

# PERSONNEL POLICIES FOR GEORGIA PUBLIC LIBRARIES

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*May 2012*

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## Preface

During Fiscal Year 2011, public libraries in Georgia employed 3,055 people; as a result, managers in Georgia's libraries must be prepared to deal with a wide range of employment issues. Maintaining current written policies that address common recurring personnel issues is a primary focus for library boards and administrators.

A library's policies are its governing rules and should be drafted with an eye toward achieving the library's overall mission. There are numerous categories of policies that will be enacted by the library board, e.g., service policies, facility use policies, financial/budgetary policies, and personnel policies. Personnel policies are in the nature of internal operating procedures and should be maintained separately from the library's other types of policies.

A collection of carefully drafted and well-maintained personnel policies that have been enacted by the library board will be a valuable tool for both employees and employers (Singer, 2005). Personnel policies explain the expectations for employees and describe what they, in turn, can anticipate from the library as their employer. Your policies should describe the library's legal obligations as an employer and your employees' rights.

While many policies may be simply implied customs or oral recitations of how things are done, current best practices emphasize having written policies to ensure the effective and efficient running of libraries (Larson and Totten, 2004). This publication aims to guide library administrators in working with their boards to

develop, revise, and maintain written personnel policies appropriate for public libraries in Georgia.

Policies directed toward employment issues fall into numerous categories. The order of presentation of the policy categories in this publication is for organizational purposes only. Many policies discussed herein overlap categories, and library administrators and board members should focus efforts on content rather than arbitrary groupings and order.

In addition to commentary on considerations for developing and revising specific personnel policies, model policies are included throughout this manual. In compiling the model policies, various resources were used; many of the examples are combinations of policies drawn from other sources. The References section of this manual lists the resources consulted.

It is important to remember that the model policies offered are not exhaustive. Moreover, with the exception of a policy on Family and Medical Leave, none of the proposed policies is mandatory. This manual should be utilized as an idea generator, and time and effort should be devoted to tailoring policies to fit your library and its employees. This publication is not a substitute for legal advice. Each library system is encouraged to seek legal counsel to address particular employment issues that may arise.

In working with the board to create and revise your library's personnel policies, the primary concerns should be clarity and consistency. Make sure that

the policies are easy to understand and apply. Be careful to prevent conflict between policies.

A board committee should be in place to review your policies on a regular basis to assure that they continue to reflect the organization's practice. According to the Georgia Public Library Service's (2012) *Public Library Service Standards*, this review should occur at least every three years.

Because in most instances, a public library is an element of a municipal governing authority, consideration must be given to the personnel policies of the larger municipal entity. In other words, personnel policies of the library should not conflict with the policies of the entity from which the library is derived.

Once your organization's board has adopted a comprehensive set of personnel policies, it is imperative that the policies be applied consistently. The most carefully drafted and well-reasoned policies are worthless if they are ignored or applied inequitably.

Keep employees informed of policy changes and educate them on how policies are applied. Training should aim to convey to employees the underlying intent of your organization's policies and the ways employees can best abide by policies in doing their jobs and interacting with other employees. Failure to communicate your guidelines and any revisions will make it impossible for employees to follow the rules.

## Chapter 1 Employer/Employee Relationship

### *At-Will*

As a general matter, Georgia is an at-will employment state, which means that absent an employment contract, an employee can be terminated at any time without reason or for any reason so long as it is not an illegal reason such as discrimination or whistle blowing. (Wimberly, 2008) The “at-will” relationship should be clearly affirmed and documented through library policy.

#### Model Policy: At-Will Employment

Employees of the Library are hired “at will” which means employees enter into employment voluntarily and are free to resign at any time for any reason or no reason. Similarly, the Library is free to conclude its relationship with any employee at any time for any reason or no reason.

This Employee Handbook does not create a contract of employment between the Library and its employees. Statements of salary in annual, monthly, or weekly intervals are for information purposes and do not create a contract for the specified time. Our relationship remains at-will, notwithstanding any provision within the Library’s personnel policies. No manager or representative of the Library other than the board as a whole has the authority to enter into any agreement with an employee regarding the terms of employment that changes the at-will relationship or deviates from the provisions within the Library’s personnel policies.

As the model policy states, providing an employee with a handbook or collection of personnel policies does not create a contract or otherwise alter the at-will employment relationship. Requiring an employee to sign an acknowledgment that he or she understands that the relationship remains at-will is an added level of

insurance in the event the employee later becomes dissatisfied and litigious.

Furthermore, communication of the organization's policies is a critical prerequisite to enforcement of those policies. Therefore, a signed acknowledgement of receipt of the library's personnel policies is a method by which the library can prove, if ever necessary, that the employee was informed about and provided with the policies.

Below is a sample of such acknowledgement form.

ACKNOWLEDGMENT OF RECEIPT OF \_\_\_\_\_  
LIBRARY PERSONNEL POLICY MANUAL

**for version dated \_\_\_\_\_, 201\_\_**

By signing below, I acknowledge that I have received a copy of the Library Personnel Policy Manual. I understand that it is my responsibility to read and comply with the policies contained in the Manual as well as any revisions made to it. I also understand that if I need additional information, or if there is anything I do not understand in this Manual, I should contact my immediate supervisor or other appropriate management personnel.

**I understand that the Library is an "at-will" employer and, as such, employment with the Library is not for any definite period of time and may be terminated at the option of either me or the Library, with or without cause, and with or without prior notice. I also understand that nothing contained in the Manual may be construed as creating a promise of future benefits or a binding contract with the Library for employment, benefits, or any other purpose.**

In addition, I understand that this Manual reflects policies, practices, and procedures in effect on the date of publication and that it supersedes any prior policy manual, handbook, work rules, benefits, and practices of the Library. I further understand that the rules, policies, benefits, and practices referred to in this Manual are continually evaluated and may be modified, reduced, or discontinued at any time by the Library Board, in its judgment and discretion, with or without notice.

SIGNED BY: \_\_\_\_\_ DATE: \_\_\_\_\_  
*(Employee signature)* *(Date signed)*

EMPLOYEE NAME: \_\_\_\_\_  
*(Print employee's name)*

POSITION: \_\_\_\_\_  
*(Employee's position)*

DEPARTMENT: \_\_\_\_\_

## Chapter 2 Conditions of Employment

### *Policies Against Harassment, Discrimination, and Retaliation*

Since the 1960s, the federal government has passed a number of laws protecting employees from discrimination based on factors not directly related to the quality of an individual's work. Employers are responsible for understanding anti-discrimination regulations to ensure employees are protected from discrimination and harassment on the job. The paragraphs that follow summarize federal laws that apply to a library as an employer.

The most comprehensive employment discrimination law is contained in Title VII of the Civil Rights Act of 1965, which prohibits discrimination on the basis of race, color, religion, national origin, or sex. 42 U.S.C. § 2000e *et seq.* Additionally, the law makes it illegal to retaliate against an employee because he or she complained about discrimination, filed a charge of discrimination, or participated in an employment discrimination investigation or lawsuit. The law also requires that employers reasonably accommodate applicants' and employees' sincerely held religious practices, unless doing so would impose an undue hardship on the operation of the employer's business.

Title VII was amended to add the Pregnancy Discrimination Act, which prohibits discrimination against a woman because of pregnancy, childbirth, or a medical condition related to pregnancy or childbirth. 42 U.S.C. § 2000e (k). The law also makes it illegal to retaliate against a person because the person

complained about discrimination, filed a charge of discrimination, or participated in an employment discrimination investigation or lawsuit.

The Equal Pay Act of 1963 makes it illegal to pay different wages to men and women if they perform equal work in the same workplace. 29 U.S.C. § 206(d). The law also makes it illegal to retaliate against a person because the person complained about discrimination, filed a charge of discrimination, or participated in an employment discrimination investigation or lawsuit.

The Age Discrimination in Employment Act of 1967 protects people who are 40 or older from discrimination because of age. 42 U.S.C. § 6102. The law also makes it illegal to retaliate against a person because the person complained about discrimination, filed a charge of discrimination, or participated in an employment discrimination investigation or lawsuit.

The Americans with Disabilities Act of 1990 (“ADA”) prohibits discrimination against a qualified person with a disability in the private sector and in state and local governments. 42 U.S.C. § 12101 *et seq.* The law also makes it illegal to retaliate against a person because the person complained about discrimination, filed a charge of discrimination, or participated in an employment discrimination investigation or lawsuit. The ADA also requires employers to reasonably accommodate the known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or employee, unless doing so would impose an undue hardship on the operation of the employer's business.

The Genetic Information Nondiscrimination Act of 2008 (“GINA”) prohibits discrimination against employees or applicants because of genetic information. 42 U.S.C. § 2000ff1. Genetic information includes information about an individual's genetic tests and the genetic tests of an individual’s family members, as well as information about any disease, disorder, or condition of an individual's family members (i.e., an individual's family medical history). The law also makes it illegal to retaliate against a person because the person complained about discrimination, filed a charge of discrimination, or participated in an employment discrimination investigation or lawsuit.

Setting forth the library’s commitment to resist discrimination, harassment, and retaliation through policy is important because doing so serves to remind all employees of the duty to act in accordance with law. Furthermore, policies on these issues provide information for employees on how to get assistance if prohibited conduct is encountered or observed.

**MODEL POLICY: ANTI-DISCRIMINATION; ANTI-RETALIATION**

In order to provide equal employment and advancement opportunities to all individuals, employment decisions at the Library will be based on merit, qualifications, and abilities. The Library does not discriminate in employment opportunities or practices because of race, color, religion, sex, national origin, age, or disability.

The Library will make reasonable accommodations for qualified individuals with known disabilities unless doing so would result in an undue hardship. This policy governs all aspects of employment, including selection, job assignment, compensation, discipline, termination, and access to benefits and training.

Employees with questions or concerns about discrimination in the workplace are encouraged to bring these issues to the attention of their supervisor. Employees can raise concerns and make reports without fear of reprisal. Anyone found to be engaging in unlawful discrimination will be subject to disciplinary action, including termination of employment.

#### MODEL POLICY: SEXUAL HARASSMENT

It is the policy of the Library to provide a place that is comfortable for employees and patrons to work and use library resources. In compliance with applicable federal and state laws, the Library will be a place that is free of any form of harassment, including sexual harassment. Sexual harassment includes unwelcome sexual advances, flirtations, propositions, sexually degrading words to describe an individual, graphic or suggestive comments, or requests for sexual favors. It includes the display in staff work areas of sexually suggestive pictures or objects, including photographs or illustrations of nude or seminude figures. All employees are responsible for assuring that the workplace is free of sexual harassment and should promptly report incidents or possible incidents of sexual harassment to the Library Director. After investigation, any employee found to have engaged in sexual harassment will be subject to disciplinary actions that range from counseling and education up to and including termination of employment.

Patrons are not permitted to sexually harass other patrons or staff members. A Library employee may refuse to assist a patron if he or she believes that such assistance will require the employee to view printed or computer screen materials that the employee finds to be offensive or interprets as harassment. The Library employee must immediately ask a supervisor for assistance with the patron's request. Patrons who harass staff or other patrons will be asked to leave the Library, and, if appropriate, their behavior will be reported to the appropriate authorities.

## *Employee Safety*

All employees have the right to a safe workplace. The Occupational Safety and Health Act of 1970 (“the OSH Act”) was passed to prevent workers from being killed or otherwise harmed at work. 29 U.S.C. § 651 *et seq.* The law requires employers to provide their employees with working conditions that are free of known dangers. The OSH Act created the Occupational Safety and Health Administration (“OSHA”), which sets and enforces protective workplace safety and health standards. OSHA also provides information, training, and assistance to employers and workers.

Establishing the library’s dedication to workplace safety and security through written policy is recommended. Furthermore, tailoring the policy to address concerns that are specific to your facilities and workplace environments will increase the likelihood of maintaining your library as a safe and secure workplace.

### MODEL POLICY: WORKPLACE SAFETY

It is the policy of the Library that every employee is entitled to work under the safest conditions reasonably possible. Every reasonable effort will be made to provide and maintain a safe and healthy workplace, safe equipment, and proper materials, and to establish and insist upon safe methods and practices at all times. It is the basic responsibility of every employee to make safety a part of the daily concern. Employees are obligated to observe all guidelines governing safety and appropriate conduct, to properly use the safety equipment provided, and to follow common-sense safety practices.

