

**Reopening NH Libraries Task Force**  
**Best Practices Document**  
*Revision 9/28/2020 (with Primex edits)*

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## Reopening New Hampshire Libraries Task Force - Best Practices Document Introduction

The Reopening New Hampshire Libraries Task Force (referred to as Task Force throughout the rest of the document), was formed in early April 2020 due to the need for a coherent resource that highlighted information related to reopening physical library buildings that had been closed due to COVID19. Members of the Task Force are volunteers who responded to a call on the NHAIS listserv for librarians interested in working on a document that would help all libraries in NH navigate the creation of a reopening plan. The result is this Best Practices document, which contains information/resource links as well as questions that librarians and library trustees should ask themselves as they create their own reopening plans for their library. A review of the document (including link viability) was conducted in early September 2020, and a revised document made available to NH public libraries.

Meetings of the Task Force commenced on 4/21/2020, and continued with weekly Task Force meetings. The group quickly narrowed their focus down to four specific topic areas: Communications During a Crisis; Staged Reopening Plans; Employee/Public Safety; and Questions to Ask. The Task Force membership was divided among the four sections that met multiple times per week until this document was compiled.

This is a living document that will need to be revised and amended as new information is released related to both the COVID19 virus itself and the response to COVID19 in our nation, state, and communities. This document is NOT a rigid set of rules to be followed; it is a document that gathers all of the best reliable information sources into one place that NH librarians and library trustees can refer to as they create a reopening plan for their specific library in their community. The impact on the COVID19 virus varies from community to community, and staged reopening plans will look different from library to library in the state.

*This document is intended to highlight key topics to consider as libraries seek to re-open operations, with a robust set of reliable resources for consideration. Each library's facts and circumstances will be unique, and we encourage librarians and library trustees to work with local officials (local health officers and Emergency Management teams), and legal advisors to adapt this guidance to specific community situations. This document does not imply any legal position on topics contained herein; libraries should always consult with an attorney that would represent them in a court of law in order to assess the liability risk of any reopening plan before it is approved by the library's governing body.*

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## MAJOR RESOURCES TO BE CONSULTED

This initial resource list reflects the major resources that should be considered during the planning for any reopening of physical facilities. COVID19 is a worldwide pandemic health crisis, and the resources listed below reflect both scientific evidence that is currently known, as well as federal and state resources that take the scientific evidence and translate it into actionable steps nationally and locally.

### **Links for COVID19 information**

World Health Organization (WHO): <https://www.who.int/emergencies/diseases/novel-coronavirus-2019>

Centers for Disease Control (CDC): <https://www.cdc.gov/coronavirus/2019-ncov/index.html>

NH Department of Health and Human Services (NH DHHS): <https://www.nh.gov/covid19/>

NH DHHS contact list of town/city public health officers in NH: <https://www.dhhs.nh.gov/dphs/holu/documents/officers.pdf>

### **Links for Employers**

Employer info from the CDC: <https://www.cdc.gov/coronavirus/2019-ncov/community/organizations/businesses-employers.html>

OSHA Guidance on Preparing Workplaces for COVID19: <https://www.osha.gov/Publications/OSHA3990.pdf>

Employer info from the US Department of Labor, Wage & Hour Division: <https://www.dol.gov/agencies/whd/pandemic>

Employer info from NH Department of Labor: <https://www.nh.gov/labor/>

NH Governor's Economic Reopening Task Force: <https://www.nheconomy.com/reopeningtaskforce>

Primex bulletin, Preparing Your Workplace: [http://nhlibrarians.org/wp-content/uploads/2020/05/COVID-Bulletin-on-Reopening\\_May-2020\\_PrimeX.pdf](http://nhlibrarians.org/wp-content/uploads/2020/05/COVID-Bulletin-on-Reopening_May-2020_PrimeX.pdf)

### **Links Regarding Handling of Materials & COVID19**

CDC - Cleaning and Disinfection of Community Facilities: <https://www.cdc.gov/coronavirus/2019-ncov/community/organizations/cleaning-disinfection.html>

New England Journal of Medicine letter to editor re: surface stability of COVID19 virus (4/16/2020): <https://www.nejm.org/doi/10.1056/NEJMc2004973>

IMLS/OCLC/Battelle partnership web site: <https://www.webjunction.org/explore-topics/COVID-19-research-project.html>

New England Document Conservation Center pamphlet, Emergency Management & Disinfecting Books (updated 8/10/2020):

<https://www.nedcc.org/free-resources/preservation-leaflets/3.-emergency-management/3.5-disinfecting-books>

NH Department of Education K-12 Back to School Guidance July 2020: <https://www.covidguidance.nh.gov/sites/g/files/ehbemt381/files/inline-documents/sonh/k-12-back-to-school.pdf>

## **Best Practice Guidelines: Communications During A Prolonged Crisis**

This document was created to provide NH librarians with guidance around communicating with stakeholders during the phased reopening of physical library buildings and services. It includes 3 sections: Best Practices Guidelines for Communication During a Crisis; specific topics to be addressed with trustees, staff, and the public; a sample FAQ template for responding to public inquiries.

## **RESOURCES ON COMMUNICATIONS DURING A CRISIS**

**CDC webpage about communicating in a crisis** [https://emergency.cdc.gov/cerc/resources/pdf/leaders\\_cerc\\_zcard.pdf](https://emergency.cdc.gov/cerc/resources/pdf/leaders_cerc_zcard.pdf)

*Communicating in a crisis is different. In a serious crisis, all affected people take in information differently, process information differently, and act on information differently. As a leader, you need to know that the way you normally communicate with your community may not be effective during and after it suffers a crisis.*

**Harvard Business Review article on Communicating during Coronavirus** <https://hbr.org/2020/03/communicating-through-the-coronavirus-crisis>

## **COMMUNICATION DOCUMENTS**

### **Appendix 1: [The How, When, and What of Communication](#)**

This document provides key points to ensure consistent messages are disseminated via many channels of communication. Coordinating with town/city government and governing bodies reduces mis-information/confusion about the changing nature of available library services.

### **Appendix 2: [Stakeholder Communications - Trustees, Staff, & Public](#)**

While each New Hampshire library is unique, we share state laws, a professional code of ethics, and a commitment to support our staff and our communities. The lists in this document are intended to highlight those shared and universal key talking points and best practices for communicating with our stakeholders: trustees, staff and the public.

### **Appendix 3: [Template Public FAQ \(Frequently Asked Questions\) to Communicate to the Public](#)**

Please consider your community circumstances and customize these suggested responses before posting the FAQ page of your library website. All library staff should have access to and be familiar with your FAQs & answers to ensure consistency in library communications.

## Best Practice Guidelines - Staged Reopening Plans

Below is an outline of a phased approach to reopening NH public libraries that can be tailored to each individual library as appropriate. Please be advised that this is not intended to be a timeline, but a resource for determining what stage is appropriate for your library at any given time. During this process library staff and trustees should consult various resources made available by the CDC, IMLS, ALA, NH DHHS the Governor's Economic Reopening Task Force (links to these resources are in [Appendix 4](#)), and your local emergency and/or health officials to help navigate between steps in your phased reopening process, whether you are moving forward or backward in the process.

### Stage 1

- Building is not open to either staff or public.
- Services are all virtual/digital.
- Plan reopening steps such as how to manage curbside service, screening of staff, order supplies ([refer to Employees Safety Groups info](#)).

### Stage 2

- Limited staff may work in buildings with appropriate social distancing: use staggered schedules, some staff work from home.
- Set up the building for curbside service, make a cleaning schedule.
- Services continue to be virtual/digital.
- Accept return of materials. Open book drop.
- Plan for return to earlier stages if necessary.

### Stage 3

- Curbside and outreach delivery of materials begins during set hours with limited staff.
- Some staff may still work from home.
- Services continue to be virtual/digital.
- Buildings are closed to the public; begin set-up for social distancing or restricted access (i.e. collections/rooms closed off).
- Plan for return to earlier stages if necessary.

### Stage 4

- Building is open to the public with restrictions (i.e. limit the number of people, time the public can spend in the building, reduce hours).
- Continue curbside service.
- Activities include use of public access computers on a limited basis, limited browsing of collection.
- Services continue to be virtual/digital.
- Plan for return to earlier stages if necessary.

### Stage 5

- Fewer restrictions to building access by the public while virtual/digital services continue.
- Some in-person programming is possible.
- Plan for return to earlier stages if necessary.

## Stage 6

- Continue to move to a new normal with full services restored.
- Plan for return to earlier stages if necessary.

## **STAGED REOPENING DOCUMENTS**

### **Appendix 4: [Staged Reopening Resource Links](#)**

This document provides links to general staged reopening resources, as well as reopening plans/guidelines from NH libraries, libraries within the United States, and libraries from other countries.

## Best Practice Guidelines - Questions To Ask While Drafting A Reopening Plan

These questions are a guide for library directors and trustees as they begin planning for moving from one phase of reopening to another. They are NOT all inclusive and each community and library will face unique challenges. This information is not all-encompassing, and it is imperative that library trustees consult with their own attorney (or the town attorney) and their liability/property insurance carrier for more complete guidance on liability issues prior to approving a staged reopening plan.

1. *What do the director and board of trustees need to know?*
  - a. Federal, State, and Local Guidelines
  - b. ALA, NELA, NHLA guidance
  - c. DHHS or other qualified medical advisors' guidelines
  - d. Why is the library reopening or moving to the next stage of reopening? What are the critical needs of the community that cannot be met with the current level of services?
  - e. How is the library preparing for changes to the library field in the long term, as trends change due to a differing perception of the post-pandemic world?
2. *What are board of trustee responsibilities?*
  - a. What policies are in place which may need revision? What new policies need to be created (for example, a policy for employee telecommuting)?
  - b. What changes in budgeting will be required for the short term and the long term?
3. *What are director responsibilities?*
  - a. What adjustments need to be made to staffing?
  - b. What new procedures and training need to be in place?
  - c. What support is available for staff and patrons and what can be done to overcome barriers to access?
  - d. How will the library be represented on local recovery teams?
4. *What are questions to ask of legal counsel?*
  - a. How does an employer legally monitor staff health?
  - b. What is employer liability regarding staff infection vectors at work?
  - c. What can be legally asked of staff? Can staff refuse assignments based on fear of infection?
  - d. What rights do employees have to refuse to work during the pandemic?
  - e. Can social distancing be enforced and what measures can the public be required to observe?
5. *What are Employer responsibilities to employees?*
  - a. What information do employers need to legally provide on federal & state benefits, unemployment rules, extended sick leave rules and extended FMLA rules?
  - b. What PPE or physical changes to the environment will protect staff?

6. *What are the Library's safety responsibilities to the Public?*
  - a. What adaptations need to be made to the library's service offerings at different stages of the pandemic?
  - b. What groups need special accommodation and how will that be made?
  - c. How do cleaning schedules and responsibilities need to be adjusted?
  - d. What changes can be made to our physical space to promote distancing and safety?
  - e. Does the library have access to materials to maintain high hygiene standards as recommended? If not, when will they be available?
  - f. What is the impact of library staff PPE to the larger community? How long will services be able to continue with both the minimum and maximum possible supply use?

