



Impact of 2020-21 on Public Libraries in Michigan

Foster Swift Library Law News E-blast

March 23, 2020

Executive Order 2020-21 issued on March 23, 2020 impacts in public library operations. The EO requires that “[a]ll in-person government activities at whatever level (state, county, or local) that are not necessary to sustain or protect life, or to supporting those businesses and operations that are necessary to sustain or protect life, are suspended.” Executive Order 2020-21 Sec. 6. While we understand the importance of libraries to the public, public libraries are arguably not “necessary to sustain or protect life, or to supporting those businesses and operations that are necessary to sustain or protect life...”

Therefore, as of March 24, 2020 at 12:01 am, public libraries should stop all curbside and/or external services to the public. Please note that this is consistent with the interpretation of the recently issued EO 2020-20. EO 2020-20, which is the revised order specifically closing libraries to the public until April 13, 2020, did not include any exemptions for library curbside or external services, despite the state’s likely awareness of this activity by libraries. We believe that is further support for the position that these curbside activities are not permitted by any Executive Order.

With that said, under Sec. 6(c), libraries may maintain **minimum basic operations** such as the administration of payroll, employee benefits, accounts payable, support to staff working remotely, etc. However, these activities should be done remotely if possible, and by **as few staff as possible if done within the library building.** Minimum basic operations are defined in sec.4(b) as follows: “For purposes of this order, workers who are necessary to conduct minimum basic operations are those whose in-person presence is strictly necessary to allow the business or operation to maintain the value of inventory and equipment, care for animals, ensure security, process transactions (including payroll and employee benefits), or facilitate the ability of other workers to work remotely.”

The purpose of the EO is to reduce the number of people out of their homes, so directors or staff should be in the library building only to the extent necessary to maintain basic operations that cannot be performed remotely.

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PRACTICE AREAS

Library Law



Libraries should confer with their legal counsel and their local emergency management personnel and public health departments to clarify any questions regarding appropriate activity under this order.

Board Meetings should be postponed if possible, but if necessary, must be held remotely in accordance with EO 2020-15. Please visit the Foster Swift website for more information on the Open Meetings Act during this time.

For further questions regarding this communication, please contact:

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