

# ***Emergency Preparedness Plan***

## ***for the Probation Districts & Problem- Solving Courts***

Nebraska Administrative  
Office of the Courts & Probation

*March 2020*



## 1.0 Executive Summary

This document was created at the direction of the Nebraska Supreme Court and applies to all Probation Districts and their employees.

To the best of our ability, probation must continue to provide a system of seamless services founded in evidence-based principles that are valued by Nebraska's communities, victims, offenders and Courts. Through rehabilitation, collaboration and partnership we will enhance community safety by creating constructive change regardless of the circumstances.

The intent of this document is to provide guidance in the event of a state of emergency and is to be used in conjunction with a local Comprehensive Continuity of Operations Plan (COOP).

## 1.1 Purpose

This EMERGENCY PREPAREDNESS PLAN (EPP) establishes guidance to ensure the execution of the **mission essential functions** for Probation Districts, in the event that an emergency in the state/nation threatens or incapacitates operations, and/or the relocation of selected personnel and functions to an **alternate facility** is required. Specifically, this plan is designed to:

- Ensure Probation Districts are prepared to respond to emergencies, recover from them, and mitigate against operational impacts.
- Ensure Probation Districts are prepared to provide critical services in an environment that is threatened, diminished, or incapacitated.
- Ensure continued operation and function of probation services as directed by the Court/Probation Administrator or Presiding Judge.

The plan encompasses a combination of decisions and guidance as provided by the Administrative Office of the Courts and Probation (AOCP) and **requires** additional decisions, documents and tasks completed at the local level.

## **1.2 Applicability and Scope**

This document is applicable to all Probation Districts, and covers all individuals who directly work for the Nebraska Judicial Branch; who may not work for the Nebraska Judicial Branch, but who support probation at the Administrative or District Level and/or those who conduct business with the Administrative Office of Probation or the probation districts, such as a contract provider at a Reporting Center.

Support from AOCB and local governments will be coordinated as necessary and provide direction in the event execution of the plan is needed.

## **1.3 How to Use this Plan**

The plan is organized under the following format. The content will include a combination of guidance as provided by the AOCB and criteria that will be created and submitted by the Chief Probation Officer.

1. Executive Summary
2. Implementation – Concept of Operations Planning
3. Decision Making
4. Twelve Core Elements

## **2.0 Emergency Preparedness Plan (EPP) Implementation (Concept of Operations)**

Emergencies, or potential emergencies, may affect the ability of Probation Districts to perform its mission essential functions from any or all of its primary offices. The procedures included in the following sections are intended to help ensure implementation of the plan goes forward as smoothly as possible and critical decisions and activities are not overlooked because of confusing, stressful events.

The procedures address who is responsible for specific decisions and actions at different points in the implementation process. In the event of an emergency, the implementation process should be followed as closely as possible. Flexibility is necessary, though, given some emergencies come with little or no warning and require some procedures to be abbreviated or otherwise modified.

## **3.0 Decision Process**

Only the Chief Justice of the Nebraska Supreme Court has the authority to close a court by issuing an order declaring a non-judicial day. [Neb. Rev. Stat. § 25-2221](#). The Chief Justice has broad powers to act under emergency conditions. [Neb. Const. Art. V, Sec. 1](#); [Neb. Ct. R. § 1-105](#).

A judge does not have the authority to “close the court.” However, a judge does have the authority, for example, to implement as needed: the adjusting of staff schedules, reducing in-person proceedings as much as possible; increased use of technology; allowing staff to telecommute; instructing attorneys and litigants about safety precautions; and adjusting the docketing of cases.

#### Emergency Preparedness Planning

Any aspects of the emergency preparedness plan may be implemented as needed after consideration of any anticipated disruptions/interruptions/suspension in mission-essential/critical functions following consultation with the Probation Administrator.

The Chief Probation Officer shall develop **local processes** for preparing, responding and recovering from emergencies. This will be completed as part of a larger management team, in close collaboration with the local presiding Judge/s and other stakeholders.

