

# **STILLWATER PUBLIC LIBRARY PERSONNEL POLICY**

## **EMPLOYEE HANDBOOK**

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## **100 INTRODUCTION**

### **101 Stillwater Public Library Mission Statement**

The mission of the Stillwater Public Library (“Library”) is to provide educational, informational, technological, and recreational resources to patrons of all ages, cultural and economic backgrounds. The Library is committed to protecting intellectual freedom, promoting lifelong learning and providing materials and resources that accomplish these objectives.

### **102 Purpose of Handbook**

The purpose of this Handbook is to communicate the policies and practices of the Library relating to employee benefits, job classifications, rules and regulations, pay policies and personnel practices. We believe that it is important for our employees to fully understand the contents of this Handbook as it relates to each employee’s job duties and responsibilities. If you have questions regarding any topic covered in this Handbook, please contact the Library Director.

### **103 Changes or Modifications to Handbook**

The Library reserves the right to interpret, change, delete or modify any policy, benefit or provision in this Handbook at any time and for any reason, without prior notice, except as otherwise required by applicable law. Any such action shall apply to existing as well as future employees.

If at any time the Library fails to enforce any policy set forth in this Handbook, such failure shall not affect the Library’s ability to enforce that policy at a later date. If any provision of this Handbook is inconsistent with applicable law, such provision shall be deemed modified to the minimum extent possible to bring it into compliance with such applicable law.

This Handbook supersedes any and all previous Handbooks and any other Library policies, whether written or oral, concerning the topics covered in this Handbook.

The employee benefits, personnel policies, Library procedures and rules of this Handbook will remain in effect until changed by the Library Board of Trustees.

## **200 EMPLOYMENT RELATIONSHIP**

### **201 Employment with the Stillwater Public Library**

The Library complies with all applicable federal, state, and local laws, rules and regulations, including but not limited to the Civil Service Rules of Saratoga County, throughout the employee selection and appointment process.

### **202 Performance Evaluation**

Formal performance evaluations are conducted to provide both the Library Director and the employee the opportunity to discuss matters relevant to job performance in an honest and open forum. Ordinarily, the Library Director will meet with each employee to discuss job performance and provide a performance evaluation on an annual basis.

### **203 Changes in Status**

Employees are responsible for keeping the personal information in their personnel file up to date. Change of name, address, telephone number, personal status, information concerning dependents, beneficiary designations and individuals to notify in case of emergency are very important for insurance, tax and safety purposes and must be reported immediately. Employees should notify the Library within one (1) week when changes occur in any of these or other related matters.

The Library will not be responsible for any errors that may occur from failure to update this information.

### **204 Separation from Employment**

#### **1. Requested Notice**

Employees who voluntarily resign from their positions with the Library are asked to file a written resignation at least two (2) weeks prior to the date on which the resignation is to go into effect.

Final paychecks for separated employees are issued on the next scheduled pay date and are mailed to separated employees, unless otherwise requested.

#### **2. Return of Library Property**

All Library property, including office keys, computers, mobile phones, and all their associated accessories, vehicles, tools, uniforms and any other Library property must be returned upon separation from employment.

## **300 CODE OF ETHICS**

A code of ethics has been developed by the American Library Association to provide a framework for librarians to use when working with patrons. This code has been adapted to fit the Library. Failure to adhere to the ethical guidelines set forth may result in dismissal of the employee.

1. We provide the highest level of service to *all* library users through equitable service policies; equitable access; and accurate, unbiased, and courteous responses to all requests.
2. We uphold the principles of intellectual freedom and resist *all* efforts to censor library resources.
3. We recognize and respect intellectual property rights.

4. We treat co-workers, other colleagues, and all community members associated with the library with respect, fairness and good faith *unconditionally and at all times while in the employment of the library.*
5. *We do not advance private interests* at the expense of the library users, colleagues, or our employing institutions.
6. We distinguish between our personal convictions and our professional duties and *do not allow our personal beliefs to interfere with fair representation of the aims of our institution* or the provision of access to information resources.

## **400 FAIR EMPLOYMENT**

### **401 Equal Employment Opportunity**

The Library is committed to and fully supports the principle of Equal Employment Opportunity. It is the Library's policy that an individual's race, color, sex, national origin, ethnicity, military or veteran status, mental or physical disability, marital status, sexual orientation, genetic information/predisposition or carrier status, age, religion, creed, domestic violence victim status, and any other classification protected by federal, state or local law is not and will not be considered in any decision regarding recruiting, hiring, training, promotion, transfer, lay off, termination, classification, compensation, benefits, or other employment action.

All employees are responsible for supporting the concept of equal employment opportunity and diversity and assisting the Library in meeting its objectives. The Library is committed to providing a working environment in which its employees are treated with courtesy, respect, and dignity.

### **402 Anti-Discrimination / Anti-Harassment**

The Library prohibits discrimination, including harassment, of any employee by anyone in the workplace (including supervisors, co-workers, directors, consultants, vendors and other non-employees) for any illegal discriminatory reason, including race, color, sex, national origin, ethnicity, military or veteran status, mental or physical disability, marital status, sexual orientation, genetic information/predisposition or carrier status, age, religion, creed, domestic violence victim status, and any other classification protected by federal, state or local law. Such discrimination, including harassment, is prohibited by law and by Library policy. The behavior of individuals engaging in such conduct, or supervisors or managers who knowingly allow such behavior to continue, will not be tolerated.

