incur obligations for and purchase materials and supplies necessary to combat the disaster, to protect the health and safety of persons and property, and to provide emergency assistance to the victims without complying with formal bidding or other time-consuming contract procedures. 35 Pa. C.S. § 7313(20).
5. Hazardous Sites - PEMA is to work with The Pennsylvania Departments of Health, Environmental Protection, Agriculture, and others, as well as the Pennsylvania State Police to develop a hazardous material safety program for incorporation into the Commonwealth Emergency Operations Plan. 35 P.S. § 6022.204.

XI. What are Pennsylvania's Good Samaritan Laws?

In an emergency, people may want to help others in need, but may feel reluctant to do so for fear of being sued if they make a mistake. In an attempt to encourage individuals to come to the aid of others, the Pennsylvania legislature has enacted so-called "Good Samaritan" statutes, which may provide civil immunity from liability for any civil damages caused by acts or omissions in the volunteer provision of care.

More specifically, 42 Pa. C.S. §8331.2 provides civil immunity for the use of an AED (automated external defibrillator) for any individual who has been trained to use an AED and who acts in good faith in an emergency. Immunity is not provided for intentionally harmful or grossly negligent acts. *Id.* at §8331.2(a). To benefit from this immunity provision, individuals (1) must be trained in the use of an AED according to the provisions of subsection (c) of the statute, (2) the AED must be maintained and tested according to the manufacturer's instructions, (3) the AED user must be instructed to contact emergency medical personnel immediately, and

(4) the AED user must ensure appropriate data and information is made available to emergency medical personnel and other health care providers as requested. *Id.* at §8331.2(b). For individuals who have not received training in the use of an AED, if someone has access to an AED and uses it in good faith as an ordinary, reasonably prudent person would under the same or similar circumstances, that person will be as immune from civil damages as the individual who has received training. *Id.* at §8331.2(e).

In addition, any person who hold a certificate evidencing completion of a course in first aid, advanced life saving or basic life support sponsored by the American National Red Cross or the American Heart Association, or an equivalent course of instruction approved by the Pennsylvania Department of Health, and who renders emergency care, first aid or rescue at the scene of an emergency, or moves the person receiving such care, first aid and rescue to a hospital or other place of medical care, shall not be liable for any civil damages as a result of any acts or omissions in rendering the emergency care, first aid or rescue, or moving the person receiving the same to a hospital or other place of medical care. 42 Pa. C.S. §8332(a). Immunity is not provided for acts or omissions intentionally designed to harm a person or for grossly negligent acts or omissions. *Id.*

The immunity in §8332 also applies to any person who provides assistance in carrying out the provisions of the Counterterrorism Planning, Preparedness and Response Act, 35 P.S. §2140.101, *et seq.* 35 P.S. §2140.302.

Additional immunity provisions that may be relevant to emergency planning include: 42 Pa. C.S. §8331.3 (civil immunity for individuals who assist victims of personal injury crimes (as that phrase is defined under 18 P.S. §11.103)); 42 Pa. C.S. §8332.4 (volunteer-in-public service negligence standard); 42 Pa. C.S. §§8332.7-8332.8 (immunity of state and county parole and probation officers); and 42 Pa. C.S. §8334 (civil immunity in mass immunization projects).

APPENDIX R: PREPAREDNESS GUIDE FOR EMPLOYEES

While the creation and implementation of an effective COOP plan will be done by the District Court Administrator and top court managers with oversight by the President Judge, it will be important to inform all court employees about their roles in maintaining and/or resuming operations following a disaster. It will also be beneficial to provide employees with information that will help them prepare for a workplace disaster from a personal perspective.

This appendix contains a framework for an employee preparedness guide that can be modified to address local needs/situations and can be distributed to all district court employees. After it has been customized, the guide will include 1) a brief overview of the district's COOP plan, 2) communication information and resources, 3) discussion of work-related pandemic flu issues, 4) personal disaster and pandemic planning information, 5) recommendations for preparing a personal disaster kit, and 6) personal emergency information/contact forms.

CONTINUITY OF COURT OPERATIONS

EMPLOYEE PREPAREDNESS GUIDE

FOR

STAFF OF _____ COUNTY COURTS

EMPLOYEE PREPAREDNESS GUIDE

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EMPLOYEE PREPAREDNESS GUIDE

Introduction

In recent years, natural disasters, terrorist attacks, and the threat of a pandemic flu outbreak have highlighted the need to establish plans to continue/resume court operations as quickly and efficiently as possible following a disaster that affects people, facilities, or both.

In Pennsylvania, each judicial district has created a Continuity of Operations Plan (COOP) to address the potential issues that may arise during and after such an event. The plan outlines the court's essential functions, identifies alternate worksites in the event of a facility problem, identifies the personnel needed to perform essential functions, and establishes a communications plan for disseminating information to employees, court users, and the general public.

Whether a disaster affects operations in one court facility (e.g. fire), affects a larger area (e.g. flooding), or does no damage to facilities but affects the health of a local population (e.g. pandemic flu outbreak), courts have a critical duty to the citizens of Pennsylvania to continue/resume operations in some fashion. The COOP plan is intended to anticipate as many potential disaster-related problems as possible and identify, in advance, the steps that will be taken to ensure this duty can be fulfilled.

