
CONTINUITY OF OPERATIONS PLAN

PANDEMIC PLAN

**United States Bankruptcy Court
District of Minnesota**

[May 2013 Test Document]

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I. Executive Summary

The COOP Pandemic Annex describes the potential threat posed by a pandemic and documents steps to ensure both the continuity of Bankruptcy Court operations and the protection of the Court's employees. The document also defines the plans, policies, and procedures necessary to continue the business of the court if normal operations are not feasible and guides the reconstitution of the Court following a pandemic event.

The Annex is designed to be used in conjunction with the Court's COOP which provides strategies for delegation of authority, orders of succession, communications, use of an alternate courthouse and teleworking, essential functions, and preservation of vital records and databases.

The purpose of the Pandemic Annex is to document the necessary steps to ensure the continuity of operations of the Court and protect the health and welfare of court employees during a pandemic. The Annex defines the plans and procedures necessary to continue the business of the court if normal operations are not feasible, and guides reconstitution following a pandemic event.

There are two key sections of the Annex:

- Planning elements details how COOP planning elements will be modified based on a "worst case scenario."
- Concept of Operations provides the operational framework for the pandemic COOP development, activation, and recovery and preparation for additional waves. The Concept of Operations serves as the basis for the court's actions during a pandemic event.

Pandemic Annex objectives:

- Protecting the health and safety of judges, attorneys, parties, clerks, and deputy clerks, court administrators and staff, and the general public.
- Ensuring the court's essential functions and services can be maintained in the event of significant and sustained absenteeism or attrition.
- Providing clear direction regarding how the court will support the federal, state, and local responses and help maintain the rule of law in a pandemic.
- Communicating pandemic preparedness, implementation, and response guidance and messages to court-related organizations.

A. Overview

Pandemic influenza is a global outbreak of disease that occurs when an influenza virus appears or "emerges" in the human population, causes serious illness, and spreads easily from person to person worldwide. In the last century, three influenza pandemics have swept the globe. In 1918, the first pandemic

(sometimes referred to as the "Spanish Flu") killed over 500,000 Americans and more than 20 million people worldwide. One-third of the U.S. population was infected, and average life expectancy was reduced by 13 years. Pandemics in 1957 and 1968 killed tens of thousands of Americans and millions across the world. Scientists believe that viruses from birds played a role in each of those outbreaks.

Today, we face a new threat. An influenza strain - Influenza A (H5N1) - is spreading through bird populations across Asia, Africa, and Europe, infecting domesticated birds, including ducks and chickens, and long-range migratory birds. The first recorded appearance of H5N1 in humans occurred in Hong Kong in 1997. Since then, the virus has infected over 200 people in the Eastern Hemisphere, with a mortality rate of over 50 percent. At this time, avian influenza is primarily an animal disease. Human infections are generally limited to individuals who come into direct contact with infected birds. If the virus develops the capacity for sustained, efficient, human-to-human transmission, however, it could spread quickly around the globe.

Whether avian flu or a new influenza strain, experts predict that a pandemic could come in waves, each lasting 6 to 8 weeks with several months between the waves, with the total duration lasting from one to three years. The clinical disease attack rate in the overall population will be 30 percent in the overall population, precipitating a 40 percent employee absenteeism at its peak as a result of personal illness, illness in family members and fear of contagion.

B. Assumptions

While many aspects of a pandemic threat are unpredictable, the following assumptions must be made to facilitate planning efforts:

The National Strategy for Pandemic Influenza Implementation Plan has recommended Federal planning efforts assume the following:

- Susceptibility to the pandemic influenza virus will be universal.
- Efficient and sustained person-to-person transmission signals an imminent pandemic.
- The clinical disease attack rate will be 30 percent in the overall population during the pandemic. Illness rates will be highest among school-aged children (about 40 percent) and decline with age. Among working adults, an average of 20 percent will become ill during a community outbreak.
- Some persons will become infected but not develop clinically

significant symptoms. Asymptomatic or minimally symptomatic individuals can transmit infection and develop immunity to subsequent infection.

C. Court-Specific Assumptions

It is impossible to predict the evolution or impact of an influenza pandemic. For planning purposes however, the court document assumes a "worst case" scenario where the economic and societal disruption of an influenza pandemic are significant.

- Absenteeism across multiple sectors is above 40 percent.

In a worst-case scenario, the bankruptcy court assumes that:

- Attorneys will continue using PACER and CM/ECF unimpaired.
- *Pro se* debtors and most *pro se* creditors will not use CM/ECF; these groups do not use CM/ECF in normal circumstances.
- All court personnel have the capability to telework..
- If absenteeism reaches 40 percent or more, or rises to a level at which point the court cannot function, the circuit can authorize judges in other districts to assist (intracircuit and intercircuit assignment of cases).