## **QUESTIONS TO ASK DOCUMENT**

### **Appendix 5: [Questions/Answers Regarding Liability from Primex](#)**

The Questions Subgroup worked with an attorney at Primex (the largest municipality insurer for property/liability in the state) to obtain answers to some questions that have liability implications. These questions reflect ideas/issues that were prevalent at the time this document was revised (September 2020), but are not all-encompassing in scope. Please make sure that the governing body for your library addresses any liability questions related to reopening plans or employment issues with their town attorney or a retained attorney of their choice, who would defend any litigation in court.

## Best Practice Guidelines - Employee/Public Safety

This section, combined with the Safety Summary Chart, is intended to assist librarians with questions and resources for planning a phased reopening of libraries. Considerations were made with regards to Health and Illness Policies and Procedures, Dealing with Anxiety, Physical Distancing, Cleaning and Handling of Materials, for both staff and patrons. This document was created using the [Governor's Economic Reopening Task Force Stay At Home 2.0 Universal Guidelines](#) (revision date 8/27/2020) and resources from the CDC, OSHA, IMLS, and scientific journals. Librarians are encouraged to consider the pieces that are most helpful for their specific library and community.

### **EMPLOYEE/PUBLIC SAFETY DOCUMENTS**

#### **Appendix 6: [Key questions to ask as you are preparing your plans for reopening](#)**

This document provides key questions to consider from both the staff and patron perspectives. It includes questions on the health and illness concerns, the safe handling of materials, and what to look for to create a building compatible with social distancing recommendations.

#### **Appendix 7: [Safety Summary Chart identifying key steps that coincide with staged reopening plans](#)**

This chart provides a summary of key points that should be considered for each phase of the staged reopening of our libraries. It includes consideration of both the staff and patrons. It offers a framework that will assist library directors and trustees in the decisions to be made in anticipation of progression through the stages of reopening.

#### **Appendix 8: [Employee/Public Safety Resources/Links](#)**

Included in this list are verified links to resources such as the NH Universal Guidelines, CDC, OSHA, and IMLS.

#### **Appendix 9: [Response from NH Municipal Association legal team re: NH public buildings & mask requirement](#)**

Information posted to NHAIS by David Smolen from an attorney at NH Municipal Association (NHMA contacted and they approved inclusion in this document)

## Appendix 1: The How, When, and What of Communication

### HOW TO COMMUNICATE WITH THE PUBLIC

Communication regarding current and planned library services needs to be consistent across various channels and coordinated with Town/City government and governance bodies to reduce mis-information and confusion.

- Library-controlled channels of communication
  - Library websites & social media accounts
  - Library newsletters (electronic or print)
  - Staff/library email signatures & out-of-office replies, phone voice mail outgoing messages
  - Physical signage on the building, exterior book drops, outdoor sandwich boards, etc
  - Library staff informal conversations with community members
- Non-Library channels of communication (many people use these instead of library websites)
  - Press releases to local media (print, radio, TV)
  - Town/City government meetings (EOC), websites/social media, listservs, online forums
  - Community pages on Facebook
  - Signage at the Transfer station, Post Office, etc
  - Child care organizations
  - SAU newsletters/web portals
- Shorter is better. Do not make communications paragraphs long. Readers should be able to see main points without scrolling (if using email or a document).
- Use bullet points to get the main ideas across.

### HOW TO COMMUNICATE WITH STAFF/TRUSTEES

- What method are you using to communicate with staff and trustees now? Is this method sufficient or do you need to figure out a different way? Sometimes email is NOT the best or only way. For example, some library directors have taken to using Slack for staff communications; others have found that texting to trustees works well.
- **CAUTION: ALL library communication is subject to [RSA 91-A, the Right-Know Law](#).**
- Shorter is better. Do not make communications paragraphs long. Recipients should be able to see main points without scrolling (if using email or a document).
- Use bullet points to get the main ideas across.
- Attach documents (such as a 1-page FAQ document) that readers can print out and refer back to regarding the major message points for the current situation. Make sure the document is dated so it can be discarded when a new version is disseminated.

### WHEN TO COMMUNICATE WITH THE PUBLIC/STAFF/TRUSTEES

- Develop a regular schedule and method of communication with each audience (staff, public, trustees) so they know when to expect to hear from you. **Be consistent regarding when you communicate, even if only communicating that there is no new information.**
- Two-way communication with staff and trustees is important so messaging about the library to the public remains consistent.

- Be open & responsive to staff & trustee concerns and questions so that they trust you and will stay “on message” when communicating about the library with the public.
- Keep messages consistent on all channels of communication as services continue to evolve.
- People want information in a crisis -- resist the urge to over-promise or give the answer that will please -- better to be cautious and vague than guarantee an opening date/service resumption that can't be safely implemented.

### **WHAT TO COMMUNICATE TO PUBLIC/STAFF/TRUSTEES - GENERAL OVERVIEW**

- Re-opening the library building is likely to be phased in stages and codified in a written plan approved by each library's board of trustees that will probably need to be modified over the next 12-18 months. Not all services/amenities will be available immediately (Meeting Rooms, cafes, etc).
- Phased reopening has a lot of variables, so consultation with local officials (public health officer, police, emergency management) and examining federal and state recommendations (CDC, Governor, NH Department of Health and Human Services) is necessary.
- Anticipate what some of the questions from public/staff/trustees will be and create a 1-page FAQ document for each audience (public, staff, trustees) that can be updated and changed as conditions evolve. Date the FAQ so old versions can be discarded when revisions are made.
- Remind everyone that digital library services continue (at minimum refer to NH Downloadable Books).

## Appendix 2: Stakeholder Communications - Trustees, Staff, & Public

While each New Hampshire library is unique, we share state laws, a professional code of ethics, and a commitment to support our staff and our communities. The following lists are intended to highlight those shared and universal key talking points and best practices for communicating with our stakeholders: trustees, staff and the public.

### Trustees

- A trustee-approved **pandemic policy** provides critical support to library directors, so that they may make sound operational decisions in response to changing needs/conditions, without the need to wait for trustee meetings.
- Trustee and director decisions must be conscious of **liability** for both staff and the public, and phased reopening plans need to be created in conjunction with input about state and local conditions from state and local officials.
- The board of trustees is an employer first and foremost. **Staff safety** is their #1 priority.
- The realities of public health conditions and social distancing requirements necessitate a **phased reopening plan**, over a long period of time.
- In considering phased reopening plans, trustees and directors need to redefine “essential services” for a pandemic.
- Phased reopening plans should consider the impact on other town resources and how they impact the workload of first responders (e.g., security).
- Each phase can only be implemented if staff and public safety measures/concerns have been met (staff PPE, social distancing, security, etc.).

### Staff

- **Staff deserve reassurance that reopening plans will be PHASED and responsive to safety concerns.**
- **Share information with staff.** Reduce anxiety by being honest with regards to uncertainties and encourage an “open door” policy of communication.
- Offer updates and interaction at consistent, regular intervals, even if to say there’s no new information. (Example: weekly update)
- Provide the big picture, even if that isn’t the usual method of communication, so staff know decisions are not being made in a vacuum.
- Provide clear guidance and training for developing or expanding pandemic, emergency and sanitation procedures [[PLA](#)].
- Provide reassurance that the director is prioritizing a safe workplace as a topic for trustees.
- Be sensitive to the needs of employees -- health concerns, families first, etc.
- THANK your staff!

### Public

- **Communicate that reopening will be PHASED and in direct response to health and safety conditions**, at both the state and local level.
- Ask for their patience as the library strives to balance service and safety.
- **Educate and market** the 24/7 on-demand services that the library has been/is now providing.
- Continue education on how to access those available online resources, demonstrating that only the building is closed, not the services.
- Continue/increase advocacy about the value of libraries during the crisis and the essential roles they will play in recovery [[PLA](#)].
- **Ways to communicate:** Signs at library, Post Office; sandwich board; newsletters; communication via other town departments; social media; school/community pages; print media; link credible resources to credentialize your message.
- See [FAQ Template](#)

### **Appendix 3: Template Public FAQ (Frequently Asked Questions) to Communicate to the Public**

Library Closure FAQ: Please consider your community circumstances and customize these suggested responses before posting on your library website. All library staff should have access to and be familiar with your specific FAQs & answers to ensure consistency in library communications.

#### **TOP FAQ QUESTIONS WITH SAMPLE ANSWERS**

- **Where can I find up-to-date information about services while the library building is closed?**
  - Our website will have the most up-to-date information about current services. The website is being updated continually as circumstances change. We announce many changes on our social media pages as well. Our [LINK SOCIAL MEDIA PAGES] are open for all to view, no account or sign-in required.
- **Why did the library close?**
  - As announced on [DATE] the [LIBRARY NAME] building will be closed to the public, starting [DATE] until further notice, in an effort to help prevent the spread of coronavirus (COVID-19). This closure follows [HEALTH DEPARTMENT, CDC, ECT] recommendations and direction from the [MUNICIPALITY].
- **What services is the Library providing right now?**
  - Now is a great time to explore your Virtual Library!
    - [LIST, LINK, AND DESCRIBE ONLINE RESOURCES]
    - [OPEN WIFI, NAME NETWORK]
    - [VIRTUAL PROGRAMMING, LINK TO CALENDAR]
    - E-mail address or other contact info for Q's about using virtual library services
- **When will the library building open? How will it re-open?**
  - The library director is developing a phased plan for reopening the building. We are committed to heeding guidance from state & local officials about what is feasible regionally and locally. Our first priority is always the safety of our staff and patrons; check the library website [Library website link] for service updates.
- **What should I do with library items I borrowed?**
  - Please keep them for now. All library drop boxes are closed. Due dates for items are being extended and overdue fines will not accrue while the building remains closed.
- **Why can't I return my library materials? Why not open the book drops?**
  - Our book drop bins aren't large enough to hold all the materials that are currently checked out. If we opened the book drop bins to receive returns, staff would need to handle materials sooner than safely recommended.
- **Can I still donate books?**
  - Due to the COVID-19 pandemic, donations are suspended until further notice.
- **Can I sign up for a library card while the building is closed?**
  - Yes! Visit our [LINK TO LIBRARY CARD PAGE/FORM] page for information about how to sign up for a library card online.
- **How do I talk to someone at the Library if I have a question?**
  - Our phones are currently not being answered, but you can contact us via email here [CONTACT]
  - While we are not in the building, we are retrieving voicemails left at this number: please leave a message with the best time & number to reach you and we'll call you back.

#### **MORE FAQ QUESTION POSSIBILITIES**

Here is a further list of potential FAQ's to consider answering and posting on your library website.