***ALL LIBRARY PERSONNEL, WHETHER SUPERVISORY OR NON-SUPERVISORY, ARE PROHIBITED FROM ENGAGING IN THE CONDUCT PROHIBITED BY THIS POLICY.***

#### **1. Definition of Unlawful Harassment**

##### **a. In General**

The Library prohibits all forms of unlawful discrimination. Unlawful harassment is a form of unlawful discrimination.

The Library prohibits harassment on the basis of any classification protected by federal, state or local law. Unlawful harassment includes unwelcome or inappropriate verbal, physical or other communication or conduct that denigrates or shows hostility or aversion to a person and/or group and:

- Has the purpose or effect of creating an intimidating, hostile, or offensive work environment; or
- Has the purpose or effect of unreasonably interfering with the individual's work performance.

Depending upon circumstances, unlawful harassment may include (but is not limited to): jokes, epithets, slurs, negative stereotyping; threatening, intimidating or hostile acts; or written or graphic material including e-mail that denigrates or shows hostility or aversion toward an individual or group on the basis of race, color, sex, national origin, ethnicity, military or veteran status, mental or physical disability, marital status, sexual orientation, genetic information/predisposition or carrier status, age, religion, creed, domestic violence victim status, or any other classification protected by law.

#### **b. Definition of Sexual Harassment**

Sexual harassment is among the types of discrimination and harassment prohibited by the Library's Anti-Discrimination/Anti-Harassment Policy. Sexual harassment includes unwelcome sexual advances and requests for sexual favors. Depending upon the facts of the particular situation, other unwelcome conduct that may constitute harassment includes, but is not limited to, the following, when such conduct occurs in the workplace or between employees, or between employees and clients, away from the workplace:

- Verbal: repeated sexual innuendos, sexual epithets, derogatory slurs, off-color jokes, propositions, threats, or suggestive or insulting sounds;
- Visual/Non-Verbal: derogatory posters, cartoons or drawings; suggestive objects or pictures; graphic commentaries; leering; or obscene gestures;
- Physical: unwanted physical contact, including touching, interference with an individual's normal work movement, or assault; and

- Other: making or threatening reprisals to an individual who opposes, objects to or complains about illegal discrimination including harassment.

Such verbal and physical conduct may constitute harassment when:

- Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
- Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting the individual; or
- Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

**c. Definition of Other Types of Harassment**

Harassment on the basis of race, color, gender, national origin, disability, sexual orientation, age, religion, protected activity or any other protected category is defined as verbal, physical, or other communication or conduct that denigrates or shows hostility or aversion and:

- Has the purpose or effect of creating an intimidating, hostile, or offensive work environment; or
- Has the purpose or effect of unreasonably interfering with the individual's work performance.

**2. Retaliation**

The Library will not take any action in retaliation against any employee who, in good faith and with a genuine belief that s/he has been discriminated against or harassed, brings or voices a complaint pursuant to this policy. In addition, the Library will not tolerate any retaliatory acts by other individuals.

Retaliation is a serious violation of Library policy and the law. Any employee who believes s/he has been subjected to retaliation in violation of this policy should immediately report his/her claim in the manner specified in Section 3 below. Individuals will be subject to disciplinary action, up to and including termination of employment, if they are found to have retaliated against a Library employee because such employee: (1) made a good faith discrimination complaint; (2) participated honestly and in good faith in any investigation into a discrimination complaint; and/or (3) opposed acts of unlawful discrimination in the workplace.



Individuals who knowingly bring false charges of discrimination, including harassment, against another Library employee or other individual shall be subject to disciplinary action, up to and including termination of employment.

### **3. Procedure for Reporting Discrimination and/or Harassment**

If any employee believes that the actions or words of a supervisor/manager, fellow employee, customer, vendor, or other individual in the workplace constitute illegal harassment or discrimination, the employee has a responsibility to promptly report that behavior to the Library Director or Board President. Prompt reporting enables the Library to stop the discrimination, including harassment, before it becomes severe or pervasive.

Any individual who believes s/he has been the victim of any form of unlawful discrimination, including harassment, shall promptly give notice of her/his claim to one or all of the following:

- the Library Director;
- the Board President; and/or
- another Board officer.

Employees may formally or informally notify any of the above personnel and are not required to complain within their chain of command. Complaints may be made verbally or in writing. All employees are required to report all formal and informal complaints as well as any suspected or known policy violations immediately to the Library Director, even if the complaining employee asks to keep the complaint confidential or does not wish to file a formal complaint. All trustees and supervisors shall act promptly and appropriately to prevent discrimination, including harassment, in the workplace and retaliation against those who complain of discrimination, including harassment, or those who participate in good faith and honestly in an investigation of a complaint or opposition to unlawful discrimination in the workplace.

All complaints of discrimination, including harassment, will be reviewed and investigated promptly and impartially by the Library Board. Once the Library receives notice of any complaint of alleged discrimination, including harassment, it will swiftly determine whether or not a fact-finding investigation is necessary. If it is determined that a fact-finding investigation is necessary, it will be promptly initiated. If necessary, intermediate measures may be taken before completing the investigation to ensure that further unlawful discrimination, including harassment, does not occur. Moreover, the Library will protect the confidentiality of the allegations to the extent possible; however, no individual can be promised or guaranteed strict or absolute confidentiality.

Corrective or disciplinary action will be taken against any employee found to have engaged in illegal discrimination, including harassment. Such action may include counseling and/or appropriate disciplinary measures, up to and including termination of employment.

The complaining party will be given notice, in a timely fashion, of the outcome of the investigation of any formal or informal complaint.