As a court employee, you play a vital role in the administration of justice in Pennsylvania, and that role may be even more critical in the event of a disaster. While it is not necessary for each employee to know all aspects of the district's COOP plan, it will be helpful for everyone to have a general understanding of the plan in advance of a need to activate it.

Since it is impossible to predict when or how a disaster may affect a court facility, this guide does not attempt to specifically identify each employee's individual responsibilities during a crisis. Such information will be provided through other means as determined by your President Judge and/or District Court Administrator. Instead, this guide provides a general overview of the plan along with phone/internet contacts you will need to use to obtain information and communicate with your workplace following a disaster.

In addition to a plan overview and communication summary, the guide also includes a discussion of workplace issues unique to a pandemic flu situation. Because a pandemic may affect the health of court employees and their families, but not court facilities, different problems will need to be addressed. While special policies and procedures related to work hours, pay, and leave usage may be required depending on the severity of a pandemic, the court's general expectations for employees are covered in the guide.

Finally, the guide addresses steps you can take to plan for disasters and protect your family, with additional information specific to a pandemic flu outbreak. You may use the resources listed in this section to find out more about a wide range of disaster and pandemic related subjects. At the end of the guide several charts are provided for your use in recording important data that may be of value following a disaster.

EMPLOYEE PREPAREDNESS GUIDE

COOP Plan Overview

This section would be completed by the DCA and their planning committee after their district COOP plan is finalized. A possible outline for the overview would include some of the sections/language included in the COOP template with a brief statement about the district's plan under each heading. Since the bulk of the COOP plan will be in the worksheets, they would not be included here, but could be referred to in the description.

Suggested topics for this section are:

Purpose – language from the template could be included here in advance

Applicability and Scope – language from the template could be suggested, but would need to be modified based on the local organizational structure

Essential Functions – language from the template could be used along with examples of functions without including the entire list

Coordination With Court-Related Entities – note that the local planning committee has worked with other county agencies, emergency responders, etc. as appropriate to ensure that plans will work together to address a crisis

COOP Plan Activation Process – a brief description of the steps that will be taken to activate the plan in the event of a disaster

Alternate Work Arrangements – a statement that notes the possibility of using alternate work sites, changing work hours, working from home, etc. to continue/resume the work of the court following a disaster

Employee Responsibilities – note that when the COOP is finalized, employees will be told individually what may be expected of them in the event of a disaster

COOP Plan Testing/Updating – note that the plan will be reviewed and tested on at least an annual basis and changed or updated as necessary

EMPLOYEE PREPAREDNESS GUIDE

Communicating During a Disaster Situation

This section should contain the phone numbers, websites, Email addresses, etc. that employees should use to obtain information following a disaster. It could also include media contact numbers/websites if a district uses a tv station, radio station, or newspaper to disseminate information about court operations.

The section should address topics such as:

Information on Court Status – note numbers/websites employees should contact for up to date details about the status of court operations

Departmental communications - (phone trees, Emails, meetings, etc.) methods needed to continue/resume operations within a work unit

Interdepartmental communications – note procedures to follow when contacting court-related entities to address disaster issues

Health care and social services resources – list contact numbers of agencies/organizations that may be available to provide assistance to families during a pandemic crisis

Media communications – note that only designated court officials may discuss a disaster with the media

Emergency responder communications – list numbers for local police, fire, etc. that may be needed in the event of a disaster

Reporting disasters/emergencies – procedures employees should follow if they witness a disaster (i.e., call 911 and then call DCA to report)

Disaster Planning for Families

Disaster, whether personal, like a house fire, or community wide, like a flood, can strike quickly and without warning. It can force you to evacuate your neighborhood, prevent you from returning home, or confine you to your home. Families can cope with disasters by preparing in advance and working together as a team. Preparing for emergencies can reduce anxiety about possible future events and make recovery an easier process. This section provides information you can use to create a plan to protect your family in the event of a disaster.

What steps should I follow to create a family disaster plan?

- Meet with your family to discuss the need to prepare for disasters
- Explain the types of disasters that are most likely to occur and the dangers of each.
- Identify 2 places to meet – one just outside your home for sudden emergencies like fires, and one outside your neighborhood in case you can't return home. Everyone must know the address and phone number at the remote location.
- Ask an out-of-state friend to be your “family contact”. After a disaster, it is often easier to call long distance. Family members should call this person and tell them where they are. Everyone must know the family contact's phone number.
- Discuss what you will do in an evacuation.
- Plan how you will take care of elderly or disabled family members or neighbors
- Make arrangements for your pets. It is best to take them with you, but if you cannot, make sure you plan for their care. Your local animal shelter or veterinarian can provide information on caring for pets in an emergency.

How much information should I share with my children?

Parents may choose not to share family disaster plans directly with young children, who may become frightened. As a parent, you can make the best decision about how much information to share. If you want to include school-aged children in the planning process, the following suggestions may be helpful:

- Explain in simple language why it is important to have a family emergency plan.
- Explain that nothing bad is happening right now.
- Involve older children in planning activities (i.e. purchasing supplies, checking batteries).
- Reassure children they will be protected by a parent, a relative, or someone else who cares about them until a parent arrives.
- Explain that it is okay to feel scared or afraid.
- Do not make things seem worse than they are – children will be as calm and cooperative as the adults around them.
- Older children may have questions about terrorism if they have seen news programs or remember 9/11. You can offer the plan as a way of ensuring that all family members will be reunited safely and as soon as possible.

