



Recent Developments Require Libraries to Adopt New Procedures and Policies

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Foster Swift Library Law News E-blast

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We wanted to reach out to libraries to advise you of two recent developments that will require the Library to adopt new procedures and policies. Please contact us with any questions after reading the following:

Remote Participation Procedures

As you know, the Michigan Open Meetings Act was recently amended. As part of that amendment, PA 228 of 2020 requires that the public body establish procedures that, at a minimum, meet the following requirements:

1. Procedures that accommodate the absence of any member of the public body due to military duty, a medical condition, or a statewide or local state of emergency or state of disaster declared pursuant to law or charter by the governor or a local official or local governing body that would risk the personal health or safety of members of the public or the public body if the meeting were held in person. This includes Procedures by which the absent member may participate in, and vote on, business before the public body, including, but not limited to, procedures that provide for both of the following:
 1. (i) Two-way communication.
 2. (ii) For each member of the public body attending the meeting remotely, a public announcement at the outset of the meeting by that member, to be included in the meeting minutes, that the member is in fact attending the meeting remotely. If the member is attending the meeting remotely for a purpose other than for military duty, the member's announcement must further identify specifically the member's physical location by stating the county, city, township, or village and state from which he or she is attending the meeting remotely.

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Library Law

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Open Meetings Act

3. Procedures by which the public is provided notice of the absence of the member and information about how to contact that member sufficiently in advance of a meeting of the public body to provide input on any business that will come before the public body.

The Library should adopt Procedures at the earliest possible meeting.

Work-from-Home

The Michigan Department of Health and Human Services (MDHHS) issued a new emergency order to combat the spread of the novel Coronavirus. The order, which takes effect on November 18, 2020, strictly limits the size of gatherings and requires employers to create a work-from-home policy.

The other substantive change in the MDHHS order impacting public bodies is the requirement that all employers, including libraries, create a policy prohibiting in-person work for employees to the extent such employees can feasibly complete their work activities remotely. A worker can feasibly work from home even if he or she is less productive at home or if there is an extra expense in providing the worker work-from-home equipment, such as a laptop. This likely includes most office workers and administrators.

Workers that cannot feasibly work from home and employees whose work requires interaction with the public or access to public records, may continue to work in-person, provided that they wear face coverings and remain socially distanced as required.

Please contact me if you need assistance with the OMA Remote Participation Procedures or a work-from-home policy. Our firm has developed policies that we are happy to provide.

Thank you!

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