An individual who believes s/he has been the victim of any form of discrimination, including harassment, also has the option of filing a complaint with the New York State Division of Human Rights and/or the Equal Employment Opportunity Commission (EEOC), as well as pursuing any other remedies permitted by law. (Employees who work and/or reside outside New York State also have the option to contact their local state agency.) The timeframes for filing a complaint with these administrative agencies should be confirmed by contacting the agencies themselves and/or counsel. As a general matter, the timeframe for filing a complaint with the New York State Division of Human Rights is one (1) year from the date of the alleged act of unlawful discrimination, including harassment. In New York, a complaint with the EEOC must be filed within three hundred (300) days from the date of the unlawful discrimination, including harassment. The employee must note that these time limits do NOT run from the date that the complaint made to the Library is resolved but from the date on which the act of discrimination, including harassment, is alleged to have occurred.

Please note that nothing herein constitutes legal advice, and the above is provided for informational purposes only.

#### **4. Conclusion**

The Library has developed this policy and procedure to ensure that all its employees work in an environment free from illegal discrimination, including illegal harassment. Any questions regarding this policy and procedure should be brought to the attention of the Library Director.

#### **403 Reasonable Accommodation for Disability**

The Library is committed to complying with other applicable laws that prohibit discrimination in employment of qualified individuals with disabilities. Employees are encouraged to inform the Library Director of any disability that may require a reasonable accommodation to allow the employee to perform the essential functions of the position, and to suggest reasonable accommodations. Medical documentation may be required to assist in this process. Any information obtained by the Library that relates to employees' physical and mental disabilities will be treated as confidential medical information.

#### **404 Reasonable Accommodation for Religion**

The Library is committed to complying with all applicable laws that require employers to reasonably accommodate an employee or prospective employee whose sincerely held religious belief, practice and/or observance conflicts with a work requirement.

Any employee who has a conflict with a work requirement due to a sincerely held religious belief, practice, and/or observance should promptly inform the Library Director. Each employee requesting a religious accommodation must cooperate with the Library's efforts to determine whether a

reasonable accommodation can be granted. The Library will review and individually assess each request for a religious accommodation, in accordance with applicable law.

## **500 WAGE AND HOUR**

### **501 Employee Classifications**

Each employee is classified as either exempt or non-exempt for pay administration purposes, for purposes of the federal Fair Labor Standards Act (FLSA) and applicable State law.

The definitions of the worker classification categories can be summarized as follows:

Exempt: Employees whose positions meet FLSA and applicable state exemption standards are exempt from overtime pay requirements. Exempt employees are paid on a salary basis and are not eligible for overtime pay.

Non-exempt: Employees who are paid on an hourly basis. Non-exempt employees are eligible for paid overtime. Overtime work, however, is prohibited without prior specific authorization from the Library Director. Non-exempt employees are required to record their hours worked.

### **502 Work Hours / Schedules**

Regular work hours depend on the particular job and may be changed by the Library at any time upon notice to the affected employee. All employees are expected to be at their workstations and ready to begin work at their scheduled times and to return promptly from lunches and breaks.

### **503 Breaks and Meal Periods**

After working for four hours, employees are entitled to a paid fifteen (15) minute break. Fifteen minute breaks need not be scheduled; however, an employee is expected to notify other staff before he or she takes a break.

An employee who works a shift of six or more hours will be allowed an unpaid meal period of thirty (30) minutes. Where only one employee is on duty, the employee may voluntarily consent to eating on the job without being relieved, and the employee will be paid for the meal period. However, an uninterrupted meal period will be afforded to any employee who requests it.

### **504 Recording Time**

In accordance with applicable laws, the Library keeps daily time records of the hours worked (including, but not limited to, any time worked from home, time spent checking work e-mail, and work-related time spent on smartphones/PDA/Treo/Blackberry-like devices) by non-exempt employees.

All non-exempt employees are required to accurately complete a daily or weekly time sheet/card in order to receive payment for time worked and/or authorized paid leave taken. Employees have their own time sheet/card and should direct any questions about its use to the Library Director.

It is the employee's responsibility to sign his/her time record to certify the accuracy of all time recorded. An employee must promptly report any error on her/his time record by notifying his or her supervisor. Submission of false or fraudulent timekeeping records is grounds for disciplinary action, up to and including termination from employment.

### **505 Overtime Pay**

Dependent upon the workload, employees may be required to work overtime. Overtime is paid to non-exempt employees at one and one-half (1 ½) times the regular hourly rate for time worked in excess of forty (40) hours per work week, and in all other circumstances in which overtime is required to be paid under any applicable federal, state or local law. Working overtime when required is a condition for continued employment. Exceptions to this policy are at the sole discretion of the Library Director.

Managers and supervisors will make every effort to give employees as much notice as possible if overtime is required. **All overtime must be approved by the Library Director prior to its being worked.**

### **506 Right of Nursing Mother to Express Breast Milk**

As provided by the law, the Library will provide reasonable unpaid break time, and will permit an employee to use paid break time or mealtime each day to allow such employee to express breast milk for nursing her child for up to three years following childbirth. The Library will make reasonable efforts to provide a room or other location, in close proximity to the work area, where an employee can express milk in privacy. The Library will not discriminate in any way against an employee who chooses to express breast milk in the work place.

### **507 Pay Days**

All employees are paid bi-weekly on Thursdays. Employees are paid for the hours recorded on their most recently submitted timesheet.

### **508 Expense Reimbursements**

The Library will reimburse employees for reasonable and necessary expenses incurred in connection with expenditures on behalf of the Library that have been pre-approved in writing by the Library Director (an individual may not approve her/his own expenses). To be reimbursed for such approved

expenditures, an employee must, within thirty (30) days of incurring the cost, submit an Expense Reimbursement Form to the Director.