- **Facilities Questions**

- What will the phased reopening of the building look like?
- How will the library ensure social distancing protocols for staff & patrons?
- Will there be access to public computers?
- Will you be open fewer hours? Will there be a limit on how much time I can spend in the library? Will there be a limit on how many people can be in the building at one time?
- Will I have to wear a mask when I visit the library?
- Will individual study rooms and meeting rooms be available?
- Do you clean your chairs?

- **Outreach Questions**

- When will homebound delivery resume?
- Will you offer curbside circulation of physical items? When?

- **Circulation Questions**

- Will you have all the books that were published while the building was closed?
- How do I know the books will be "safe" and not contaminated? How are you making sure that materials AND library staff are safe?

- **Programming Questions**

- Will in-person programming resume?
- Will Storytime be open?
- Will our book group still meet?

## Appendix 4: Staged Reopening Resource Links

### **General Links:**

ALA: ALA Planning for Reopening Resources web page: <http://www.ala.org/advocacy/planning-reopening-resources>

ALA COVID-19 Recovery web page: <http://www.ala.org/tools/covid-19-recovery>

Webinar, ALA/United for Libraries, *Working Together on Planning, Policy, and Legal Issues for Reopening a Public Library: The Board, the Attorney, and the Librarian* (5/15/20): <http://www.ala.org/united/legal>

Webinar, DEMCO, *COVID-19: Safety Tips for Reopening Your Library* (5/12/2020): <https://ideas.demco.com/webinar/covid-19-safety-tips-for-reopening-your-library/>

Webinar, ALA/United for Libraries, *How Foundations & Friends Can Support Their Libraries During COVID19* (5/7/20): <http://www.ala.org/united/funding>

International Federation of Library Associations (IFLA) - Reopening Libraries: <https://www.ifla.org/covid-19-and-libraries#reopening>

Return to School Roadmap: <https://returntoschoolroadmap.org/>

NFPA Fire and Life Safety Checklist for Reopening a Building: <https://www.nfpa.org/-/media/Files/Coronavirus/CoronavirusReopeningBuildingsChecklist.ashx>

National Governors Association reopening information (include plans/exec orders from each state): <https://www.nga.org/coronavirus/#reopen>

### **Reopening Plans: NH**

Jaffrey: [https://www.townofjaffrey.com/sites/jaffrey/nh/files/uploads/pandemic\\_service\\_plan\\_final\\_12may2020.pdf](https://www.townofjaffrey.com/sites/jaffrey/nh/files/uploads/pandemic_service_plan_final_12may2020.pdf)

Keene: [https://drive.google.com/open?id=1aCwSxUjjBcrQTjc7asK\\_Mm2faMczq1Xr](https://drive.google.com/open?id=1aCwSxUjjBcrQTjc7asK_Mm2faMczq1Xr)

Walpole: [https://drive.google.com/open?id=1Cu5qEW0OaFYc15\\_rNNAIpcSWIeprErwW](https://drive.google.com/open?id=1Cu5qEW0OaFYc15_rNNAIpcSWIeprErwW)

### **Reopening Plans: Other States**

Vermont: <https://libraries.vermont.gov/covid19>

Brush, CO: <https://drive.google.com/open?id=1LNJ7RJUvnLAzbOfg6zRpsUs6lc82BLEQ>

Idaho: <https://medium.com/@john.alan.thill/a-phased-reopening-plan-for-libraries-as-covid-19-restrictions-are-lifted-2d96885c0c1d>

Indiana Library Federation: <https://drive.google.com/open?id=15BxXAwgBPBtydG5aT1iSrW6Kz2RAqgZv>

Piedmont, OK: <https://drive.google.com/open?id=1FdzdbYdvl09z72gSGKxFrDrpa3UMp3Ql>

Pine Island, MN: [https://drive.google.com/open?id=1nnd\\_zsYBZ5IinF22Di9FadAat15RTwLj](https://drive.google.com/open?id=1nnd_zsYBZ5IinF22Di9FadAat15RTwLj)

Nevada County: <https://docs.google.com/spreadsheets/d/1HGBUOM5yIV8ptkTm7RQFvoiEZ0bRfPXmqfZ614wcWtI/edit?usp=sharing>

Utah State Library: <https://drive.google.com/open?id=1ZIaeRjyuBvS29WYIfwbSVcZR6XwxYKGV>

Wyoming: [https://drive.google.com/open?id=1NkWkKEhx-vrsJJyzpvVsdCrQ\\_Kk0txL1](https://drive.google.com/open?id=1NkWkKEhx-vrsJJyzpvVsdCrQ_Kk0txL1)

Wyoming (draft 2): <https://drive.google.com/open?id=1BywX-OfafC3y4mv-ZTYIzOkgv1SdfJmm>

### **Reopening Plans: Outside the United States**

German Library Association: <https://docs.google.com/document/d/1sWK6OgUcQ59f6qLTVc8Wp8sgPMnTbsNgNZcCLLqezZE/edit?usp=sharing>

## Appendix 5: Questions/Answers Regarding Liability from Primex - revised 9/2020

**Disclaimer:** The responses provided herein are intended to offer general guidance and should not be construed as legal advice. You are urged to consult a lawyer concerning your own situation and any specific legal questions you may have. Provision of the responses herein does not constitute or create an attorney-client relationship between you and the author or the author's employer. Information and guidance furnished herein is done with the understanding that the author and organization with whom the author is employed are not rendering legal or other professional advice on any specific facts or circumstances and, accordingly, assume no liability whatsoever in connection with its use.

**Important Note:** The responses and guidance provided herein are based on information that is currently available. Employers should remember that guidance from public health authorities as well as state and federal agencies has and is likely to change as the COVID-19 pandemic evolves. Accordingly, employers should continue to follow the most current information on and guidance regarding workplace safety, employee leave, the interplay between COVID-19 and EEO laws, and the advice of public health officials as well as the employer's local counsel.

### Returning to Work

As employers, what is our liability as a town/library if an employee is exposed to the virus at work and becomes ill?

The COVID-19 pandemic is unprecedented so it's hard to offer any hard and fast rules or look to a prior equivalent to compare it to and decipher potential liability tied to COVID-19 that employers may confront as onsite operations resume and employees return to the physical workplace.

Under federal law, OSHA's general duty clause establishes that every employer has a duty to provide a safe workplace for each of its employees, which includes furnishing a workplace that is free from recognized hazards that cause or are likely to cause death or serious physical harm to employees. Similarly, at the state level, RSA 281-A:64 as well as various related administrative rules issued by the NH Department of Labor such as Lab 1403.01, 1403.30 and 1403.43 require employers to provide employees with a safe work environment and adopt work methods and procedures that will protect the health and safety of employees that include, but are not limited to, furnishing employees with PPE, providing access to potable water, maintaining sanitary and hygienic toilet facilities, and instruction regarding health and safety rules established by the employer so that employees may recognize and avoid unsafe conditions. Accordingly, in addition to the steps you already take to ensure the health and safety of your employees, in light of the COVID-19 pandemic, it is important to closely follow CDC guidance, OSHA Guidance on Preparing Workplaces for COVID-19, Federal Opening Up America Again Guidelines, the NH Governor's Emergency Order #52/Stay At Home Universal Guidelines, which is Exhibit A to Emergency Order 52 (hereafter "NH EO-52-A"), and the guidance of state and local public health officials. Of note, NH EO-52A at paragraph 6 states it is not applicable to State government, local and county governments, local and county legislative bodies, the General Court, or the Judicial Branch. While these guidelines/guidance materials are not law, and despite local governments being exempt from NH EO-52A, these guidelines could, in effect, form the basis of a new standard of care that employers will be held to, and failure to follow such guidelines/guidance could result in liability for the employer. Therefore, to mitigate such risk and potential liability, it is strongly recommended that libraries familiarize themselves with and adhere as closely as possible to the aforementioned guidelines.

## Appendix 5, continued: Questions/Answers Regarding Liability from Primex (please see disclaimers on page 17)

Depending on the surrounding facts and circumstances of a given employee-related matter, if an employee is exposed to COVID-19 in the workplace and contracts the virus, the employee may be: eligible for workers' compensation benefits, eligible for protected leave under the FMLA, entitled to paid or unpaid time off under your existing leave policies, and/or eligible for protected paid leave under the Families First Coronavirus Response Act (FFCRA). Even if an employee does not ultimately contract the virus, he/she may be entitled to leave under the various forms of leave mentioned above if he/she is an eligible employee and has a qualifying reason for leave. If an employer were to wrongly interfere with or deny an employee his or her entitlement to such rights and benefits, or if an employer retaliates against an employee for exercising his/her rights to such leave, the employer will be liable.

Additionally, employers are seeing a rise in whistleblower and other workplace retaliation and wrongful termination complaints across the country that are tied to workplace conditions amid the COVID-19 pandemic. In addition to freedom of speech protections provided under the U.S. and N.H. Constitutions, NH employers should be mindful of employees' protected rights under RSA 275-E, NH's Whistleblower Protection Act, as well as freedom of expression protections unique to public sector employees under RSA 98-E, which provides broader protection than the First Amendment. For example, employees have the right to publicly discuss and give opinions, in their individual capacity, about their government employer and its policies (e.g. criticize their employer and the policies/procedures implemented to protect the health and safety of employees and the public they serve). Employers must be extremely careful not to take adverse employment actions against an employee based on his/her exercise of these protected rights, as such actions may violate the aforementioned state laws, constitute unlawful retaliation and have significant legal, financial, morale and public relations consequences for the employer. If an employer is contemplating taking an adverse employment action against an employee based on the employee's speech/complaint, it is strongly recommended that, prior to taking any action, the employer consult with local employment counsel.

