

**(NAME) LIBRARY**

**PERSONNEL POLICY**

**MANUAL**

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## PURPOSE

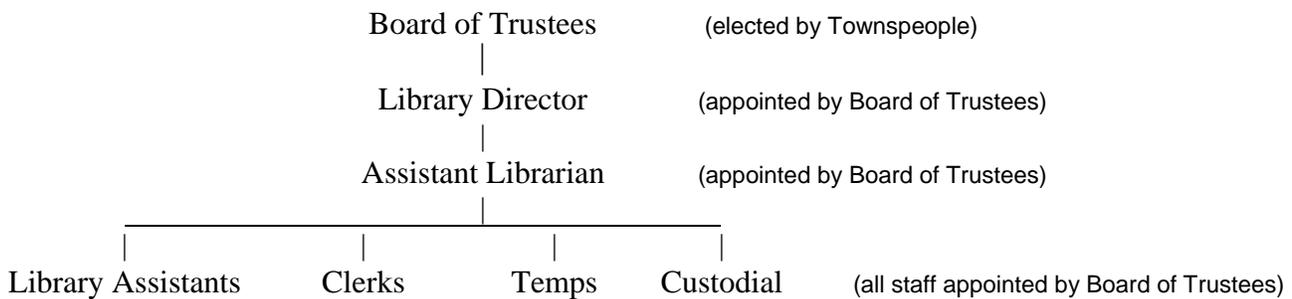
The purpose of this Personnel Policy is to establish policies and procedures so as to ensure uniform treatment and administration of personnel employed by the Library. The Library does not discriminate against individuals on the basis of national origin, race, color, gender, creed, age, marital or familial status, veteran status, or mental or physical disability.

The policies stated in this handbook are intended as guidelines only and are subject to change, at any time, with or without notice, at the sole discretion of the Board of Trustees. Any change made to the content of these policies will be distributed in writing to those employees affected. This handbook should not be construed as, and does not constitute, a contract guaranteeing employment.

As designated in the NH RSA 202, the Board of Trustees is responsible for appointing a librarian and all other all employees of the Library. The Board is likewise responsible for discharging or removing any library employees. In addition, the Board of Trustees may also become active in employee performance evaluations, discipline and other matters in the roll of review or appeal.

The Library Director is responsible for administration of this policy. Each employee will be given a copy of this Personnel Policy and a signed acknowledgement of receipt of this handbook will be placed in the employee's personnel file. Questions will be referred to the Board of Trustees.

## **(NAME) LIBRARY ORGANIZATIONAL CHART**



## DEFINITIONS OF EMPLOYMENT

Whenever used in these policies and procedures, the following terms will be defined as follows:

**Full-time Employee:** An employee whose regularly scheduled workweek is a minimum of 35 hours.

**Casual Employee:** An employee whose regularly scheduled workweek is a minimum of 24 hours and less than 35 hours.

**Part-time Employee:** An employee whose regularly scheduled workweek is a minimum of 16 hours and less than 24 hours.

**On-Call, Per Diem, Employee:** An employee, paid on an hourly basis for a minimum of two hours for each day worked, who fills in as a substitute staff member.

**Temporary Employee:** An employee who fills an approved position for a period of limited or specific duration.

**Hourly Employee:** An employee whose compensation is based on an hourly rate of pay for each hour worked during a pay period.

**Salaried Employee:** An employee whose compensation is based on a weekly salary (not based on an hourly rate of pay) and the position is classified as “Exempt” under the Fair Labor Standards Act.

## RECRUITMENT, SELECTION AND APPOINTMENT OF EMPLOYEES

### NON-DISCRIMINATION STATEMENT

The Board of Trustees strives to select the best-qualified person for each position, and does not discriminate against qualified individuals on the basis of national origin, race, color, gender, creed, age, marital or familial status, sexual orientation, physical or mental disability, or veteran status. It is the Library’s policy to employ, retain, promote, terminate, and otherwise treat all employees and job applicants on the basis of merit, qualifications, and competence.

### PROMOTION FROM WITHIN

The Library policy is to promote from within, if there is a candidate fully qualified on the basis of merit, qualifications, and competence to fill the vacancy. To expedite this policy, announcements of openings will be posted at the Library prior to advertising to the general public (e.g. at the Town offices, on the Town website, in classified advertisements). Qualified individuals employed by the Library will be given first consideration to fill an opening. Any employee interested in a posted position must submit a letter of interest and a resume to the Trustees within the time frame noted.

### RECRUITMENT

- 1) When a Library Director position vacancy occurs, the Board of Trustees is responsible for appointing or hiring to fill the position.
- 2) When a Staff position vacancy occurs, the Library director will notify the Board of Trustees of the date of the vacancy, position title and description, and other pertinent facts, as soon as possible and before recruitment is initiated. The Trustees will then determine if and when the position is to be filled. After consultation with the Trustees, the Director will be responsible for posting the appropriate position announcements, first at the Library, and then as noted below if there are no qualified internal candidates.
- 3) When the Library director wishes to establish a new position, the Board of Trustees must be notified in writing, including justification for the request, budgetary implications, title and position description. No new position will be established without the written approval of the Board of Trustees.