- Determine and assign staff to serve on the Local Emergency Preparedness Team; (EPT)

*Responsible Party: Chief Probation Officer*

### 3.1 Planning Assumptions

To the best of our ability, probation will provide a system of seamless services founded in evidence-based principles that are valued by Nebraska's communities, victims, offenders and Courts. Through rehabilitation, collaboration and partnership we will enhance community safety by creating constructive change regardless of the circumstances.

Disruptions, or potential disruptions, may affect the ability of the probation office to perform mission essential functions from any or all primary facilities included in this plan. Each District's EPP should address the basic response to any disaster or emergency situations, including the unique challenges posed by an epidemic/pandemic.

The following are examples of disruptions that could mandate the activation of the EPP.

- Primary offices of the probation district are closed to normal business activities as a result of an event or credible threats or an event that would preclude access or use of such facilities and the surrounding area.
- The geographic area in which the primary offices are located is largely incapacitated as a result of a widespread utility failure, natural disaster including, significant hazardous material incident, civil disturbance, pandemic or terrorist or military attacks.
- Normal business activities of the probation office are disrupted by an event that incapacitates the IT infrastructure, such as a major a networking outage or security breach.

### 3.2 Emergency Preparedness Plan (EPP) Phases

Phase I: Activation:

Responsible Party: State Probation Administrator

Relocation: Responsible Party: Chief Probation Officer.

Phase II: Transition to Mission Essential Functions and/or Alternate Operations:

Responsible Party: Chief Probation Officer in consultation with the presiding Judge and State Probation Administrator.

Phase III: Recovery and Reconstitution/Reconstruction:

Responsible Party: Chief Probation Officer in consultation with the presiding Judge and State Probation Administrator.

### 4.0 Twelve Core Emergency Preparedness Plan (EPP) Elements

**(1) Alert and Notification** – may occur at the federal, state or local level depending on the extent of the emergency but are implemented at the direction of the Chief Justice. Sets procedures for the formal emergency notification to employees through a system or variety of systems that an incident may occur or has occurred. The alert and notification system also provides response directions to employees and external stakeholders regarding acquisition of future information. The systems may include, but are not limited to, an organization's emergency telephone notification system; public announcement system; broadcast email; automated telephone messaging; call trees; in person contacts; or use of contracted alert and notification services.

*Responsible Party:* Chief Probation Officer in consultation with the presiding Judge and State Probation Administrator

**(2) Mission Essential Functions** – are probation functions that, if not performed, would result in individuals under court order not being supervised or an inability to achieve probation's mission.

*Responsible Party: Probation Administrator; responsible for identifying the mission essential functions for probation; Mission essential functions are as follows in priority order and based on the availability of resources including human resources:*

- *High Risk Adults and Juveniles under supervision including Problem Solving Courts participants*
- *Juvenile Intake*
- *Individuals pending presentence or predisposition investigations when custody/detention is involved*
- *Individuals pending presentence or predisposition investigations*

#### Emergency Preparedness Planning

- *Youth in Facilities*
- *Pre-Adjudicated Youth Under Supervision*
- *Moderate/Medium Risk Adults and Youth Under Supervision*
- *Low Risk Adults and Youth Under Supervision*
- *General Administrative Cases including Transfer out Interstate-Compact Cases*

**(3) Order of Succession** - establishes a seamless transfer of leadership and decision-making authority at the local level for the period of the Emergency Preparedness Plan (EPP) activation.

- Identify the chain of command for probation district decisions including in the event the Chief Probation Officer is unavailable or unable to make decisions.

*Responsible Party: Chief Probation Officer*

**(4) Delegations of Authority** - establishes successive lines of administrative approval and procurement/purchase authority for the period of Emergency Preparedness Plan (EPP) activation.

- Identify the chain of command for probation district administrative approval and procurement/purchase authority including in the event the Chief Probation Officer is unavailable or unable to make decisions.

