

Personnel Policies for Ga. Public Libraries: Old Classics & Emerging Trends

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Disclaimer

- ▶ These materials are provided as general information only.
- ▶ No legal advice is being given by the Georgia Public Library Service, the Board of Regents of the University System of Georgia, or any other person.
- ▶ You should consult with your attorney on all legal matters.



Why are personnel policies necessary?

MANAGEMENT TOOL

- ▶ Internal operating procedures/central repository for institutional knowledge on everyday practices.
- ▶ Alert employee as to what is expected of them.
- ▶ Set forth what obligations employer owes to employees.

LEGAL PROTECTION

- ▶ Demonstrate efforts at reasonable, uniform employment practices.
- ▶ Only valuable if communicated, regularly updated, and consistently adhered to.



Fundamentals

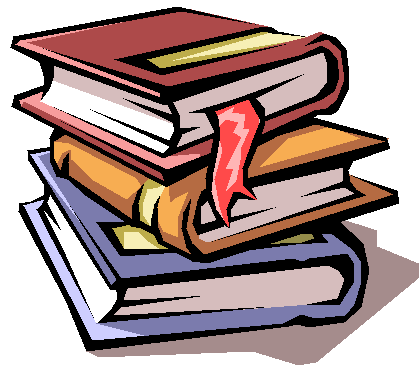
1. Personnel policies should be in writing
2. Maintained separately from other library policies
3. Reviewed at least every three years



Practical Implementation

How to Use this Information

- ▶ Model policies are a resource, not a One-Size-Fits-All solution.
- ▶ Consider the written materials to be an idea generator.
- ▶ Evaluate suggested policies in light of the realities of YOUR library system.



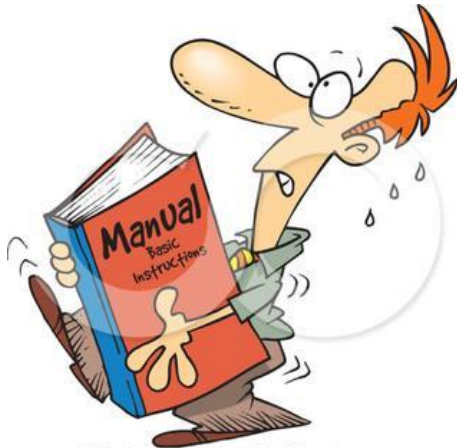
Where to Begin?

- ▶ Current edition of all personnel policies
- ▶ Institutional knowledge of everyday practices
- ▶ Policies of your governing authority
- ▶ Up-to-date text of applicable laws



What does the finished product look like?

- ▶ Tangible collection of policies reflecting the everyday realities of working in your library system.
- ▶ Copy to provide to every employee (physical or digital).



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Review of Standard Policies

What every collection of personnel policies should contain.

General Employment Policies

Employer/Employee Relationship

- ▶ At-will status
- ▶ Employee handbook is NOT a contract
- ▶ Chain of command

Conditions of Employment

- ▶ Legal compliance re: discrimination, harassment, retaliation laws, EEO
- ▶ Employee safety
- ▶ Drug-Free/Smoke-free workplace



Employment Practices

- ▶ Recruitment & hiring
- ▶ Nepotism
- ▶ Outside employment
- ▶ Salary & benefits
- ▶ Attendance & leave
- ▶ FMLA: mandatory
- ▶ Timekeeping & overtime
- ▶ Discipline
- ▶ Complaint procedures
- ▶ Termination
- ▶ Personnel files



Employee Code of Conduct

- ▶ Unacceptable conduct—not an exhaustive list
- ▶ Personal appearance
- ▶ Personal use of workplace materials/equipment
- ▶ Solicitation
- ▶ Political Activities
- ▶ Socializing
- ▶ Fraternization
- ▶ Visitors in the Workplace



Policies Specific to Public Employer or Public Library

- ▶ Confidentiality of patron records
- ▶ Public records subject to Sunshine laws
- ▶ Mandatory reporting of child abuse/neglect
- ▶ Employee immigration status
- ▶ Use of volunteers
- ▶ Continuing education



What's New in Policy Content?