How can I make sure my family remember the plan?

Later in this guide, you will find family disaster plan cards you can complete, cut out, and distribute to each family member for reference. These wallet size cards contain a brief summary of who to call and where to meet following a disaster. This page can be duplicated as needed.

What supplies should I keep on hand to prepare for a disaster?

You can protect yourself and your family by keeping enough supplies in your home to meet your needs for at least three days. Assemble a personal disaster supply kit you may need to take with you in an evacuation. These supplies can be stored in sturdy, easy-to-carry containers such as backpacks, duffle bags, or covered trash containers. Suggested items include:

- A three day supply of water (1 gallon per person per day) and food that won't spoil
- One change of clothing and footwear per person
- One blanket or sleeping bag per person
- A first aid kit that includes your family's prescription medications
- Emergency tools including a battery-powered radio, flashlight, and extra batteries
- Extra set of car keys and a credit card or cash
- List of insurance, financial, work, and family contact information (included later in this guide)
- Sanitation supplies
- Special items for infants and elderly or disabled family members
- An extra pair of glasses
- Copies of important family documents
- Pet care items
- Duct tape and plastic sheeting

What can I do to prevent disasters at home?

Inspect your home at least once a year to look for potential hazards, particularly those related to utilities (wiring, gas lines, plumbing, etc.). Your local fire department can provide information about the types of fire hazards that may exist in your home and how to fix them. Remember to change the batteries in your smoke alarms every six months and test them periodically. It may be helpful to coordinate disaster plans with neighbors. Determine your neighbor's special skills (e.g., medical, technical), and find out who may have special needs, such as disabled and elderly individuals. Working together can make it much easier to cope with a disaster.

What should I do if disaster strikes while I'm at home?

Remain calm and patient, and put your plan into action. Check your family for injuries, give first aid if needed, and call 911 or other emergency number. Check home damage with a flashlight (don't light matches or use switches) and sniff for gas leaks starting at the water heater. If you suspect a gas leak, turn off the main valve, open windows, and get everyone outside quickly. Turn off any other damaged utilities (stay away from downed power lines) and make sure you have an adequate water supply. Check the status of pets, neighbors, and elderly or disabled persons. After these initial checks, call your family contact to let someone know your status.

What should I do if an evacuation order is issued?

In a regional disaster, residents may be told to evacuate the area, and you should do so immediately. Listen to your battery powered radio and follow the evacuation instructions given by local emergency officials, particularly the specified travel routes. If you have time before you leave, turn off water, gas, and electricity only if you are instructed to do so (make sure you learn how to properly turn utilities off *before* a disaster occurs). Lock your home as you leave, and post a note telling others when you left and where you are going. Wear protective clothing and sturdy shoes, and take your family disaster kit with you.

Expectations for Court Employees in a Pandemic

The court is very concerned about the impact of a pandemic. The district COOP planning committee has developed contingency plans to maintain court operations during a pandemic, and additional plans will be developed as more is learned about the nature, extent, and timing of a major health crisis. It will be critical to continue performing the court's essential functions during a pandemic, even if modifications must be made to the way they are performed. We are confident that staff members will step up to face any challenges, including those that may develop if there is a significant outbreak of avian flu.

It is the expectation of the court that staff members will report to work unless:

- You are physically unable to do your job because of illness or injury. Documentation of your condition, including physician certification, will be required.
- You are exhibiting influenza symptoms.
- You are using the Family and Medical Leave Act to care for immediate family members who are suffering from a serious medical condition. Documentation will be required.
- You have been told not to report to work by your supervisor.
- You are on approved leave or military leave of absence. Note that pre-approved leaves may be canceled during this time.

It is most important to keep communicating with your supervisor and to keep up to date with information about any potential pandemic. Having a family emergency or disaster plan thought out in advance also will help you deal with issues at home.

What will I be expected to do in a pandemic?

What you may be expected to do will depend on your position, education, skills, and experience. It may be necessary to cross-train staff to provide the necessary services during a pandemic. You will be expected to take necessary precautions to do your job, whatever that may be during a pandemic; to communicate with your supervisor; and to keep informed. It is likely that you will be asked to perform certain functions or tasks that are outside of the scope of your normal responsibilities. Court employees have always responded during real emergencies – our district expects and deserves nothing less during a pandemic.

What can we do at work to minimize exposure?

If a pandemic is imminent, information will be provided and/or training given on recognizing symptoms of influenza and how to report influenza cases. Information on specific restrictions, infection control, and guidelines to avoid unnecessary gatherings or contact will be distributed.

In the event of a major outbreak of influenza, it will be important for the general public and all court employees to stop the spread of germs by frequently washing their hands, practicing other good hand hygiene, and covering their coughs and sneezes properly. For more information,

review the CDC handout “Stopping the spread of germs at work” found at www.cdc.gov/germstopper/work.htm.

How will I get to work if the government establishes travel restrictions or implements quarantines?

If you have court-issued photo identification, you should keep it with you at all times. If travel is restricted in a pandemic, you may need it to reach your facility. If further restrictions (i.e. quarantines) are put in place, you will receive specific instructions from your supervisor. In this situation, some employees may be able to work remotely from home.

What if I refuse to work during a pandemic?