Following Safety Guidelines – All employees should participate in training in the correct way to perform their jobs. Any questions or suggestions about better or safer methods of performing tasks should

be discussed with the supervisor. Employees should always be conscious of the safety of others, as well as themselves. Employees should always observe the following guidelines:

1. Observe all safety rules, practices, and procedures.
2. Promptly report any unsafe condition, accident, damaged or malfunctioning vehicle or equipment, any employee who is performing his or her job in an unsafe manner, and any other type of hazardous situation.
3. Only operate equipment assigned to the employee and for which the employee has received full training.
4. Use proper safety clothing, equipment, and personal protective equipment wherever provided, assigned, or required, as designated for the work performed.
5. Wear a seat belt when in a library vehicle, when driving on library business, or when operating any vehicle on library premises.
6. Use appropriate, safe methods to lift heavy objects, and use back braces, handcarts, or other devices to assist with lifting or moving activities.
7. Never endanger oneself or other individuals through inappropriate actions, horseplay, practical jokes, or by taking unnecessary chances.
8. Be prepared for fire or other emergency situations – know what to do, what actions to take, where to go, and the location of exits, firefighting equipment, and alarm pulls within the work environment.
9. Observe proper maintenance practices to keep work area, vehicles, tools, or other equipment in clean, safe, and operable condition.

Reporting Safety Hazards or Deficiencies – Any employee who believes that a safety or health risk exists must report the matter to his or her supervisor so that the Library may take appropriate action. The employee should make this report immediately upon detection of the safety or health risk. A safety or health risk may consist of, among

other things, a condition in the workplace or the work methods of other employees.

Reporting Employee Injuries or Accidents – All workplace injuries and accidents must be reported immediately to the supervisor. This ensures prompt and appropriate medical treatment, allows for timely completion of reports as required by law, and enables eligible employees to qualify for coverage as quickly as possible. Except for emergencies (in which case the employee should seek immediate emergency treatment), if medical attention by a physician is needed, the employee must use one of the physicians specifically listed on the Workers' Compensation Notice posted by the Library on the staff bulletin board. Failure to report an injury or to receive medical treatment from a physician on the posted panel may jeopardize payment of medical bills or other benefits under workers' compensation insurance.

### *Emergency Preparedness*

Emergency preparedness is an element of employee safety. Developing a written policy containing guidelines for responding and coping with an emergency will benefit your employees and ultimately your library. There are many resources available to help you create an emergency plan, including OSHA Publication 3088 (2001) "How to Plan for Workplace Emergencies and Evacuations"

<http://www.osha.gov/Publications/osha3088.pdf>, and the Federal Emergency

Management Agency's Website on preparedness for businesses,

<http://www.ready.gov/business>. There are even resources specifically for libraries,

which include *Emergency Preparedness for Libraries* by J.B. Todaro, and *Disaster Response and Planning for Libraries*, 2<sup>nd</sup> Ed. by Miriam Kahn.

## MODEL POLICY: EMERGENCIES AND DISASTERS

The Library Director (or designee) may close the Library when, in his or her best judgment, conditions are such that they pose a safety risk or danger to staff and patrons. Department managers will alert the Library Director (or designee) when conditions warrant closure. Conditions that warrant closure of the Library include those that endanger the health or safety of the staff or public. Staff members who are sent home will be paid for the remainder of their normal work shift.

If the building must be evacuated, the staff member in charge must ensure that all members of the public and staff have left the building. The building will then be secured to the extent possible (doors locked, security system armed, etc.) based on the current situation. The Library Director and the police department are to be informed of the evacuation and closure as quickly as it is safe to do so.

Emergency kits, including basic first aid supplies, a flashlight and batteries, biological hazard gloves and masks, and a battery-operated radio, will be maintained at the circulation desk and in the director's office. The kits will be checked monthly to ensure that all items are available and supplies are replenished as needed. In case of a disaster requiring shelter, e.g., tornado or flood, the staff member in charge should direct other staff and patrons to the basement where basic survival supplies are maintained.

In the event that inclement weather or other conditions make it unsafe to open the Library, the Director will notify staff that they should not report to work or that the Library will open on a delayed schedule. Staff members who are notified that they should not report to work will receive their regular pay. Staff on sick or vacation leave during an emergency closure will have their time charged to those pay accounts. Depending on the exact nature of the emergency closure, key staff may be required to report to work. Failure to report to work when directed may result in disciplinary action. The Director may also

assign staff to work at different locations or for other county departments during times when the Library is closed.

Following any emergency, department managers must assess any damage to their areas of operation and submit a report to the Director. The Director will provide a report on the emergency and its handling to the board of trustees at its next meeting.

## *Violence*

Preventing violence in the workplace and protecting employees from violent acts related to their jobs are other specific elements of safety. A written policy on this issue should define prohibited behavior, explain the consequences of such behavior, and provide employees with a process for getting help if victimized by violence.

### MODEL POLICY: WORKPLACE VIOLENCE

The Library is concerned about the well-being and personal safety of its employees and anyone doing business with the Library and, consequently, strictly prohibits workplace violence. Acts of violence or threats of violence, whether expressed or implied toward individuals in the Library, will not be tolerated. All reports of incidents or perceived incidents of workplace violence or threats of workplace violence will be taken seriously and addressed appropriately. This policy concerns prohibited conduct, as well as general procedures and potential responsive steps in the unfortunate event that workplace violence occurs despite preventive measures.

Workplace violence is any conduct that is severe, offensive, or intimidating enough to make an individual reasonably fear for his or her personal safety or the safety of family, friends, or property. Examples of conduct that may be considered threats or acts of violence under this policy include, but are not limited to, the following:

1. Threats of any kind (veiled or direct, verbal or non-verbal), intimidation or attempts to instill fear in others.
2. Physically aggressive or hostile behavior.
3. Behavior that suggests a propensity for violence, such as belligerent speech, excessive arguing or swearing, or sabotage or threats of sabotage of Library property.
4. Intentional damage or destruction of Library property or of another's property.
5. Harassing or threatening physical, verbal, written, or electronic communications, including comments, phone calls, emails, letters, faxes, Website materials, diagrams or drawings, gestures, or any other form of communication that causes a reasonable fear or intimidation response in others.
6. Stalking (defined as following, placing under surveillance, or contacting another person without the consent of the other person for the purpose of harassing and intimidating the other person (O.C.G.A. § 16-5-90).
7. Unauthorized or illegal possession of firearms, ammunition, explosives, knives, or weaponry of any type on library property is strictly prohibited. A lawfully possessed firearm may be stored within a personal vehicle that is locked out of sight within the trunk, glove box, or other enclosed compartment or area within such vehicle.

Reporting Incidents – Any employee who is subjected to, observes, hears of, or becomes aware of any of the above actions or behavior by an individual in the Library must immediately report such incident to a supervisor.

Decisions may need to be made quickly to prevent a threat from being carried out, a violent act from occurring, or a life-threatening situation from developing. Nothing in this policy is intended to prevent quick action to stop or reduce the risk of harm to anyone, including requesting immediate assistance from law enforcement or emergency response resources.

All acts of violence or threats thereof, should be reported no matter how minor or insignificant they may appear. Failure to report any threats or acts of violence in violation of this policy is, in itself, a violation of this policy and may subject any employee involved to disciplinary action, up to and including termination.

Investigations - All reports of acts or threats of violence will be promptly investigated. The Library may consult with law enforcement authorities or other resources as it deems appropriate. To the extent possible, identities of the reporting employee, any witnesses, and any individuals alleged to be involved in actual or threatened violence will be protected against unnecessary disclosure. All persons involved in the investigation are expected to refrain from discussing the matter with any person outside the investigation process. All employees - whether complainant, witness, or accused - are required to be truthful, accurate, and cooperative during a Library investigation. The Library will decide whether the workplace violence policy has been violated and, based upon its findings, will take appropriate preventive, corrective, or disciplinary action, up to and including termination.

Consequences - Any employee found by the Library to have engaged in violence or threats of violence will be subject to immediate and appropriate disciplinary action, ranging from a written reprimand up to and including termination.

Non-Retaliation Policy - Retaliation will not be tolerated against an employee for reporting in good faith a suspected act or threat of violence, or for providing information in good faith regarding a report made by another employee. Any complaints about retaliation should be reported in the same manner as violations of this policy are to be reported. Any employee found by the Library to have retaliated against another employee for these reasons will be subject to appropriate disciplinary action, ranging from a written reprimand up to and including termination. Conversely, an intentional or malicious false accusation could have a serious effect on an individual who has been falsely accused, and any individual found to have knowingly

made false complaints will be disciplined based on the extent of the false accusation, up to and including termination.

Orders of Protection – The Library may seek orders of protection (or restraining orders) against any person who violates the workplace violence policy. Employees who either obtain or are subject to an order of protection have additional responsibilities to report their situation to their immediate supervisor.

Searches and Inspection – All Library equipment, property, and facilities (including, but not limited to, desks, workstations, file cabinets, lockers, computers and computer-stored information, email, voicemail, business records, vehicles, or any other property or equipment owned, leased, or provided by the Library) are subject to inspection at any time and for any reason. No employee shall have any privacy interest or reasonable expectation of privacy whatsoever in any Library equipment, property, or facility. If a search uncovers evidence of employee wrongdoing, illegal activity, or employee violations of Library rules or policies, such evidence may be used to support disciplinary action up to and including termination. In cases involving suspected illegal activity, the evidence may be provided to the proper law enforcement authorities. Further, if the Library reasonably suspects that an employee has violated a policy that directly affects the safety or security of its employees, patrons, or facilities, the Library will take appropriate actions (such as contacting law enforcement officials, placing the employee on administrative leave while an investigation is conducted, or other actions as deemed appropriate).

### *Drug-Free Workplace*

Maintaining the library as a drug-free workplace is integral in achieving the library's mission. The use and possession of illegal drugs cannot be tolerated. In fact, the Georgia Drug-Free Public Work Force Act of 1990 provides a

comprehensive set of rules restricting public employers from employing, or continuing to employ, any individual who has been convicted of any criminal offense involving the manufacture, distribution, sale, or possession of illegal drugs.

O.C.G.A. § 45-23-4. Even legal drugs could lead to problems if they impair an employee's ability to perform his or her job competently.

#### MODEL POLICY: DRUG-FREE WORKPLACE

Employees of the Library may not engage in the unlawful manufacture, distribution, possession, or use of illegal drugs and controlled substances in the workplace. Employees who violate the terms of this policy statement will be subject to immediate termination.

The Library and its governing body recognize that the use of illegal drugs, or the abuse of legal substances such as prescription drugs or alcohol, may be a symptom of chemical dependency or mental health issues. Employees who pursue treatment under the Library's health care program may be granted sick leave, vacation leave, or emergency leave at the discretion of the Library Director.

#### *Smoke-Free Workplace*

Pursuant to the Rules of the Georgia Department of Human Resources and the Georgia Smokefree Air Act of 2005, smoking is prohibited in enclosed public spaces. O.C.G.A. § 31-12A-1. All employees and prospective employees must be notified of the prohibition. Local ordinances may also come into play in determining where smoking may occur. The policy should inform employees as precisely as possible where smoking is prohibited and where, if anywhere, it will be allowed.

## MODEL POLICY: SMOKEFREE WORKPLACE

The Library complies with the Georgia Smokefree Air Act of 2005 [and local ordinance or policy]. All Library buildings and Library vehicles are designated as smoke-free and tobacco-free areas. In addition, neither smoking nor tobacco use is permitted within 50 feet of any Library entrance or exit, or anywhere on Library grounds. This policy applies to the use of any tobacco product, including smokeless tobacco, and applies to both employees and visitors of the Library.

Further, smoking (which means the burning of a lighted cigarette, cigar, pipe, or any other matter or substance) is strictly prohibited in all privately owned vehicles while used in the course of Library work whenever other Library employees or persons are present in the vehicle, regardless of whether the vehicle's windows are open. Smoking and tobacco use in privately owned vehicles are otherwise permissible, provided that it is done within the vehicle and is not within 50 feet of any library entrance or exit.

The Library understands that tobacco is a legal product and further recognizes that, as an employer, the Library may not require that employees or prospective employees refrain from tobacco use when not at work, and the Library will not discriminate against employees who use tobacco outside of employment. The success of this policy will depend on the courtesy and cooperation of both tobacco users and nonusers. All Library employees are responsible for following and helping to enforce this policy and should report any problems or violations to a supervisor. Violations of this policy will subject an employee to disciplinary action, ranging from a written reprimand up to and including termination.

## Chapter 3 Code of Conduct

### *Employee Conduct*

Personnel policies explain what conduct is acceptable and what is not. A sound policy will list specific behavior that is prohibited, but it will also contain a disclaimer that not every instance of inappropriate behavior is referenced.

#### MODEL POLICY: EMPLOYEE CONDUCT

To ensure orderly operations and provide the best possible work environment, the Library expects employees to follow rules of conduct that will protect the interests and safety of all employees and the organization.

It is not possible to list all the forms of behavior that are considered unacceptable in the workplace. The following is an illustrative list of examples of unacceptable conduct that may result in disciplinary action, up to and including termination.

