

COVID-19, The Reopening Conundrum, by Gary Deziel, UVM Extension

VT Public Library HR minute – July 2020

Dear Library trustee,

Libraries are places where people gather to learn, experience, research, job-hunt, play, socialize, and find solitude. Sometimes they read. I'm sure you could add other action verbs. Libraries are, by physical and metaphorical design, a community nexus and nerve center. Libraries are central to our democracy.

The when- and how-to-re-open question wraps, like an intellectual burrito, the societal essentiality of libraries into the health and well-being of society's members. How do you serve a community with a community center that is closed? How do you re-open in the face of employee anxiety and real health concerns? And how do you make a decision that may have no clear answer? As a library trustee, what you have here may be a classic conundrum.

co·nun·dram

/kə' nændrəm/

Noun.

A confusing and difficult problem or question. A problem, stumper, mystery, dilemma, or puzzler.

An overarching responsibility to the library

The slide to the right is from Lara Keenan, State Library Consultant, Governance & Management, September 2019 [Trustee Board Training](#). The highest administrative authority in Vermont public libraries is the board of trustees. The trustees have authority to hire [and fire] a director. The trustees' primary role is to make certain that the library is doing its best for the community of people it serves and for the people it employs.

What is the Primary Duty of the Trustees?

Well-Being of the Library

Library first, oh, and employees first, too

In Kathy Gurchiek's article for the Society for Human Resource Management, [COVID-19 and Deciding Who Continues Working from Home](#), she writes that employers "should put employee health and safety first" while seeking to understand and follow the federal and state health guidelines. She

adds, "It's also vitally important to allow for personal choice, whenever possible."

Adding strength to that statement, the Vermont Agency of Commerce and Community Development (ACCD) is clear in their COVID-19 back-to-work guidance that the first choice should be work-at-home in a stay safe, stay home approach.

From a personal perspective, my organization is putting together our reopening plan now. My boss asked me where I'd prefer to work. "Home," I replied. I do not teach matriculated students, I work with people from outside organizations who do not require my physical presence at the "real office," and my customers visit me through the wonders of internet video calls. I could be *anywhere* right now. I am a virtual employee poster child.

Stay home, stay safe, for some, not all

However, some companies, businesses, and organizations cannot do their work—and stay financially solvent—virtually. Obvious examples include food processing facilities, hardware stores, grocery stores, manufacturing plants, and day-care centers. Other organizations may be able to function virtually in part, but some employees just have to be "present," including town offices (to sell licenses or allow listers to do their research) or medical clinics (some patients *must* see providers in person, and X-rays and prescription refills have to be completed). In those instances, we see the ACCD back-to-work recommendations for physical distancing, regular sanitizing, physical barriers, staggering shifts, and blending work modalities come into play.

Your library's uniqueness drives your reopening

You have likely visited many libraries in your lifetime. The Athenaeum of Saint Johnsbury is different from the Saint Albans Public Library is different from Blake Memorial. They are *all* different, so they have different "abilities" to physically accommodate employees and the public. How do employees maintain distance? What is the "traffic flow" for customers? How can we use space better, including meeting rooms, kitchens, or atriums?

COVID-19, The Reopening Conundrum, by Gary Deziel, UVM Extension

VT Public Library HR minute – July 2020

Additionally, many directors and trustees are presented with political realities. Municipal libraries in particular, as a functioning part of the town organization, must— for both organizational *and* relational reasons— consider what the “town” is doing. We are not the fire department, but we *are* an important department within a larger organization that has a unique culture and set of implied standards and behavior. This relationship must be managed well to end up well after the pandemic has passed.

Conundrum, redux

So, as a vital organization in your community, as a department or fiscal dependent within the town, or as a gift-getting entity that needs to add value to get value, you must think about how to gradually reopen. Curbside leads to window service. Window service leaps to inside the stacks, with color-coded arrows that guide customers in a carefully-choreographed one-way dance from door to door.

Oh hell’s bells, what about the employees! Why are they looking at that customer like they were Typhoid Mary (COVID Kevin)?

Circling back to the employee, your responsibility as a trustee to the “well-being of the library” includes them. They, and you as a decision-maker, are why the library has the vibe it does. To repeat, “How do you re-open in the face of employee anxiety and health concerns?”