## **600 TIME AWAY FROM WORK**

### **601 Paid Leave**

#### **1. Accrual and Use of Paid Leave**

Full time employees will begin to accrue paid leave after they complete six months of employment. These employees accrue paid leave at the following rates, prorated to the employee's regularly scheduled workweek hours:

After six months of employment: 2 work weeks of paid leave per year

After five years of employment: 3 work weeks of paid leave per year

After ten years of employment: 4 work weeks of paid leave per year

After fifteen years of employment: to be determined by the Board of Trustees

For example, a full time employee who is regularly scheduled to work 35 hours per week, who has worked at the Library for at least six (6) months, will be entitled to 70 hours of paid leave. Paid leave may be not be carried over from year to year.

An employee is not entitled to the cash value of his or her unused accrued paid leave upon termination of employment.

All full time employees are entitled to 1 workweek of paid sick time per year and 3 days of bereavement to be used for those purposes only. A Doctor's notice may be requested by the Library Director.

#### **2. Requesting Paid Leave**

To ensure that proper staffing coverage is maintained at all times, an employee requesting paid leave must submit a request for paid leave to the Library Director at least two hours in advance of his/her scheduled work shift unless it is an emergency. An employee planning paid leave of more than two (2) days must provide notice to the Library Director of at least five business days, or longer if possible. Leave requests may be denied based upon staffing needs.

### **602 Holidays**

Full-time regular employees are eligible for a paid holiday equal to their current rate of pay for the hours that they would otherwise be regularly scheduled to work. These holidays include, but are not limited to:

- New Year's Day
- Memorial Day
- Independence Day
- Labor Day
- Thanksgiving Day
- Christmas Eve
- Christmas Day

### **603 Jury Duty**

The Library provides employees time off to fulfill their obligation when summoned for jury duty. The Library recognizes jury duty as a civic responsibility and complies with all state laws.

Employees are required to notify the Library Director and provide a copy of the summons to serve as soon as it is received. In addition, employees are requested to also submit proof of dates and time of attendance for jury service.

When an employee is excused from service in a jury pool sooner than anticipated or is placed on a call-in system, the employee is expected to remain at or return to work, unless one (1) hour or less remains on the employee's normal working shift. Employees are also expected to keep the Library Director informed regarding their schedule.

### **604 Military Leave**

A military leave of absence will be granted to employees who are absent from work in order to serve in the uniformed services of the United States. Employees who perform and return from service in the Armed Forces, the Military Reserves, the National Guard and certain Public Health Service positions will retain certain rights with respect to reinstatement, seniority, layoff, compensation, length of service promotion, and length of service pay increases, as required by applicable state, federal, and local law.

All employees called for reserve or active duty must provide a copy of their report orders to the Library Director as soon as possible.

### **605 Leave for Spouses of Military Personnel**

The Library will grant time off to spouses of military personnel in accordance with the requirements of any applicable law, including, for example, the New York Labor Law provision providing leave of absences for military spouses. For additional information, employees may refer any questions to the Library Director.

## 606 Family and Medical Leave

This Policy provides an introduction to the rights and provisions of the federal Family and Medical Leave Act ("FMLA"). Employees may direct any questions they have about this law to the Library Director.

### 1. Definitions

For the purposes of this policy, the following terms have the following meanings:

"Next of kin of a covered service member" means the nearest blood relative, other than the covered service member's spouse, parent, son, or daughter, in the following order of priority: blood relatives who have been granted legal custody of the service member by court decree or statutory provisions, brothers and sisters, grandparents, aunts and uncles, and first cousins, unless the covered service member has specifically designated in writing another blood relative as his or her nearest blood relative for purposes of military caregiver leave under the FMLA. When no such designation is made, and there are multiple family members with the same level of relationship to the covered service member, all such family members shall be considered the covered service member's next of kin and make take FMLA leave to provide care to the covered service member, either consecutively or simultaneously. When such designation has been made, the designated individual shall be deemed to be the covered service member's only next of kin.

"Outpatient status" means, with respect to a covered service member, the status of a member of the Armed Forces assigned to (a) a military medical treatment facility as an outpatient; or (b) a unit established for the purpose of providing command and control of members of the Armed Forces receiving medical care as outpatients.

"Serious health condition" means an illness, injury, impairment or physical or mental condition that involves either:

- Inpatient care (i.e., an overnight stay) in a hospital or other medical care facility, including any period during which the person is unable to work, attend school or perform other regular daily activities due to the serious health condition, its treatment or recovery therefrom, and any subsequent treatment in connection with such inpatient care; or
- Continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee's job, or prevents the qualified family member from participating in school or other daily activities. Subject to certain conditions, the continuing treatment requirement may be met by:
- A period of incapacity (i.e., inability to work, attend school or perform other regular daily activities due to the serious health condition, its treatment or recovery) of three (3) or more consecutive, full calendar days combined with: (1) treatment two (2) or more times, within thirty (30) days of the first day of incapacity, unless extenuating

circumstances exist, by a health care provider, by a nurse under direct supervision of a health care provider, or by a provider of health care services (e.g., physical therapist) under orders of, or on referral by, a healthcare provider; or (2) treatment by a health care provider on at least one (1) occasion, which results in a regimen of continuing treatment under the supervision of the health care provider.

