



CHERIE BERRY
COMMISSIONER OF LABOR

PAUL M. SULLIVAN
WEST COMPLIANCE BUREAU CHIEF
OCCUPATIONAL SAFETY AND HEALTH DIVISION

August 14, 2020

Amanda Leazer
Guilford County Courthouse
201 S Eugene Street
Greensboro, NC 27401

Re: Complaint Number 209682731

Dear Ms. Leazer:

Recently the North Carolina Department of Labor Occupational Safety and Health Division received a complaint alleging health and/or safety hazards related to **coronavirus disease 2019 (COVID-19)**, **which is the illness caused by coronavirus**, at your establishment at 201 S Eugene Street, Greensboro, NC 27401. The specific nature of the complaint is described in detail on the attached page.

Information about COVID-19, including guidance on preventing worker exposure and for preparing your workplace, can be found at the following locations:

- OSHA COVID-19 website – <https://www.osha.gov/SLTC/covid-19/>
- CDC COVID-19 website – <https://www.cdc.gov/coronavirus/2019-ncov/index.html>
- CDC info for healthcare workers – <https://www.cdc.gov/coronavirus/2019-nCoV/hcp/index.html>
- NC Division of Public Health website – <https://www.ncdhhs.gov/divisions/dph>
- NC's Stay at Home Order, including list of essential businesses - <https://files.nc.gov/governor/documents/files/EO121-Stay-at-Home-Order-3.pdf>

We have not determined whether the hazards, as alleged, exist at your workplace; and we are not conducting an inspection, at this time. However, since allegations of violations have been made, you should investigate the alleged conditions and make any necessary corrections or modifications. Within 7 working days of your receipt of this letter, please advise us, in writing, by certified mail, or submitting electronically of your finds and the action you have taken. Your response should be detailed stating specifically what action you have taken to correct each hazard. You should enclose any supporting documentation, such as monitoring results, equipment purchases, photographs etc.

The complainant has been advised of this preliminary response to the complaint and furnished a copy of this letter. An un-redacted employer response will be forwarded to the complainant. Please focus on providing documentation on the alleged conditions and do not include any comments or information

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about the person(s) that you believe filed the complaint. You should be aware that North Carolina General Statute 95-241 provides that "no person shall discriminate or take any retaliatory action against an employee because the employee in good faith does or threatens to file a claim or complaint, initiate any inquiry, investigation, proceeding or other action, or testify or provide information to any person with respect to ... the Occupational Safety and Health Act of North Carolina."

This letter is not a citation nor is it a notification of proposed penalty, which according to the Occupational Safety and Health Act, may be issued only after an inspection or investigation of the workplace. If we do not receive a response from you within 7 working days of your receipt of this letter indicating that appropriate action has been taken or that no hazard exists and why, an inspection may be conducted.

You are requested to post a copy of this letter and your response to it where it will be readily accessible for review by your employees. Please send your written response electronically to me at nancy.hall@labor.nc.gov, with a carbon copy to latara.barrow@labor.nc.gov. Supporting documentation, such as photos or safety policies, should be attached to the email if applicable.

If you have any questions about this letter, please contact me at 336-776-4420. Your personal support and interest in the safety and health of your employees are appreciated.