1. Theft or inappropriate removal of possessions of the Library or employee property.
2. Committing or attempting to commit deliberate damage to Library property, facilities, tools, or equipment.
3. Working under the influence of alcohol or illegal drugs.
4. Possession, distribution, sale, transfer, or use of alcohol or illegal drugs on the premises.
5. Fighting or threatening violence on the premises.
6. Removing, sending, or furnishing Library records or information to unauthorized persons.
7. Violating the library's anti-discrimination or anti-harassment policies.
8. Retaliating against any person who reports discrimination or harassment.
9. Sleeping or dozing on the job.
10. Insubordination or other disrespectful conduct.

11. Violations of safety or health procedures.
12. Possession of dangerous or unauthorized materials, such as explosives or firearms, on the premises.
13. Falsification of patron records or Library reports or documents.

### *Dress Code*

Guidelines establishing the types of attire appropriate for the workplace will be helpful to employees. Moreover, a written policy on personal appearance that is communicated to employees and enforced in a consistent manner may prevent uncomfortable confrontations between management and employees. A modern issue with respect to dress codes is body art. Tattoos are becoming more common. The library is free to adopt a dress code that requires tattoos to be covered while in the workplace. See Roberts v. Ward, 468 F.3d 963, 969 (6<sup>th</sup> Cir. 2006).

#### MODEL POLICY: DRESS CODE

Public image plays an important role in developing and maintaining support for the Library. In order to maintain a public image consistent with a professional organization, each staff member's dress and grooming should be appropriate for a business environment and in keeping with his or her work assignment. Health and safety standards must also be considered in dressing for work. Clothing and accessories must be neat and clean and should not draw inappropriate or disruptive attention to the individual. Staff members working with the public must dress appropriately for a casual business environment, defined as professional attire that is neat and tailored. Staff who primarily shelve materials, work outdoors, or whose work is confined to the back office areas may dress more casually, but shorts,

halter tops, and bare feet are never permitted. T-shirts or other attire that promote political or religious causes, campaigns, or issues may not be worn. Obscenities, euphemisms or slang words for foul language, and foreign phrases that could be interpreted inappropriately are also not permitted. Body art must be covered by clothing while the employee is in the workplace.

### *Confidentiality of Patron Records*

Under Georgia law, circulation records and similar records of a library that identify the user of library materials are not public records. O.C.G.A. § 24-9-46.

These records are confidential and may not be disclosed except to members of the library staff in the ordinary course of business, upon written consent of the user of the library materials or the user's parents or guardian if the user is a minor or ward, or pursuant to an appropriate court order or subpoena.

#### MODEL POLICY: EMPLOYEE DUTY TO MAINTAIN CONFIDENTIALITY

Library patron records that contain the identity of library users are confidential under the law. Employees have a duty to assure that this information is not disclosed to non-library personnel. In the event an employee is presented with a court order or subpoena for patron records, the Library Director should be notified, and the determination of the propriety of the disclosure will be made by the Director.

### *Staff Use of Library Materials & Equipment*

Library management and the board must consider guidelines for use of materials and equipment by staff. Examples of issues that may arise include: (1) whether staff members be charged for personal copies, (2) whether staff members are required to check out library materials and be subject to overdue fines, and (3)

whether staff members are allowed to checkout new materials before patrons.

Answering questions of this nature in a clearly drafted policy statement will put employees on notice of what is appropriate conduct and prevent abuse of library privileges by “insiders.”

#### MODEL POLICY: STAFF USE OF LIBRARY MATERIALS AND EQUIPMENT

Library employees must exercise extreme caution in the access and use of materials and equipment placed in their trust. Staff members are prohibited from using Library facilities, equipment, supplies, and other resources for personal use, except to the extent that those resources are available to the public. Library materials and equipment taken for personal use must be checked out if they are to be removed from the library or if the item(s) will be kept away from the normal location for more than four hours. Large quantities of material should not be held out of the collection for extended periods for staff use.

Staff will not be charged for overdue fines or reserves but will be subject to disciplinary action if materials are not returned and discharged before the system generates a second overdue notice. Staff may not make personal copies on the photocopier using the bypass key. Violation of any part of this policy may be considered theft of property or services and subject employees to disciplinary or legal actions.

#### *Solicitation*

The workplace is often utilized as a place to solicit donations or purchases for fundraisers or for-profit ventures. While the sales of candy bars or cookies between co-workers is a simple, seemingly harmless exchange, real or perceived pressure to contribute to causes or purchase products could lead to problems between staff members. Furthermore, library staffers pestering patrons to buy products could

discourage members of the public from visiting and using the library. A policy defining what conduct is acceptable in the arena of sales and solicitation is an important part of establishing workplace rules.

#### MODEL POLICY: SELLING AND SOLICITING IN THE LIBRARY

It is recognized that Library employees may engage in the sale of goods or services outside of their employment with the Library. However, it is never appropriate to solicit business from staff or patrons during Library work time. Soliciting business from patrons during off-work time while on Library property is not permitted; however, staff may offer a business card if one is requested. Information regarding personal business may be distributed to other employees by placing ads on the staff bulletin board, posting information in the staff lounge, and by leaving catalogs or brochures in the staff lounge. Oral and written invitations to product parties or distribution of information may not be made through interoffice mail. Display of items for sale is not permitted on Library property.

#### *Political Activities*

Everyone has the right to hold opinions on political candidates and issues. However, expressing these opinions in the workplace should be avoided. Library employees represent the library, an entity of the state open to all members of the public. Neither patrons of the library nor other staff members should be subjected to lobbying efforts by an employee. Including proper cautions on this issue within the policies on staff conduct is advisable.

## MODEL POLICY: POLITICAL ACTIVITY

Employees may engage in political activities on their own time. However, employees' rights to express their political opinions during work hours or as a representative of the Library are limited. Employees should refrain from wearing campaign or political buttons, distributing campaign or political literature except as permitted in the Library's policy on "Distribution of Free Materials," and expressing political opinions while on work time. T-shirts or other attire that promote a particular political issue, person, or cause are not appropriate. Bumper stickers may not be applied to Library property or Library vehicles unless specifically approved by the Library Director.

### *Staff Relations & Celebrations*

Personal relationships between co-workers arise as the result of the amount of time spent with each other--often more time than is spent at home with family. Socializing and celebrating are ways that the workplace becomes a cohesive community. Caution should be exercised, however, to assure that employees are not coerced to participate in social activities. Moreover, social activities and celebrations must not become the central focus of employees to the detriment of their library work. A policy offering guidelines to balance these competing interests will serve the library well.

## MODEL POLICY: STAFF RELATIONS AND CELEBRATIONS

Good staff relations and the development of a cohesive work team benefit from some socializing. Therefore, the Library encourages a reasonable amount of socializing and staff celebration so long as these events do not interfere with the normal flow of work. Birthdays should be celebrated one time per month, with all birthdays for that month recognized at the same time. Staff parties to celebrate

holidays will be scheduled at times with minimal effect on service, and all service desks must be covered during parties. Every staff member is welcome to attend any party held during work hours on Library property. Parties scheduled outside of work time and off Library property are considered personal parties, but, in the interest of good staff relations, party planners are encouraged to include all staff members in the festivities.

Gifts between individual staff members are not prohibited, but group gifts should be given equitably. Solicitation for contributions for group gift should be done anonymously by routing an envelope. Supervisors may not accept gifts except for token, inexpensive items such as coffee mugs, pens, and candy, from the people they directly supervise.

### *Non-Fraternization*

A non-fraternization policy oversees interpersonal conduct by employees and is created with good intent--to prevent employees from engaging in activities that could interfere with safety, employee morale, and employee productivity. In addition, these policies help to protect the employer from potential lawsuits arising from harassment claims. There are instances where employees have filed suit to challenge such policies on grounds of public policy, privacy, or freedom of association, but thus far anti-fraternization policies have been upheld by the courts.

#### MODEL POLICY: NON-FRATERNIZATION

While the Library does not wish to interfere with the off-duty and personal conduct of its employees, certain types of off-duty conduct and relationships may interfere with the Library's legitimate business interests. To prevent unwarranted sexual harassment claims, confidentially lapses, uncomfortable working relationships, morale problems among other employees, and even the appearance of impropriety, managers and supervisors of the Library are strictly

prohibited from engaging in consensual romantic or sexual relationships with any managers, supervisors, or other employees of the Library.

### *Visitors*

Because the library is a public place, family members or friends of employees are free to visit its facilities. A policy cautioning employees about becoming distracted by these visitors is prudent.

#### Model Policies: Visitors in the Workplace

The Library is unlike most workplaces in that Library facilities are open to the public. This can present a challenge when friends or relatives of employees come to the library. The following guidelines are designed to ensure that employees do not become distracted or neglect their duties when friends and family are visiting the Library.

Children or Other Family Members at Work – In order for the Library to maintain a professional and productive work environment, employees may not bring children to work during scheduled work times. An exception may be allowed in the case of an emergency (with supervisory approval). However, the Library workplace should not be used in lieu of childcare or adult daycare services. Parents should plan accordingly for the care of their children on days when children may be sick, on snow days, during school holidays, or other occasions. Standards for “child” or “children” also apply to any person who is in the care of the employee (e.g., disabled parent).

Employees are allowed to have children at the Library during their work hours only if:

- The child remains in the public areas of the library during open hours;

- The child does not require the employee's care or attention during work hours;
  - The child does not distract the employee from his or her work;
  - The child does not distract other Library employees from their work;
- and
- The child's connection to the Library employee would not be apparent to patrons.

An example of an acceptable situation would be an employee bringing an older child to the Library and the child independently reading or completing homework in the public area while the employee is working.

Since the age at which a child can work independently without a caregiver's attention varies from child to child, a specific age requirement is not provided by this policy. Supervisors may disallow an employee from having a child at work if, in the judgment of the supervisor, the child is disruptive, distracting, or in need of care or attention.

In all cases, children are not allowed behind Public Services desks, and are not allowed to be unattended in staff areas.

Visitors in the Workplace – Employees should limit their personal conversations with family members or acquaintances who visit the Library. Visits are permissible, but should be infrequent and brief in order to maintain a productive work environment.

Restricted Access to Non-Public Areas of the Library – Access to non-public areas of the library is limited to current employees, volunteers, and scheduled maintenance or service workers. (For purposes of this section, non-public areas are those areas behind the public service desks, employee workrooms, employee offices, hallways, storage

areas, computer equipment rooms, and break rooms.) Other persons with business-related reasons to be in these areas (such as vendors or consultants) must be accompanied by an employee at all times.

Any exceptions to this policy must be approved by the Director or the appropriate Assistant Director. (For example, an exception would be considered for "Take Your Child to Work Day.")

## Chapter 4 Employment Practices

### *Recruitment & Hiring*

The library staff is the backbone of the organization. Establishing hiring practices aimed at bringing the best and brightest to work in the library is crucial to its success. In many instances, a library job will attract a large number of applicants. A transparent procedure for filling positions that is consistently followed will allow the library to avoid accusations of favoritism or other inappropriate decision making in creating and maintaining its workforce.

#### MODEL POLICY: RECRUITMENT OF CANDIDATES FOR POSITIONS

The Library is committed to developing a diverse workforce while also selecting the most qualified persons available for library positions. When hiring new staff or promoting current staff, the Library will systematically and aggressively make reasonable efforts to provide an equal opportunity for all employees and applicants. An applicant pool that is representative of the makeup of the community is desirable; however, no person under the age of 18 will be considered for full-time regular positions. Positions will be advertised as widely as appropriate for the position, and, when possible, advertising will be targeted to reach qualified applicants from minority groups and persons with disabilities. Reasonable accommodation, in accordance with the Americans with Disabilities Act, will be provided to all applicants. Funds will be expended, subject to budgetary limitations, to pay travel costs for candidates selected for interviews for positions at the upper management level. Whenever possible, prescreening interviews will be conducted by telephone or video conferencing; however, when these methods are used, all candidates will be screened by the same prescreening method.

Another consideration for administrators involved in the hiring process is stated time-frames or duration of employment. Courts could construe an offer of employment that contains a reference to the duration of the job to be an

employment contract, which will supersede the at-will employment doctrine. This may be as simple as stating the job's salary as an annual amount. Any written offer should include notice to the offeree that the job is at-will and does not have a specific duration. *See Model Policy: At-Will Employment, Chap. 1.*

### *Employee Immigration Status*

In 2006, the State of Georgia enacted the Georgia Security and Immigration Compliance Act ("GSICA"), a comprehensive bill aimed at prohibiting public employers from hiring illegal immigrants. 2006 Ga. Laws 105 (codified as amended in scattered sections of O.C.G.A.). For purposes of GSICA, a "public employer" includes every department, agency, or instrumentality of the state or a political subdivision of the state. Pursuant to O.C.G.A. § 20-5-40, public library systems are local units of administration that have been created through participating agreements among city and county governments. Thus, the public libraries within the state of Georgia are "public employers" and are governed by GSICA.