Updates & Revisions since Spring 2012

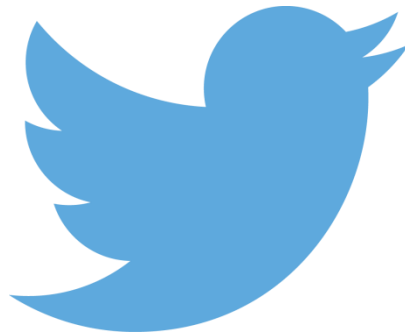
Cell Phone Usage (including texting)

- ▶ Between 2011 and 2016, Smartphone usage in the U.S. has more than doubled (from 35% to 77%).
- ▶ Many employers blame Smartphones for precipitous drops in productivity.
- ▶ Has led to creation of policies limiting employee use of their phones while on the job.



Employee Participation in Social Media: Appropriate Time & Appropriate Topics

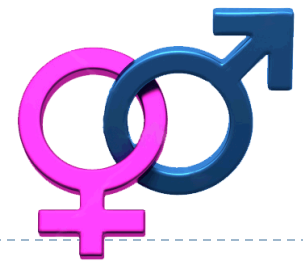
- ▶ Establish when personal social media activities may occur, i.e., during non-work time such as lunch, breaks, after work.
- ▶ Carve out parameters for personal discussion of workplace including co-workers and patrons
 - ▶ Non-harassing
 - ▶ Confidential info





- ▶ Public employees have First Amendment right to discuss matters of “public concern.”
- ▶ Employees cannot be prohibited from discussion or concerted activities regarding pay rates, benefits, and working conditions. NLRA Sec. 7.





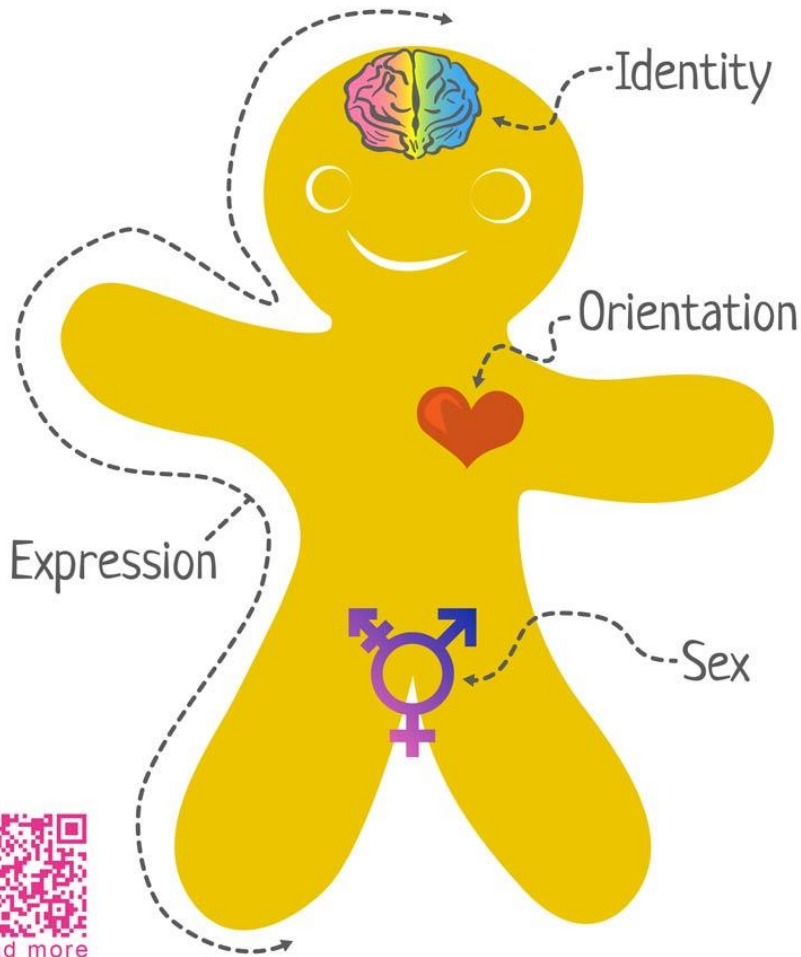
Transgender Employees

- ▶ EEOC has taken an aggressive position on gender identity under federal discrimination law.
- ▶ Many federal courts agree including the Eleventh Circuit: Glenn v. Brumby, 663 F.3d 1312, 1317 (11th Cir. 2011)
- ▶ State laws limiting protections for transgendered individuals (i.e., bathroom laws) are superseded by federal anti-discrimination laws.