### Links to resources mentioned in this response:

NH RSA 281-A:64, Safety Provisions: <http://www.gencourt.state.nh.us/rsa/html/XXIII/281-A/281-A-64.htm>

NH Code of Administrative Rules – Chapter Lab 1400, Safety and Health of Employees: [http://www.gencourt.state.nh.us/rules/state\\_agencies/lab1400.html](http://www.gencourt.state.nh.us/rules/state_agencies/lab1400.html)

CDC, Reopening Guidance for Cleaning and Disinfecting Public Spaces, Workplaces, Businesses, Schools and Homes: <https://www.cdc.gov/coronavirus/2019-nCoV/community/reopen-guidance.html>

OSHA, Guidance on Preparing Workplaces for COVID-19: <https://www.osha.gov/Publications/OSHA3990.pdf>

White House and CDC, Opening Up American Again: <https://www.whitehouse.gov/openingamerica/>

NH Governor Emergency Order #52: <https://www.governor.nh.gov/sites/g/files/ehbemt336/files/documents/emergency-order-52.pdf>

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Exhibit A to Emergency Order #52, Safer at Home Universal Guidelines (updated August 27, 2020):

<https://www.covidguidance.nh.gov/sites/g/files/ehbemt381/files/files/inline-documents/guidance-universal.pdf>

U.S. Dept. of Labor, COVID-19 and the Family and Medical Leave Act (FMLA) Questions and Answers: <https://www.dol.gov/agencies/whd/fmla/pandemic>

U.S. Dept. of Labor, Families First Coronavirus Response Act: Questions and Answers: <https://www.dol.gov/agencies/whd/pandemic/ffcra-questions>

U.S. Dept. of Labor, 09/11/20 News Release “U.S. Department of Labor Revises Regulations to Clarify Paid Leave Requirements Under the Families First Coronavirus Response Act”: <https://www.dol.gov/newsroom/releases/whd/whd20200911-2>

NH RSA 275-E, Whistleblowers’ Protection Act: <http://www.gencourt.state.nh.us/rsa/html/XXIII/275-E/275-E-mrg.htm>

NH RSA 98-E, Public Employee Freedom of Expression: <http://www.gencourt.state.nh.us/rsa/html/vi/98-E/98-E-mrg.htm>

**Can we or should we take employee temperatures when they arrive at work? Who would be able to do that task (management? medical staff that is contracted?), and should the results be recorded? If recorded, are those records kept for a certain amount of time or destroyed daily?**

In its technical assistance publication “[What You Should Know About COVID-19 and the ADA, the Rehabilitation Act, and Other EEO Laws](#)” (last updated on 09/08/20), the EEOC states employers may conduct employee temperature checks and other screenings (e.g. questionnaire about symptoms associated with

COVID-19 or require self-reporting). In addition, NH EO-52A directs employers to develop a process for screening all employees reporting to the physical workplace for COVID-19 related symptoms. As noted in the previous response, state and local governments are exempt from the requirements of NH EO-52A; however, having some form of employee screening process in place is strongly recommended. Moreover, doing so may foster greater confidence and a sense of safety for employees returning to/continuing to work in the physical workplace. The NH Department of Health and Human Services, Division of Public Health Services, Bureau of Infectious Disease Control issued and continues to update a guidance document that addresses employee screening, exclusion criteria and general travel and quarantine recommendations that employers should regularly monitor. In response to numerous member inquiries regarding these issues, Primex developed a sample COVID-19 Health Screening Questionnaire for members to consider using as a tool to help minimize workplace transmission of COVID-19. It is also important to understand that many individuals infected with COVID-19 won’t have a fever or exhibit other symptoms identified as being associated with COVID-19 by the CDC and other public health authorities; therefore, a multi-layered approach to workplace health and safety is critically important when planning for, implementing your phased reopening and increasing in-person programming and services (i.e. requiring social distancing, monitoring and sending home sick employees, encouraging self-monitoring of symptoms and socially responsible behaviors, have flexible leave policies and work schedules, review sanitation protocols, cleaning and disinfectant measures, etc.).

Whether or not and how your particular workplace should conduct such screenings is a local policy decision and one that ought to be made in consultation with state and local public health officials and your local counsel. As part of your phased reopening planning and implementation, it is recommended that you document the legitimate business as well as public health and safety reasons on which you base your decision and note that the decision is subject to change based

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on changing circumstances, current community transmission, changes in local/state/federal guidance, and other information that serves as a reasonable basis on which to change your approach. It is also recommended that you consult with labor counsel to determine if requiring hourly employees to submit to temperature checks/other screening methods is considered compensable time (most likely it is compensable).

To avoid claims of differential treatment and justify the employer's reason for taking employees' temperatures and/or conducting some other screening measure(s), ALL employees entering the physical workplace should be subject to the same screenings. Employees should be notified in writing in advance of what screening(s) will take place and what they can expect in terms of the process. Having signage near employee entry points and key locations may serve as an effective way to remind employees of the new (or changes to) screening requirements.

All screenings should be conducted in a manner that protects the privacy of individuals (e.g. behind a screen/curtain, in a pop-up tent with walls, or otherwise out of view of others). Employees should wear cloth face masks/coverings during screenings and the person taking employees' temperatures/conducting the screening should wear personal protective equipment (PPE) and social distancing should be exercised both in terms of the actual act of the temperature check/other screening method as well as employees waiting to have their temperature checked/completing other screening method(s). An option that may provide appropriate privacy and help avoid potential congregating of employees waiting for screenings is staggering of shift start times.

With respect to who should conduct the temperature checks/screening method, the most risk adverse method is to contract with a third party to handle this task. The next best option is for someone in Human Resources to conduct the screening as HR professionals are familiar with privacy and confidentiality requirements associated with employee medical information (note: employee temperatures and other forms of screening are considered medical information protected by ADA confidentiality requirements). Another option is for senior administrators/management to conduct the temperature screenings, and ideally the person(s) selected should be someone who does not directly supervise the employees being screened. If the above options are truly not feasible, it is recommended the reasons for making it so be documented in case it is called into question at a later date. NH EO-52A directs that "[e]mployers should take the temperatures of employees on-site each day upon the employees arrival at work", and adds "[i]f this is not possible, temperatures can be taken before arriving" at the workplace "as long as it can sufficiently be authenticated by the employee." This seems to suggest that temperature checks/other screenings could be done by the employee and submitted to the employer for review; however, to date the Governor's Office has not issued clarification as to some sort of threshold that must be met in terms of "is this is not possible" and what is meant by "sufficiently authenticated by the employee"; accordingly, further discussion with local counsel is recommended if a library is considering this approach.

If temperature checks/screenings will be administered internally (as opposed to being done by a contracted third party), then such persons conducting the screenings should receive appropriate training regarding use of PPE, maintaining social distancing while taking temperatures/conducting screenings,

documentation, confidentiality requirements, and procedures to follow in the event an employee's temperature or results/answers to a screening indicate the employee should not enter the workplace. The training process should be documented.

The documentation created as a result of daily temperature checks or other screening method is considered medical information and, per the ADA, it should be stored separately from the employee's personnel file, i.e. in the employee's separate, confidential medical file in which all other medical information is stored. In

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terms of retention, there are differing schools of thought about whether or not screening documentation should be: (a) retained only for as long as necessary to manage risk during the COVID-19 crisis and then be permanently deleted once it is no longer needed; or (b) considered medical information that is part of an employee's personnel file (albeit stored in a separate confidential medical file) and, per RSA 33-A:3-a, XCVI, personnel files must be retained for 20 years past the date of an employee's retirement or termination. This author will defer to your local counsel's opinion as to how long such documentation should be retained. Regardless of the duration of retention you choose, while the documentation/information is in your care, custody and control you must maintain its confidentiality, store it in a secure location, and strictly limit access to those who have a need to know the information for personnel management purposes.

### Links to resources mentioned in this response:

EEOC, What You Should Know About COVID-19 and the ADA, the Rehabilitation Act, and Other EEO Laws (last updated on 09/08/20): <https://www.eeoc.gov/wysk/what-you-should-know-about-covid-19-and-ada-rehabilitation-act-and-other-eeo-laws>

NH-DHHS, Div. of Public Health Services, Bureau of Infectious Disease, New Hampshire COVID-19 General Travel and Quarantine Guidance, & Employer Screening and Exclusion Criteria (last updated on 08/27/20): <https://www.dhhs.nh.gov/dphs/cdcs/covid19/documents/employee-travel-guidance.pdf>

Sample COVID-19 Health Screening Questionnaire (last updated 09/10/20): <http://nhlibrarians.org/wp-content/uploads/2020/09/2020-09-10-Updated-Sample-Health-Screening-Fillable-Questionnaire.pdf>

NH RSA 33-A: 3-a, Disposition of Municipal Records: <http://www.gencourt.state.nh.us/rsa/html/III/33-A/33-A-3-a.htm>

### **What do we need to know and do to create a safe working environment during the phased reopening of our state?**

This is challenging to answer because of unknowns associated with COVID-19 and its transmission and the dynamic nature of guidance issued by local, state, federal and international public health authorities. A good starting point is working closely with state and local public health officials who are best suited to address and help you understand what types of strategies are most appropriate given the level of risk and community transmission associated with your locality. Public health officials will likely be able to offer guidance with respect to proper cleaning methods, sanitizing protocols, and safety measures to take in order to prepare your facilities and staff as you plan for and continue your phased reopen. For an overview of some points to consider when planning for, implementing and continuing your phased reopening see Primex's bulletin titled COVID-19: Preparing Your Workplace – link: [http://nhlibrarians.org/wp-content/uploads/2020/05/COVID-Bulletin-on-Reopening\\_May-2020\\_Primex.pdf](http://nhlibrarians.org/wp-content/uploads/2020/05/COVID-Bulletin-on-Reopening_May-2020_Primex.pdf).

In addition to the feedback provided in the responses to the other questions above and herein, the following is offered for review and consideration:

- Stay informed of and follow current guidelines from leading public health authorities. While public health pronouncements are advisory in nature, they serve as a good measure for whether reasonable care was taken to protect employees and patrons/members of the public from infection.
- Review and implement relevant portions of the CDC's publication "Reopening Guidance for Cleaning and Disinfection Public Spaces, Workplaces, Businesses, Schools, and Homes" - <https://www.cdc.gov/coronavirus/2019-nCoV/community/reopen-guidance.html> Consider developing an infectious

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disease preparedness and response plan, see OSHA Guidance on Preparing Workplaces for COVID-19:  
<https://www.osha.gov/Publications/OSHA3990.pdf>

- Continue drive-thru and/or curbside services as well as virtual programming to limit the number of people in the facility.
- Plan for, acquire or order (taking extended shipping time into consideration), and properly store cleaning, disinfectant, and sanitation supplies that you anticipate you will need as well as PPE (masks, face shields, gloves, etc.), tissues, no-touch trash cans, hand sanitizer containing at least 60% alcohol, thermometers (if temperatures will be taken), signage (note: the CDC has signs that can be printed out and posted), plastic/plexiglass shields or tabletop barriers at public service counters, disinfectant wipes, etc., as part of fulfilling your duty to provide a safe workplace.
- Consider adapting the physical workplace to permit social distancing to be implemented to the extent feasible; reconfigure or close common areas where employees and others are likely to congregate. Investigate ways to reduce density of workspaces and increase distance between employees and patrons.
- Set up hand sanitizer stations outside each restroom and each door that is commonly touched or used.
- For the foreseeable future, eliminate unnecessary in-person meetings, gatherings, and group events.
- Continue to encourage/allow telework whenever possible and feasible with business operations.
- There will be a new REALM webinar on 10/8/2020 with information (recording of the webinar will be available):  
[https://www.webjunction.org/events/webjunction/realm-collections-facilities.html?\\_ga=2.43391020.883251763.1601914040-1363297000.1601914040](https://www.webjunction.org/events/webjunction/realm-collections-facilities.html?_ga=2.43391020.883251763.1601914040-1363297000.1601914040)
- Dr. Catherine Rasberry, a member of the CDC’s community guidance development team, noted that three guidance documents issued by the CDC seem relevant to museums and libraries in terms of preparing for reopening:
  - Community and faith-based organizations: <https://www.cdc.gov/coronavirus/2019-ncov/community/organizations/guidance-community-faith-organizations.html>
  - Large community events and mass gatherings: <https://www.cdc.gov/coronavirus/2019-ncov/community/large-events/index.html>
  - Businesses and employers: <https://www.cdc.gov/coronavirus/2019-ncov/community/guidance-business-response.html>[KS3]
- Prepare protocols/procedures for quarantining of returned/inbound library materials – see American Library Association publication “Handling Library Materials and Collections During a Pandemic” - <http://www.ala.org/alcts/preservationweek/resources/pandemic>

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- Direct employees to resources that provide current updates in this dynamic situation, such as the CDC's COVID-19 website (<https://www.cdc.gov/coronavirus/2019-ncov/index.html>) and the NH COVID-19 DHHS website (<https://www.nh.gov/covid19/>)

It is also recommended that employers document the efforts taken to prepare for and its actual adherence to CDC guidelines, NH EO-52A and/or guidance from local public health officials as doing so is likely to put the employer in a more defensible position in the event of a claim and/or litigation. This could be done via written and updated emergency response plans, policies, cleaning and disinfecting procedures as well as logs of actions taken to ensure the health and safety of employees, including steps taken to mitigate potential exposure to and spread of COVID-19.

