

**April 24, 2020**

**Initial guidance from RAILS' attorney on modified Stay at Home Order.**

**NOTE: This information is based on limited information that we will update once the final order is released.**

**Question: Can Libraries Open under the Modified Stay at Home Order and/or Provide Limited Services to the Public (i.e., curbside service)?**

Municipal libraries and library districts are government entities, so they are covered differently under the Governor's Stay at Home Order than essential or non-essential businesses. Under the **current** Stay at Home Order that expires on April 30, 2020, libraries are authorized to determine for themselves what government functions are essential. The DCEO previously issued guidance that libraries have the authority to determine for themselves what is "essential" and even remain open if they decided to do so subject to practicing safe distancing or limitations on interactions with the public (see reprinted language from DCEO's guidance below). Nevertheless, most libraries in Illinois made the decision to close the library to the public during the Governor's Stay at Home Order and allow employees to work remotely or on-site but only for the purpose of performing basic functions such as payroll, security, inventory, and other minimum operations.

Since we have not yet seen the text of the modified Stay at Home Order, our guidance is based on the limited information we have from the Governor's press conference and press release. Based on that limited information, it does not appear that much has changed in the **modified** Stay at Home Order for government entities. As a result, governments (like public libraries) should still have the authority to decide for themselves what government functions they deem are essential. Note that we are aware of a couple of exceptions where the state determined certain park district functions to be non-essential, such as playgrounds, tennis courts, etc. We are not aware of any similar limitations on library functions but again we have not seen the **modified** Order. Although libraries are not considered a "retail business" for purposes of the **modified** Stay at Home Order, it seems reasonable for a library to apply the new guidelines for non-essential retail businesses that would allow curbside services starting May 1<sup>st</sup> – the library would have to deem curbside services an "essential government function." This would also be consistent with the DCEO's guidance below that recommends safe social distancing and limited interactions with the public.

So, libraries should discuss with their boards what library functions they deem to be essential. To the extent that a library decides to open certain functions to the public (i.e., provide curbside service or other limited operations), those operations should be conducted in a manner consistent with social distancing requirements, limitations on the number of persons gathered in one space, and compliance with the new face covering requirements to the extent applicable. There is likely to be other guidance in the **modified** Stay at Home Order about limited curbside operations that might be helpful guidance to libraries, so libraries should consult the **modified** Order once it has been released.

**Q:** Are libraries considered essential?

**A:** As most libraries are a function of government, [Executive Order 10](#), as extended by [Executive Order 18](#), leaves it up to each governmental body to determine what governmental functions are essential. Libraries should confirm with their municipality whether they are required to close. Libraries that remain open should practice safe social distancing or limit interactions with the public. For more guidance, please contact DCEO at **1-800-252-2923** or [CEO.support@illinois.gov](mailto:CEO.support@illinois.gov).