Sincerely,

Mary Robinson
for: Nancy Hall

Nancy Hall
District Supervisor

Complaint of Occupational Safety or Health Hazards

North Carolina Department of Labor Occupational Safety and Health Division		Complaint Number 209682731	Optional Number 1000
Employer Name Guilford County Courthouse			
Site Location (Street, City, State, ZIP) 201 S Eugene Street Greensboro NC 27401			
Mailing Address (Street, City, State, ZIP) 201 S Eugene Street Greensboro NC 27401			
Management Official Amanda Leazer		Telephone Number	
Complaint Assigned To H6414		SIC/NAICS 9211 922110	
Hazard Description: 1. Covid-19 outbreaks are not disclosed to employees. 2. Proper deep cleaning is not being done by properly trained individuals, especially after positive cases of Covid-19 have been identified. 3. The public and employee bathrooms are not socially distanced and there is no signage. All public and employee bathrooms, 4 stalls and 4 sinks, are too close, as the middle two should be closed. 4. Employees work spaces are not properly spaced apart particularly in departments with known outbreaks. 5. Masks are still not being worn by even law enforcement. 6. Personal protective equipment and temperature checks, which were said to be a part of safety preparedness and mandatory routine, is not happening at all entrances. 7. Employees who have expressed fear and concern and have reached out in good faith have been told not to do so. 8. Due to new guidelines, ADA issues have also come up. Communications with hearing impaired persons who require clear view masks and handicapped entrances are not being temperature checked. 9. Criminal and Civil Departments work spaces are too close and there are shared desks in other departments.			
Hazard Location: In the facility			



*State of North Carolina
General Court of Justice
18th Judicial District
Superior Court*

SENIOR RESIDENT JUDGE
JOHN O. CRAIG, III.

RESIDENT JUDGES
R. STUART ALBRIGHT
SUSAN E. BRAY
WILLIAM A. WOOD, II
LORA C. CUBBAGE

GUILFORD COUNTY COURTHOUSE GREENSBORO
P.O. BOX 3008
GREENSBORO, NC 27402
(336) 412-7900
(336) 412-7901 (FAX)

GUILFORD COUNTY COURTHOUSE HIGH POINT
P.O. BOX 2434
HIGH POINT, NC 27261
(336) 822-6716
(336) 822-6717 (FAX)

TRIAL COURT ADMINISTRATOR
AMANDA J. LEAZER

TRIAL COURT COORDINATORS
BRITTANY R. ROBINSON (GREENSBORO)
WENDY J. STUART (HIGH POINT)

JUDICIAL ASSISTANT II
ROBERTA J. CURRY

August 20, 2020

Nancy Hall
District Supervisor, NCDOL
4964 University Parkway, Suite 202
Winston-Salem, NC 27106

Re: NCDOL Complaint #209682731

Dear Ms. Hall:

Your letter to Amanda Leazer of Aug 14, 2020, was forwarded to me because Ms. Leazer, designated COVID-19 coordinator, is out on personal leave due to a death in her family. While she would normally be the person to respond to your letter, I am writing in my role as Senior Resident Superior Court Judge for Guilford County, in order not to be tardy in responding to your inquiries.

I first want to note at the outset that we previously received a letter from you dated July 15, 2020, Complaint # 209676592, which stated that the allegations of failure to enforce social distancing and inadequate cleaning and sanitation are not covered by any OSHA standard, nor did the allegations fall under the "General Duty" clause. Several of the allegations in the current complaint are closely related to the previous allegations, namely paragraphs 2,3,4 and 9, and I presume that NCDOL's conclusions in your previous letter still apply. Nevertheless, I will address these paragraphs to demonstrate our cooperation and our commitment to address the allegations as best as we can.

As you know, we are a part of the unified North Carolina court system, a co-equal branch of State government with the Executive branch (of which NCDOL is a department). The Guilford County court system is at the trial court level of the judiciary; as such, each of the courts in the 100 counties is dependent upon their respective counties to provide them with statutorily-mandated court facilities. Although the relationship has its intergovernmental nuances, it is essentially akin to a landlord-tenant relationship.

Many of the items listed in the "Complaint of Occupational Safety or Health Hazards" are not within the direct responsibility or control of the Guilford County court officials. Moreover, many of the policies promulgated in response to the coronavirus outbreak are created by the Chief Justice of the North Carolina Supreme Court and the Administrative Office of the Courts ("AOC"). More often than not, our actions are subordinate to decisions made by the county manager and the directives of the AOC. As I respond to the numbered "Hazard Descriptions" in the Complaint, I will relate which items are the responsibility of county government or State agencies which preclude the Guilford County court system from taking measures to address the alleged hazards.