GSICA requires that all public employers verify employment eligibility of all newly hired employees through participation in a federal work authorization program. While the act does not specifically define "employee," federal immigration regulations related to employment eligibility apply only to individuals who perform work in exchange for remuneration. Therefore, volunteers are not "employees" and likely do not fall within the purview GSICA. Thus, there would be no requirement to verify employment eligibility in the context of immigration status for these individuals.

## MODEL POLICY: IMMIGRATION LAW COMPLIANCE

The Library is committed to full compliance with federal and state immigration laws and will hire only individuals with the legal right to work in the United States.

Pursuant to Section 2 of the Georgia Security and Immigration Compliance Act, all employees must complete Form I-9 and provide legal documentation of citizenship and/or work status as set forth on the form. Within three business days of hire, the Library will electronically verify the accuracy of the employee's Social Security number and other documentation through the United States Department of Homeland Security verification system. The employee will be immediately notified of a non-confirmation of his or her Social Security number and will be provided a referral letter. It is the employee's responsibility to resolve the discrepancy with the Social Security office within eight federal government working days. On the tenth federal government working day after the date of the referral letter, the Library will make a second inquiry to the Social Security Administration database for a final confirmation. A final non-confirmation will result in immediate termination. This policy and its procedures are intended to comply with the Georgia Security and Immigration Compliance Act. Should any portion of said Act be amended, modified, revised, or repealed, or if other or additional controlling federal or state immigration laws or regulations become adopted in the future, the processes and requirements set forth in such Act, laws, or regulations shall govern.

### *Nepotism*

Nepotism is the act of favoring relatives in making employment decisions. An example is hiring or promoting relatives solely because they are family members, with no consideration of the qualifications or merits of other job candidates or employees.

Anti-nepotism rules in public organizations have led to lawsuits based on anti-discrimination statutes and the United States Constitution. In these suits, plaintiffs claim they are entitled to work with their spouses if both are qualified employees. Employers, on the other hand, defend anti-nepotism rules as a business necessity, arguing that married co-workers are a potentially disruptive influence in the workplace. A review of federal and state court decisions suggests that married co-workers rarely prevail in such cases. In this area of civil and constitutional litigation, public employer liabilities appear to be limited to situations where restrictions are unreasonably broad.

#### MODEL POLICY: NEPOTISM

Dependents of the Director and Library Board of Trustee members are ineligible for employment with the Library. In addition, no immediate family member of a current staff member will be considered for a position wherein one member would have supervisory duties over the other. Each case of a second family member applying for a position that is not covered above will be judged individually.

Employing relatives in the same area of an organization may cause conflicts or problems with favoritism and employee morale. In addition to claims of partiality in treatment at work, personal conflicts from outside the work environ can be carried into working relationships.

If a relative relationship is established after employment, a supervisor will work with the individuals concerned to decide if there is a problem and who is to be transferred. If a voluntary solution cannot be reached within 30 calendar days, management will decide.

For the purposes of this policy, a relative is any person who is related by blood or marriage, or whose relationship with an employee is similar to that of persons who are related by blood or marriage.

## *Salary*

Questions about compensation from employees are commonplace. Setting forth the policy of the library on how its employees are paid will provide useful information to the staff. Often library employees are paid within the framework of the governing authority's pay scale. Explaining the structure of job classifications and pay scales as well as making all related documents available to employees is the best way to keep workers in the know. Moreover, Georgia Public Library Service's (2012) standards recommend a written personnel classification plan with a starting salary for each position and written job descriptions listing the duties of each position.

In today's tough economic times, libraries are struggling for enough funding to maintain staff. In most cases, salary increases are simply not possible. Your salary policy should be up front on this issue. And if there is a possibility that further decreases in funding could result in salary decreases, this should be explained in the policy.

### MODEL POLICY: SALARY

Salary ranges are established for each position classification by the Library Board and are set forth in a written personnel classification plan (current version is attached to this handbook as an appendix). New employees are generally hired at the base level of the salary range. When approved by the library director, new hires may enter at a higher salary range based on exceptional experience, relevant education, or other appropriate factors.

Pay Increases – Pay increases are not automatic and depend on a variety of factors. Any type of pay increase will be dependent on funding. Merit increases will be based on an employee's job performance. In order to qualify for a merit increase, employees must

have all “satisfactory” or above ratings on their performance evaluations. Market adjustments (i.e., cost of living adjustments) are not based on performance but are applied “across the board” to all employees at the same time and would result in an updated pay scale. Promotion to a position in a higher pay grade will also result in a pay increase based on the pay scale for the new pay grade. Regardless of the reason for the pay increase, employees may receive pay increases only to the maximum amount for their pay grade.

Pay Reductions – A pay reduction may occur in the event of a demotion. Pay reductions due to a demotion will correspond with the pay range of the assigned position, and no employee’s pay will be reduced to a point below the minimum of the pay range for that position. When an employee is demoted to a lower pay grade, the employee’s salary will typically decrease by the dollar difference between the minimum salary of the old pay grade and the minimum salary of the new pay grade. Staff-wide pay reductions may occur if the Library receives significant funding reductions. In this situation, employees already at the minimum of their pay grades may temporarily be paid below the minimum of the pay scales for their positions.

### *Benefits*

An employee benefits package is an element of total compensation. Just as employees will be eager to know about salary, they will have questions about their benefits. Explaining benefits and eligibility within personnel policies will assist employees and management.

In many cases, the library’s governing authority will dictate the benefits available to employees. The library’s written policy on benefits may simply refer employees to underlying documents that contain detailed and comprehensive information about the employee benefits package. Or, you may choose to include

the details within your personnel policy manual that is provided to all staff members. If so, keeping this section of your manual updated is crucial.

#### MODEL POLICY: EMPLOYEE BENEFITS

Benefits such as health insurance, group insurance, vacation and sick leave, paid time off, employee retirement plans, child care or elder care supplements, carpool subsidies, and other miscellaneous benefits (travel expenses, tuition reimbursements, access to subsidized day care, etc.) are established and administered by (name of governing authority). The Library may not alter these benefits without specific authorization from (governing authority).

#### *Attendance and Leave*

For employees, the ability to take time off work when needed without losing pay is a critical element of job benefits. For the library, on the other hand, assuring that the organization is adequately staffed at all times is of utmost importance. Attendance and leave policies balance seek to balance these interests.

#### MODEL POLICY: ATTENDANCE

Punctual and regular attendance is an essential function of each employee's job at the Library. Any tardiness or absence causes problems for fellow employees and management staff. When an employee is absent, his or her work usually must be performed by others. Employees are expected to report to work as scheduled, on time and prepared to start work. Employees also are expected to remain at work for their entire work schedule, except for break periods or when required to leave on authorized Library business. Late arrival, early departure, or other absences from scheduled hours are disruptive and must be avoided. In all cases of absence or tardiness, employees must provide their supervisor with an honest reason or

explanation. Documentation from medical representatives regarding the reason for the absence may be requested.

Employees also must inform their manager of the expected duration of any absence. Unless there are extenuating circumstances, an employee must call in within 30 minutes of his or her regular starting time on any day on which the employee is scheduled to work and will not report to work. Excessive absenteeism may be grounds for discipline up to and including termination of employment. Generally, any unpaid absence not protected by law will be considered excessive. Each situation of excessive absenteeism or tardiness will be evaluated on a case-by-case basis. Any employee who fails to report to work without notification to his or her supervisor for a period of three days or more may be terminated unless this absence is protected by law.

#### MODEL POLICY: PAID AND UNPAID TIME OFF

##### Paid Holiday Leave

The Library shall celebrate the following holidays off with pay for regular full-time employees:

NEW YEAR'S DAY	January 1
MARTIN LUTHER KING DAY	3rd Monday of January
PRESIDENTS DAY	3rd Monday of February
MEMORIAL DAY	Last Monday of May
INDEPENDENCE DAY	July 4
LABOR DAY	1st Monday of September
VETERANS DAY	November 11
THANKSGIVING DAY	4th Thursday of November
CHRISTMAS DAY	December 25

The Library Director, upon approval by the Board of Trustees, may change holidays for employees.

In the event a holiday falls upon a Sunday, the following Monday shall be deemed to be the legal holiday. In the event the legal holiday falls on a Saturday, the preceding Friday shall be deemed to be the legal holiday. When a holiday falls within a period of paid leave, the holiday shall not be counted as a leave day in computing the amount of leave debited. An employee who is absent without leave on the day immediately preceding or following a holiday shall lose the holiday as well as pay for that day.

#### Vacation Leave Policy:

Employees shall, after 90 days of continuous service from the last date of hire with the Library, accrue vacation time on the following basis:

#### Regular Employees:

All full-time and part-time permanent employees shall earn vacation on the basis of the following schedule:

One day for each month of service from the date of employment up to and including December 31 next following the date of employment.

Total vacation days shall not exceed ten working days in the first year.

After completion of one year through completion of five years - 10 days or two weeks of regular employment.

After completion of five years through completion of 10 years - 15 days or three weeks of regular employment.

After completion of ten years through completion of 15 years - 20 days or four weeks of regular employment.

After 15 years of service; the employee shall be entitled to 20 days per year plus one additional day per year for each year of service over 15 years. Total vacation days under this rule are not to exceed 25 vacation days or five weeks of regular employment per year.

Calculations of length of service are based on the anniversary date of the employees hiring. Vacation leave may not be carried forward into the succeeding year; such time must be used in that year or forfeited.

An employee hired on or before the first pay period of any month shall accrue vacation leave from the first day of that pay period. An employee hired after the first pay period of any month shall accrue vacation from the first day of the next pay period following.

Upon resignation or retirement from Library employment an employee shall be paid cash at the normal rate of pay for his or her unused vacation leave, provided regular status has been attained. An employee who terminates employment prior to completion of his or her probationary period has not accrued vacation time, and is therefore not entitled to payment for unused vacation time.

All vacations shall be taken at such time as shall be approved by the Library Director. Annual leave shall be expended in increments of not less than one full work day. Vacations shall be scheduled at such times as the Library Director finds most suitable after considering the wishes of the employee and the requirements of the department. All requests for vacation must be approved by the Library Director prior to the commencement of the requested vacation.

Vacation advances are limited to the amount of available accrued vacation benefits. If the employee retired or resigned, such employee shall be entitled to a sum of money equal to his or her former regular compensation for any earned vacation leave time which has not been used; provided however, that in the event such employee fails to give the Library Director or Board of Trustees under whom he or she is employed at least two weeks' notice of such termination of employment or is discharged for cause, the vacation pay shall be forfeited.

Vacation Leave for Regular Part-Time Employees: Regular part-time employees who separate from the Library may receive compensation at their regular rate of pay for each hour of vacation earned. Regular part-time employees shall accrue vacation on a pro rata basis.

Transfers: If an employee transfers between another County department and the Library, the vacation leave credits shall also be transferred. The established period of determining vacation credit will be from the employee's date of hire.

Vacation credit earned by an employee cannot be transferred to another employee.

Temporary employees shall not earn vacation nor be entitled to vacation upon separation.

Vacation leave will not accrue while an employee is on leave of absence without pay. Accrued and unused vacation leave may be used to supplement sick leave if the employee has exhausted sick leave accruals.

For full-time employees, paid holidays occurring during vacation are not charged to vacation.

Earned vacation leave, sick leave and personal leave accruals must be exhausted prior to taking an unpaid medical leave of absence.

#### Sick Leave Policy:

Employees are entitled to six working days of sick leave per calendar year. Prior to the return to work, the Library may require an employee to be examined by a physician designated by the Library to verify fitness to return to normal duties. An employee may not be permitted to return to work until the verification is received.

All regular full-time employees and permanent part-time employees shall be entitled to sick leave as follows:

1. As used herein, sick leave means paid leave that may be granted to an employee who through sickness or injury becomes incapacitated to a degree that makes it impossible for the employee to perform the duties of the position or who is quarantined (by the Board of Health) because of exposure to a contagious disease, or illness in the immediate family which requires the personal attendance of the employee to insure care for member of the immediate family. The term "immediate family" as referred to herein shall mean father, mother,

spouse, child, foster child, brother or sister. Sick leave to care for members of the immediate family will not be approved for extended periods of time.

2. Temporary or seasonal employees shall not be eligible for paid sick leave.

3. If an employee is unable to report for work due to illness, this fact shall be reported to the department no later than one-half hour after the start of the normal workday. The employee must speak directly to his or her supervisor or higher staff member within the Library's chain of command.

4. Thereafter, employees shall be entitled to sick leave with a doctor's note needed to return to work after two or more consecutive days of sick leave taken. A doctor's note will also be necessary after four singular sick leave days taken.

5. Sick leave benefits shall apply to bona fide cases of sickness, accidents, doctor or dental appointments, maternity leave, and requests for the employee's presence by immediate family, doctor, or clergy due to family illness or emergency.

