

Bucks County Free Library

CUSTOMER SERVICE

FACE MASK POLICY

Policy Statement

The health and safety of our staff and library users is our number one priority. Wearing a mask or face covering is scientifically proven to reduce the spread of COVID-19. The Library requires that all employees and visitors to the Library wear masks or face coverings without exception in order to help stop the spread of this deadly virus.

There may be citizens whether for medical or other reasons that cannot or will not wear a mask or other face covering. The Library takes its obligation to provide library services to those library users very seriously. This policy outlines the interactive modification/alternative channel process the library will take to ensure its resources are accessible to the fullest possible extent.

Regulations

Masks or face coverings must be worn by library users inside all Bucks County Free Library branches during the ongoing pandemic. Masks or face coverings must be worn correctly so that they cover both the mouth and nose. They must remain on continuously at all times.

If a library user states s/he is not able to wear a face mask for medical reasons, the Library will not make any medical inquiry into the medical reasons. The Library will follow the procedures below.

If a library user states s/he will not wear a face mask for personal freedom reasons, the Library will follow the procedures below.

The Library will engage in an interactive modification/alternative channel process. Possible modifications/alternative channels that will be offered include, but are not limited to:

- a. Allow a person to wear a scarf, bandana, "gator" type of face covering, other loose face covering, or full-face shield instead of a face mask.
- b. Offer library users a library-provided mask or bandana, which they can take with them when they leave. That library-provided mask or bandana must be used in any future visits by the library user.

- c. Materials Checkout:
 - i. Books can be searched in the online library catalog from a home or other computer. Holds can be placed on materials and be picked up curbside.
 - ii. If they do not have access to a computer, they may call the library. A staff member will look up books for them and place holds. Materials can be picked up curbside.
 - iii. They also may use the library's e-collection of materials and bypass using physical materials entirely.
 - iv. If the library user is at the branch and has a specific list with accurate titles (not to exceed three items) for checkout, and the library user has a library card, the Library will look up the items, check them out, and bring them to the person.

- d. Library Cards:
 - i. They may apply online for a library card, and it can be picked up curbside.
 - ii. They may apply on the spot by giving their information or identification to a staff member. They will be asked to wait in their car in a curbside parking spot, and a staff member will bring their card to them.

- e. Computer Use:
 - i. If they have a need to print out items, they can email the items to the library. A library staff member will print them out, and the printouts can be picked up curbside.

- f. Computer Help:
 - i. The Library offers remote computer help appointments as well as online computer training resources, which may be accessed from a home or other computer.

- g. Wi-Fi Access:
 - i. The Library's Wi-Fi signal extends outside the building at every branch. They may access Wi-Fi on their own devices outdoors or in their vehicles.

During the interactive modification/alternative channel process, the library user is free to decline any modification/alternative channel offered by the Library. However, if a library user proposes a reasonable modification that "fundamentally alters" the nature of the Library's service, program, activity, services, or facilities ... or constitutes an "undue burden" to the Library, the Library need not agree to such modification.

If the interactive modification/alternative channel process produces no agreement between the Library and the library user, the Library will not grant access to the library user. This is because allowing a library user entry into a library without a mask is a direct threat to the employees and other library users of the Library and negatively impacts the safe operation of the Library.

Under Title II of the Americans with Disabilities Act, the Library is permitted to deny services for the following two reasons:

28 C.F.R. § 35.130(h) provides:

A public entity may impose legitimate safety requirements necessary for the safe operation of its services, programs, or activities.

28 C.F.R. § 35.139(a) provides:

[Title II of the ADA] does not require a public entity to permit an individual to participate in or benefit from the services, programs, or activities of that public entity when that individual poses a direct threat to the health or safety of others.

The same safety and direct threat reasons also support banning the visitor from the library under the First Amendment of the Constitution, particularly as BCFL will offer alternative channels for the visitor to receive the services of the library without the visitor having access to the library. See *Kreimer v. Bureau of Police for Town of Morristown*, 958 F.2d 1242, 1264 (C.A.3 (N.J.) 1992) (In approving a library rule against offensive bodily hygiene, the Court wrote, “[T]his rule prohibits one patron from unreasonably interfering with other patrons' use and enjoyment of the Library; it further promotes the Library's interest in maintaining its facilities in a sanitary ... condition.”

Procedures

Library staff members will follow the above procedures when library users seek entrance into a branch without wearing a mask. Such will be done as quietly, privately, and politely as possible, contingent upon circumstances. Library staff members will call 911 without hesitation in any circumstance when the interaction with the library user raises concern to the health or safety of the employee.

If after the interactive modification/alternative channel process no agreement between the Library and the library user has been reached, the Library will not grant access to the library user.

The Library staff member will ask the library user for his/her address so a notice of the denial of services can be sent by certified mail to the library user. Appeal of the denial of service may be made, in writing, to the Board of Directors of the Bucks County Free Library, 150 South Pine Street, Doylestown, PA 18901. The library user will be notified by the Board of the date and time of the appeal hearing by overnight mail via UPS or Fed-Ex.

APPROVED BY THE BCFL BOARD OF DIRECTORS
JULY 21, 2020