This is a difficult question. The court does not employ people whose positions are irrelevant or do not contribute to the overall success of the organization. Every staff member has a role to fulfill in helping the court meet its mission. Therefore, the court has the strong expectation that if you are healthy, you will report and do the tasks assigned to you.

We will take every precaution to support and protect staff. There will be expectations that we have to do our jobs and to communicate with our supervisors regarding obstacles that may prevent us from doing our jobs. Staff also will be expected to act responsibly, to work in a safe manner, and not to put others at risk. Court management and employees may face difficult questions in a pandemic. But we will make decisions in a responsible manner with your safety and the public’s safety in mind.

If you don’t come to work, the problem does not go away. In fact, the problem only gets worse. In a disaster situation or a pandemic, every employee will make a difference by contributing his or her part to keep the courts operational.

Should I come to work if I feel sick?

If we are in a pandemic situation, and you have influenza symptoms in the infectious stage, you should not come to work. If you do contract the pandemic influenza strain and are recovering and are past the infectious stage, you may have the most immunity built up and be the best person to work with court users. You may be required to provide a physician’s certification that you are no longer contagious prior to returning to work. If this is deemed necessary, the actions needed to fulfill this requirement will be determined at the time based on guidance from appropriate government and health officials.

What if I am pregnant or have an illness that suppresses my immune system?

In a pandemic situation, employees who are at high risk because of pregnancy or compromised immunity may be able to work in areas that do not have as much exposure to other people.

If I have to work, who will take care of my family?

All employees play an important role in fulfilling the court's mission. During a pandemic, disaster, or crisis, you will be needed at work and may be required to stay on duty beyond your expected shift. Therefore, it is essential that you develop child care plans in the event you must stay at work. The key is to take the time now – before a pandemic, disaster, or crisis – to line up your child care arrangements. The same planning should be done if you are responsible for caring for an elderly family member or an individual with special needs in your home. Additional information about family disaster planning

Personal Planning for a Pandemic

While your family disaster plan will help you prepare for most emergency situations, the unique aspects of a pandemic flu outbreak require consideration of additional factors. The district's COOP plan addresses the actions that will be taken at work to continue court operations in the event of a pandemic, but each employee should take time to prepare themselves and their families for the possible effects of a pandemic on their health and safety.

What steps should I take to prepare in advance of a pandemic?

- *Develop a family disaster plan* as previously described, and discuss it with all family members. In a pandemic, physical damage to homes, buildings, roads, etc. is not an issue, so some portions of your plan will not be applicable, but other parts may be critical.
- *Educate yourself and your family* about the nature of a pandemic flu outbreak and the symptoms/treatment of illness. This guide contains general information on both topics.
- *Wash your hands frequently* with soap and water and cover coughs and sneezes with tissues. Teach children to follow these behaviors. For more information on proper hygiene to avoid the flu, go to http://www.cdc.gov/germstopper/home_work_school.htm.
- *Learn first aid and CPR.*
- *Stay healthy* by eating a balanced diet, getting regular exercise, and getting plenty of rest. Ask your physician about receiving annual flu shots and individual health concerns.
- *Find out what your work responsibilities may be* in the event of a pandemic, but understand that these may change depending on the situation.
- *Keep informed* about the status of flu outbreaks that may heighten global health concerns.
- *Don't panic*; think things through. While the threat of a pandemic should not be taken lightly, calmly following the guidance issued by the government and medical professionals will help to moderate its effects.

What types of medical, health, and emergency supplies should I keep in my home?

You should have the following items on hand: prescribed medical supplies and medications; soap and water or alcohol-based hand wash; medicines for fever, such as acetaminophen or ibuprofen; a thermometer; anti-diarrheal medications; vitamins; fluids with electrolytes; flashlight; batteries; portable radio; manual can opener; garbage bags; and tissues, toilet paper, and disposable diapers. A complete list of suggested emergency items is included later in this guide.

What additional supplies should I keep at home?

A pandemic may last for some time, so storing a one to two week supply of water and food is recommended. During a pandemic, if you cannot get to a store, or if stores are out of items, it will be important to have extra supplies on hand. Nonperishable food items to have on hand for an extended stay at home include ready-to-eat canned meats, fruits, vegetables, and soups; protein or fruit bars; dry cereal or granola; peanut butter or nuts; dried fruit; crackers; canned juices; bottled water; canned or jarred baby food and formula; and pet food. A list of Pennsylvania's recommendations for the types of supplies you should consider storing to prepare for a pandemic is included later in this guide.

How can I avoid catching or spreading the flu?

These steps may help prevent the spread of respiratory illnesses such as the flu:

- Cover your nose and mouth with a tissue when you cough or sneeze-throw the tissue away immediately after you use it.
- Wash your hands often with soap and water, especially after you cough or sneeze. If you are not near water, use an alcohol-based (60-95%) hand cleaner.
- Avoid close contact with people who are sick. When you are sick, keep your distance from others to protect them from getting sick too.
- If you get the flu, stay home from work, school, and social gatherings. In this way you will help prevent others from catching your illness.
- Try not to touch your eyes, nose, or mouth. Germs often spread this way.
- In addition to following these guidelines yourself, it will be particularly important to remind children about these healthy habits.

How is an individual with influenza to be cared for at home?