Paragraph 1 of the Complaint alleges that "COVID-19 outbreaks are not disclosed to employees." Under AOC directives, disclosures to employees are the responsibility of the "hiring authority." Five different hiring authorities are collectively responsible for several hundred employees at our two courthouse locations: Superior Court judges and staff; District Court judges and staff; the District Attorney's office; the Clerk of Court's office; and the Public Defender's office. Each hiring authority is independent of the others but all are subject to AOC rules and regulations, which severely constrain the nature and extent of disclosures to employees, in keeping with N.C.G.S. Sec. 130A-143 and -144, and the Federal guidelines under the Americans with Disabilities Act ("ADA"). The hiring authorities may only disclose the location within the courthouse where the infected employee primarily worked and the last day he or she was at the courthouse. The hiring authorities may delegate the dissemination of these limited disclosures to the specially-created COVID-19 coordinator that I designated under the authority given me by the Chief Justice. The COVID-19 coordinator may also serve as the liaison with county authorities such as the health department to assist with the deep cleaning measures in the infected employee's work areas.

Despite some early confusion as to the interplay between the hiring authorities and the COVID coordinator, we have worked through these issues and the allowed disclosures concerning newly-infected employees will be made via the COVID coordinator to all courthouse staff. Please bear in mind, however, that we have been instructed by the AOC that any information to be disclosed will be extremely limited to protect the privacy rights of the infected employees, which the AOC considers paramount. We realize that these restrictions will be frustrating to many employees, but the strictures have been thoroughly explained to them by the AOC in its published directives; by the hiring authorities and various department heads; and even by such statewide organizations as the North Carolina School of Government and the North Carolina State Bar. Any additional questions by NCDOL in this matter should be directed to Christine Villaverde, Danielle Carmen, or the staff attorneys at the AOC.

Paragraph 2: "Proper deep cleaning is not being done by properly trained individuals, especially after positive cases of COVID-19 have been identified." At the outset of the pandemic, we engaged in lengthy negotiations with Guilford County officials concerning the formulation of responses to outbreaks at the courthouses. The county agreed to initiate deep-cleaning measures in the event a positive case of the coronavirus was identified. Other than that, the county retained control over the specifics of deep cleaning measures, including which vendors to hire and the proper training techniques. Because cleaning techniques remain within the sole discretion of the county and beyond the auspices of court officials, NCDOL should contact County Manager Marty Lawing and the County Attorney Mark Payne. We have been informing them when we see instances of failures to adequately clean an area, but the additional cleaning staff have been disinfecting the courtrooms and other high-traffic areas during the lunch break.

Paragraph 3: "The public and employee bathrooms are not socially distanced and there is no signage. All public and employee bathrooms, 4 stalls and 4 sinks, are too close, as the middle two should be closed." This item of the complaint is also beyond the control of the court officials. The county controls the physical structures within the courthouse and NCDOL must order county officials to modify the bathrooms if concerns remain after an inspection of the premises.

Paragraph 4: "Employees['] work[.]spaces are not properly spaced apart[,] particularly in departments with known outbreaks." Once again, the configuration of employee workspaces is the ultimate responsibility of the county. Departments within the court system often request changes and during the coronavirus outbreak, certain departments have indeed requested a reconfiguration of their work areas, including the construction of high-walled cubicles. But we can only request changes; the ultimate decision to change the layout of workspaces is a county responsibility.

Paragraph 5: "Masks are still not being worn by even law enforcement." I must surmise that the complainant is implying that some court employees are not wearing their masks but that the failure or refusal to wear masks is especially egregious among law enforcement officials. While the Guilford court system has no direct control over law enforcement officials, we have been insisting that bailiffs, who are the Guilford County sheriff's employees, wear masks at all times. Based on my observations, the bailiffs have been compliant. I have also instructed county security personnel that officers of other law enforcement agencies who conduct business at the Guilford courthouses must wear masks or else they shall be denied admittance. I have observed only one instance where a police officer entered the courthouse premises without a mask. After I had a blunt, largely one-sided conversation with him, he will not make that mistake again. In fact, that law enforcement agency immediately issued a directive to all its officers about wearing their masks at the courthouses.

