

FILED

MAY 21 2020


CLERK OF COURT

EIGHTH JUDICIAL DISTRICT COURT
CLARK COUNTY, NEVADA

IN THE ADMINISTRATIVE MATTER
REGARDING FACE COVERINGS AND SOCIAL
DISTANCING IN
RESPONSE TO COVID-19

Administrative Order: 20-16

On March 12, 2020, Governor Steve Sisolak issued a Declaration of Emergency in response to the COVID-19 pandemic. The next day, March 13, 2020, the President of the United States declared a nationwide emergency pursuant to Section 501(6) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. §§ 5121-5207. To mitigate the spread of this deadly virus, the Centers for Disease Control recommends putting as much distance between people as possible, and Governor Sisolak has directed Nevadans to stay home to the greatest extent possible.

Article 3, section 1 of the Nevada Constitution provides that, “The powers of the Government of the State of Nevada shall be divided into three separate departments,—the Legislative,—the Executive and the Judicial; and no persons charged with the exercise of powers properly belonging to one of these departments shall exercise any functions, appertaining to either of the others, except in the cases expressly directed or permitted in this constitution.” “In addition to the constitutionally expressed powers and functions of each Department, (the Legislative, the Executive, and the Judicial) each possesses inherent and incidental powers that are properly termed *ministerial*. Ministerial functions

1 are methods of implementation to accomplish or put into effect the basic function of each
2 Department.” *Galloway v. Truesdell*, 83 Nev. 13, 21, 422 P.2d 237, 243 (1967).

3
4 On May 7, 2020, Governor Sisolak entered Declaration of Emergency Directive
5 018, which directs employers to take proactive measures to ensure compliance with
6 social distancing and sanitation guidelines and to follow guidelines promulgated by the
7 Nevada State Occupational Safety and Health Administration (NV OSHA).

8
9 Under section nine of the directive, employers must require employees who
10 interact with the public to wear face coverings to the maximum extent possible and
11 follow guidelines promulgated by NV OSHA. Section eleven of the directive also
12 encourages employers and employees to incorporate the following protocols into their
13 operations to the maximum extent practicable:

14 (1) Encourage customers to wear face coverings;

15 (2) Continue to encourage telework, whenever possible and feasible with business
16 operations;

17 (3) Return to work in phases;

18 (4) Close common areas where personnel are likely to congregate and interact, or
19 enforce strict social distancing protocols;

20 (5) Strongly consider special accommodations for personnel who are members of
21 a vulnerable population;

22 (6) Consider encouraging employees to do a self-assessment each day in order to
23 check if they have any COVID-19 type symptoms, for example, fever, cough or shortness
24 of breath;

25 (7) Practice hand hygiene;

1 (8) Perform frequent enhanced environmental cleaning of commonly touched
2 surfaces;

3
4 (9) Implement separate operating hours for vulnerable populations;

5 (10) Provide signage advising the public of appropriate social distancing within
6 the facility, including six feet of social distancing from other individuals; and

7 (11) Provide readily available hand sanitizer or other sanitizing products for
8 employees and customers.
9

10 NV OSHA's guidelines provide that gatherings of 10 or more people are
11 prohibited. NV OSHA also recommends that employers monitor employees during
12 break, lunch/dinner, and slack periods to ensure that they are maintaining proper social
13 distancing protocols.

14 With these guidelines in mind, this Court finds it necessary to exercise its
15 ministerial judicial power and after consultation with the Chief Justice of the Nevada
16 Supreme Court, orders as follows:
17

18 **FACE COVERINGS**

- 19 1. All members of the public who enter court facilities must wear face coverings.
20 2. All court employees must wear face coverings inside court facilities unless they
21 are alone in unshared work space.
22 3. Attorneys, vendors, and employees of any organization or entity who work in the
23 Regional Justice Center building, the Family Court building, or other court
24 facilities must wear face coverings while in any common areas of the facilities,
25 including elevators and courtrooms. This includes, but is not limited to,
26 employees of Las Vegas Municipal Court, Las Vegas Justice Court, Legal Aid
27 Self-Help Centers, Clark County Clerk's Main Office, Clark County District
28

1 Attorney's Office, Clark County Public Defender's Office, Clark County
2 Department of Juvenile Justice Services, Clark County Department of Family
3 Services, and contract counsel.
4

- 5 4. Children under the age of two and individuals who are unable to remove the face
6 covering without assistance do not have to comply with the above-referenced face
7 covering directives. Individuals who are unable to wear a face covering for court
8 should make arrangements to appear by alternative means.
9

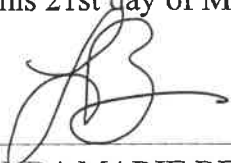
10 SOCIAL DISTANCING

- 11 5. Judges and Court Administration must adhere to the social distancing space plans
12 as diagramed by Real Property Management at the request of the District Court.
13 The plans will be provided separately.
14 6. Court employees must ensure they maintain proper social distancing while at work
15 and during breaks.
16 7. Public elevators at court facilities must be limited to four individuals at a time to
17 prevent crowding.
18

19 FINAL PROVISIONS

- 20 8. This order shall be reviewed no later than every 30 days and shall remain in effect
21 until modified or rescinded by a subsequent order.
22

23 Entered this 21st day of May 2020.

24 
25 _____
26 LINDA MARIE BELL
27 Chief Judge
28 Eighth Judicial District Court