Well, this conundrum will test you at this time, and it requires your best judgment and management. I offer the following suggestions:

- **Consistency! Treat all employees equitably.** If you make decisions, do your best to be consistent in the reason and application of your decision. Document personnel decisions you make, and why you made those decisions. Don’t make assumptions (so and so is over 65, so they “wouldn’t want to risk being back in the library.”).
- **Communicate. Always refer back to the basics.** Be open about what your goals are, and encourage employees to be clear about what they need. There will be many employees itching to be back; there will be employees who have some reluctance; there will be some that

The Americans with Disabilities Act (ADA) and the Rehabilitation Act includes the requirement for **reasonable accommodation** and **non-discrimination** based on disability and rules about employer medical examinations and inquiries. (The following link provides further information [US EEOC](#)).

1. A “**reasonable accommodation**” is a change in the work environment that allows an individual with a disability to have an equal opportunity to perform a job’s essential functions.
2. If an accommodation poses an “**undue hardship**” that results in significant difficulty or expense for the employer, an employer is not required to provide it, but still must consider other accommodations that do not pose an undue hardship.
3. **The ADA prohibits employee disability-related inquiries or medical examinations** unless they are job-related, consistent with business necessity, or there’s **reasonable belief** that an employee’s ability to perform essential job functions will be impaired by a medical condition or an employee will pose a direct threat due to a medical condition.

MEDICAL RECORDS ARE CONFIDENTIAL AND MUST BE KEPT SEPERATELY FROM PERSONNEL RECORDS.

have valid health concerns, childcare responsibilities, or concerns about risks to their family members. The human resource management “basics” are more important than ever in a crisis. These include job descriptions, regularly-scheduled formal check-ins, annual evaluations, and timely and consistent communication.

- **Know you’ve got a friend.**
 - Refer to the VTLIB and [VT ACCD](#) back-to work guidelines (please note that municipalities have sector guidance as well, found via the link above). This will set the requirements of opening.

COVID-19, The Reopening Conundrum, by Gary Deziel, UVM Extension

VT Public Library HR minute – July 2020

Other quick takes with information gleaned from the U.S. Equal Employment Opportunity Commission.

- ❖ **Pregnancy.** Pregnant employees must be treated the same as other employees in their ability or inabilities.
- ❖ **Age.** Per the Age Discrimination in Employment Act, no accommodation is required, but it is *not illegal* to favor an older worker over a younger [less than 40 years] worker.
- ❖ **After vacation quarantine?** Employers can require; telework if feasible, or take paid or unpaid leave. Supervisors have the authority to deny vacation based on library operational needs.
- ❖ **Fear.** Discuss issue with employee. Anxiety may be general (overall unease) or specific (mental illness). If generalized, discuss conditions of work that allow for safety. If specific, the fear may be covered under ADA. Click [here](#) to read my article that goes more in depth on this topic, *The Human Side of Returning to Work*, May 2020.
- ❖ **Ask about pre-existing conditions?** Yes, but NOT specifics, and be consistent with all employees. You can ask, but do not request specifics!
- ❖ **Living with someone at high-risk.** ADA does not require employer to accommodate; employer can offer flexibility with consistency across all employees.
- ❖ **Poor performance.** Employer does not have to continue telework. If telework is ADA-related, understand accommodation and review alternatives. Document decision and why you are making this decision.

- Contact your [VTLIB consultants](#). They have a wealth of experience and are at your service to help and support you.
- If you have an HR (or budgeting / financial) question, please email [me](#)! I might not be your *friend*, like the good VTLIB people, but I make a pretty good acquaintance.
- **If you have special circumstances.** Do you have employees with medical conditions known to increase the risk of COVID-19 per CDC guidelines? Do you need to provide reasonable accommodation to an employee based on disability under the Americans with Disabilities Act?
 - The U.S. Equal Employment Opportunity Commission, which enforces the American with Disabilities Act, has a very good resource FAQ. Click [here](#) to access it.
 - See above, contact VTLIB or me with special “situations”!

Also, for additional budgeting and human resource guidance, please visit my [website](#) at UVM Extension.

Gary Deziel, MBA, SHRM-CP | Extension Assistant Professor

University of Vermont Extension, Saint Albans, VT
802 524-6501 ext. 444, gdeziel@uvm.edu

UVM Extension helps individuals and communities put research-based knowledge to work.

Issued in furtherance of Cooperative Extension work, Acts of May 8 and June 30, 1914, in cooperation with the United States Department of Agriculture. University of Vermont Extension, Burlington, Vermont. University of Vermont Extension, and U.S. Department of Agriculture, cooperating, offer education and employment to everyone without regard to race, color, national origin, gender, religion, age, disability, political beliefs, sexual orientation, and marital or familial status.

Gary is not an attorney and this does not constitute legal advice.