Paragraph 6: "Personal protective equipment and temperature checks, which were said to be a part of safety preparedness and mandatory routine, is [sic] not happening at all entrances." After a slow start in providing PPEs due to nationwide shortages, the county has procured several thousand masks to be distributed to those persons who come to the courthouses without masks. In recent weeks, I have not

seen any persons without masks. We cannot oversee members of the public at all times and some invariably remove or lose their masks. In these instances, the Bailiffs have a supply of masks in all courtrooms to distribute replacements. Any persons who refuse to wear masks are escorted off the premises. As for temperature checks, the county has purchased new walk-through scanners that analyze the core body temperatures of all persons who pass through the device. They are due to be delivered and installed at the main entrances in both courthouses very shortly. In the meantime, security officers, assisted by bailiffs, are using touchless thermometers at all entrances. I know that on certain days, there have been manpower shortages that have made it difficult for the county to cover all entrances; however, this problem has been beyond our control. NCDOL should contact the county personnel for more information in this regard.

Paragraph 7: "Employees who have expressed fear and concern and have reached out in good faith have been told not to do so." I am unaware of any departments within the court system who have issued any such directives. I will reiterate to all department heads that it would be improper to suppress any employee's desire to express concerns. However, I feel compelled to point out that the various divisions in our courthouse family, along with the AOC, are not the unconditional guarantors of employee safety when it comes to the pandemic. As I have demonstrated in my response to previous paragraphs in the complaint, some things are simply beyond our control when it comes to the county complying with our safety requests and the complainant should file an OSHA complaint against the county if he or she feels it is warranted.

Paragraph 8: "Due to new guidelines, ADA issues have also come up. Communications with hearing-impaired persons who require clear view masks and handicapped entrances are not being temperature checked." It is difficult to respond to this allegation without additional details; namely, I do not know if the hearing-impaired persons referred to means employees or members of the public. If it is the latter, I would think that OSHA mandates would spell out the requirements necessary and NCDOL could definitively state whether the county or the court system must provide clear view masks to those members of the public who are hearing-impaired. If it is the former, I respectfully request that NCDOL provide court officials with the applicable regulations that impose such a requirement. Employers are required to provide handicap-accessible entrances and work areas, but I am unsure whether employers are required to provide specialized personal devices.

Paragraph 9: "Criminal and Civil Departments['] work[]spaces are too close and there are shared desks in other departments." Please see my responses to Paragraphs 3 and 4. When the courthouse floor plans and their workspaces were designed, an event such as this pandemic was simply not given any forethought, and "social distancing" was not a workplace concept. We have asked the county to assist us in reconstructing work areas in a way that will allow us to lessen overcrowding among our employees, but remedial efforts such as this lie solely within the prerogatives of Guilford county officials.

In conclusion, the elected leaders within the Guilford County court system are dedicated to providing as safe a working environment as we possibly can and everyone is working diligently to put many safeguards in place, but there will always be isolated lapses in our planned vigilance. There are so many factors that are beyond our immediate control that I scarcely know where to begin. I believe that most of the positive cases in our courthouse facilities, with the possible exception of a few, were contracted outside the courthouse. I sincerely believe that we are striving to provide the safest work environment possible, within the constraints imposed upon us due to our unique relationship with the county, which owns the physical premises. In turn, Guilford County, including the local health department, has been hampered by the state-level DHHS and both state and local governments suffer from lack of federal funding caused by the inadequate and even incompetent decisions of the current administration in Washington, D.C. To truly make the courthouses safer places, we need more testing; we need faster test results; and we need more people employed by the local health department to assist with contact tracing. Until this occurs, the measures we have undertaken will never be foolproof.

We welcome an inspection of our Guilford County courthouse facilities; just give us sufficient advance notice so we can make sure the appropriate courthouse and county officials are available to meet with you and answer your questions.

Sincerely,



John O. Craig III
Senior Resident Superior Court Judge