II. WHO Periods and Federal Government Response Stages

Pandemic planning and response actions shall be appropriately linked to the World Health Organization (WHO) pandemic phases and the stages of Federal Government response.

The table below identifies the pandemic related activities associated with each Federal Government (USG) response stage (stages 0 - 6) and corresponding WHO periods and levels.

Federal Government USG Response Stages	Triggers for Specific Activities	WHO Pandemic Period	WHO Level
Stage 0	New Domestic Animal Outbreak in At-Risk Country / Virus presents potential (limited) threat to humans (already occurred)	Inter-pandemic	1
Stage 1	Suspected Human Outbreak Overseas		2
Stage 2	Confirmed Human Outbreak / WHO raises alert level to 4 or 5	Pandemic Alert	3
Stage 3	Widespread Human Outbreaks in Multiple Locations Overseas / WHO raises alert level to 6		4
Stage 4	First Human Case in North America		5
Stage 5	Spread throughout United States / Government quarantine, border closures, closure of assembly areas, etc.	Pandemic	6
Stage 6	Recovery and Preparation for Subsequent Waves		

Specific Triggers Within Each Federal Government Response Stages

The bankruptcy court will follow the federal response guidance provided in the *Implementation Plan*, however in order to simplify operations, the guidance will be grouped into four pandemic COOP phases, each escalating the level of COOP activities for the court’s leadership and personnel:

- Planning (Federal Stages 0, 1 and 2)
- Pre-Activation (Federal Stage 3)
- Activation and Response (Federal Stages 4 and 5)
- Recovery and Preparation for Subsequent Stages (Federal Stage 6)

III. Pandemic Planning

A. Court Focus

The federal judiciary’s program focuses on four areas: protecting the health of employees; maintaining essential functions and services; supporting the federal response in states and communities; and communication to stakeholders.

The Court’s plan for a potential pandemic includes phased implementation of preventive procedures, distribution of health and safety information to employees and their families, and a plan for telecommuting by Court staff to maintain the essential functions of the Court.

B. Court actions

- Purchased infection control supplies, such as hand-hygiene products (wipes, antiseptic, soap, latex gloves, hand sanitizers, and disinfectant).
- Developed policies for preventing influenza spread at work, such as promoting respiratory hygiene/cough etiquette, initiating wipe-down of desks, keyboards and telephones each day, wearing gloves (primarily intake staff), frequent hand washing and promptly excluding people with influenza symptoms from the office.
- Developed policies for employees who have been exposed to pandemic influenza, are suspected of being ill, or become ill at work.
- Developed preventive procedures regarding opening mail including wearing gloves and masks, washing hands after opening mail, sealing mail envelopes in plastic bags and cleaning private office areas to minimize potential contamination.
- Developed a telecommuting policy to be implemented during a pandemic. All staff home computers and court laptops are equipped with the necessary software to Jport or VPN.
- Developed training programs for activation of the COOP in the event of damage to the Minneapolis or St. Paul Courthouses or as a result of a pandemic.
- Developed information sheets for employee families, including a family emergency plan, home care infection control guidance, individuals and families planning guide (information about potential social disruption, schools, being prepared, staying healthy, and a family checklist outlining foods and supplies needed to prepare for a pandemic).
- Posted information on the COOP web site, including the family emergency planning information, links to the Employee Assistance library, state and federal departments of health, and the pandemic flu web site.
- Issued memory sticks to judges, management staff, and the USMS which include a copy of the COOP plan, as well as contact information for bankruptcy court staff, district court judges and management staff, key Administrative Office staff, trustees, security and emergency telephone numbers, emergency systems contacts, federal and state agencies and web sites, media contacts, and a vendor list.
- Issued wallet cards to all bankruptcy staff and the USMS with key telephone numbers and web sites.

IV. Pre-Activation (Federal Stage 3)

The pre-activation phase begins when widespread human outbreaks in multiple overseas locations trigger Federal Response Stage 3. The actions and steps outlined in this phase are designed to prepare the bankruptcy court to move to imminent activation of its Pandemic Annex. During the pre-activation phase, the bankruptcy court engages in the following activities:

Judges and staff will also be notified using the Emergency Notification System (ENS) which will send a telephone message to office, home, and cell phones, as well as to both office and home email addresses. Bankruptcy court staff and the public can also get updated information at 1-866-775-7550. The Court's interoperable communications include ENS, intercom, telephones, cell phones, internet, intranet, radio, television, and courthouse speaker systems.