Employers should regularly communicate best practices and promote preventative actions with their employees by outlining new or updated policies and procedures related to health and safety amid the COVID-19 pandemic (e.g. use and disinfection of common and high traffic areas and surfaces, frequent washing of hands, good hygiene practices, wearing face cloths/masks, social distancing, staying home if they have a fever or are exhibiting other symptoms associated with COVID-19, etc.). This could be done and documented by developing written policies and/or standard operating procedures (SOP) and having each employee complete an acknowledgment of receipt of each policy/SOP (which, once completed, should be retained in each employee's respective personnel file). Plan on training employees on the new policies and SOPs and demonstrate the new safety measures in place so that employees are on the same page, understand the policy/SOP, and are given opportunities to ask questions. The more employees understand what safety measures are being taken, and the why, the more likely there is to be employee buy-in. In addition to training, it's a good practice to make a habit to check in with employees as often as possible to ensure they are comfortable with their work environment and the changes associated with returning to the workplace.

To reinforce these best practices, posting of signage near entrances/exits, places near employee workstations, and in restrooms may be helpful. Additionally, and particularly in the beginning weeks of bringing employees back to the workplace, it may be helpful to hold daily or weekly debriefs to talk about what is and is not working and afford employees an opportunity to ask questions, express concerns, and offer feedback regarding ideas that could enhance workplace safety.

### **What rights do employees have in refusing to work during the pandemic?**

If an employee is refusing to work during the pandemic, a good place to start is engaging in a dialogue with him/her. Determine what the basis is for an employee's refusal to return and do your best to hear him/her out with an open mind and a sense of compassion. COVID-19 is an unprecedented crisis that presents a whole host of uncertainty and folks are understandably responding to it in a myriad of ways. It is important that employers clearly communicate the safety measures and steps being taken to protect employees and patrons/members of the public as this may be useful to alleviate anxiety and fears. The safer the employee feels about being in the workplace, the more likely he or she will embrace returning to work.

Consider whether or not the employee may be entitled to leave under the FMLA, leave under your existing policies, or whether you need to engage in the ADA interactive dialogue to determine if he/she is entitled to an accommodation (e.g. is the fear and/or anxiety an exacerbation of an underlying mental health condition that may be covered by the ADA? Could the employee be entitled to accommodations such as a finite period of unpaid leave or remote work?). If there is no basis for leave, you still want to consider the optics of moving toward termination. Instead, you may want to consider offering a temporary, finite period of unpaid leave

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or an unpaid leave of absence with no guarantee of the position even if you're not legally required to do so. Each scenario will turn on the specific facts involved, so working with local counsel is advisable.

**Is there any liability considerations if a library puts certain people on furlough and not others, and starts a phased reopening plan of their buildings but does not have all furloughed people come back at once?**

This is a fact-specific issue, often dictated by how employees were handled when the library phased down, so this process is best navigated with the assistance of local employment counsel. In general, when returning employees from furloughs with a staggered approach two central liability concerns come to mind. First, the employer needs to be careful in its methodology – even challenge its own decisions prior to execution – to ensure its selections are based on objective and legitimate business reasons which should be documented. For example, consideration should be given to the specific job functions employees perform and whether that function is necessary to operations at this time or the near future. The employer may not engage in differential treatment when making decisions about returning employees to work based on protected characteristics. For example, an employer may not set, as a criterion to return to the workplace, that the employee is under 65 years old simply because individuals who are 65 or older have been identified as being at high risk of severe illness should he or she contract COVID-19. Similarly, an employer cannot categorically exclude all pregnant employees from returning to the workplace. In addition, employers should ensure their methodology is applied in a non-discriminatory manner and does not have a disparate impact on members of protected classes. Employers also should not discriminate against employees based on knowledge of an employee's request or potential request for leave.

Second, the employer should determine the circumstances under which the employees departed. Regardless of whether the employer described the action as a furlough, temporary layoff, or something else, the essential question is: was the employment relationship severed? If so, then the employer is returning separated employees which is much like hiring them for the first time. The employer should follow normal policies and procedures for hiring and onboarding employees (i.e. enrollment in benefit plans, I-9 requirements, application, providing employees with written documentation regarding rate of pay and deductions, employee handbook procedures and signing acknowledgments of receiving workplace policies, etc.). If the relationship was not severed, then the employer is essentially returning employees from an unpaid leave. Nonetheless, there may be new or updated policies and procedures in place that necessitate a form of onboarding post-temporary closure of the workplace that may need to occur prior to employees starting work. Further, you may want to consider sending a furlough recall letter to returning employees and communicate changes to job duties and expectations, changes to wages, schedule modifications, new protocols and performance standards.

**What kinds of policies should we have in place to cover all of the above?**

In addition to suggestions offered in other responses, the following is a non-exhaustive list of policies, procedures, and protocols to consider:

- Policy addressing workplace measures to be taken to provide a safe and healthy workplace, which may include:

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1. Efforts to follow CDC guidelines re: physical distancing (split shifts, staggering breaks, altering workstations), hygiene, cleaning and disinfecting;
2. Restricting use of shared items and spaces;
3. Expectations that employees follow CDC guidelines in the workplace and any potential sanctions for failing to do so;
4. What steps will be taken if an employee tests positive for or is showing symptoms associated with COVID-19, e.g.:
  - § Requiring employees to stay at home, seek medical advice, and follow CDC guidelines on returning to work;
  - § Procedures that will be followed in terms of contact tracing and alerting coworkers of potential exposure (while maintaining the confidentiality of the employee's identity)
  - § Prohibiting ill employees from entering the workplace and whether or not telework is available if they are unable to enter the physical workplace. Note: An example of an Employee COVID-19 Illness Policy from the Jackson Lewis firm is provided with these responses. It is recommended employers review the example and these responses with local counsel prior to implementation.
5. Whether use of PPE such as face masks/coverings is required while at work and procedure to follow if an employee wishes to request accommodation(s) regarding same, and how the employer will respond to employees who refuse to wear PPE
6. Remember to be mindful of your patrons/members of the public who, for example, may be deaf or hard of hearing and are lip readers, so you may need to be prepared to have a supply of face shields for staff to wear instead of face masks so staff may effectively communicate with such patrons/members of the public.
7. Informing employees of any routine, daily screening methods that will be utilized, where this will occur and the process that employees must follow for the screening
8. Advise employees that all virus-related health information will be treated as confidential medical information in accordance with the ADA and other applicable laws and training of managers/supervisors about maintaining confidentiality (e.g. cannot confirm or deny a particular employee has tested positive for COVID-19);
9. Include a safety protocol action plan for when an employee develops symptoms at the workplace so that you can take immediate and appropriate steps to isolate the employee, provide PPE, assist the employee with a discreet and quick exit from the workplace, and then conduct a deep clean and sanitization of the employee's work area and any common areas potentially affected according to CDC/ OSHA guidance

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- Cleaning, disinfecting, and checking of ventilation protocols for ongoing operations
  1. E.g. protocols for cleaning and disinfecting common and high-traffic areas, limiting interaction with inbound items, checked out materials, mail, etc. until they are disinfected (perhaps new drop area(s) to limit third-party access to workplace)
  2. What cleaning and disinfectant products should be used for various types of surfaces/items/areas, what PPE should be worn and how to properly don and doff PPE
- One of the most effective ways of preventing potential exposure and transmission of the virus is encouraging employees to stay home when they are sick or have been in close contact with persons who have tested positive for COVID-19 or are exhibiting symptoms commonly associated with COVID-19. Therefore, employers should amend their existing leave policies or add a new policy that addresses leave afforded under the Families First Coronavirus Response Act (FFCRA) and create a new form of leave (i.e. emergency medical leave, temporary leave of absence, COVID-19 leave) that may be available in the event employees exhaust other forms of leave yet are, for example, sent home by the employer due to the employee exhibiting symptoms associated with COVID-19.
- A remote work/telework policy and consider developing and implementing a remote work agreement with each remote employee that clearly states the telework arrangement is temporary due to the pandemic and/or on a trial basis, that the employee may not be performing all essential functions due to the pandemic, and that the arrangement may be revoked at the employer's discretion. The agreement should also set forth the responsibilities of the employees such as work hours (including any agreed-upon flexible arrangement to accommodate childcare or other issues), productivity/work output expectations, availability during normal business hours, protocol for communicating with managers and colleagues, compliance with time recording/reporting procedures (non-exempt employees should be explicitly instructed not to conduct any work during non-work hours), incorporation or reference to existing policies such as code of conduct, technology use policy, patron confidentiality, protection of workplace information, and ensure that the access, transmission and storage of work product and work-related information is secure.
- Implement and/or reinforce all reasonable measures to prevent workplace discrimination or harassment, including misguided perceptions that employees or members of the public of particular races, cultures, national origins, ages, disabilities, or other protected characteristic are more likely to be infected with or spread COVID-19.

Importantly, all new or updated policies, procedures, and protocols must be drafted and disseminated to employees prior to implementation and enforcement. Materials should be easy to understand and available in the appropriate language and literacy level for all workers.

It is also advisable for a library's phased reopening plan (and any modifications to it) to be reviewed, evaluated and approved by your governing board (i.e. board of trustees) as this may position the library for discretionary function immunity. The measures identified in the plan should state achievable goals and practices so that the risk of failing to implement the plan as designed and approved is reduced as much as possible. Failure to implement the plan as designed can waive the immunity.

## Appendix 5, continued: Questions/Answers Regarding Liability from Primex (please see disclaimers on page 17)

### High Risk Staff

Staff members who are considered part of the high-risk population coming back to work - do we try to provide alternatives like continuing to work from home?

This is perhaps best answered by part of the EEOC's technical guidance, specifically question and answer G.4, which is cut and pasted below:

G.4. The CDC identifies a number of medical conditions that might place individuals at “[higher risk for severe illness](#)” if they get COVID-19. An employer knows that an employee has one of these conditions and is concerned that his health will be jeopardized upon returning to the workplace, but the employee has not requested accommodation. How does the ADA apply to this situation?