Individuals who have a sudden onset of influenza-like symptoms (for example, headache, fever, chills, cough, chest pain, sore throat, muscle aches, weakness) should do the following:

- Remain at home until all symptoms have resolved (approximately four to five days).
- Take medication as needed to relieve the symptoms of the flu.
- Never give aspirin to children or teens who have flu-like symptoms (and particularly fever) without first speaking to your doctor. Giving aspirin to children and teens who have influenza can cause a rare but serious illness called Reye's syndrome.
- Drink lots of fluids (water and other non-alcoholic, non-caffeinated beverages).
- Get plenty of bed rest.
- Do not smoke.
- Restrict visitors.

Individuals should seek medical attention at their physician's office, urgent care facilities, or hospital emergency department if they experience:

- fever for more than four to five days
- difficulty breathing or chest pain
- onset of confusion or seizures
- skin color changes (lips and hands)

- persistent vomiting (two to three times in 24 hours). Vomiting is usually present in young children and elderly persons with influenza infection.

People age 65 and older, people of any age with chronic medical conditions, pregnant women, and very young children are more likely to get complications from influenza.

Infection control measures that should be practiced to prevent the spread of influenza include:

- Wash hands often with warm soap and water, scrubbing for 10 to 15 seconds.
- People entering the home of a person who may have influenza should wash their hands after patient contact and before leaving the home.
- Patients should cover their mouths and noses with tissue when coughing or sneezing, dispose of used tissues immediately after use, and wash hands after using tissues.
- Family members should wash hands after contact with the patient.
- Do not share eating utensils or drinks.
- Do not rub eyes, and do not touch nose or mouth.
- Wash hands or use waterless hand sanitizer after shaking hands with anyone.

Plan ahead and think about what you need to have in case someone in your household were to become infected with influenza and would need to receive care at home. If you live alone, are a single parent of young children, or are sole caregiver for a frail or disabled adult, the following are recommended:

- Have enough fluids (water, juice, soup) available to last for one to two weeks.
- Have enough basic household items (for example, tissues) to last for one to two weeks.
- Have acetaminophen and a thermometer in the medicine cabinet.
- Talk to someone you could call upon for help if you became very ill with the flu.
- Make arrangements with someone you could call upon to care for your children if you were required to work and their school or day care was closed because a pandemic.

Pennsylvania Emergency Preparedness Guide

Recommendations for a Disaster Supply Kit

There are six basics you should have in your home in case of any emergency. They are water, food, a first aid kit, clothing and bedding, tools and supplies, and special items. Below are listed some items from each of the basic categories that you may want to *consider* including in your family's disaster supplies kit. Under the unique circumstances of a pandemic, the need for food, water, and other supplies may be greater than other emergencies because of the possible disruption of production and delivery channels. Therefore, the quantities of supplies needed in your home may be greater. You may want to plan for enough food, water, and other critical supplies to last one to two weeks or longer. For more information about this list, visit www.pandemicflu.state.pa.us.

Water

Store one gallon of water per person per day. Have a three-day supply (replace supply every six months).

Clothing and Bedding

Include at least one complete change of clothing and footwear per person.

- ✘ Sturdy shoes or work boots
- ✘ Blankets and/or sleeping bags
- ✘ Thermal underwear
- ✘ Sunglasses
- ✘ Rain gear
- ✘ Hats and gloves

Special Items

Remember family members with special needs such as infants and elderly or disabled individuals.

For Children

- ✘ Baby formula/food
- ✘ Diapers
- ✘ Bottles
- ✘ Powdered milk
- ✘ Medications
- ✘ Games/Activities

For Adults

- ✘ Prescription drugs
 - * Heart and high blood pressure medications
 - * Insulin
- ✘ Denture needs
- ✘ Contact lenses and supplies
- ✘ Extra eyeglasses
- ✘ Playing cards and books
- ✘ Important legal documents

For Pets

- ✘ Medications and medical records
- ✘ Food and water
- ✘ Cat litter/pan
- ✘ Copies of licenses
- ✘ Current photo in case pets get lost
- ✘ Name and phone number of veterinarian

Food

Store at least a three-day supply of non-perishable food for each person. Select foods that require no refrigeration, cooking, or preparation. Select food items that are compact and lightweight, and rotate the food supply every six months.

- ✘ Ready-to-eat canned meats, fruits, and vegetables
- ✘ Soups, bouillon cubes, or dried soups
- ✘ Milk – boxed powdered or canned, requiring no refrigeration
- ✘ Baby formula and food
- ✘ Sugar cookies
- ✘ Hard candy
- ✘ Sugar
- ✘ Salt
- ✘ Pepper
- ✘ Juices – canned, boxed, powdered, or crystallized
- ✘ Smoked or dried meats such as beef jerky
- ✘ Vitamins
- ✘ High energy foods – peanut butter, nuts, trail mix

Tools and Supplies

- ✘ Mess kits or paper cups, plates, plastic utensils
- ✘ Battery- or gyro-operated radio and extra batteries
- ✘ Small fire extinguisher
- ✘ Flashlight and extra batteries
- ✘ Paper and pencil or pen
- ✘ Nonelectric can opener
- ✘ Utility knife
- ✘ Tent
- ✘ Plastic sheeting
- ✘ Duct tape
- ✘ Pliers
- ✘ Compass
- ✘ Signal flare
- ✘ Needles and thread
- ✘ Aluminum foil
- ✘ Matches
- ✘ Shut-off wrench for gas and water
- ✘ Work gloves
- ✘ Plastic storage containers
- ✘ Medicine dropper