*Responsible Party: Chief Probation Officer*

**(5) Alternate Facilities** - pre-screened and pre-approved alternate facilities to be used in the event the primary facility is unavailable. Where necessary, memoranda of understanding should be executed with the alternate site managers and updated annually.

- Identify an alternate location or operational strategy, which may include working from home or remote work in the event the probation office is unavailable or uninhabitable. Consider what resources may be necessary.
- Considering what resources may be necessary (e.g., laptop, Internet, VPN capability, WebEX, vital records).
- Creating an inventory of Records, Electronic Records, Databases, and Information Systems to ensure they are available and accessible to support mission-essential functions if some or all staff is working from alternate facilities. This includes creating a plan to ensure confidential files not already included in electronic files are secure and protected.

**(6) Communications** - procedures to gather, verify, and disseminate information to decision-makers, all personnel, law enforcement, external stakeholders, and the public.

- Create a resource catalog that would serve as a notification listing of necessary stakeholders. Notification should include submission or all related information to the Communications Division of the AOCP.
- Identify an internal spokesperson and, ideally, designate at least three additional staff to succeed to the position in the event that the primary spokesperson is unable to perform this function; ensure that each designated person is fully trained to assume this responsibility.
- Develop a process for notifying clients and families of emergency-related changes in agency operations, closings, reporting requirements, and other supervision conditions. Ensure that clients are provided information regarding how to contact agency staff during an emergency (this must extend to facilities and law enforcement for intake and placement populations.)

*Responsible Party: Chief Probation Officer*

**(7) Interoperable Communications** - communication devices that provide the ability to communicate with internal and external stakeholders.

- In the event communication and/or dissemination of information is required what are the local communication methods that will be used in order of priority: i.e. cell phones, e-mail, social media, TV, etc.

*Responsible Party: Chief Probation Officer*

**(8) Records, Databases, and Information Systems** - the identification, protection and availability of records, databases, and information systems to support essential functions.

#### **Electronic Records**

*Responsible Party – AOCP- i.e. NPACS is hosted on the cloud*

#### **Local Records**

- Create a plan to ensure confidential files not already included in electronic files are secure and protected

*Responsible Party: Chief Probation Officer*

**(9) Strategies to Accomplish Mission Essential Functions**—plans and procedures that apply to probationers and Problem Solving Court participants and their families. It also addresses available crisis management services and any probation services for employees and their families.

Per Nebraska Revised Statute 29-2257, the Nebraska Probation System is tasked with juvenile intake services, the preadjudication supervision of youth, the completion of presentence investigations and/or other reports for the Courts, and the direct supervision of persons placed on probation and for non-probation-based programs and services authorized by an interlocal agreement.

- Estimate the impact of the emergency on the agency's workforce and use that estimate to determine the approximate number of individuals the agency will be able to supervise, prioritizing by the mission essential functions.
- Assess standard supervision practices and procedures and identify alternative strategies for supervising individuals at each level of risk.
- Ensure that alternative supervision strategies are compatible with the emergency plans of public health, law enforcement, the judiciary, and correctional and non-correctional facilities at the Federal, State, tribal, local, and, if applicable, international levels.
- Assess the needs and expectations of the local courts surrounding pending investigations and identify alternative strategies for interviewing defendants, and victims, as well as report completion and submission.
- Assess needs and expectations around juvenile intake and identify strategies to accomplish this responsibility under emergency situations.
- Develop a timeline, based on the evolving phases of the emergency, indicating when alternative supervision practices will be implemented and when standard practices will resume.

*Responsible Party: Probation Administrator and Chief Probation Officer*

**(10) Human Resources** – During an emergency, the AOCPP will provide continued guidance and direction related to the personnel policies, including providing direction as it relates to staff not directly involved with emergency response teams or operations particularly at an alternate facility. As it relates to personnel, consider:

- Estimating the impact of an emergency on the local workforce.