First, if the employee does not request a reasonable accommodation, the ADA does not mandate that the employer take action.

If the employer is concerned about the employee's health being jeopardized upon returning to the workplace, the ADA does not allow the employer to exclude the employee – or take any other adverse action – *solely* because the employee has a disability that the CDC identifies as potentially placing him at “higher risk for severe illness” if he gets COVID-19. Under the ADA, such action is not allowed unless the employee's disability poses a “direct threat” to his health that cannot be eliminated or reduced by reasonable accommodation.

The ADA direct threat requirement is a high standard. As an affirmative defense, direct threat requires an employer to show that the individual has a disability that poses a “significant risk of substantial harm” to his own health under [29 C.F.R. section 1630.2\(r\)](#). A direct threat assessment cannot be based solely on the condition being on the CDC's list; the determination must be an individualized assessment based on a reasonable medical judgment about this employee's disability – not the disability in general – using the most current medical knowledge and/or on the best available objective evidence. The ADA regulation requires an employer to consider the duration of the risk, the nature and severity of the potential harm, the likelihood that the potential harm will occur, and the imminence of the potential harm. Analysis of these factors will likely include considerations based on the severity of the pandemic in a particular area and the employee's own health (for example, is the employee's disability well-controlled), and his particular job duties. A determination of direct threat also would include the likelihood that an individual will be exposed to the virus at the worksite. Measures that an employer may be taking in general to protect all workers, such as mandatory social distancing, also would be relevant.

Even if an employer determines that an employee's disability poses a direct threat to his own health, the employer still cannot exclude the employee from the workplace – or take any other adverse action – unless there is no way to provide a reasonable accommodation (absent undue hardship). The ADA regulations require an employer to consider whether there are reasonable accommodations that would eliminate or reduce the risk so that it would be safe for the employee to return to the workplace while still permitting performance of essential functions. This can involve an interactive process with the employee. If there are not accommodations that permit this, then an employer must consider accommodations such as telework, leave, or reassignment (perhaps to a different job in a place where it may be safer for the employee to work or that permits telework). An employer may only bar an employee

## **Appendix 5, continued: Questions/Answers Regarding Liability from Primex (please see disclaimers on page 17)**

from the workplace if, after going through all these steps, the facts support the conclusion that the employee poses a significant risk of substantial harm to himself that cannot be reduced or eliminated by reasonable accommodation.

Similarly, below is an excerpt from the transcript of the EEOC's pre-recorded webinar which addresses persons identified by CDC as being at a higher risk due to age:

May an employer exclude from the workplace an employee who is 65 years old or older and who does not have COVID-19, or symptoms associated with this disease, solely because the CDC has identified this age group as being at a higher risk of severe illness if they contract COVID-19?

The answer is no. The Age Discrimination in Employment Act (ADEA) prohibits employment discrimination against workers aged 40 and over. If the reason for an action is older age (over the age of 40), the law would not permit employers to bar older workers from the workplace, to require them to telework, or to place them on involuntary leave. One way to show that an action was based on age would be if the employer did not take similar actions against comparable workers who are under the age of 40.

See also sections H, I and J of the EEOC's technical guidance: <https://www.eeoc.gov/wysk/what-you-should-know-about-covid-19-and-ada-rehabilitation-act-and-other-eeo-laws>

### **Are there liability issues by having them come into the physical building?**

See responses to prior questions and to questions below. Available information and discussion thus far have focused more on an employer potentially being liable for violating EEO laws by assuming or regarding an employee as being unable to come into the workplace because the employee has an underlying medical condition, is over the age of 65 years-old, is pregnant, or falls into some other category of persons the CDC has identified as being at higher risk of serious illness. Accordingly, the employer should treat "higher risk" employees the same as they do all other employees.

### **Is there risk in having this conversation with certain staff members and not others?**

Yes. The EEOC in its technical assistance publication is very clear that to ask employees whether they have underlying disabilities or health conditions, even if the question is prompted by a good faith concern about whether the employee is at heightened risk of severe complications from COVID-19, violates the ADA. Similarly having such a conversation with employees over a certain age or who are pregnant violates the ADEA and Pregnancy Discrimination Act, respectively. In addition, employers should be aware that per the Genetic Information Nondiscrimination Act (GINA) they may not ask an employee that is coming into the workplace whether the employee has family members who have COVID-19 or symptoms associated with COVID-19 or ask about family members' medical history. Instead, the EEOC suggests the more appropriate question to ask employees is whether they have had contact with anyone diagnosed with COVID-19 or is exhibiting symptoms associated with COVID-19.

## Appendix 5, continued: Questions/Answers Regarding Liability from Primex (please see disclaimers on page 17)

### **What can we ask/not ask regarding health info to verify that they are part of a high-risk population?**

To avoid violations of the ADA, ADEA, the Pregnancy Discrimination Act, and similar EEO laws at the state level, do not ask employees whether they have underlying disabilities or health conditions, even if the question is prompted by concern about whether an employee is at a heightened risk of severe complications from COVID-19. Rather, whether or not an employee may be entitled to an accommodation should be initiated by the employee. If an employee offers

information about being considered an individual who may be at greater risk of severe illness or expresses concerns, the employer should inquire if he/she is seeking a reasonable accommodation and if so, begin the interactive dialogue to determine whether or not the employer can provide a reasonable accommodation.

If the health condition or disability is not obvious, the employer may request that the employee provide medical documentation to support the existence of a condition that is considered a disability within the definition set forth in the ADA, how the condition limits the employee's ability to perform the essential functions of his/her position, and suggested accommodations.

An example of a request for medical information from health care provider form or "ADA medical form" is provided with these responses. It should be noted that some employees may need additional time to have their healthcare provider complete and return the medical documentation due to the ongoing public health crisis.

### **Public Interactions**

#### **Do we have the right to ask patrons to wear masks?**

In light of the ongoing public health emergency, it is reasonable to *ask* patrons to wear face masks as part of the library's ongoing efforts to provide a safe and healthy facility for staff and patrons but whether or not you can *require* wearing of masks is harder to answer as there is no federal or state mandate that masks be worn; rather, most guidance materials regarding the reopening of businesses and places of public accommodation use words such as "recommend" and "encourage" wearing of masks in public places and where 6 feet of social distancing may be consistently maintained. RSA 202-A:6 vests in the library trustees management authority for the library, so the trustees could adopt a requirement that patrons wear masks. It is recommended that a supply of masks be acquired by the Library to offer to patrons who may have forgotten their own face masks/cloths but are agreeable to wearing one while in the facility. Additionally, libraries should be prepared to accommodate patrons who have health conditions, religious beliefs, or other considerations that may request accommodations. See also Appendix 9.

**Do we have the right to take the temperatures of the public before they enter the library? Who can do that and are there questions we definitely can't ask of patrons regarding their health (ie, do you have a cough, etc.)?**

## **Appendix 5, continued: Questions/Answers Regarding Liability from Primex (please see disclaimers on page 17)**

There is no clear guidance on this so far with respect to local governmental entities, therefore it is a local policy decision. On the one hand it seems conducting such screenings on all persons entering the building is consistent with efforts to stop the spread of the virus and limit potential exposure. On the other hand, there is a massive amount of logistical considerations associated with doing so and screening patrons may cut into existing resources that may already be strained. Further, as with employees, screening patrons could result in the library collecting medical information that will need to be handled confidentially and stored securely. Patrons may be weary of being subjected to such screenings at a government-run facility if there is no federal, state or local mandate requiring such screenings. It is recommended libraries coordinate with state and local public health officials to determine if this is likely to be effective in your respective communities at this time and then work with local counsel to develop policies, procedures, and messaging associated with public screening methods.

Other approaches might include extensive messaging regarding staying at home if sick or recent close contact with sick persons, wearing of face masks/cloths, wipes to disinfect high traffic surfaces, frequent hand washing, respiratory etiquette, use of hand sanitizer, limiting number of persons in the building at one time, social distancing and closure of computer stations and copying machines or limited access to same.

**Can we limit the number of patrons we allow in the building? Are there liability issues associated with having staff take on that role at the door? What if staff refuse to take on that role?**

Yes, you can limit the number of patrons you allow in the building at one time and should do so after careful analysis and consideration of how to most effectively adhere to appropriate social distancing and staffing levels that may be needed to monitor social distancing and regular cleaning and sanitizing of the premises. State and local public health officials may be able to help with this determination or offer a guiding framework on which to base your decision. In addition, this determination should likely be subject to regular review and modification depending on guidance from public health and government guidance/guidelines and what is manageable and effective for staff and management.

With respect to liability associated with having staff take on this role, it is difficult to say in the abstract. Acting in such a role will increase employees' exposure to members of the public, so a heightened probability of exposure and potential workers' compensation claims may result. It is possible that employees directed to perform this task may file complaints with administrative agencies such as the Department of Labor, speak out on social media or to the press. If so, the library should be mindful of whistleblower and freedom of expression protections available to public employees before responding to such complaints or expressions. Even if liability may not flow from assigning staff to such a task, it may pose an employee morale issue. Library directors and trustees might consider, prior to coming to a decision, engaging in a dialogue with staff or soliciting employee feedback regarding possible assignment to such duties and take into consideration the feedback provided and concerns raised. It may be that employees are open to taking on such assignments with proper training, provision of appropriate PPE and glass or plastic partition between the employee and patrons, doing so on a rotating or limited basis, and with a backup mechanism in the event he/she encounters a challenging patron. On the other hand, it may become abundantly clear that staff are not comfortable taking on such duties and so consideration of assigning management to such a role, contracting with a third party, or some other alternative may need to be explored. It is recommended that local counsel be consulted for this inquiry as well.

**Appendix 5, continued: Questions/Answers Regarding Liability from Primex (please see disclaimers on page 17)**

**Other Resource Links related to Appendix 5:**

Employee COVID19 Illness Policy template: <http://nhlibrarians.org/wp-content/uploads/2020/05/JL-Model-Employee-COVID-19-Illness-Policy-05-06-2020.pdf>

ADA Medical Inquiry form template: <http://nhlibrarians.org/wp-content/uploads/2020/05/ADA-Medical-Inquiry.pdf>

COVID19 sign to post on front entrance template: <http://nhlibrarians.org/wp-content/uploads/2020/05/COVID-19-Sign-to-Post-on-Front-Door-of-Business-04.17.20.pdf>

US Department of Labor, Wage & Hour Division, Families First Coronavirus Response Act (FFCRA): <https://www.dol.gov/agencies/whd/pandemic/ffcra-employee-paid-leave>

Joint Guidance on employee and Premises Exposures for Local Government Employees (8/7/2020):

[https://www.nhmunicipal.org/sites/default/files/uploads/documents/partners/final\\_nhma\\_primex\\_exposure\\_guidance.pdf](https://www.nhmunicipal.org/sites/default/files/uploads/documents/partners/final_nhma_primex_exposure_guidance.pdf)

Joint Guidance on Employee Travel and Return to Work Issues for Local Government Employees (7/23/2020):

[https://www.nhmunicipal.org/sites/default/files/uploads/documents/partners/nhma\\_primex\\_travel\\_screening\\_guidance\\_rev\\_7-23-20.pdf](https://www.nhmunicipal.org/sites/default/files/uploads/documents/partners/nhma_primex_travel_screening_guidance_rev_7-23-20.pdf)

## **Appendix 6: Key questions to ask as you are preparing your plans for reopening**

This document provides key questions to consider from both the staff and patron perspectives. It includes questions on the health and illness concerns, the safe handling of materials, and what to look for to create a building compatible with social distancing recommendations.