- Any period of incapacity due to pregnancy, or prenatal care.
- Any period of incapacity or treatment for such incapacity due to a “chronic serious health condition.” A “chronic serious health condition” is one which: (1) requires periodic visits (at least twice a year) for treatment by a health care provider, or by a nurse under direct supervision of a health care provider; (2) continues over an extended period of time (including recurring episodes of a single underlying conditions); and (3) may cause episodic rather than a continuing period of incapacity (e.g., diabetes, asthma, epilepsy, etc.).
- A period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective (e.g., Alzheimer’s, a severe stroke, or the terminal stages of a disease).
- Any period of absence to receive multiple treatments (including any period of recovery therefrom) by a health care provider or by a provider of health care services under orders of, or on referred by, a health care provider, for: (1) restorative surgery after an accident or other injury, or (2) for a condition that would likely result in a period of incapacity of more than three (3) consecutive, calendar days in the absence of medical intervention or treatment (e.g., cancer (chemotherapy), severe arthritis (physical therapy), kidney disease (dialysis)).

“Serious injury or illness”: (1) 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 covered service member in the line of duty on active duty in the Armed Forces (or that existed before the beginning of the member’s active duty and was aggravated by service in the line of duty while on active duty in the Armed Forces) and that may render the member medically unfit to perform the duties of the member’s office, grade, rank or rating; and (2) in the case of a veteran who was a member of the Armed Forces (including a member of the National Guard or Reserves) at any time during the five (5) years preceding the date on which the veteran undergoes medical treatment, recuperation or therapy, means a qualifying (as defined by the Secretary of Labor) injury or illness, that was incurred by the member in the line of duty, while on active duty in the Armed Forces (or that existed before the beginning of the member’s active duty and was aggravated by service in the line of duty while on active duty in the Armed Forces) and that manifested itself before or after the member became a veteran).

## **2. Eligibility Requirements for Leave under the FMLA**



To qualify for leave under FMLA, an employee must: (1) have worked for the Library for at least twelve (12) months; and (2) have worked at least one thousand two hundred and fifty (1,250) hours during the twelve (12) month period immediately prior to the date when leave would begin.

### **3. FMLA Leave Entitlement**

#### **a. Basic Leave Entitlement**

FMLA requires covered employers to provide eligible employees with up to twelve (12) weeks during any twelve (12) month period, of unpaid, job protected leave for the following family and medical reasons (Basic Leave):

- For incapacity due to pregnancy, prenatal medical care or child birth;
- To care for the employee’s child after birth, or placement for adoption or foster care;
- To care for the employee’s spouse, son or daughter, or parent who has a serious health condition; or
- For an employee’s own serious health condition that makes the employee unable to perform his/her job.

Spouses who both work for the Library are allowed a combined maximum of twelve (12) weeks of leave for the birth or care of a newborn child, adoption or foster care of a child and to care for such newly placed child, or the serious health condition of a parent, during any twelve (12) month period.

#### **b. Military Family Leave Entitlements**

FMLA requires covered employers to provide up to twelve (12) weeks, during any twelve (12) month period, of unpaid, job protected leave to allow an eligible employee with a spouse, son, daughter, or parent on covered active duty or called to covered active duty status in the Armed Forces (including in the National Guard or Reserves) to address certain qualifying exigencies (Qualifying Exigency Leave). Qualifying exigencies may include: attending certain military events; arranging for alternative childcare; addressing certain financial and legal arrangements; attending certain counseling sessions; spending time with a covered military member who is on short-term, temporary rest and recuperation leave during the period of deployment; and attending post-deployment reintegration briefings.

FMLA also includes a special leave entitlement that permits an eligible employee who is the spouse, son, daughter, parent, or next of kin of a covered service member to take up to twenty-six (26) weeks of leave to care for a “covered service member” during a single twelve (12) month period

(Military Caregiver Leave). A “covered service member” is 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; or a veteran who was discharged or released under conditions other than dishonorable at any time during the five (5) year period prior to the first date the eligible employee takes FMLA leave to care for the covered veteran, and who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness (including a member of the National Guard or Reserves) at any time during the five (5) years preceding the date on which the veteran undergoes that medical treatment, recuperation, or therapy.

#### **c. Calculation of FMLA Leave**

For Basic Leave and/or Qualifying Exigency Leave: An eligible employee is entitled to take up to a total of twelve (12) weeks of Basic Leave and/or Qualifying Exigency Leave in a twelve (12) month period. For purposes of calculating such twelve (12) month period, the period shall be measured based on a rolling twelve (12) month period measured backward from the date on which an employee uses Basic Leave or Qualifying Exigency Leave.

For Military Caregiver Leave: An eligible employee is entitled to take up to a total of twenty-six (26) weeks of Military Caregiver Leave during a “single twelve-month period.” The “single twelve-month period” for Military Caregiver Leave is measured forward from the date on which an employee first begins Military Caregiver Leave and ends twelve (12) months after that date, regardless of the method used by the Library to determine leave entitlement for Basic Leave and Qualifying Exigency Leave.

Leave Limitations: During each single twelve (12) month period, an eligible employee is limited to a combined total of twenty-six (26) weeks of Basic Leave, Qualifying Exigency Leave and/or Military Caregiver Leave, of which no more than twelve (12) weeks may be attributable to Basic Leave or Qualifying Exigency Leave. In certain instances permitted by the law, spouses working for the Library may be entitled to only an aggregate total of twelve (12) or twenty-six (26) weeks of leave, as applicable.

#### **4. Intermittent Leave or Reduced Schedule Leave**

In certain circumstances, an employee may take his or her FMLA leave entitlement on an intermittent or reduced schedule basis, rather than in one (1) block. Intermittent leave is leave taken in separate blocks of time due to a single qualifying reason. A reduced leave schedule is a leave schedule that reduces an employee’s usual number of working hours per workweek, or hours per workday.