#### Emergency Preparedness Planning

- Designating and training personnel to assume additional or alternate responsibilities to mitigate the effects of staff absenteeism during an emergency.
- Identifying multiple resources for remedying staff shortages and crisis management.
- Reviewing and taking into consideration applicable Personnel Policies that will provide guidance of AOCP expectations. (Attached)

***Implementation of the “work from home/telecommuting” or “remote work” options shall require utilization of the “Nebraska Judicial Branch Employee Telecommuting Agreement.” (Attached)***

#### *Responsible Party:*

*Administrative Office of the Courts and Probation (AOCP)*

- *Attachment: HR document*

#### *Chief Probation Officer*

### **Strategies to Limit Personal Contact and Encourage Good Hygiene**

During a pandemic, probation facilities will remain intact, but routine business practices may be altered to limit personal contact. There are several options available to limit personal contact such as allowing staff to work from home, staggering shifts and using video conferencing to conduct business.

Some hygiene and social distancing interventions also include:

- No handshaking policy
- Defer large meetings
- Provide and encourage the use of hand sanitizer at entrance
- Lunch at desk rather than in lunch room
- Disinfect high touch surfaces regularly and between users
- Limit food handling and sharing food in the workplace
- Assess staff travel
- Wash hands often with soap and water for at least 20 seconds (If no soap, then use an alcohol-based hand sanitizer)
- Avoid touch your mouth, nose or eyes with unwashed hands
- Cover your nose and mouth with a tissue when you cough or sneeze and then throw the tissue in the trash

Also see [Nebraska Department of Health and Human Services](#) and [Centers for Disease Control and Prevention](#) for suggestions on the prevention and treatment of coronavirus.

#### Emergency Preparedness Planning

**(11) Devolution** – ensures that the capability exists to transfer authority and responsibility for mission essential functions from a specific probation office and primary work location to other probation personnel in another probation or at an alternate facility to sustain that probation office's operational capability for an extended period if the primary office and/or personnel are unavailable or incapacitated.

*Responsible Party: State level; Probation Administrator  
Local level; Chief Probation Officer*

**(12) Recovery/Reconstitution** – When emergency conditions abate, emergency preparedness plan can be lifted/relaxed as appropriate following collaboration with presiding Judge and the State Probation Administrator.

Recovery from an epidemic begins when a probation district determines that it has adequate staff and resources to resume normal business functions. Once normal operations resume, the impact of the epidemic/pandemic on operations, staff, and other stakeholders should be assessed and an evaluation of the response should be drafted. Such evaluation can assist in updating the EPP as well as other emergency response plans, as appropriate.

*Responsible Party: Chief Probation Officer in consultation with the presiding Judge and State Probation Administrator*

## **ATTACHMENTS**

Personnel Policies Related to Emergency Preparedness Plan

Operational Strategies for Working from Home

Information Worksheets to be Completed and Returned to AOCP

EPP Forms Return Certification Form

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#### **4.1 Emergency Preparedness Plan (EPP) Core Element Templates**

Following are the blank Emergency Preparedness Plan (EPP) templates that can be used as is or modified for each probation's specific needs.<sup>1</sup>

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<sup>1</sup> The National Center for State Probations (NCSC) is grateful to the Bureau of Justice Assistance, Office of Justice Programs, for providing funding to the NCSC for the development of a continuity of operations plan guide and templates. Through this grant, the NCSC established a 20 person coalition of nationally recognized probation and emergency preparedness officials to develop the guide and templates, with a pandemic emphasis, that will be available in 2007. Some of the information contained in Part II of the A Strategic Plan for a Comprehensive Emergency Management Program will be modified to coincide with the Bureau of Justice Assistance guidance and templates upon completion of the coalition's work.