### **Staff**

- Will we require or be required to have all employees read and sign off on a Pandemic Policy prior to re-entering the building?
- Will we require or be required to have all returning employees take their temperature and answer screening questions?
- What PPE will be required/encouraged? Is this requirement legal?
- How many people per shift will be allowed to work to enable at least 6 feet of physical distancing?
- What is the protocol for using common supplies like a mouse, a keyboard, phone or phone headset, scanners, staplers, tape dispensers, etc.? How and how often will these be cleaned? Who is responsible for this?
- Who are the higher risk staff members? How do we find out without breaking any laws? What is the plan for higher risk staff?
- Will cash transactions be allowed? If not, how will fines, copy/fax fees, etc. be handled?

### **Patrons**

- Will we require or be required to take the temperature of patrons prior to entering the building? Is this requirement legal? What PPE will be required/encouraged?
- What do we do if we suspect a patron may be sick?

## **Illness Policies and Procedures**

### **Staff**

- If an employee is out sick, how will work be accomplished? Substitutes? Work from home?
- If an employee develops illness while already at work, what considerations must be made (including adherence to state/federal labor laws)? What will a plan for cleaning/disinfecting look like? What supplies will be needed? Consider library closure?
- What considerations will be made for time off? Do policies on sick time use need to be changed/adapted to these new circumstances?
- When will staff be allowed to return to work after illness?

### **Patrons**

- How can public illness be determined? What can be done if a patron is suspected of having an illness?
- Can a patron suspected of being ill be asked to leave the library? If so, when can they come back?

## Dealing with Anxiety

### **Staff**

- How to assess?
- What types of information and from what sources to help alleviate worry?
- Are there programs to offer - meditation, yoga, Zentangling, coloring during breaks? Can calming music help?
- Can short breaks be added into the day - for hand washing, deep breathing, etc.
- What is the chain of command for communicating concerns, procedures, clarification?

### **Patrons**

- How to manage patron stress?
- Should staff be trained in calming procedures prior to re-opening?
- What to do if a patron becomes difficult to manage - panic attacks, belligerent behavior?
- What types of information and from what sources to help alleviate worry? (Library staff/trustees should read [Reopening Libraries During a Pandemic by Natch Greyes of NH Municipal Association](#) for a reminder that Library Trustees are responsible for the policies of the library)
- Are there independent programs/projects to offer - meditation, yoga, Zentangling, coloring?
- What channels will be used to communicate re-opening procedures clearly to the public to reduce anxiety? Social Media, website, posters, etc.?

## Physical Distancing

### **Staff**

- How many staff members will be allowed to work in the building at the same time?
- How will phone calls be managed? Multi-handsets assigned? Cleaning procedures?
- How will occupancy limits be determined?
- What is the best time to reshelve? Before or after opening to limit exposure to the public?
- What signage will need to be created to convey physical distancing to the public?
- Will breaks need to be staggered to allow for individual mealtimes?

### **Patrons**

- How many people will be allowed in the building at one time?
- Is it possible to designate an entry and exit door?
- Is it possible to leave doors propped open when the weather permits?
- How will we ensure they are maintaining a safe distance from one another and from staff?
- Can we legally require a set distance and if not, what can we do to encourage this?
- What steps will be taken in a phased plan for public service? Curbside, limited entry, limited hours?
- What space considerations must be taken into account? Distancing marks, space between computers, fewer chairs, removal of toys and other shared items?
- Will there be considerations made for high risk populations? Separate times/spaces? Curbside? Home delivery?

- What are the steps to take if one patron infringes on another person's space? What if they become belligerent? At what point do we involve law enforcement personnel?

### **Cleaning and Handling of Materials**

#### **Staff**

- What can be done to create a "no-touch" check in/out process?
- How will book returns be handled?
- How long to quarantine returns and what methods/locations/procedures can be utilized?
- What can be done to create safe work spaces for staff? Kits containing such things as hand sanitizer, tissues, computer mouse, stapler, scissors, pen/pencil, highlighter, etc. for each staff member?
- Will it be necessary to have a sneeze guard at the circulation desk?
- When to start placing orders for cleaning materials and PPE? Where can these be found?
- Will it be necessary to flush the building's water system?

#### **Patrons**

- How will the flow of traffic through the library be managed? One way aisles?
- What can be done to create a "no-touch" check in/out process?
- What can be added for "touch free" processes? Hands-free trash cans, hands-free hand sanitizer dispensers, etc.?
- Will PPE be provided to patrons?

**Appendix 7: Safety Summary Chart identifying key steps that coincide with staged reopening plans**

State Mandate		Stay at Home Order in Place	Stay at Home Lifted/Modified	Stay at Home Lifted/Modified	Social Distancing, No Groups above 10	Social Distancing, No Groups Above 30	Social Distancing
Service/ Access Tier	Population Type	Stage 1: Physically Closed/Full Digital	Stage 2: Building & Staff Preparation	Stage 3: Curbside & Delivery Services	Stage 4: Building Open with Restricted Access	Stage 5: Fewer Restrictions	Stage 6: New Normal
<b>Health and Illness Policies and Procedures</b>	<b>Staff</b>	<ul style="list-style-type: none"> <li>* Develop plan for protecting staff health, addressing issues in Employee Safety Summary and State/CDC/OSHA guidelines<sup>1,2,3</sup></li> <li>* Ensure Pandemic Policy and Employee Sick Leave Policy are in place<sup>4</sup></li> <li>* Develop schedule for in-building/work at home during each phase</li> </ul>	<ul style="list-style-type: none"> <li>* Have staff sign Pandemic Policy if necessary</li> <li>* Acquire thermometer and train managers to take temperatures if advised by state</li> <li>* Post 'in-building/work from home' schedule for each phase of reopening</li> <li>* Identify high-risk employees and assign work appropriately</li> <li>* Survey staff to find out areas of concern and offer ways to help cope with staff anxiety<sup>5</sup></li> </ul>	<ul style="list-style-type: none"> <li>* Begin health monitoring of staff as they report to the building</li> <li>* Limit number of staff in building to minimum required</li> <li>* Some staff work from home</li> <li>* Find ways to cope with staff anxiety</li> <li>* Follow CDC guidelines if an employee becomes sick at work</li> </ul>	<ul style="list-style-type: none"> <li>* Continue health monitoring of staff as they report to the building if advised</li> <li>* Limit number of staff to minimum required</li> <li>* Find ways to cope with staff anxiety</li> <li>* Follow CDC guidelines if an employee becomes sick at work</li> </ul>	<ul style="list-style-type: none"> <li>* Continue health and anxiety monitoring of staff.</li> <li>* Follow CDC guidelines if an employee becomes sick at work</li> </ul>	<ul style="list-style-type: none"> <li>* Continue health and anxiety monitoring of staff.</li> <li>* Follow CDC guidelines if an employee becomes sick at work</li> </ul>
	<b>Patrons</b>	<ul style="list-style-type: none"> <li>* Communicate with Town committees and attorneys regarding liability issues before reopening</li> </ul>	<ul style="list-style-type: none"> <li>* Monitor advice from State on taking temperature of patrons entering building</li> </ul>	<ul style="list-style-type: none"> <li>* Monitor advice from State on taking temperature of patrons entering building</li> </ul>	<ul style="list-style-type: none"> <li>* Assign and train staff member during each shift to take patron temperature according to State advice</li> <li>* Train staff on what to do if patron is visibly sick<sup>6</sup></li> </ul>	<ul style="list-style-type: none"> <li>* Continue to take patron temperatures according to State advice</li> </ul>	<ul style="list-style-type: none"> <li>* Continue to take patron temperatures according to State advice</li> </ul>

State Mandate		Stay at Home Order in Place	Stay at Home Lifted/Modified	Stay at Home Lifted/Modified	Social Distancing, No Groups above 10	Social Distancing, No Groups Above 30	Social Distancing
Service/ Access Tier	Population Type	Stage 1: Physically Closed/Full Digital	Stage 2: Building & Staff Preparation	Stage 3: Curbside & Delivery Services	Stage 4: Building Open with Restricted Access	Stage 5: Fewer Restrictions	Stage 6: New Normal
<b>Physical Distancing</b>	<b>Staff</b>	<ul style="list-style-type: none"> <li>* Plan individual workstations for members of staff</li> <li>* Plan single person working front desk</li> <li>* Plan staffing schedule for each phase, limiting to minimum required for operations</li> </ul>	<ul style="list-style-type: none"> <li>* Set up curbside service equipment such as carts, bags, labels, tent for rainy days</li> <li>* Plan protocol for shift change at front desk</li> <li>* Plan break room schedule for individual use if possible</li> <li>* Establish protocol for distancing during breaks</li> </ul>	<ul style="list-style-type: none"> <li>* Staff exercise social distancing when in building.</li> <li>* Reshelving done when library is closed</li> </ul>	<ul style="list-style-type: none"> <li>* Staff exercise social distancing when in building.</li> <li>* Single person on main desk at any one time</li> <li>* Reshelving done when library is closed</li> </ul>	<ul style="list-style-type: none"> <li>* Staff exercise social distancing when in building.</li> <li>* Single person on main desk at any one time</li> <li>* Reshelving done when library is closed</li> </ul>	<ul style="list-style-type: none"> <li>* Staff exercise social distancing when in building.</li> <li>* Single person on main desk at any one time</li> <li>* Reshelving done when library is closed</li> </ul>