Clerk

- Sends messages to minimize employee fear, panic and subsequent absenteeism
- Activates COOP communications
- Increases and maintains regular communication with the appropriate federal, state, and local emergency management organizations
- Conducts pre-coordination with court-related organizations and people with interests in the court
- Conducts pre-coordination with other bankruptcy courts
- Pre-positions, as appropriate, a supply of food and water at the courthouse and other operating facilities for use by personnel and others needing access during activation phase
- Pre-positions, as appropriate, a supply of soap and water, hand sanitizers, tissues and waste receptacles, and environmental cleaning supplies
- Establishes medical screening and internal influenza control surveillance

Clerk and Emergency Team

- Judges, management staff, and others with court laptops carry their laptops and other essential work-related materials home with them each night
- If necessary, develop telework shift schedules to prevent overload on court's network infrastructure.
- Court's IT staff prepare for full utilization of Jport and VPN capabilities and confirm the availability and redundancy of

critical communications systems to support connectivity to vital records and databases, critical programs, and other key stakeholders.

- Begin conducting office health and hygiene review training based on latest guidance from public health officials.
- Instruct court's high-risk personnel to use personal protective equipment and other infection control measures based on latest guidance from public health officials.
- Begin vaccinations, if available, for the court's high-risk personnel on a priority-determined basis.
- Begin distribution of antiviral medications, if available, to the court's high-risk personnel on a priority-determined basis.
- Instruct court personnel to practice alternative ways to greet each other (e.g., no handshaking).
- Encourage court personnel to utilize Employee Assistance Program (EAP).

V. Activation and Response (Federal Stages 4 and 5)

The activation phase begins when the first human case in North America triggers Federal Response Stage 4. At this milestone, DHS and HHS will order the activation of pandemic plans across all levels of government. The actions and steps outlined in this phase are designed to protect employee health and assure the performance of essential functions as a pandemic unfolds in North America. During the activation and response phase, the bankruptcy court engages in the following activities:

Clerk

- Activates the bankruptcy's court Pandemic Annex
- Acts in accordance with federal, state, or local response plans and directions
- Continues systematic controlled messaging to minimize employee fear, panic and subsequent absenteeism.
- Issues emergency orders
- Coordinates with USMS to ensure the continued protection of judicial officers, including security of the federal courthouses.

Clerk and Emergency Team

- Ensure the continuation of essential functions and services
- Implement strict infection control guidelines based on guidance from public health officials, including:
 - Use of recommended personal protective equipment and other infection control

- measures in keeping with guidance from public health officials
- Self-isolation of personnel who are caring for sick family members
- Medical screening and internal influenza control surveillance
- Use of cars to travel to and from work
- Implementation of medical screening processes, if available, to assess employees' physical health and fitness to attend work
- Maintain pandemic-focused facility management procedures:
 - Disinfect work areas (desk, telephone, computer) each day
 - Monitor and maintain janitorial and sanitary practices
 - Provide tissues, gloves, and plastic disposal bags to all staff
 - Institute a program of frequent hand washing
 - Continue availability of hygiene supplies, personal protective equipment, medicines, and other infection control and medical necessities
 - Monitor other critical infrastructure services (e.g., power, sanitation, water).
 - Stockpile critical support supplies to support the anticipated on-site needs of employees.
 - Activate telework plan. Post telework policy on COOP website. Provide instructions to staff for daily update and check in.
 - Activate staggered telework schedules, if necessary, to ensure network infrastructure reliability and efficiency.
 - Provide infrastructure maintenance to ensure availability of systems, databases and files.
 - Implement strict social distancing, hygiene and infection control measures based on latest guidance from public health officials.
 - Increase monitoring/screening of court employees to determine who is eligible to report to work.
 - Request that employees report inability to work to employee tracking system

- Provide regular updates to the court's leadership, stakeholders, and AOUSC on personnel accountability
- Encourage court personnel to utilize the EAP.

VI. Recovery and Preparation for Subsequent Stages (Federal Stage 6)

The recovery and reconstitution phase will coincide with Federal Response Stage 6, also called Recovery and Preparation for Subsequent Waves.

Since a pandemic is likely to span several months with multiple waves of impact, the court realizes that many of these expectations and actions do not necessarily have a clear cut beginning and ending point. Many of the actions items listed and categorized should be considered as an on-going process throughout the lifespan of the pandemic. During the recovery and preparation for subsequent stages phase, the bankruptcy court engages in the following activities.