6. When an employee goes on Sick Leave, he or she must speak directly to his or her supervisor immediately. Notification should be within 30 minutes or as soon as possible given certain extenuating individual circumstances, after the beginning of the scheduled work day. Failure to do so may result in denial of such leave pay. The employee should also let the supervisor know when he or she expects to return to work.

7. Sick leave shall be rounded off to the nearest half hour. When possible, sick leave should be taken in increments of no less than four hours.

8. No sick leave will be given to an employee in excess of the amount earned and available to the employee.

9. An employee may utilize vacation time when sick leave has been exhausted.

10. All sick and vacation leave must be exhausted prior to taking an unpaid medical leave of absence. (See section: FAMILY AND MEDICAL LEAVE ACT POLICY.)

11. It is the responsibility of the Library Director to ensure the provisions of this policy are observed. Corrective action should be taken in instances of suspected abuses or misinterpretation of the utilization of sick leave.

12. The Library Director will ensure that any sick leave used will be reflected with the submission of time sheets.

13. It is the responsibility of the Library Director to ensure that proper accountability of sick leave is kept on all eligible employees.

#### Bereavement Leave Policy:

A regular full-time or regular part-time employee who has a member of his immediate family taken by death shall receive up to three work days off with pay as bereavement leave to arrange and attend funeral activities with approval of the employee's supervisor.

"Immediate family" shall be defined as spouse, mother, father, foster parents, mother-in-law, father-in-law, child, sister, brother, daughter-in-law, son-in-law, sister-in-law, brother-in-law, grandparent, and grandchild. All "immediate step family" relatives will also be included. The employee must notify his or her immediate supervisor upon making determination to take time off from work. The Library may request documentation of the necessity of Bereavement leave.

If additional time is necessary, it shall be taken as vacation or unpaid leave, if vacation has been exhausted with advance authorization by the appropriate supervisor. Time for attendance at funeral of others may be granted without pay. Employees who fail to return to work on the date specified to the immediate supervisor or Library Director without receiving an extension are subject to disciplinary action up to and including termination.

## Jury Duty Policy:

Any regular full-time or part-time employee who is required to serve on a jury, or as a result of official Library duties is required to appear before a court, legislative committee, or quasi-judicial body as a witness in response to a subpoena or other directive, shall be allowed authorized leave with pay less any amount received for such service. A probationary employee called will have his or her probationary period extended by the same amount of time as required for serving on jury duty. An employee who receives notice of jury duty or witness service must notify his or her supervisor immediately in order that arrangements may be made to cover the position. The Library may request that an employee who is called for jury service be excused if the absence would create a hardship on the operational effectiveness of the department to which he or she is assigned.

The employee's pay may be offset by the amount of jury or witness fees, excluding any mileage fees. Time away will not affect vacation, sick leave or personal leave accruals.

Employees who appear in court as the plaintiff or the defendant in any action not related to their official duties shall not be paid for time away from work unless that time is accrued vacation or personal leave. Court payments for travel expenses are to be retained by the employee.

The employee may keep any court payment for services performed on the days of his/her regularly scheduled weekend or performed while on vacation or personal leave.

Employees are to return to work after jury duty although no more than the regularly scheduled number of hours for both jury duty and work shall be required. If excused as a juror on any given day, the employee is expected to contact his or her supervisor and to report to work as instructed.

The Library may require employees to supply documentation, not only of a subpoena for jury duty, but also a slip from the jury manager verifying actual attendance at jury duty.

### *Family Medical and Leave Act of 1993*

The Family and Medical Leave Act (“FMLA”) provides an entitlement of up to 12 weeks of job-protected, unpaid leave during any 12-month period to eligible, covered employees for the following reasons: (1) birth and care of the eligible employee’s child, or placement for adoption or foster care of a child with the employee; (2) care of an immediate family member (spouse, child, parent) who has a serious health condition; and (3) care of the employee’s own serious health condition. It also requires that the employee’s group health benefits be maintained during the leave. 29 U.S.C. § 2601 *et seq.* The FMLA is administered by the Employment Standards Administration's Wage and Hour Division within the U.S. Department of Labor.

Employers must post a general notice explaining the FMLA's provisions and providing information regarding procedures for filing a claim under the Act in a conspicuous place where it can be seen by employees and applicants. Under the regulations, this posted notice includes additional information regarding the definition of a serious health condition, the new military family leave entitlements, and employer and employee responsibilities. **Employers must also include the information in this general notice in any employee handbook or other written policies or manuals describing employee benefits and leave provisions.**

Additionally, under the regulations, an employer without a handbook or written guidance is required to provide this general notice to new employees upon hiring.

## MODEL POLICY: FAMILY AND MEDICAL LEAVE

The Library board has adopted this policy to implement the terms of the Family and Medical Leave Act of 1993 ("FMLA"). Eligible employees are entitled to family and medical leave on the terms and conditions stated in this policy, the regulations issued by the Department of Labor under the FMLA, and in the Library's other applicable leave policies.

### A. Definitions:

For purposes of this policy, the following definitions apply:

1. "Eligible Employee" means an individual who has been employed by the Library for at least 12 months, has worked at least 1,250 hours during the 12-month period immediately preceding the commencement of the requested leave.

2. "FMLA Leave" means leave that qualifies under the Family and Medical Leave Act of 1993, as amended by the National Defense Authorization Act of 2008, Pub. L. 110-181, and the Department of Labor's regulations and is designated by the Library as so qualifying.

3. "Leave Year" means the 12-month period measured backward from the date each employee's leave commenced.

4. "Serious Health Condition" means an illness, injury, impairment, or physical or mental condition that involves either inpatient care or continuing treatment by a health care provider.

5. "Inpatient Care" means an overnight stay in a hospital, hospice, or residential medical care facility, including a period of incapacity or any subsequent treatment in connection with the inpatient care.

6. "Continuing Treatment" includes:

a. A period of incapacity of more than three consecutive, full calendar days, and any subsequent treatment or period of incapacity relating to the same condition, that also involves:

i. Treatment by a health care provider two or more times within 30 days of the first day of incapacity; and

ii. Treatment by a health care provider on at least one occasion, which results in

a. a regimen of continuing treatment under the supervision of a health care provider;

b. A period of incapacity due to pregnancy or prenatal care;

c. A period of incapacity or treatment for such incapacity due to a chronic serious health condition;

d. A period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective; or

e. Any period of absence to receive multiple treatments by a health care provider.

7. "Covered Service member" means a member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness.

8. "Covered Military Member" means the employee's spouse, son, daughter, or parent on active duty or call to active duty status.

9. "Active duty or call to active duty" means duty under a call or order to active duty (or notification of an impending call or order to active duty) in support of a contingency operation as either a member of the reserve components or a retired member of the Armed Forces or Reserve.

10. "Serious Injury or Illness," in the case of a member of the Armed Forces, including a member of the National Guard or Reserves, means an injury or illness incurred by the member in line of duty on active duty in the Armed Forces that may render the member medically unfit to perform the duties of the member's office, grade, rank, or rating.

11. "Qualifying Exigency" means the following circumstances:

a. Short-notice deployment - to address any issues that may arise due to the fact that Covered Military Member received notice of

the deployment seven or less calendar days prior to the date of deployment;

b. Military events and related activities – to attend any official ceremony, program, or event sponsored by the military that is related to the Covered Military Member’s active duty; and to attend family support or assistance programs and informational briefings sponsored by the military;

c. Child care and school activities – to arrange for alternative childcare, to provide childcare on an urgent or immediate basis, to enroll or transfer a child to a new school, and to attend meetings with school staff that are made necessary by the Covered Military Member’s active duty or call to active duty;

d. Financial and legal arrangements – to make or update financial or legal arrangements related to the Covered Military Member’s absence while on active duty; and to act as the Covered Military Member’s representative with regard to obtaining, arranging, or appealing military benefits;

e. Counseling – to attend counseling sessions related to the Covered Military Member’s deployment or active duty status;

f. Rest and recuperation – to spend up to five days with a Covered Military Member who is on short-term, temporary rest and recuperation leave;

g. Post-deployment activities – to attend ceremonies and reintegration briefings for a period of 90 days following the termination of the Covered Military Member’s active duty status, and to address issues arising from the death of a Covered Military Member; and

h. Other activities that the Library and employee agree qualify as an exigency.

#### B. Reasons for FMLA Leave:

An Eligible Employee is entitled to a total of 12 weeks of unpaid leave during each Leave Year in the event of any of the following:

1. The birth, adoption, or placement for foster care of a son or daughter of the employee and to care for such child. (Leave must be

taken during the 12-month period following the birth or placement and must be taken in a single consecutive period and may not be taken intermittently or on a reduced schedule.)

2. A serious health condition of a qualifying family member, i.e., spouse, son, daughter, or parent of the employee, if the employee is needed to care for such family member.

3. A serious health condition of the employee that makes the employee unable to perform any of the essential functions of his or her job.

4. Any "qualifying exigency" arising out of the fact that an employee's spouse, parent, son, or daughter is on active duty or has been called to active duty in the Armed Forces in support of a contingency operation.

An Eligible Employee is entitled to a total of 26 weeks of unpaid leave during a single 12-month period to care for a parent, son, daughter, spouse, or next of kin who is a Covered Service member, regardless of whether the employee has taken leave for another FMLA qualifying reason in the past 12 months. Any leave taken under any of these circumstances will be counted against the employee's total entitlement to FMLA leave for that Leave Year.

#### C. Paid Leave Benefit Coordination with FMLA Leave:

FMLA leave under this policy is generally unpaid leave. If, however, the employee is eligible for any paid leave under any other benefit programs such as accrued vacation, unused sick, or personal days, the employee will be required to exhaust the paid leave upon the commencement of, and concurrently with, FMLA leave (unless the employee's own serious health condition has caused the leave and the employee is receiving workers' compensation benefits). Paid leave will run concurrently with and be counted toward the employee's total 12-week or 26-week period of FMLA leave. Employees on leave that qualifies both as workers' compensation and FMLA leave who are offered a light duty position will have the option of remaining on FMLA leave without pay (and foregoing the light duty position and additional

workers' compensation benefits) or accepting the light duty position. If the employee accepts the light duty position, the employee's right to job restoration (as described below) runs through the end of the applicable Leave Year. If the employee accepts light duty, then he or she retains the right to be restored to the same position the employee held at the time his or her FMLA leave commenced or to an equivalent position.

D. Intermittent or Reduced Scheduled Leave:

FMLA leave may be taken intermittently or on a reduced work schedule basis. If FMLA leave is taken intermittently or on a reduced schedule basis, the Library may require the employee to transfer temporarily to an available alternative position with an equivalent pay rate and benefits, including a part-time position, to better accommodate recurring periods of leave due to foreseeable medical treatment.

Every employee is obligated to make a reasonable effort to schedule medical treatment so as not to unduly interrupt Library operations. Any employee who needs an intermittent or reduced schedule leave shall submit an application for such leave on a form supplied by the Library at the time described above. The employee shall also, within the time limits set forth, furnish the Library with the proper medical certification on Form WH-380-E, which will be supplied by the Library, regarding the need for such intermittent or reduced schedule leave. As in the case for other FMLA leaves, the Library may require a second or third medical certification. Prior to the commencement of any intermittent or reduced schedule leave, the employee requesting intermittent or reduced schedule leave must advise the Library of the reasons why the intermittent/reduced schedule leave is necessary and of the schedule for treatment, if applicable. The employee and the Library shall attempt to work out a schedule for such leave that meets the employee's needs without disrupting Library operations.

E. Employee Notice Requirement:

Employees are required to provide the Library with sufficient information to make it aware that the employee needs FMLA-qualifying leave and the anticipated timing and duration of the leave. Sufficient information may include the following: that the employee is unable to perform his or her job functions; that the employee's family member is unable to perform his or her daily activities; that the employee or his or her family member must be hospitalized or undergo continuing treatment; and the circumstances supporting the need for military family leave. When an employee seeks leave due to a FMLA-qualifying reason for which the Library has previously provided FMLA-protected leave, the employee must specifically reference the qualifying reason for the leave and the need for "FMLA" leave.