**Corey R. Steel**  
State Court Administrator



**Deborah A. Minardi**  
State Probation Administrator

## PERSONNEL POLICIES RELATED TO EMERGENCY PREPAREDNESS PLANNING

**NOTE: All forms of leave require preapproval as directed in policy.**

### 1) Leave Policies Potentially Relevant in Case of Pandemic

- a) *Sick Leave*: For employees who are unable to perform their work duties due to illness, who have been medically directed to quarantine, or whose presence is required to provide medically related care for an immediate family member (spouse, parent, child).
- b) *Vacation Leave*: For employees that are not performing their work duties, who are self-quarantining, are not ill, nor are they tending to the medical needs of immediate family members.
- c) *FMLA Leave*: Up to 480 hours unpaid (unless used concurrently with paid leave) in a one-year period for a serious condition (requiring at least three days' absence and ongoing care by a medical provider—or several other qualifying criteria).
- d) *Catastrophic Leave*: For employees or employee family members suffering from a life-threatening illness resulting in an absence of at least 30. Provisional employees do not qualify and all earned leave must be exhausted.
- e) *Official Leave of Absence*: Requires direct approval of the State Court or State Probation Administrator. Official Leaves of Absence are unpaid and per state rules —based on IRS tax requirements—employee will lose insurance after 14 days absence.
- f) *Ready to Work Status (RTW)*: Under the “Office Closing” policy, if an employee’s work site is closed due to weather or another emergency situation, the AOCF may place the employee on RTW status with pay.
- g) *Administratively Approved Paid Leave (AA)*: Under the “Office Closing” policy, if the weather is so severe that most local businesses are closed, an employee’s absence may be excused and compensated upon approval of the Court Administrator.

### 2) Other Potentially Relevant Policies/Considerations

- a) *Telecommuting*: Telecommuting (working from home) is a form of alternative worksite or alternative work location. Telecommuting would allow staff to perform duties remotely.
- b) *Remote Work*: If full telework options are not available, meaningful and productive remote work may be an option, such as email communications, project work, policy & procedures work, relevant training, etc.
- c) *ADA Accommodations*: Employee who are “disabled” due to symptoms of a pandemic illness would have a right to “reasonable accommodation” to allow them to perform the essential functions of their job.
- d) *Reassigning Locations of Staff*: The NSC Personnel Rules do not place restrictions on where staff can be assigned, either permanently or temporarily, to meet operational needs.

**Corey R. Steel**  
State Court Administrator



**Deborah A. Minardi**  
State Probation Administrator

## **Nebraska Judicial Branch Employee Telecommuting Agreement**

### **Employment Relationship**

Any employee of the Nebraska Judicial Branch working as a telecommuter must adhere to this Telecommuting Agreement.

This Telecommuting Agreement benefits the Nebraska Judicial Branch as determined by the Administrative Office of the Courts and Probation (AOCP) and is effective as long as telecommuting is deemed an acceptable option for employees in meeting the needs of those served by the Judicial Branch. Accordingly, the Telecommuting Agreement can be altered, revoked or terminated by the Court Administrator, Probation Administrator, or their designee for any reason.

Employees are subject to all Nebraska Supreme Court policies, procedures, rules and regulations whether completing work tasks at home, in a designated office, or at an out-of-office location.

### **General Availability**

General office hours are considered 8:00 a.m. to 5:00 p.m., Monday through Friday, officially declared holidays excluded. The Judicial Branch workweek is considered to be 8 a.m. Friday morning through 7:59 a.m. the following Friday. For full-time employees, actual work hours plus authorized leave must equal a minimum of 40 hours per workweek. For part-time employees, actual work hours plus authorized leave must equal a minimum of the total authorized hours for their position per workweek. Time is to be recorded per established policies and procedures and on an official Judicial Branch Timesheet.

Employees will be available for on-call hours or to address emergencies outside of normal work hours.

Employees shall monitor email continuously during normal work hours and, likewise, be available by telephone or cellphone, notwithstanding scheduled vacation or other prearranged leave days. Authorized leave is scheduled in accordance with existing leave policy and procedures.

### **Designated Workspace**

Employees shall designate a specific area of his/her home, equipped with internet access, in which he/she will perform work when not working in the field. Designated work areas utilized for telecommuting shall be safe and ensure confidentiality of all matters. By signing this form employees attest that their designated workspace conforms to these requirements.