The Genderbread Person

by www.ItsPronouncedMetrosexual.com



Gender Identity

Woman Genderqueer Man

Gender identity is how you, in your head, think about yourself. It's the chemistry that composes you (e.g., hormonal levels) and how you interpret what that means.

Gender Expression

Feminine Androgynous Masculine

Gender expression is how you demonstrate your gender (based on traditional gender roles) through the ways you act, dress, behave, and interact.

Biological Sex

Female Intersex Male

Biological sex refers to the objectively measurable organs, hormones, and chromosomes. Female = vagina, ovaries, XX chromosomes; male = penis, testes, XY chromosomes; intersex = a combination of the two.

Sexual Orientation

Heterosexual Bisexual Homosexual

Sexual orientation is who you are physically, spiritually, and emotionally attracted to, based on their sex/gender in relation to your own.

Issues to Address in a Transgender Employment Policy



- ▶ **Include definitions**
 - ▶ Gender identity, gender expression, gender non-conforming
 - ▶ Transition
 - ▶ LGBT
- ▶ **Official records: what changes will be made if transition occurs during employment?**
- ▶ **Personal Address: name change and pronoun usage**
- ▶ **Dress code: OK to reiterate that all employees must adhere to any personal appearance rules, but confirm that your rules are gender neutral.**
- ▶ **Restroom usage, see EEOC fact sheet:**
<https://www.eeoc.gov/eeoc/publications/fs-bathroom-access-transgender.cfm>



Salary Issues



At least bi-monthly

- ▶ O.C.G.A. § 34-7-2 requires employers to pay at least 2 times per month.
- ▶ No penalty within the provision, but failure to pay 2X per month is a violation of the law.

Bonus, Gift, Gratuity

- ▶ Gratuities Clause of the Georgia Constitution prohibits any bonus compensation paid from State funds
- ▶ Are there other sources of funds library could use? Donated funds from private entity earmarked for bonuses.



Drug Testing



- ▶ Many employers have mandatory drug-testing, particularly at the pre-employment stage. Also, some employers have policies allowing for a drug or alcohol test upon reasonable suspicion.
- ▶ Public library as an employers is free to do so, BUT
 - ▶ Note that ALA is opposed to mandatory drug testing for library workers.
 - ▶ Library must bear the cost of testing.
 - ▶ Remember that medical marijuana is now legal in Georgia for some individuals. O.C.G.A. § 16-12-191.





Resources

Other Library Systems

▶ **Westerville Public Library (OH)**

<https://www.westervillelibrary.org/File/Get/88058>

▶ **Rochester Regional Library Council (NY)** [https://rrlc.org/wp-](https://rrlc.org/wp-content/.../Employee-Handbook-Revision-May-2017-FINAL.pdf)

[content/.../Employee-Handbook-Revision-May-2017-FINAL.pdf](https://rrlc.org/wp-content/.../Employee-Handbook-Revision-May-2017-FINAL.pdf)

▶ **Lincolnwood Public Library District (IL)**

<https://www.railslibraries.info/membership/library-policies> (scroll down to “Employee Handbook” pdf.)

▶ **Kentucky Department for Libraries & Archives-Sample**

Policies <https://kdla.ky.gov/librarians/librarypolicies/Pages/PersonnelPolicies.aspx>



Other Governmental Entities in GA

- ▶ **Cobb County School District**

www.cobbk12.org/centraloffice/hr/EmployeeHandbook_20160824.pdf

- ▶ **Georgia State University**

<http://managers.hr.gsu.edu/files/2017/02/Georgia-State-University-Employee-Handbook-Rev.-July-2017.pdf>

- ▶ **Georgia Department of Human Services**

<https://dhs.georgia.gov/sites/dhs.georgia.gov/files/MANI300.PDF>