If the need for leave is foreseeable, the employee is required to provide such notice to the [DESIGNATED LEAVE ADMINISTRATOR] at least 30 days before the commencement of the leave, unless it is impracticable to do so under the circumstances, in which case notice must be given as soon as possible, generally the same or the next business day. The employee also must follow any Library policy requiring advance notice, reasons for leave and anticipated start, and duration of the leave. Failure to provide advance notice or follow the Library policy when the need for leave is foreseeable may result in delay or denial of FMLA leave. If the leave is not foreseeable, the employee must provide notice to the Library of need for leave as soon as practicable and must follow the Library's normal call-in procedures, as set forth in Section \_\_\_ of this Handbook. Failure to follow the Library's call-in procedures, absent unusual circumstances, will result in delay or denial of the leave. In case of planned medical treatment for a serious health condition, the employee is required to make a reasonable effort to schedule the treatment so as not to disrupt the operations of the Library. Employees are required to give additional notice as soon as practicable whenever there is a change in the dates of scheduled leave. The Library requires that the employee's health care provider complete a fitness-for-duty certification that specifically

addresses whether the employee is able to perform the essential functions of his or her job before the employee can return to work. If the Library has a "reasonable safety concern," it may also require periodic fitness-for-duty certifications prior to the employee's return from intermittent FMLA leave, up to once every 30 days. A "reasonable safety concern" means a reasonable belief of significant risk of harm to the individual employee or others. Upon receiving sufficient notice of an employee's need for FMLA-qualifying leave, the Library will notify the employee of his or her eligibility to take FMLA leave within five business days of the request, absent extenuating circumstances. At this time, the Library will also provide the employee written notice of the employee's rights and obligations with respect to the leave (as well as providing copies of the required certification form).

F. Application and Medical Certification:

A leave to care for the employee's own serious health condition, or the serious health condition of a covered family member, must be supported by a medical certification completed by the health care provider for the employee or the covered family member. A qualifying exigency leave or a leave to care for a Covered Service member with a serious injury or illness must also be supported by a certification.

The Library will provide the proper certification to the employee for his or her respective leave within five business days of the employee's request for leave. The employee must return a complete and sufficient copy of the appropriate certification to the Library within 15 calendar days of receiving the certification, unless it is not practicable. If the employee returns an incomplete or insufficient certification, the Library shall advise the employee in writing what additional information is necessary to make the certification complete and sufficient. In order to cure the deficiency, the employee must then return a complete and sufficient certification to the Library within seven calendar days. If the employee fails to cure a deficiency in a certification, or fails to return a certification, within the prescribed time period, the Library may deny the taking of leave.

A Library representative (other than the employee's direct supervisor) may contact the employee's health care provider to clarify or authenticate the medical certification submitted for leave for the employee's own serious health condition or the serious health condition of a family member. If the Library has reason to doubt the validity of a medical certification, the employee will be required to obtain a second or third opinion at the Library's expense. Failure to comply with these certification requirements will result in the delay, denial, or termination of leave. An employee who will be on FMLA leave for more than one week is required to call [DESIGNATED LEAVE ADMINISTRATOR] weekly to report when and if the employee expects to return to work. The Library may request recertification at any time during the course of the leave for the employee's own serious health condition, if: (1) the employee requests an extension of leave; (2) the circumstances of the employee's condition as described in the previous certification have changed significantly, or (3) if the Library has reason to suspect that an employee on FMLA leave has fraudulently obtained the FMLA leave. If desired by the Library a second or third certification in the manner provided above may be required. If the employee's leave to care for his or her own serious health condition or that of a family member is expected to last more than 30 days, the Library will require a new certification from the employee's health care provider when leave is scheduled to expire, or every six months, whichever occurs earlier. When the Library learns of an FMLA reason for leave after a leave has commenced under another of the Library's policies, the Library will designate the leave as FMLA-qualifying from the commencement of the leave. Employees are required to cooperate in providing the Library with information needed to make this determination.

#### G. Continuation of Group Health Benefits:

The Library will maintain the employee's coverage under a group health plan during the period of FMLA leave under the same terms and conditions as though the employee were actively working. During the

leave, the employee will be required to continue to make all premium payments that he or she otherwise would have had to make if actively employed. Where feasible, the Library will advise the employee concerning the necessary arrangements for such payments prior to the commencement of the leave.

If the employee fails to return to work following the expiration of FMLA leave for a reason other than a serious health condition or circumstances beyond the employee's control, the Library will be entitled to the repayment by the employee of any premiums paid by the Library during the leave. Failure to make timely premium payments may result in the termination of coverage.

An employee on FMLA leave should deliver payment of the employee's portion of such premium to [DESIGNATED LEAVE ADMINISTRATOR] prior to the first work day of each month. Failure to make prompt payment of the employee's portion of such premium may result in the loss of medical insurance coverage for the duration of the FMLA leave, but upon the employee's return to work, the medical insurance will be restored as of the date that the employee returns. If the employee does not return from FMLA leave or returns to work, but does not remain an active employee for at least 30 days, the Library may seek to recover the amount paid for such insurance premiums from the employee. An employee on FMLA leave shall be responsible for the payment of the full premium for all other insurance, pensions and other benefits. Failure of the employee to pay the entire premium for such items shall result in their lapse for the duration of the FMLA leave. If the employee returns from FMLA leave, all such insurance, pension and other benefits shall be restored without any break in service. An employee shall not accrue any credit toward vacation or other benefits based upon time worked for the time that he or she is on FMLA leave.

#### H. Return to Work / Fitness-for-Duty Certification:

Consistent with the Library's practice, before returning to work following a medical leave due to the employee's serious health

condition, the employee will be required to present a fitness-for-duty certification from his or her health care provider that the employee is medically able to resume work and to perform the essential functions of his or her job. If the date on which an employee is scheduled to return to work from an FMLA leave changes, the employee is required to give notice of the change, if foreseeable, to the Library within two business days of the change. Subject to the limitations below, an employee returning from FMLA leave will be restored to the position of employment held when the leave commenced or to an equivalent position. Job restoration may be denied if conditions unrelated to the FMLA leave have resulted in the elimination of the employee's position or if the employee qualifies as a "key employee" (generally the highest paid 10% of the workforce). Key employees may be denied job restoration if it would cause substantial and grievous economic injury to the Library, in which case the key employee will be notified of this decision. In summary, upon expiration of a FMLA leave, an employee who returns to work shall be restored to the same or an equivalent job, if the employee shall have:

1. Called [DESIGNATED LEAVE ADMINISTRATOR] in accordance with terms above;
2. Furnished [DESIGNATED LEAVE ADMINISTRATOR] with proper certifications and recertifications in accordance with terms above;
3. Submitted to any second or third examination by a health care provider upon request of the Library;
4. Furnished [DESIGNATED LEAVE ADMINISTRATOR] with a medical certification of the employee's ability to return to work and to perform the essential functions of the job; and
5. Returned to work immediately upon expiration of the FMLA leave.

Failure to call [DESIGNATED LEAVE ADMINISTRATOR] weekly to provide the required medical recertification or to return to work immediately upon expiration of a FMLA leave may result in termination of the employee. Failure to furnish a fitness-for-duty certification of the

employee's ability to return to work and to perform the essential functions of the job may result in the delay of job restoration or the termination of the employee.

I. Questions:

Questions about this policy or eligibility for FMLA leave should be directed to [DESIGNATED LEAVE ADMINISTRATOR].

In seeking medical certification under the FMLA, employers must be mindful that the Genetic Information Nondiscrimination Act of 2008 ("GINA") makes it illegal for employers to discriminate against applicants or employees because of their "genetic information." Under GINA, employers are prohibited from requesting genetic information from applicants or employees and cannot use genetic information in making employment decisions. In the request for medical certification, the following "safe harbor" language should be included:

To comply with GINA, we are asking that you not provide any genetic information when responding to [a] [this] request for medical information. "Genetic information," as defined by GINA, includes an individual's family medical history, the results of an individual's or family member's genetic tests, the fact that an individual or an individual's family member sought or received genetic services, and genetic information of a fetus carried by an individual or an individual's family member or an embryo lawfully held by an individual or family member receiving assistive reproductive services.

This written warning creates a "safe harbor" for employers who inadvertently receive genetic information. If the employer previously provided this warning to the applicant or employee then the employer will not be found to be in violation of GINA. Consequently, employers that adopt this language now may avoid unnecessary litigation and future legal expenses.

## *Timekeeping*

Maintaining accurate records of time worked is necessary to comply with federal labor laws. Employees who are not exempt under the Fair Labor Standards Act are entitled to overtime compensation for any hours worked beyond 40 in a single workweek. 29 U.S.C. § 201 *et seq.* For more information on which employees are nonexempt, visit the United States Department of Labor's Website (<http://www.wagehour.dol.gov>).

The library's policy should explain the procedure that is used to keep time records. Employees must be notified of their responsibilities in maintaining accurate time records, but simply delegating this responsibility to the employees in the written policy does not absolve library management from overseeing the timekeeping process.

### MODEL POLICY: TIMEKEEPING

Accurately recording time worked is the responsibility of every nonexempt employee. Federal wage and hour laws require the Library to keep an accurate record of time worked in order to calculate employee pay and benefits. Time worked is all the time actually spent on the job performing assigned duties.

Employees should accurately record the time they begin and end their work, as well as the beginning and ending time of each meal period. They should also record the beginning and ending time of any split shift or departure from work for personal reasons.

Altering, falsifying, tampering with time records, or recording time on another employee's time record may result in disciplinary action, up to and including termination of employment.

It is the employee's responsibility to sign his or her time records to certify the accuracy of all time recorded. The supervisor will review

and then sign the time record before submitting it for payroll processing.

### *Overtime*

The Fair Labor Standards Act requires payment of overtime wages at the rate of at least 1.5 times the regular hourly rate for every hour over 40 worked during one workweek. 29 U.S.C. § 201 *et seq.* Employees of public agencies (public library employees) may be rewarded for overtime through compensatory time off (at a rate of 1.5 hours/1 hour overtime) in lieu of monetary payment. 29 U.S.C. § 207(o). However, the employer and employee must agree that overtime will be rewarded with compensatory time off before the overtime is worked. A written policy provided to the employee in advance of the overtime work is sufficient.

#### MODEL POLICY: OVERTIME

The Library expects that staff will be able to perform required work within a 40-hour workweek. However, when employees who are not exempt from the provisions of the Fair Labor Standards Act work overtime, compensatory time will be awarded at a rate of 1.5 comp hours for every hour worked beyond 40 in the course of a workweek. The Library does not pay for overtime in the form of cash.

All overtime work must be approved in advance by the Library Director. Failure to receive preapproval can result in disciplinary action up to and including termination.

## *Performance Evaluations*

Employee performance evaluation serves as a means to measure progress and to communicate with employees. The employee performance evaluation process, including goal setting, performance measurement, regular performance feedback, employee recognition, and documentation of employee progress, is an important component to managing staff such that the overall goals of the organization are achieved. The performance evaluation process helps employees visualize how their jobs and expected contributions fit within the bigger picture of the organization. In the event that an employee is not succeeding or improving in his or her job performance, the performance evaluation documentation can be used to develop a performance improvement plan. This plan provides more detailed goals with more frequent feedback to an employee who is struggling to perform. The goal is improvement, but non-performance can lead to disciplinary action up to and including employment termination. Because the prospect of performance evaluation may cause some employees anxiety, carefully explaining the process within the library's personnel policies is recommended.

### MODEL POLICY: PERFORMANCE EVALUATIONS

All Library employees will receive periodic performance reviews. Your review will be conducted by your supervisor. Your first performance evaluation will occur after completion of your orientation period. After that review, performance evaluations will be conducted at least annually. The frequency of performance evaluations may vary depending upon length of service, job position, past performance, changes in job duties, or recurring performance problems.

Your performance evaluation will include factors such as the quality and quantity of your work, your attendance record, your knowledge of the job, your initiative, your work attitude, and your attitude towards others. The performance evaluation should help you to become aware of your progress, areas of needed improvement, and objectives or goals recommended for future work performance. Positive performance evaluations do not guarantee increases in compensation. After the performance review with your manager, you will be asked to sign the evaluation report simply to acknowledge that it has been presented to you and discussed with you by your supervisor and that you are aware of its contents.

### *Complaint Procedure*

Obviously, it would be ideal if library employees worked happily side-by-side and your library was a productive, harmonious place with zero discontent. The likelihood of this scenario is not great when the reality of human personalities is taken into account. An employee grievance or complaint policy is a step-by-step method in which someone who has a complaint can alert management about the problem or issue. A fast and effective solution benefits all involved.

#### MODEL POLICY: COMPLAINT PROCEDURE

Employees are encouraged to communicate directly with one another in order to assure prompt discontinuation of any behavior found to be offensive. The Library supports the rights of each employee to communicate directly with other employees in requesting that offensive conduct be discontinued. However, informal redress of complaints is not required, and the complaining employee may proceed to file a formal complaint in any situation in which informal redress is not feasible or desirable.

No employee or applicant is required to endure workplace harassment. An employee who is unable to resolve the problem or

who does not wish to discuss the issue with the offending party should report unwelcome harassing conduct immediately to his or her immediate supervisor or the Library Director. If the immediate supervisor is the alleged source of the harassment, the employee should skip that level of management and report the conduct to the next level supervisor or to the Library Director. The complaint will be immediately investigated and appropriate corrective action will be taken.

If an employee claims the Director is the source of the harassment, the employee should report the conduct to his or her immediate supervisor or to the Chairman of the Library's Board of Trustees. The Chairman will take immediate steps to investigate the complaint, independent from the Director, and prompt appropriate corrective action will be taken.