Cash or travelers checks and change

- ✘ Dust mask (for dust/debris)
- ✘ Toilet paper
- ✘ Personal hygiene items
- ✘ Feminine supplies
- ✘ Disinfectant
- ✘ Plastic garbage bags and ties
- ✘ Soap
- ✘ Household chlorine bleach
- ✘ Small shovel (to dig toilet, etc.)
- ✘ Plastic bucket with tight lid (indoor toilet)

First Aid Kit

You should have two first aid kits – one for your home and the other for your car. Each kit should include:

- ✘ Sterile adhesive bandages (assorted sizes)
- ✘ Gauze pads (2 and 3 inch)
- ✘ Triangular bandages
- ✘ Hypoallergenic adhesive tape
- ✘ Sterile roller bandages (2 and 3 inch)
- ✘ Scissors
- ✘ Tweezers
- ✘ Needle
- ✘ Safety razor blade
- ✘ Safety pins (assorted sizes)
- ✘ Bar of soap
- ✘ Moist towelettes
- ✘ Nonbreakable thermometer
- ✘ Antiseptic spray
- ✘ Latex gloves
- ✘ Petroleum jelly or other lubricant
- ✘ Tongue depressors and wooden applicator sticks
- ✘ Aspirin and nonaspirin pain reliever
- ✘ Antacid
- ✘ Laxative
- ✘ Eye wash
- ✘ Rubbing alcohol
- ✘ Antiseptic or hydrogen peroxide
- ✘ Antidiarrheal medication
- ✘ Emetic (to include vomiting)
- ✘ Cough and cold medicines
- ✘ Fluids with electrolytes (for example, sport drinks)

EMPLOYEE PREPAREDNESS GUIDE

Family Emergency Plan Cards

When you have established a disaster plan for your family, complete the information on the cards below and distribute them to each family member. The cards will serve as a reminder about the plan so no one (particularly children) will have the need to memorize contact information and meeting locations.

MY FAMILY EMERGENCY PLAN

Emergency Meeting Place _____
outside your home

Meeting Place _____ Telephone _____
outside your neighborhood

Address _____

Family Contact _____

Telephone _____ Telephone _____
day evening

Emergency Meeting Place _____
outside your home

Meeting Place _____ Telephone _____
outside your neighborhood

Address _____

Family Contact _____

Telephone _____ Telephone _____
day evening

MY FAMILY EMERGENCY PLAN

Emergency Meeting Place _____
outside your home

Meeting Place _____ Telephone _____
outside your neighborhood

Address _____

Family Contact _____

Telephone _____ Telephone _____
day evening

MY FAMILY EMERGENCY PLAN

Emergency Meeting Place _____
outside your home

Meeting Place _____ Telephone _____
outside your neighborhood

Address _____

Family Contact _____

Telephone _____ Telephone _____
day evening

MY FAMILY EMERGENCY PLAN

Emergency Meeting Place _____
outside your home

Meeting Place _____ Telephone _____
outside your neighborhood

Address _____

Family Contact _____

Telephone _____ Telephone _____
day evening

MY FAMILY EMERGENCY PLAN

Emergency Meeting Place _____
outside your home

Meeting Place _____ Telephone _____
outside your neighborhood

Address _____

Family Contact _____

Telephone _____ Telephone _____
day evening

MY FAMILY EMERGENCY PLAN

Emergency Meeting Place _____
outside your home

Meeting Place _____ Telephone _____
outside your neighborhood

Address _____

Family Contact _____

Telephone _____ Telephone _____
day evening

MY FAMILY EMERGENCY PLAN

Emergency Meeting Place _____
outside your home

Meeting Place _____ Telephone _____
outside your neighborhood

Address _____

Family Contact _____

Telephone _____ Telephone _____
day evening

MY FAMILY EMERGENCY PLAN

EMPLOYEE PREPAREDNESS GUIDE

Employee Emergency Information Form

This chart is designed to provide information that will help you stabilize your family's basic needs following a disaster and aid in the recovery process. You may want to keep one copy of this form in your home and one copy in your disaster recovery kit.

Insurance Information		
Health Insurance Provider:	Policy Number:	Telephone:
Family Physician:	Address:	Telephone:
Disability Insurance Provider:	Policy Number:	Telephone:
Life Insurance Provider:	Policy Number:	Telephone:
Home Owners Insurance Provider:	Policy Number:	Telephone:
Vehicle Insurance Provider:	Policy Number:	Telephone:
Other Insurance:	Policy Number:	Telephone:

Credit Card and Financial Information		
Financial Institution:	Account Number:	Telephone:
Financial Institution:	Account Number:	Telephone:
Credit Union:	Account Number:	Telephone:
Mortgage Company:	Account Number:	Telephone:
Credit Card Companies:	Account Numbers:	Telephone:

Employer Information		
Employee Assistance Program:	Address:	Telephone:
Emergency Coordinating Officer:		Telephone:
Emergency Hotline:		Telephone:

Community Services and Emergency Management Agencies	
American Red Cross:	Telephone:
County Emergency Management Office:	Telephone:
State Emergency Management Office:	Telephone:
Federal Emergency Management Agency:	Telephone:
Other Agencies:	Telephone:

Emergency Contact List		
Out-of-State Contacts		
Names	Addresses	Telephone Numbers
Local Contacts		
Names	Addresses	Telephone Numbers
Nearest Relatives		
Names	Addresses	Telephone Numbers
Family Work Numbers		
Name	Employer	Telephone Number

Emergency Telephone Numbers		
Police:	Fire:	Hospital:
Family Physicians		
Name:	Address:	Telephone:
Name:	Address:	Telephone:
Reunion Locations		
Outside your home:		
Other Location if cannot return home:		

EMPLOYEE PREPAREDNESS GUIDE

Where to Get More Information

External resources

www.pandemicflu.state.pa.us
(Commonwealth of Pennsylvania)

www.pandemicflu.gov
(U.S. Department of Health and Human Services)

www.cdc.gov
(Centers for Disease Control and Prevention)

www.ready.gov
(U.S. Department of Homeland Security)

Support resources

Local Health care providers

Local Hospitals

Employee Assistance Program's Work/Life Resources

United Way

Health Department
Pandemic Flu Planning:
A Guide for Individuals and Families
www.pandemicflu.gov/plan/pdf/guide.pdf

How to live without electricity and water at home

www.redcross.org/statis/file_cont39_lang0_24.pdf

www.pema.state.pa.us

Appendix T: Frequently asked questions about pandemic and avian influenza

A pandemic or major outbreak of avian influenza, should it occur, will present significant challenges to all employees – both at work and at home. The information in this section is provided to help you meet your work and family responsibilities in the event of an avian flu pandemic. It is designed to provide basic information about the avian flu and pandemics, and it also lists steps that you can take to keep yourself and your family healthy.

What is a pandemic?

A pandemic is an epidemic that spreads across the globe, affecting every continent rather than being confined to one geographic area. During flu pandemics, a higher than usual percentage of the population becomes infected and more people die from these infections than during the usual annual flu season. Pandemics occur because a new influenza virus makes its way from birds or swine to humans, resulting in a strain for which we have very little immunity. Pandemics have occurred about every 30 to 50 years in recent history.

What is avian flu?

The avian flu that is currently decimating bird populations around the globe – H5N1 virus – is causing great concern. Because this virus does not commonly infect humans, there is little or no immune protection against it in the human population. Therefore, if H5N1 virus were able to infect people and spread easily from person to person, an influenza pandemic could begin. To date, the great majority of all cases of the avian flu have been due to transmission of the virus from birds to humans. (Log on to www.pandemicflu.gov for current information.)

When might an avian flu pandemic occur?

Although no one can predict when a pandemic might occur, experts from around the world are watching the H5N1 virus situation very closely and preparing for the worst. In fact, the World Health organization predicts that an H5N1 virus human pandemic is not a question of “if” but “when.”

What are the symptoms of avian flu in humans?

Symptoms of bird flu in humans have ranged from typical flu-like symptoms (fever, cough, sore throat, and muscle aches) to eye infections, pneumonia, severe respiratory diseases (such as acute respiratory distress), and other severe and life-threatening complications.

Is there a vaccine?

There currently is no vaccine to protect humans against the H5N1 virus. However, vaccine development efforts are under way in a number of laboratories around the country and the world.

How is avian flu treated?

Oseltamivir (Tamiflu) and similar antiviral medications provide moderate protection. They may have some use in moderating the severity of the disease and/or in prophylaxis (prevention) for people working with infectious humans or animals. However, some subtypes of the H5N1 virus

are becoming more virulent (stronger) and more resistant to medications such as Tamiflu. Variants of the H5N1 virus that have caused human illness and death are resistant to amantadine and remantadine, two antiviral medications commonly used for influenza.

How is avian flu transmitted from birds to humans?

Birds are the natural hosts of the disease. The disease spreads rapidly in flocks by direct contact. The virus transmits in feces and discharges from the nasal passages and eyes. Most cases of bird flu infection in humans have resulted from contact with infected poultry or contaminated surfaces. Although not the case today, the concern is that the virus may mutate to a form that is easily transmissible from human to human.

Is there a risk for becoming infected with avian influenza by eating poultry?

There is no evidence that properly cooked poultry or eggs can be a source of infection by avian influenza viruses.

Have scientists estimated how many people may become ill or die if an avian flu pandemic struck the United States?

According to the Centers for Disease Control and Prevention (CDC), the severity of an avian flu pandemic cannot be predicted, but modeling studies suggest that the impact of a pandemic on the United States could be substantial. In the absence of control measures (vaccination or drugs), it has been estimated that in the United States a “medium-level” pandemic could cause 89,000 to 207,000 deaths, 314,000 to 734,000 hospitalizations, and 18 to 42 million outpatient visits.

What are the other impacts of a pandemic?

Pandemics can cause large surges in the number of people requiring or seeking medical or hospital treatment, temporarily overwhelming health services. High rates of worker absenteeism also can interrupt other essential services, such as law enforcement, transportation, and communications.

How long will a pandemic last?

In an affected community, a pandemic outbreak will probably last two or three months. Pandemic influenza occurs in “waves,” with multiple waves possible. When it seems that the outbreak is over, another wave of infections comes along and causes disease among the population again.

What steps might the government take to control the spread of avian flu in a pandemic?

The two main strategies for the prevention of transmission in the public domain involve decreasing contact between infected and uninfected people, and decreasing the probability that contact, if it occurs, will result in infection. This may include travel restrictions, school closures, orders against large public gatherings, isolation, and quarantine. The government will take measures to restrict contact between people infected with the virus and healthy individuals.