An eligible employee may use intermittent leave or reduced schedule leave:

- Because of one’s own serious health condition, to care for a parent, son, or daughter with a serious health condition, or for Military Caregiver Leave if there is a medical need

for leave and such medical need can be best accommodated through leave on an intermittent or reduced schedule basis.

- For Qualifying Exigency Leave.

An eligible employee may use intermittent or reduced schedule leave after the birth or placement of a healthy child only if the Library agrees.

If an employee needs intermittent leave or reduced schedule leave for planned medical treatment, then the employee must make a reasonable effort to schedule the treatment so as not to unduly disrupt the Library's operations.

In certain circumstances, the Library may require an employee to transfer temporarily, during the period that the intermittent or reduced schedule leave is required, to an available alternative position (with equivalent pay and benefits) for which the employee is qualified and that better accommodates recurring periods of leave than the employee's regular position.

## **5. Benefits and Pay During FMLA Leave**

### **a. Health Insurance Benefits**

While an employee is on any FMLA leave, the Library will continue the employee's health insurance coverage under any group health plan at the same level and under the same conditions as if the employee had continued to be at work during the leave period. The employee will be required to contribute the same portion of the premium(s) that the employee would be required to contribute if he/she was not on FMLA leave. Coverage will cease if payments are not made within a thirty (30) day grace period of the due date. Premium payments or policy coverage are subject to change.

### **b. Pay**

Accrued paid vacation time must be used first and is part of the maximum twelve (12) weeks. Accrued paid sick leave must be used first for leaves taken due to an employee's own serious health condition. The use of the above accrued paid days does not apply to Workers' Compensation or Disability. The remaining days of a qualified FMLA leave will be unpaid.

### **c. Accrual of Vacation and Sick Days**

Accrued paid off time (vacation and sick days) will not accumulate while the employee is on a FMLA leave. An employee will also not be paid for any holidays that may occur while he or she is on unpaid FMLA leave.

## **6. Requesting Leave**

For all types of FMLA leave, except Qualifying Exigency Leave, employees must provide the Director with thirty (30) days of advance notice of the need to take FMLA leave when such need is foreseeable. When thirty (30) days' notice is not possible, the employee must provide notice as

soon as possible. All employees are expected to maintain contact with the Director to continually update their status as regard to eligibility.

Employees must provide sufficient information for the Library to determine if the requested leave qualifies for FMLA leave, and the anticipated timing and duration of the leave. Employees must also inform the Library if the requested leave is for a reason for which FMLA leave was previously taken or certified.

Employees also may be required to provide a medical certification and/or periodic recertification supporting the need for leave issued by a health care provider. When required, the employee must provide a copy before the leave begins or within fifteen (15) calendar days from the date the leave was requested. Failure to submit the medical certification form could jeopardize the employee's rights under FMLA to items such as health insurance and job restoration.

The Library reserves the right to request a second opinion by another health care provider designated or approved by the employee. The Library will pay for the second opinion, which will be rendered by a health care provider other than one used on a regular basis by the Library. If a conflict arises between the first and second opinion, the Library may again, at its own expense, obtain a third opinion from a health care provider approved jointly by the Library and the employee. The third opinion will be binding and final.

As required by law, absent extenuating circumstances, the Library will notify an employee in writing of his or her eligibility for FMLA leave within five (5) business days after the employee submits his or her request for leave, or after the Library is otherwise aware of the employee's need for such leave. Such notice is required to specify any additional information required (e.g., any certifications) as well as the employee's rights and responsibilities. If the Library determines that an employee is not eligible for FMLA leave, the Library will notify the employee and provide a reason for the ineligibility.

The Library also will inform an employee if his or her leave will be designated as FMLA leave and the amount of leave counted against the employee's FMLA leave entitlement. If the Library determines that the leave is not FMLA leave, the Library will notify the employee and provide a reason.

## **7. Return from Leave**

Except as otherwise permitted by FMLA, an employee who takes FMLA leave will be restored to the same job or a job with equivalent status, pay, benefits and other employment terms. The taking of leave under FMLA will not result in the loss of any benefit that accrued prior to the start of such leave.

The Library may require an employee to present a certification of fitness to return to work when the absence was caused by the employee's serious health condition. If the employee fails to provide the requested fitness-for-duty certification to return to work, the Library may delay restoring the employee to his/her position until he/she submits such certification.

Failure to return from any leave may result in an employee's termination. If an employee fails to return to work after the leave period has expired, the Library may recover the premium that it paid for maintaining coverage during any period of unpaid leave except for the following circumstances: (1) the continuation, reoccurrence or onset of a serious health condition of the employee or employee's family member with proper medical certification; or (2) circumstances beyond the employee's control.

## **8. Unlawful Acts by Employers**

In accordance with FMLA, the Library will not: (1) interfere with, restrain, or deny the exercise of any right provided under FMLA; or (2) discharge or discriminate against any person for opposing any practice made unlawful by FMLA or for involvement in any proceeding under or relating to FMLA.

An employee may file a complaint with the U.S. Department of Labor or may bring a private lawsuit against the Library for any alleged violations of the FMLA. FMLA does not affect any federal or state law prohibiting discrimination, or supersede any state or local law, which provides greater family or medical leave rights.

### **607 Court Appearances**

If an employee is subpoenaed to appear in court, the employee will be granted time off to appear. When required by law, the employee's job will be protected for the employee while the employee is appearing.

When subpoenaed to appear in court, the employee must provide the Library Director a copy of the subpoena, as soon as possible after receiving it. The employee also must furnish the Library Director with evidence of having appeared in court for the time claimed.

Unless otherwise required by law, such time off will be unpaid, except that the employee may elect to use accrued unused vacation for such court appearance.