In the course of the investigation, the complainant will be requested to submit a written statement describing in detail the alleged harassment and the identity of any individuals that may have relevant information concerning the complaint. A prompt investigation, however, is not contingent on the submitting employee's written statement. In determining whether the conduct is sufficiently severe or pervasive to create a hostile work environment, the Library will evaluate the behavior from the objective standpoint of a "reasonable person." The Library will consider the context in which the alleged harassment took place and examine the behavior using the perspective of a reasonable person's reaction to a similar environment under similar circumstances. Corrective action will reflect the severity of the conduct. In all circumstances, the complainant will be informed of the results of any investigation and the action taken.

### *Discipline*

There is no single correct approach for handling employee discipline.

Competing interests make it prudent for library administrators to analyze what they expect a discipline policy to accomplish. The goal of progressive discipline is twofold. First, it protects the organization and its supervisory personnel from claims

of employment discrimination by consistent application of uniform personnel policies with appropriate documentation. Second, it provides employees with notice when performance standards are not met or when standards of conduct are violated. Additionally, progressive discipline advises the employee of the action needed to improve the deficiency and a time table for improvement.

A progressive discipline policy is not required. However, if the library board elects to adopt a progressive discipline policy, safeguards should be included in order to prevent an inadvertent modification of the at-will employment status of library employees.

There is no set number of steps for a progressive discipline policy. Typically there are at least three steps: caution, warning, and termination. Regardless of the details selected for the library's discipline policy, it should be a clear and specific statement of procedure. Likewise, it must be uniformly applied.

#### MODEL POLICY: PROGRESSIVE DISCIPLINE

The Library Board has adopted a progressive discipline policy to address employee and employment related problems. This policy applies to all employee conduct that the Library, in its sole discretion, determines must be addressed through disciplinary procedures. Of course, no discipline policy can be expected to address each and every situation requiring corrective action that may arise in the workplace. Therefore, the Library takes a comprehensive approach regarding discipline and will attempt to consider all relevant factors before making decisions regarding discipline.

Most often, employee conduct that warrants discipline results from unacceptable behavior, poor performance, or violation of the Library's policies, practices or procedures. However, discipline may be issued for conduct that falls outside of those identified areas.

Equally important, the Library need not resort to progressive discipline but may take whatever action it deems necessary to address the issue at hand. This may mean that more or less severe discipline is imposed in a given situation. Likewise, some Library policies, like sexual harassment and attendance, contain specific discipline procedures.

Progressive discipline may be issued upon employees even when the conduct that leads to more serious discipline differs from the prior conduct that resulted in less severe discipline. That is, violations of different rules shall be considered the same as repeated violations of the same rule for purposes of progressive action.

Probationary employees are held to the highest standards for behavior and job performance. Progressive discipline is the exception rather than the rule for probationary employees.

The Library will normally adhere to the following progressive disciplinary process:

1. Verbal Caution: An employee will be given a verbal caution when he or she engages in problematic behavior. As the first step in the progressive discipline policy, a verbal caution is meant to alert the employee that a problem may exist or that one has been identified, which must be addressed. Verbal warnings will be documented and maintained by your supervisor. A verbal caution remains in effect for [specify time (e.g., three months)].

2. Verbal Warning: A verbal warning is more serious than a verbal caution. An employee will be given a verbal warning when a problem is identified that justifies a verbal warning or the employee engages in unacceptable behavior during the period a verbal caution is in effect. Verbal warnings are documented and placed in the employee's personnel file and will remain in effect for [specify time (e.g., three months)].

3. Written Warning: A written warning is more serious than a verbal warning. A written warning will be given when an employee engages in conduct that justifies a written warning or the employee engages in unacceptable behavior during the period that a verbal warning is in effect. Written warnings are maintained in an employee's personnel file and remain in effect for [specify time (e.g., three months)].

4. Suspension: A suspension without pay is more serious than a written warning. An employee will be suspended when he or she engages in conduct that justifies a suspension or the employee engages in unacceptable behavior during the period that a written warning is in effect. An employee's suspension will be documented and, regardless of the length of the suspension issued, will remain in effect for [specify time (e.g., three months)].

5. Termination: An employee will be terminated when he or she engages in conduct that justifies termination or does not correct the matter that resulted in less severe discipline.

Again, although the Library will generally take disciplinary action in a progressive manner, it may, in its sole discretion, decide whether and what disciplinary action will be taken in any given situation. This progressive discipline policy does not alter the at-will employment status of Library employees.

### *Termination of Employment*

A worker who voluntarily leaves the employ of the library can be valuable resource from whom to learn about ways to improve the organization. Time should be taken to debrief the departing employee about his experience as an employee.

The library's policy on voluntary termination should specify the length of notice to

be given, provide for how leave and comp time balances will be handled, and require resignation in writing.

When employees are terminated for cause, there are steps to be taken to avoid costly litigation. A public library is an instrument of the state government; therefore, its employees have a legally recognized “liberty interest” in their jobs. These liberty interests cannot be deprived without certain procedural due process to the employee. This means, the employee is entitled to due process of law before being terminated. The library’s policy regarding termination should set forth the process that will be afforded, and the policy should be strictly followed.

#### MODEL POLICY: TERMINATION OF EMPLOYMENT

Employees who resign to accept employment with another business or to leave the workforce must give written notice two weeks prior to the last work day in order to leave in good standing. Employees who leave in good standing will be paid for unused vacation and compensatory time on their final paycheck and will be eligible for rehire in the future. An exit interview will be scheduled with the Library Director on the last day of employment. All Library property, including keys and identification cards, must be returned before issuance of the final paycheck.

Employees may be terminated for substandard work without notice during the probationary period. After the probationary period, employees will receive oral and written counseling to improve substandard work before termination if work does not improve. Serious offenses, such as theft, use of drugs or alcohol while at work, and physical assault, may result in immediate termination without counseling. Employees who are terminated may file a grievance with [governing authority] or the Library Board within five days of termination. A grievance appeal must be made in writing.

If budget cuts necessitate a reduction in staffing levels, the library director will determine which positions can be cut to create the least overall negative effect on library services. The director’s plan

will be submitted to [governing authority] for approval before implementation. Longevity will be a primary factor in retaining staff, and whenever possible, staff will be moved into vacant positions for which they are qualified. Employees who are laid off will be paid for all unused vacation, compensatory time, and sick leave.

### *Volunteers*

As a cornerstone of the community, the public library is often the beneficiary of volunteers, which increases the ability of the library to provide quality service. A policy that expresses the library's desire to incorporate volunteers into the organization is a good idea. From a legal standpoint, it is important to set out the prohibition on paid staff "volunteering" their time. Under the Fair Labor Standards Act, a paid employee cannot be a volunteer when the nature of the work done is related or similar to that for which he or she is paid. 29 U.S.C. § 201 *et seq.*

#### MODEL POLICY: USE OF VOLUNTEERS

The Library welcomes and encourages members of the community to volunteer their time and talents to enrich and expand library services. Volunteers are expected to conform to all policies of the Library and the rules outlined in the volunteer handbook, and they are selected and retained for as long as the library needs their services. Volunteers may be used for special events, projects, and activities, or on a regular basis to assist staff. Services provided by volunteers will supplement, but not replace, regular services, and volunteers will not be used in places of hiring full- or part-time staff. Volunteers may apply for paid positions under the same conditions as other outside applicants. In accordance with labor laws, paid staff may not volunteer their services to the library when those services are within the staff member's job description.

## *Personnel Records*

Creating and maintaining employee personnel files are vital aspects of management. This record keeping allows the employer to have all the important documents relating to each employee in one place, easily available when it is time to make decisions on promotions or layoffs, to file tax returns, or to comply with government audits. And if the library must terminate a problem employee, careful documentation will serve as protection for the Library in terms of legal challenges. In the case of a public library, a governmental entity, those personnel files are subject to Georgia's Open Records Act. O.C.G.A. § 50-18-70.

The library's policy should specify what will be maintained in an employee personnel file, instruct employees on how to obtain access to their files, specify what other library employees and board members may view an employee's file, and notify employees that their files are subject to disclosure under Georgia law.

### MODEL POLICY: PERSONNEL RECORDS

The types of documents that will be maintained in employee personnel files include the following:

1. Application for Employment;
2. Resume or Curriculum Vitae;
3. Policy and Procedure Acknowledgements;
4. Training Acknowledgements;
5. Payroll Authorization Records, including direct deposit;
6. Vacation Records;
7. Performance Evaluations;
8. Corrective Action Records;
9. Termination Notices (including DOL 800 for Georgia employees);
10. Internal Complaints/Grievances and additional documentation;

11. Appropriate insurance, retirement, and other benefits information;
12. Diplomas, certificates, training records, and related personal accomplishment documentation;
13. Tax forms (federal and state), compensation records, pay increases, overtime, employee loans/advances, garnishment notifications, etc.; and
14. Benefits Information/Elections.

Periodically, the Library may receive requests from employees or others not employed by the Library requesting information from an employee's personnel file. Personal information maintained about an employee shall be made available for inspection only at the employee's request, except for information requested through other lawful means (i.e., Georgia Open Records Act). Employees may contact the Library Director or human resources coordinator to arrange for an inspection of their own personnel records. Personnel records shall be made available for inspection by an employee only in the presence of a management representative or a designated human resources representative.

The Library Director shall decide when employee personnel records will be released in accordance with the Georgia Open Records Act. As a general rule, most documents that may be found in personnel files must be disclosed, but there are exceptions. The Open Records Act protects the following types of information that may be found in employee personnel files and that should be redacted:

1. Social Security number;
2. Financial data or information;
3. Mother's birth name;
4. Bank account information;
5. Month and day of birth;
6. Credit card information;
7. Insurance and medical information;

8. Debit card information;
9. Home address and telephone number.

In addition to the redactions listed above, the following information is exempt from release:

1. Individual employee benefits selections and payroll deductions;
2. Birth certificates;
3. Military discharge forms;
4. Financial records (i.e., bank account numbers);
5. Health insurance records;
6. Medical records.

## Chapter 5 Workers' Compensation Benefits

All workers' compensation issues are governed by Georgia's Workers' Compensation Act. O.C.G.A. § 34-9-1 *et seq.* (Hiers & Potter, 2007).

### MODEL POLICY: WORKERS' COMPENSATION BENEFITS

An employee injured on the job has certain rights, benefits, and responsibilities. The Library, as an employer, also has obligations and responsibilities regarding all its employees. It is the goal of the Library to assist job-related injured workers in receiving immediate and quality medical care, to administer workers' compensation claims from the initial injury until the closing of the claim, and to safely return lost-time employees to productive employment.

Employers are required to post notice of employees' rights and responsibilities with regard to workers' compensation issues. In addition to posting these notices on staff bulletin boards, including the notices within the employee handbook or manual would be helpful to employees. Below is a reprint of Georgia's Board of Workers' Compensation Bill of Rights for the Injured Worker.

#### State Board of Workers' Compensation Bill of Rights for the Injured Worker

As required by law, O.C.G.A. § 34-9-81.1, this is a summary of your rights and responsibilities. The Workers' Compensation Law provides you, as a worker in the State of Georgia, with certain rights and responsibilities should you be injured on the job. The Workers' Compensation Law provides you coverage for a work-related injury even if an injury occurs on the first day on the job. In addition to rights, you also have certain responsibilities. Your rights and responsibilities are described below.

## EMPLOYEE'S RIGHTS

1. If you are injured on the job, you may receive medical, rehabilitation and income benefits. These benefits are provided to help you return to work. Your dependents may also receive benefits if you die as a result of a job-related injury.

2. Your employer is required to post a list of at least six doctors or the name of the certified WC/MCO which provides medical care. You may choose a doctor from the list and make one change to another doctor on the list without the permission of your employer. However, in an emergency, you may get temporary medical care from any doctor until the emergency is over; then you must get treatment from a doctor on the posted list.

3. Your authorized doctor bills, hospital bills, rehabilitation in some cases, physical therapy, prescriptions and necessary travel expenses will be paid if injury was caused by an accident on the job.

4. You are entitled to weekly income benefits if you have more than seven days of lost time due to an injury. Your first check should be mailed to you within 21 days after the first day you missed work. If you are out more than 21 consecutive days due to your injury, you will be paid for the first week.

5. Accidents are classified as being either catastrophic or non-catastrophic. Catastrophic injuries are those involving amputations, severe paralysis, severe head injuries, severe burns, blindness, or of a nature and severity that prevents the employee from being able to perform his or her prior work and any work available in substantial numbers within the national economy. In catastrophic cases, you are entitled to receive two-thirds of your average weekly wage up to the maximum allowed under the law for a job-related injury for as long as you are unable to return to work. You are also entitled to receive medical and vocational rehabilitation benefits to help in recovering from your injury. If you need help in this area, call the State Board of Workers' Compensation at (404) 656-3875 or toll-free at (800) 533-0682. Your employer will advise you of the amount of your weekly benefit.