Clerk

- Assesses sufficiency of the bankruptcy court's resources to commence reconstitution efforts.
- Assesses funding capabilities to support recovery efforts.
- Orders resumption of business travel based on guidance from public health officials.
- Communicates key lessons learned and recommendations of actions to enhance preparedness for subsequent waves of pandemic.
- Prepares for subsequent waves of the pandemic, building on lessons learned from initial pre-activation and activation phases.

Clerk and Emergency Team

- Determine to what extent court functions and services can resume.
- Begin the processing of new filings during the crisis.
- Implement procedures to assess and accelerate workforce replacement, as needed.
- Activate process for recovered/well staff members to return to work.

- Activate survivor assistance programs.
- Continue physical health monitoring and provide mental health services along with post-trauma awareness training.
- Consult with GSA, senior leadership and other lead agencies to ensure the facilities are safe for court employees and others.

Appendix A: Pandemic Glossary

Avian influenza

Avian influenza, also referred to as bird flu, is a disease of birds (e.g. ducks, chickens). Between 2003 and 2006 the H5N1 avian influenza virus has infected millions of birds. Although it is primarily a disease of birds a small number of people have also been infected after having close contact with birds. Also see influenza, seasonal influenza, and pandemic influenza.

Contact

A contact is a term used to refer to someone who has been in close proximity with an individual who is, or is suspected of being, infected with an infectious disease like influenza.

H5N1

H5N1 is the latest avian influenza virus subtype of concern and there appears to be little human immunity to it. The predominant winter strain of human influenza is H3N2. Most adults have some partial immunity to this strain, which caused a pandemic in 1968 when it evolved from avian influenza.

Hand hygiene

Hand hygiene is a term that applies to the cleaning of ones hands. This is usually done with soap and water, hand sanitizer, or hand wipes. To kill an influenza virus hands must be washed with soap and water for 15 seconds and hand sanitizers or wipes must be used for 10 seconds and have an alcohol content of at least 60%.

Human-to-human transmission

Human-to-human transmission refers to the ability of an infectious diseases to be passed continuously from one person to another. Some viruses can be transmitted between animals (animal-to-animal), some can be transmitted from animal-to-human (and vice versa), and some can be transmitted from human-to-human.

Infection control

Infection control is broad term used to describe a number of measures designed to detect, prevent, and contain the spread of infectious disease. Some measures include hand washing, respiratory etiquette, use of personal protective equipment (PPE), prophylaxis, isolation, and quarantine.

Influenza

Influenza is a viral disease that causes high fever, sore throat, cough, and muscle aches. It usually affects the respiratory system but sometimes affects other organs. It is spread by infectious droplets that are coughed or sneezed into the air. These droplets can land on the mucous membranes of the eyes or mouth or be inhaled into the lungs of another person. Infection can also occur from contact with surfaces

contaminated with infectious droplets and respiratory secretions. Also see seasonal, avian, and pandemic influenza.

Isolation

Isolation is when sick people are asked to remain in one place (e.g. home, hospital), away from the public, until they are no longer infectious.

Pandemic

A pandemic is the worldwide outbreak of a disease in numbers clearly in excess of normal.

Pandemic influenza

A pandemic influenza, or pandemic flu, occurs when a new subtype of influenza virus: 1) develops and there is little or no immunity (protection due to previous infection or vaccination) in the human population; 2) it is easily passed from human to human; 3) is found in many countries; and, 4) causes serious illness in humans. Also see influenza, seasonal influenza, and avian influenza.

Personal Protective Equipment (PPE)

PPE is specialized clothing or equipment worn to protect someone against a hazard including an infectious disease. It can range from a mask or a pair of gloves to a combination of gear that might cover some or all of the body.

Prophylaxis

Prophylaxis is an infection control measure whereby antimicrobial, including antiviral, medications are taken by a healthy individual (e.g. nurse, contact) to prevent illness before or after being exposed to an individual with an infectious disease (e.g. influenza).

Quarantine

A quarantine is when people who have been in close proximity to an infected person, but appear healthy, are asked to remain in one place, away from the general public, until it can be determined that they have not been infected.

Respiratory etiquette

Respiratory etiquette, or good coughing and sneezing manners, is one way of minimizing the spread of viruses which are passed from human-to-human in the tiny droplets of moisture that come out of the nose or mouth when coughing, sneezing, or talking. Healthy and sick people should cover their nose and mouth when sneezing, coughing, or blowing their nose and then put the used tissue in the trash to prevent the spread of germs.

Social distancing

Social distancing is an infection control strategy that includes methods of reducing the frequency and closeness of contact between people to limit the spread of

infectious diseases. Generally, social distancing refers to the avoidance of gatherings with many people.