How long is the incubation period for influenza?

The typical incubation period (interval between infection and onset of symptoms) for the usual seasonal influenza is approximately two days. People who become ill may transmit infection for up to one day before onset of symptoms. Viral shedding and the risk of transmission will be greatest during the first two days of illness. The incubation period for flu can be several days longer in children. Adults can be infectious for approximately one day prior to symptoms, whereas children can be infectious for several days before symptoms. The incubation period for the H5N1 virus is under continuing study and, for adults, may be longer than two days.

APPENDIX U: Sample Cooperative Agreements and Templates for Emergency Orders

Community Partner Agreement

Between

_____ **Court and** _____

This Agreement is made and entered into between _____ and _____.

I. Introduction

The purpose of this Agreement is to define the responsibilities of the parties.

This Agreement shall not be construed as independent of or bypassing established emergency management procedures or the provisions of County or State declarations of emergencies.

II. Participation

_____ intends to provide the services identified in this Agreement. _____ Court recognizes that _____'s participation is purely voluntary and at its sole discretion and that _____ may not be able to fully meet all of the requests made by _____ Court during the disaster.

III. Planning

As soon as possible after this Agreement is signed, the parties will meet to prepare a joint plan ("Joint Plan") for _____ to provide the services described in this Agreement. The Joint Plan will include the schedule for _____ Court to provide training to _____, communication protocols if an emergency or a disaster occurs, and the procedure that _____ Court will use to inform _____ about the services needed at locations where persons are isolated and/or quarantined.

IV. Initiation of Services

.

V. Responsibilities of _____ Court

General

VI. Responsibilities of _____

General

Example: Refer all media requests to designated representative of _____ Court.

VIII. Term and Termination

This Agreement is effective upon signature by both parties and ends _____, 200_, unless extended or terminated by either party.

Either party may request an extension of the Agreement prior to the termination date through an amendment process.

Either party may terminate this Agreement with written notification to the other party no less than thirty (30) calendar days in advance of the termination date.

IX. Contacts

Names and telephone numbers of representatives of the respective organizational partners should be provided. Each party should advise the other if/when contacts change.

X. Signatures

_____ County Court of Common Pleas

Executed By: _____

Title: _____

Date: _____

The County of _____

Executed By: _____

Title: _____

Date: _____

(Name of Organizational Entity)

Executed By: _____

Title: _____

Date: _____

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Appendix V: Sample COOP Team Structure

COOP Plan Management Team

Pre-Emergency Responsibilities:

- Reviews and approves COOP plan modifications/updates.
- Knows and understands the entire COOP plan.
- Knows and understands the criteria for activation and execution of the COOP plan or a part thereof.
- Establishes financial coverage of expenses associated with the COOP plan activation.

Emergency Responsibilities:

- Alerts AOPC Team of potential situation.
- Activates the Emergency Assessment Team and evaluates the team report.
- Establishes a Command Center with the required communications capabilities.
- Activates and executes the COOP plan or a part thereof, notifies the AOPC Team, and activates the Advance/Recovery Teams.
- Assembles and briefs the Advance/Recovery Team leaders.
- Determines appropriate facility location(s) and obtains for relocation, if necessary.
- Ensures security for alternate facilities.
- Provides for the overall leadership during the COOP plan activation and execution.
- Provides for the overall well-being of the Advance/Recovery Team personnel.
- Requests out-of-county personnel via the AOPC Team, if required.
- Prepares press releases and arranges for press conferences.
- Monitors the Advance/Recovery Team operations.
- Addresses unplanned contingencies/requirements.

Post-Emergency Responsibilities:

- Assesses overall COOP Plan Management Team performance.
- Assesses overall COOP plan effectiveness.
- Evaluates/approves recommendations to modify/improve the COOP plan.

Emergency Assessment Team

Pre-Emergency Responsibilities:

- Understands the entire COOP plan.
- Knows and understands criteria for declaring an emergency.
- Knowledgeable of local emergency service providers.

Emergency Responsibilities:

- Establishes the security at the emergency-affected facility.
- Assesses the emergency occurrence/event and estimates the impact on the affected facility/personnel.
- Determines if the affected facility or part thereof is fit for occupancy/use.
- Determines the cause of the emergency.
- Rapidly provides assessment analysis to the COOP Plan Management Team.
- Addresses unplanned contingencies/requirements.

Post-Emergency Responsibilities:

- Assesses the overall team performance.
- Assesses the overall COOP plan effectiveness.

Departmental/Division Advance/Recovery Team

Pre-Emergency Responsibilities:

- Knows and understands the COOP plan as pertains to their respective department/division.
- Trains and prepares for the departmental/division advance and recovery requirements, including but not limited to determining alternate work location operational requirements.

Emergency Responsibilities:

- Executes the departmental/division portion of the COOP plan to reestablish/continue COOP-designated departmental/division essential functions.
- When directed, deploys to the alternate work location site and activates the departmental/division operations therein.
- Coordinates activities/operations with the respective department/division director and COOP Plan Management Team.

Post-Emergency Responsibilities:

- Evaluates the team operations and provides recommendations to the respective department/division director and COOP Plan Management Team.
- Assesses the overall COOP plan effectiveness.