6. In all other cases (non-catastrophic), you are entitled to receive two-thirds of your average weekly wage but not more than the maximum allowed under the law for a job-related injury. You will receive these weekly benefits as long as you are totally disabled, but no longer than 400 weeks. If you are not working and it is determined that you have been capable of performing work with restrictions for 52 consecutive weeks or 78 aggregate weeks, your weekly income benefits will be reduced to two-thirds of your average weekly wage, but no more than the maximum allowed under the law, not to exceed 350 weeks.

7. When you are able to return to work but can only get a lower paying job as a result of your injury, you are entitled to a weekly benefit of not more than the maximum allowed under the law for no longer than 350 weeks.

8. Your dependent(s), in the event you die as a result of an on-the-job accident, will receive burial expenses up to the maximum allowed under the law and two-thirds of your average weekly wage, but not more than the maximum allowed under the law. A widowed spouse with no children will be paid a maximum allowed by law at the time of injury. Benefits continue until he/she remarries or openly cohabits with a person of the opposite sex.

9. If you do not receive benefits when due, the insurance carrier/employer must pay a penalty which will be added to your payments.

#### EMPLOYEE'S RESPONSIBILITIES

1. You should follow written rules of safety and other reasonable policies and procedures of the employer.

2. You must report any accident immediately, but not later than 30 days after the accident, to your employer, your employer's representative, your foreman or immediate supervisor. Failure to do so may result in the loss of the benefits.

3. You must accept reasonable medical treatment and rehabilitation services when ordered by the State Board of Workers' Compensation or the Board may suspend your benefits.

4. No compensation shall be allowed for an injury or death due to the employee's willful misconduct.

5. You must notify the insurance carrier/employer of your address when you move to a new location. You should notify the insurance carrier/employer when you are able to return to full-time or part-time work, and report the amount of your weekly earnings because you may be entitled to some income benefits even though you have returned to work.

6. A dependent spouse of a deceased employee shall notify the insurance carrier/employer upon change of address or remarriage.

7. You must attempt a job approved by the authorized treating physician even if the pay is lower than the job you had when you were injured. If you do not attempt the job, your benefits may be suspended.

8. If you believe you are due benefits and your insurance carrier/employer denies these benefits, you must file a claim within one year after the date of last authorized medical treatment or within two years of your last payment of weekly benefits or you will lose your right to these benefits.

9. If your dependent(s) do not receive allowable benefit payments, the dependent(s) must file a claim with the State Board of Workers' Compensation within one year after your death or lose the right to these benefits.

10. Any request for reimbursement to you for mileage or other expenses related to medical care must be submitted to the insurance carrier/employer within one year of the date the expense was incurred.

11. If an employee unjustifiably refuses to submit to a drug test following an on-the-job injury, there shall be a presumption that the accident and injury were caused by alcohol or drugs. If the presumption is not overcome by other evidence, any claim for workers' compensation benefits would be denied.

12. You shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than \$10,000 or imprisonment up to 12 months, or both for making false or misleading statements when claiming benefits. Also, any false statements or false evidence given under oath during the course of any administrative or appellate division hearing is perjury.

The State Board of Workers' Compensation will provide you with information regarding how to file a claim and will answer any other questions regarding your rights under the law. If you are calling in the Atlanta area, the telephone number is (404) 656-3875. Outside the metro Atlanta area, call 1-800-533-0682 or write the State Board of Workers' Compensation at: 270 Peachtree Street, NW, Atlanta, Georgia 30303-1299. A lawyer is not needed to file a claim with the Board; however, if you think you need a lawyer and do not have your own personal lawyer, you may contact the Lawyer Referral Service at (404) 521-0777 or 1-800-334-6865.

Willfully making a false statement for the purpose of obtaining or denying benefits is a crime subject to penalties of up to \$10,000 per violation (O.C.G.A. §§ 34-9-18 and 34-9-19).

## Chapter 6 Miscellaneous Employee Policies

### *Chain of Command*

Many personnel issues involve reporting occurrences to one's supervisor or to the library director. In a situation where the supervisor or other superior, including the library director, is the source of the issue, employees will need an alternate avenue to seek assistance. Therefore, personnel policies should include a chain of command that explains the structure of the supervisory system and provides alternatives to employees when their own supervisor is involved.

#### MODEL POLICY: CHAIN OF COMMAND

For questions about personnel policies, suggestions, unresolved evaluation disagreements, and any other concerns the employee may have, the employee should use the following Chain of Command:

First - Immediate Supervisor

Second - Business Office Manager

Third - Library Director

In the event an issue involves a superior in an employee's direct Chain of Command, the employee should skip to the next level in the Chain. If an issue remains unresolved after following this Chain of Command, the employee may contact the Chair of the Board of Trustees' Personnel Committee.

### *Mandatory Reporting of Child Abuse*

Effective July 1, 2012, Georgia's mandatory reporting law regarding child abuse or neglect will expand to apply to more than simply teachers and physicians.

Under the new law, employees or volunteers of any library that serves children are now mandatory reporters. Failure to fulfill these reporting obligations is a misdemeanor. Accordingly, it is incumbent upon the library to inform its employees of the law as well as provide guidelines on what actions an employee who suspects child abuse should take. For more information, see the Website for the Georgia's Department of Human Services.

#### MODEL POLICY: REPORTING CHILD ABUSE/NEGLECT

Under Georgia law, any person employed by or volunteering at an organization, public or private, that provides care, treatment, education, training, supervision, coaching, counseling, recreational programs, or shelter to children is a mandatory reporter of child neglect or abuse. O.C.G.A. § 19-7-5. Failure to do so could result in fines or imprisonment.

Because the Library provides services to children, its employees are obligated under the mandatory reporting requirements of this law. In the event that an employee suspects that a child is in immediate danger, that employee should notify the police. In all other cases where abuse or neglect is suspected, the employee must notify the Library Director, who will in turn report the abuse to the county Department of Family and Children Services ("DFCS"). If the Library Director is inaccessible or for some reason the employee is unable to communicate with the Director in a timely manner, the employee should make the report directly to the county DFCS.

#### *Public Records*

Because the public library is a governmental entity, records kept in the ordinary course of business are subject to inspection under Georgia's Open Records

Act. Employees should be made aware that any records they create at work may fall under this law.

#### MODEL POLICY: NOTIFICATION OF OPEN RECORDS APPLICATION

Library employees should be aware that Georgia law provides for public records to be available for inspection by any person, subject to certain exceptions. Employees routinely create records, such as incident reports, emails, voicemails that may be subject to inspection according to O.C.G.A. §§ 50-18-70 to 50-18-77.

#### *Employment References*

Former employees may provide their library supervisors as references in seeking other employment. Library administrators need to plan ahead for how these requests will be handled.

#### MODEL POLICY: REFERENCES TO PROSPECTIVE EMPLOYERS

It is the Library's policy to disclose, in response to a prospective employer's request for an employment reference, only the following information about current or former employees: The dates of employment, description of the duties performed, and salary information. All requests for employment references shall be forwarded to the [Director or Human Resources administrator]. The [Director or Human Resources administrator] is the only person authorized to respond to the request. Responses to employment reference requests will only be given to the appropriate person asking for the information and only after the [Director / Human Resources administrator] has verified the identity of the requestor. Prior to responding to the request, the [Director / Human Resources

administrator] shall also verify that the former or current employee is aware of and does not object to the Library's responding to the reference request.

### *Outside Employment*

Employees may wish to obtain employment in addition to their jobs with the library. There are two issues about which the library should be concerned in this instance. First, conflicts of interest between the employee's additional job and the library must be avoided. Second, the additional employment must not interfere with the employee's responsibilities to the library. A policy on outside employment should address these two issues, reserving the right of the library to prohibit the additional employment should a problem arise in either area.

#### MODEL POLICY: OUTSIDE OR DUAL EMPLOYMENT

Employees are allowed to hold outside employment as long as it does not interfere with their Library responsibilities. Employees are prohibited from engaging in outside employment activities while on the job or using Library time, supplies, or equipment in the outside employment activities. The Library Director may request employees to restrict outside employment if the quality of Library work diminishes. Any employee who holds an interest in, or is employed by, any business doing business with the Library must submit a written notice of these outside interests to the Library Director.

## *Continuing Education*

“Training is a never-ending process.” (Stueart & Moran, 2002, 246). Georgia Public Library Service’s (2012) Standards require libraries to offer at least 10 hours per year of continuing education opportunities for all staff. The optimal level is 40 hours per year.

### MODEL POLICY: EMPLOYEE CONTINUING EDUCATION

It is the policy of the Library to encourage employees to improve their knowledge and skills in areas that directly relate to the work of the Library. Therefore, within budgetary limitations, the Library will reimburse all or some of the educational expenses for classes, workshops, and seminars incurred by employees as recommended by the Library Director. Additionally, the Library will provide an annual minimum of 10 hours of staff development opportunities in house. Documentation of successful attendance and completion of courses will be placed in the employee's personnel file.

## Chapter 7 Checklists

Use the following checklists as a guide for developing, revising and updating personnel policies for public libraries.

### General Considerations

- Have regular practices and customs relating to employment issues been reduced to written policies?
- Have any conflicts between policies of the governing authority (county government) and the library's policies been resolved?
- Has the Board of Trustees properly adopted all personnel policies?
- Have all employees been provided with a copy of the library's written personnel policies?
- Does the library maintain a copy of a signed form from all employees acknowledging receipt of the library's written personnel models?
- Does the library have a method of notifying employees about updates and revisions to its personnel policies?
- Does the library conduct informational or training sessions to educate employees and entertain their questions on the library's personnel policies?

### Policy Content

Not all public libraries in Georgia are the same; therefore, there is no uniform set of personnel policies that will fit every library in the state of Georgia. Below is a checklist of typical policies that should be, at the very least, considered by library boards. With the exception of the mandatory notifications related to Family and Medical Leave, no particular policies are "required" in the legal sense. Moreover, any given organization may have a much more extensive list of policies—that is all

right too. What is important is that each library system has written policies that reflect the actual practices to which it adheres.

- Employee/Employer Relationship
  - At-Will
  - Employee handbook is NOT contract
- Conditions of Employment
  - Legal Compliance: Discrimination, Harassment, Retaliation
  - Employee safety
  - Drug-Free/Smoke-Free workplace
- Code of Employee Conduct
  - General prohibitions
  - Personal appearance
  - Confidentiality of patron records
  - Personal use of library equipment and materials
  - Solicitation
  - Political Activities
  - Socializing
  - Fraternalization
  - Visitors in the workplace
- Employment Practices
  - Recruitment and hiring
  - Georgia's law on immigration status
  - Nepotism
  - Salary
  - Benefits
  - Attendance and Leave
  - **Family Medical Leave Act---Mandatory Notice Requirement**
  - Timekeeping
  - Overtime
  - Discipline
  - Complaint procedure
  - Termination
  - Use of volunteers
  - Personnel files
- Workers' Compensation
  - Employee rights, benefits, and responsibilities
  - Required posting

- Miscellaneous
  - Chain of Command
  - Mandatory reporting of child abuse/neglect
  - Public records
  - Reference requests
  - Outside employment
  - Continuing Education

### Keeping Policies Current

- How often will the library's personnel policies be re-evaluated?
- During the in-between times, is there a staff or board member who monitors legal changes that could implicate the library's policies?

## References

- Department of Labor's Website <http://www.wagehour.dol.gov>.
- Federal Emergency Management Agency's Website on preparedness for businesses, <http://www.ready.gov/business>.
- Georgia Public Library Service. (2012). *Public Library Service Standards*.
- Hiers, J. B., & Potter, R. R. (2007). *Georgia workers' compensation: Law and practice*. St. Paul, Minn.: Thomson/West.
- Kahn, M. (2003). *Disaster response and planning for libraries*. Chicago: American Library Association.
- Kratz, C. E., Platz, V. A., American Library Association., & American Library Association. (1993). *The Personnel manual: An outline for libraries*. Chicago: American Library Association.
- Larson, J.C. & Totten, H.L. (2008). *The public library policy writer*. New York, NY: Neal-Schuman.
- OSHA Publication 3088 (2001). "How to Plan for Workplace Emergencies and Evacuations" <http://www.osha.gov/Publications/osha3088.pdf>.
- Singer, P.M. & Francisco, L.L. (2005) Revising an employee handbook. *Library Worklife: HR E-News for Today's Leaders*.
- Stueart, R. D., & Moran, B. B. (2002). *Library and information center management*. Greenwood Village, Colo: Libraries Unlimited.
- Todaro, J. B. (2009). *Emergency preparedness for libraries*. Lanham, Md: Government Institutes.
- Wimberly, J. W. (2008). *Georgia employment law*. St. Paul, Minn.: Thomson/West.