### **608 Other Absences**

All other absences are considered unauthorized. Failure to follow outlined attendance procedures could result in disciplinary action, up to and including dismissal.

## **700 BENEFITS**

The Stillwater Public Library covers all employees for New York State Worker's Compensation and Disability.

All full-time employees are to be offered a comprehensive benefits package to be determined by the Board of Trustees. This package will include, but is not limited to, enrollment in the New York

State retirement System and up to \$10,000 in health benefits through a Board of Trustee chosen insurance carrier.

## **800 PERFORMANCE MANAGEMENT**

### **801 Attendance, Absenteeism, and Tardiness**

Employees are expected to report to work on time each day to begin work at the assigned time. Tardiness and absenteeism may legitimately occur from time to time. However, chronic and habitual tardiness is not acceptable due to the unfair burden placed on the Library and fellow employees. Excessive absence and/or tardiness will precipitate disciplinary action and may be cause for dismissal.

In the case of tardiness or absence, employees are responsible for personally notifying the Library Director one (1) or more hours prior to the start of their workday. Employees must advise the Library Director of the reason for the absence and must give the expected arrival time or return to work date.

### **802 Information and/or Telecommunications**

Use of Library Information and/or Telecommunications Systems (including, but not limited to, computers, networks, Internet access, e-mail accounts, telephones, voice mail, Library-issued or owned devices) constitutes consent by the user to the terms and conditions of this policy. Any questions about this policy should be directed to the Library Director.

**No Expectation of Privacy:** Employees do not have an expectation of privacy in anything they create, store, access, send, or receive on the Information and/or Telecommunications Systems (including, but not limited to, documents, voicemail messages, text or video messages, e-mail messages, instant messages, blogging, photo messaging, pod casts/videocasts/vlogs, social networking activities, and any other means of communication known or hereafter developed, whether of a business or personal nature) (collectively, referred to as “Electronic Communications”). The Library has the right, but not the duty, to monitor any and all of the aspects of its Information and/or Telecommunications Systems to the extent such monitoring is not inconsistent with applicable laws. ***An employee’s use of the Library’s Information and/or Telecommunications Systems is deemed consent to such monitoring by the Library, without further notice. Failure to provide formal acknowledgement of this policy in the form required by the Library will result in the employee being denied access to the Library’s Information and/or Telecommunications Systems and may result in other disciplinary action, up to and including termination from employment.*** Information and/or Telecommunications Systems may create back up Electronic Communications and these Electronic Communications may be retrieved and accessed by the Library. Employees shall be responsible for their activities on the Library’s Information and/or Telecommunications Systems.

Violation of this policy may subject employees to civil and criminal liability and/or disciplinary action, including loss of the privilege to use the Library's Information and/or Telecommunications Systems and/or termination from employment.

Any employee who discovers misuse of the Information and/or Telecommunications Systems, or any violation of this policy, should immediately notify the Library Director.

The following general principles apply to use of the Library's Information and/or Telecommunications Systems:

- Confidential information does not lose its confidential status by virtue of being in electronic form. All data on the Library's Information and/or Telecommunications Systems is deemed the property of the Library and must be treated with care.
- Unauthorized use, destruction, and/or modification of the Library's Information and/or Telecommunications Systems is strictly prohibited.
- No employee may download, display, or store on the Library's Information and/or Telecommunications Systems material that violates the Library's Equal Employment Opportunity and/or Anti-Discrimination/Anti-Harassment Policies and/or that is fraudulent, harassing, profane, obscene, sexually explicit, intimidating, defamatory or otherwise unlawful, inappropriate, or offensive.
- The Library prohibits the downloading of software from the Internet, without the prior approval of the Library.
- If an employee suspects that a virus has been introduced into the Library's Information and/or Telecommunications Systems, s/he must notify the Library Director immediately.
- Any attempt to circumvent the Library's security procedures is prohibited. Individual passwords and access codes must be kept strictly confidential. No employee should give a username, password or access code to another person, unless instructed to do so by the Library Director, in which case the employee must immediately provide the requested information.
- Employees must comply with copyright laws and laws governing confidentiality of patron records when using the Library's Information and/or Telecommunications Systems.

- Employees are reminded to be courteous to other users of the system and always to conduct themselves in a professional manner.

### **803 Work Place Searches**

In order to safeguard the property of employees and the Library, the Library reserves the right to question employees and all other persons entering and leaving the premises, and to inspect any packages, parcels, purses, handbags, briefcases, lunch bags, or any other possessions or articles carried to and from Library premises. In addition, the Library reserves the right to search any employee's office, desk, files, lockers, or any other area or article on our premises. In this connection, it should be noted that all offices, desks, files, and lockers are the property of the Library, and are issued for the use of employees only during their employment. Inspections may be conducted at any time at the discretion of the Library.

### **804 Misrepresentations**

Any type of misrepresentation is considered an extremely serious matter and will result in disciplinary action, up to and including, dismissal. Misrepresentation on an Employment Application, related forms or records, any Library business documents, unauthorized or personal use of Library letterhead or business forms, is strictly prohibited, and may result in termination.

### **805 Personal Appearance**

Whenever an employee is representing the Library, he or she is expected to maintain a professional appearance that is business-casual, neat, and clean. Clothing should be of sufficient length and fit to be modest when performing any required work activity. Short shorts/skirts, shirts with logos/pictures that could be considered offensive, and clothing that reveals bare back, midriff, and/or underwear are not acceptable.