Employees will be covered by Workers' Compensation for job-related injuries that occur in the course and scope of employment while telecommuting. Employees must report job-related injuries to his/her supervisor as soon as possible and seek treatment or medical care. In the event of an injury, each employee agrees representatives of the AOCP are allowed immediate access to the home workspace following the report of an injury. Worker's Compensation will not apply to non-job related injuries that might occur in or outside the home.

Each employee is responsible for all personal equipment, supplies and furniture used in the home workspace.

## Emergency Preparedness Planning

Maintenance, repair or replacement of these items are at the employee's expense. The AOCP assumes no responsibility for any wear to, damage to, or loss of personal property. The AOCP assumes no responsibility for the cost of, loss of or disruptions to internet service.

### **AOCP Issued Property**

AOCP resources are to be used for official business unless otherwise provided in policy. Employees are responsible for ensuring all items are properly used and may be responsible for any damage to, or loss of, AOCP property. AOCP property shall not be used by anyone other than the employee.

If the telecommuting agreement is terminated, any AOCP property provided in order to accomplish telecommuting shall be immediately returned.

### **Confidentiality**

Employees shall familiarize themselves with and follow the branch [Information Systems and Security Policy](#).

Employees agree to take reasonable steps to protect any property from loss, theft, damage or misuse. This includes maintaining data security and record confidentiality. Hard copy files will be stored in a secure location when outside the employee's direct control. Electronic access will be maintained through appropriate passwords, PIN numbers and software security. All HIPAA and other compliance policies and procedures will be strictly followed. Employees shall not duplicate documents, nor store any information on any equipment other than AOCP provided property. Employees will comply with the licensing agreements for use of all software owned and utilized by the AOCP.

### **Communication**

Employees agree to stay current on all work-group events and facilitate communication with all internal and external stakeholders as necessary or required. Employees agree to keep management staff informed at a minimum of once weekly of progress on work assignments and report immediately regarding any problems encountered while telecommuting. Employees will keep a record of all daily activities in his/her Outlook calendar. Direct supervisors shall have detail level permission to view the employee's calendar.

Signed: \_\_\_\_\_ Date: \_\_\_\_\_  
Employee

Approved: \_\_\_\_\_ Date: \_\_\_\_\_  
Supervisor

3/17/2020

**Corey R. Steel**  
State Court Administrator



STATE OF  
**NEBRASKA**  
JUDICIAL BRANCH

**Deborah A. Minardi**  
State Probation Administrator

**INFORMATION TO BE COMPLETED RETURNED TO THE AOC**

The following forms need to be completed (additional pages may be added) and returned to:

**Deb Minardi**  
**Probation Administrator**  
**PO Box 98910**  
**Lincoln, NE 68509**  
**Deb.minardi@nebraska.gov**

**PROBATION DISTRICT:** \_\_\_\_\_

**PERSON/S: COMPLETING THE FORMS**

**NAME/S:** \_\_\_\_\_

**PHONE:** \_\_\_\_\_

Once your Emergency Preparedness Plan has been activated, the AOC would ask you to provide on a regular basis and as necessary email and/or phone updates to one or more of those listed below. These individuals will also serve as a point-of-contact for any questions you may have.

**Deb Minardi**  
**State Probation Administrator**  
**Office:** 402-471-3525  
**Cell:** 402-326-0941  
[Deb.minardi@nebraska.gov](mailto:Deb.minardi@nebraska.gov)

**Jeanne Brandner**  
**Deputy Administrator for Juvenile Services**  
**Office:** 402-471-4976  
**Cell:** 402-429-3072  
[Jeanne.brandner@nebraska.gov](mailto:Jeanne.brandner@nebraska.gov)

**Robert Denton**  
**Deputy Administrator for Programs**  
**And Services**  
**Office:** 402-471-1752  
**Cell:** 402-720-3733  
[Bob.denton@nebraska.gov](mailto:Bob.denton@nebraska.gov)

**Gene Cotter**  
**Deputy Administrator for Operations**  
**Office:** 402-471-4190  
**Cell:** 402-310-3103  
[gene.cotter@nebraska.gov](mailto:gene.cotter@nebraska.gov)