<b>Patrons</b>	<ul style="list-style-type: none"> <li>* Review building occupancy limit</li> <li>* Develop policy requiring patrons to wear masks if State advises</li> </ul>	<ul style="list-style-type: none"> <li>* Calculate limited occupancy rates for your building per State</li> <li>* Post Occupancy Certificate in public place</li> <li>* Set up sneeze barriers where practical</li> <li>* Place floor markings at 6ft intervals for entrance lines and check out lines</li> <li>* Remove tables and chairs to discourage grouping</li> <li>* Separate patron computers</li> <li>* Remove children's toys and computers</li> <li>* Close off parts of building rarely used to reduce cleaning needs</li> </ul>	<ul style="list-style-type: none"> <li>* Maintain physical distance between staff and patrons during curbside services</li> </ul>	<ul style="list-style-type: none"> <li>* Limit occupancy using Occupancy counter, or delegate staff to count patrons entering and exiting building</li> <li>* Use separate entrance and exit doors</li> <li>* Encourage use of automatic door openers</li> <li>* Prop open outside doors during patron pick-up hours</li> <li>* Consider 'Vulnerable patrons only' opening times.</li> <li>* Assign staff member as 'Concierge' to guide patrons on physical distance needs</li> <li>* Use white boards to encourage traffic flow in the building</li> </ul>	<ul style="list-style-type: none"> <li>* Limit occupancy using Occupancy counter, or delegate staff to count patrons entering and exiting building</li> <li>* Use separate entrance and exit doors</li> <li>* Encourage use of automatic door openers</li> <li>* Prop open outside doors during patron pick-up hours</li> <li>* Consider 'Vulnerable patrons only' opening times.</li> <li>* Assign staff member as 'Concierge' to help educate patrons on physical distance needs</li> <li>* Use white boards to encourage traffic flow in the building</li> </ul>	<ul style="list-style-type: none"> <li>* All patrons allowed in building at all open hours.</li> <li>* Monitor occupancy during programs</li> </ul>
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State Mandate		Stay at Home Order in Place	Stay at Home Lifted/Modified	Stay at Home Lifted/Modified	Social Distancing, No Groups above 10	Social Distancing, No Groups Above 30	Social Distancing
Service/ Access Tier	Population Type	Stage 1: Physically Closed/Full Digital	Stage 2: Building & Staff Preparation	Stage 3: Curbside & Delivery Services	Stage 4: Building Open with Restricted Access	Stage 5: Fewer Restrictions	Stage 6: New Normal
<b>Cleaning Materials, Safety Measures and PPE</b>	<b>Staff</b>	<ul style="list-style-type: none"> <li>* Inventory cleaning materials and PPE. Decide what else is required.</li> <li>* Source and place orders if necessary.</li> <li>* Consider a kit for each employee for their own equipment</li> </ul>	<ul style="list-style-type: none"> <li>* Create 'kits' for employees if using and distribute.</li> <li>* Set up cleaning stations for computers and shared work areas such as front desk.</li> <li>* Wear masks when more than one employee in</li> </ul>	<ul style="list-style-type: none"> <li>* Staff wear masks and wash hands frequently</li> <li>* Encourage staff to limit use of personal cell phones, and disinfect after using</li> </ul>	<ul style="list-style-type: none"> <li>* Staff wear masks and wash hands frequently</li> <li>* Hand sanitizer widely available throughout building.</li> <li>* Ramp up disinfecting schedule as patrons re-enter the building</li> <li>* Establish shift change</li> </ul>	<ul style="list-style-type: none"> <li>* Staff wear masks and wash hands frequently</li> <li>* Hand sanitizer widely available throughout building.</li> <li>* Continue disinfecting schedule</li> <li>* Limit self-serve use</li> </ul>	<ul style="list-style-type: none"> <li>* Staff wear masks and wash hands frequently</li> <li>* Hand sanitizer widely available throughout building.</li> <li>* Continue disinfecting schedule</li> <li>* Limit self-serve use of photocopier</li> </ul>

		*Develop cleaning and disinfection protocol for custodians	building * Encourage staff to limit use of personal cell phones, and disinfect after using * Train custodians on disinfection plan * Flush building water system and check for vandalism <sup>7</sup>		disinfection protocol at front desk * No self-serve use of photocopier (staff only, disinfect between uses)	of photocopier (disinfect between uses)	(disinfect between uses)
	<b>Patrons</b>	* Plan for plenty of disinfection materials around building for patrons <sup>8</sup>	* Post signage at entrances and bathrooms encouraging patron hygiene * Set up disinfecting materials at bathroom entrances * Set up disinfecting materials at patron computers	* Encourage patrons to quarantine materials before returning them to reduce need to disinfect	* Patrons required to wear masks in line with State recommendations * Hand sanitizer and/or wipes widely available throughout building. *Provide tissues/papers to use when touching door handles	* Hand sanitizer and/or wipes widely available throughout building. *Provide tissues/papers to use when touching door handles	* Hand sanitizer and/or wipes widely available throughout building. *Provide tissues/papers to use when touching door handles

State Mandate		Stay at Home Order in Place	Stay at Home Lifted/Modified	Stay at Home Lifted/Modified	Social Distancing, No Groups above 10	Social Distancing, No Groups Above 30	Social Distancing
Service/ Access Tier	Population Type	Stage 1: Physically Closed/Full Digital	Stage 2: Building & Staff Preparation	Stage 3: Curbside & Delivery Services	Stage 4: Building Open with Restricted Access	Stage 5: Fewer Restrictions	Stage 6: New Normal
<b>Exposure Risk from Circulating Materials</b>	<b>Staff</b>	* Develop plan for material returns to minimize staff exposure <sup>9, 10,11</sup> * Order equipment required	* Set up quarantine bins and disinfection stations * Make signage * Train staff on material handling and changes to patron interactions, touchless checkout	* Provide book return containers * Quarantine or disinfect returned materials * Operate curbside service according to plan	* Continue to quarantine returned materials if advised * Touchless check out * Touchless financial transactions	* Continue to quarantine returned materials if advised * Touchless check out * Touchless financial transactions	* Continue to quarantine returned materials if advised * Touchless check out * Touchless financial transactions

<b>Patrons</b>	* No materials should be returned to the library	* Materials can be returned to the library if quarantine measures are in place	* Materials can be returned and quarantined/ disinfected * Communicate quarantine/disinfection procedure to patrons	* Materials are returned and quarantined or disinfected * Encourage curbside service * Touchless check out and financial transactions	* Materials are returned and quarantined or disinfected * Continue curbside service * Touchless check out financial transactions	* Materials are returned and quarantined or disinfected * Continue curbside service * Touchless check out and financial transactions
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Notes

- 1 [https://www.nheconomy.com/getmedia/403ec903-f09a-488b-9172-3263c26abf47/Universal-Guidelines\\_5-1-20Guidance.pdf](https://www.nheconomy.com/getmedia/403ec903-f09a-488b-9172-3263c26abf47/Universal-Guidelines_5-1-20Guidance.pdf)
- 2 <https://www.cdc.gov/coronavirus/2019-ncov/community/guidance-business-response.html>
- 3 <https://www.osha.gov/Publications/OSHA3990.pdf>
- 4 <https://www.cdc.gov/coronavirus/2019-ncov/downloads/critical-workers-implementing-safety-practices.pdf>
- 5 <https://www.cdc.gov/coronavirus/2019-ncov/daily-life-coping/managing-stress-anxiety.html>
- 6 [https://www.cdc.gov/coronavirus/2019-ncov/downloads/Essential-Critical-Workers\\_Dos-and-Donts.pdf](https://www.cdc.gov/coronavirus/2019-ncov/downloads/Essential-Critical-Workers_Dos-and-Donts.pdf)
- 7 <https://www.cdc.gov/coronavirus/2019-ncov/php/building-water-system.html>
- 8 <https://www.cdc.gov/coronavirus/2019-ncov/community/reopen-guidance.html>
- 9 <https://www.ims.gov/webinars/mitigating-covid-19-when-managing-paper-based-circulating-and-other-types-collections>
- 10 <https://www.nih.gov/news-events/nih-research-matters/study-suggests-new-coronavirus-may-remain-surfaces-days>
- 11 <https://www.sciencedirect.com/science/article/pii/S0195670120300463>
- 12 <https://www.oclc.org/research/news/2020/project-realm-updates.html>

## Appendix 8: Employee/Public Safety Resource Links

Length of time Coronavirus remains on surfaces

<https://www.nih.gov/news-events/nih-research-matters/study-suggests-new-coronavirus-may-remain-surfaces-days>

<https://www.sciencedirect.com/science/article/pii/S0195670120300463>

REALM project (OCLC, IMLS, Battelle) - testing of virus morbidity on surfaces of library/museum materials:

<https://www.oclc.org/research/news/2020/project-realm-updates.html>

Institute of Museum and Library Services subscription link for email updates of new test results: <https://www.imls.gov/news/subscribe>

CDC Reopening Guidance for Cleaning and Disinfecting Public Spaces

<https://www.cdc.gov/coronavirus/2019-ncov/community/reopen-guidance.html>

CDC Cleaning Guide <https://www.cdc.gov/coronavirus/2019-ncov/community/disinfecting-building-facility.html>

Guidance on Preparing the Workplaces for COVID-19 (OSHA)

<https://www.osha.gov/Publications/OSHA3990.pdf>

Water Safety for buildings that have been unoccupied for long periods of time.

<https://engineering.purdue.edu/PlumbingSafety/covid19/building-water-safety-study>

<https://www.cdc.gov/coronavirus/2019-ncov/php/building-water-system.html>

<https://www.iowadnr.gov/Portals/idnr/uploads/files/disaster/Coronavirus%20Building%20Flushing%20Guidance-CDC.pdf?ver=2020-04-15-143503-607>

[https://docs.google.com/document/d/1X9j-qqFsAHL1oBOdHa1-w0oJf\\_CtZS6sMy4RBrOWeAA/edit?usp=sharing](https://docs.google.com/document/d/1X9j-qqFsAHL1oBOdHa1-w0oJf_CtZS6sMy4RBrOWeAA/edit?usp=sharing)

CDC guidelines for employee health assessment

<https://www.cdc.gov/coronavirus/2019-ncov/community/general-business-faq.html>

Disinfecting Buildings

<https://www.cdc.gov/coronavirus/2019-ncov/community/disinfecting-building-facility.html>

**Appendix 9: Response from NH Municipal Association legal team  
re: public buildings & mask requirement**

**Municipal Building Reopening:**

- Select Boards under RSA 41:11-a (management of Town property) and Library Trustees under RSA 202-A:6 (management of public library property) have the authority to mandate that people entering a town building or library wear a face covering.
- [CDC](#) recommends that everyone 2 years and older wear a cloth face covering that covers their nose and mouth when they are out in the community. Cloth face coverings should NOT be put on babies or children younger than 2 because of the danger of suffocation.
- It is recommended that the town and library have at hand a supply of disposable face masks a person can wear if they do not have their own.
- If a person refuses to wear a face mask or covering they could be denied access to a town building. This ability to mandate the wearing of a face mask or covering would only apply while the Covid-19 pandemic is still considered a public health emergency.
- Select Boards and Library Trustees should review the most current medical guidance from CDC and DHHS, as well as any newly issued Emergency Orders, to ensure that they continue to follow the most up-to-date guidance and rules on face coverings.
- Boards may wish to consult legal counsel to ensure that any proposed rules comply with all applicable laws and regulations.

**To contact NH Municipal Association's legal team, call 224-7447 or email [legalinquiries@nhmunicipal.org](mailto:legalinquiries@nhmunicipal.org). Every town in NH is a member of NHMA, and their legal team is available to any town governing body.**