### **806 Drug Free Workplace Policy**

The Library is committed to protecting the safety, health, and well-being of all employees and other individuals in the Library workplace. Towards that end, the Library is committed to maintaining a drug-free workplace and strictly prohibits reporting to work under the influence of intoxicants, or use or possession of alcohol or illegal drugs at work.

For purposes of this policy, the term "illegal drug" means drugs and controlled substances, the possession, or use of which is unlawful pursuant to any applicable federal, state, and local laws and regulations. Drugs and controlled substances that are not legally obtainable, or that are legally obtainable but have not been legally obtained, are considered to be illegal drugs. Examples include street drugs such as cocaine, heroin, marijuana, and other controlled substances such as stimulants, depressants, and hallucinogenic products.



For purposes of this policy, the term “substance abuse” includes the use of prescribed drugs, which are not being used for prescribed purposes or in a prescribed manner.

Any individual who conducts business for the Library, is applying for a position with the Library, or is conducting business on Library property is covered by the Library’s drug-free workplace place. This policy applies whenever anyone is representing or conducting business for the organization and during all working hours, while on Library property, and at Library-sponsored events.

Violations of this policy may lead to disciplinary action, up to and including termination of employment. Such violations may also have legal consequences.

## **900 RECORDKEEPING & COMMUNICATION**

### **901 Personnel Files**

Personnel records are highly confidential. The Library maintains a personnel file for each employee. Any medical records are maintained separately in a confidential medical file. Only management personnel who have a legitimate reason related to the Library’s operations to review information in a personnel file are allowed to do so.

Employee personnel (and medical) record files are the property of the Library, and access to the information contained therein is restricted.

An employee who wishes to review her/his own file should contact the Library Director. With reasonable advance notice, a current employee may review his/her own personnel (and medical record) files in the Library’s offices and in the presence of the Library Director. However, none of the contents of an employee’s personnel (or medical record) files may be removed or copied.

### **902 Medical Records**

The Library maintains a separate, confidential file for each employee’s medical information. Only employees with a genuine need shall be granted access to information in an employee’s confidential medical file, and only to the minimum extent necessary to accomplish the intended purpose. Employees have the same access to their confidential medical file as they have to their personnel file.

Any employee who has questions relating to this policy is encouraged to contact the Library Director.

### **903 Bulletin Boards/Notes**

Library Bulletin Boards are for the purpose of communicating information to employees. All notices that affect employment at the Library, including information regarding safety, labor laws and policy changes, will be posted on the bulletin boards. It is the responsibility of each employee to be aware

of all notices and keep updated on policy changes and regulations as they are posted and/or distributed.

Employees are not allowed to post materials on bulletin boards without prior approval from the Library Director.

## **1000 CONCLUSION**

Thank you for taking the time to review this Handbook. If you have any questions, suggestions, or concerns, please contact the Library Director.

**Approved: September 12, 2017**

**Review Date:**

**ACKNOWLEDGEMENT AND RECEIPT OF  
THE LIBRARY'S EMPLOYEE HANDBOOK AND  
ANTI-DISCRIMINATION/ANTI-HARASSMENT POLICY**

The Employee Handbook (the "Handbook") is designed to introduce the Stillwater Public Library's ("Library") employees to the Library, familiarize them with the Library's policies, provide general guidelines on benefits and other issues related to their employment, and help answer many questions that may arise.

All employees are required to review the Handbook, including but not limited to the Anti-Discrimination/Anti-Harassment Policy, and sign this **Acknowledgement and Receipt**.

**General Principles**

- The policies in the Handbook are to be considered guidelines. The Handbook does not create a contract, express or implied, between the Library and any employee.
- The Library reserves the right to change, delete, suspend or discontinue any policy, benefit or provision in the Handbook at any time and for any reason, without prior notice, except as otherwise required by applicable law. Any such action shall apply to existing as well as future employees.
- Any alteration or modification of the policies in the Handbook must be adopted and approved in writing by the Library's Board of Directors or its designee.
- If at any time the Library fails to enforce any policy set forth in the Handbook, such failure shall not affect the Library's ability to enforce that policy at a later date.
- If any provision of the Handbook is inconsistent with applicable law, such provision shall be deemed modified to the minimum extent possible to bring it into compliance with such applicable law.
- The Handbook supersedes any and all previous handbooks and any other Library policies, whether written or oral, concerning the topics covered in the Handbook, except that in the event of a conflict between the information contained in this Handbook and the official plan documents, the official plan documents will govern.

**Confidential Information**

I am aware that during the course of my employment, confidential information not otherwise available to persons outside of the Library will be made available to me. I understand that this information is proprietary and critical to the success of the Library's programs and must not be given out or used outside the Library's premises or with non-Library employees. In the event of termination of employment, whether voluntary or involuntary, I hereby agree not to utilize or exploit this information with any other individual or organization.

**Anti-Discrimination/Anti-Harassment Policy Acknowledgement**

I further acknowledge that I have reviewed the Library’s Anti-Discrimination/Anti-Harassment Policy, I understand the policy, and I agree to comply with the policy. I agree that if I have any questions or concerns about the policy, that I am directed to bring those questions or concerns to the attention of the Library Director.

**ACKNOWLEDGMENT**

**By signing below, I acknowledge: (1) receipt of the Library’s Employee Handbook; and (2) I have read, I understand, and I agree to comply with the Library’s Employee Handbook, including but not limited to, the Anti-Discrimination/Anti-Harassment Policy.**

Signature: \_\_\_\_\_

Print Name: \_\_\_\_\_

Date: \_\_\_\_\_

Please sign and date one copy of this notice and return it to the Library Director. It will be placed in your personnel file. Retain a second copy for your reference.

***COPY TO BE RETURNED TO THE LIBRARY***