## **APPLICATION**

- 1) Application for employment with the Library must be filed on the appropriate forms as deemed necessary by the Trustees. Applications must be complete and signed by the applicant.
- 2) Job vacancies, except those filled by promotion, will be posted at the Town Offices, on the Town web site, at the Library, and advertised in the local media.
- 3) It is the Trustees' policy to employ, retain, promote, terminate, and otherwise treat all employees and job applicants based on merit, qualifications, and competence.

## **APPOINTMENT**

- 1) Appointment to fill a position will be made after the Library Director completes a review of all applicants. The Director will present his/her recommendation to the Board of Trustees for its review and final decision.
- 2) The Board of Trustees will determine the pay rate at time of an offer of employment and confirm the regularly scheduled hours of work for each position.
- 3) An offer of employment from the Trustees may be contingent upon the results of a medical examination. This examination will be conducted solely for the purpose of determining whether the applicant, with reasonable accommodations, is capable of performing the essential functions of the job for which s/he has applied. The exam will be conducted prior to employment and at Library expense.
- 4) Prior to employment, the Trustees will conduct any reference, motor vehicle, criminal, and/or credit checks that are deemed necessary for the position. The applicant will be required to sign a waiver form for the background checks to be done.

## **EMPLOYMENT OF RELATIVES or SIGNIFICANT OTHERS**

The Library will not employ individuals who are related to, or are otherwise involved in a close personal relationship with, current Library Trustees or employees who have any supervisory responsibilities.

## **PERSONNEL FILE**

A personnel file will be maintained for each Library employee and kept locked in the personnel file drawer in the administrative offices of the Town. **The contents of the personnel file are treated as private Library information and maintained as confidential information.** This file will contain all demographic data, copies of all pertinent documents concerning the individual as developed or issued by the Library, a copy of the employment application, performance evaluations, promotion statements, wage and salary changes, commendations, and any disciplinary warnings or actions.

The personnel files are kept locked in the Town office and access is limited to authorized individuals only. The Trustees will provide reasonable opportunities for an employee to inspect his/her file, upon written request. An appointment to view the file will then be made at the mutual convenience of the employee and the Library Director or a Trustee. An authorized person must be present with the employee when the file is being reviewed. Copies of the file contents will be made available to the employee within a reasonable time frame. If the employee disagrees with any information in the file and the employer and employee cannot agree upon removal or revision of the information, the employee may submit a written statement explaining his/her version of the information, together with any supporting evidence. This statement shall be maintained as part of the employee's personnel file. Any changes in marital status, dependents (for employees eligible for benefits), mailing or physical address, or phone number should be reported immediately to the supervisor so that personnel and payroll information is kept current.

## GENERAL HOURS OF WORK

- 1) As of the date of this policy, the Library is open to the public 29 hours a week. During the school year, the Library may be open additional hours and staffed to accommodate class visits from the local schools.
- 2) The Library Director will be scheduled for a minimum of forty hours a week at the library, exclusive of meal times.
- 3) A 15-minute break is required for every 4 hours worked or 30-minute meal break for every five hours worked. These breaks will not be scheduled at the end of shift. There are no restrictions on the number of hours worked in a day.

## OVERTIME

- 1) According to the F.L.S. Act and the job description, the position of professional Library Director is “exempt”. Overtime compensation for work over forty hours a week does not apply.
- 2) The other staff members of the library are “non-exempt” employees. They are paid hourly for all hours worked up to and including forty hours.
- 3) When unusual circumstances warrant overtime, the Library Director or the Trustees may authorize a reasonable period of overtime for non-exempt (hourly) employees to meet operational needs.
- 4) For all hourly employees, any time worked over forty hours in a workweek will be compensated at one and one-half times their regular hourly rate.

## COMPENSATORY TIME

- 1) The position of Professional Library Director is an “exempt” employee. Compensatory time for work in excess of forty hours per week does not apply.
- 2) Compensatory time does not apply to any other library personnel.
- 3) Non-exempt hourly employees are not allowed to volunteer or be asked to volunteer their time to work for any library related or sponsored functions or programs.

## PAY CHECKS / PAY DAY

Employees will be paid on **Wednesday** for work performed during the previous week, based on a Sunday through Saturday workweek. Timesheets must be turned in to the Library Director no later than **Monday 10:00 am (10:00 am Tuesday if Monday is a holiday)** in order for payroll to be processed properly. If information is not received on time, any adjustments to wages will be made the following week.

## EMPLOYEE PERFORMANCE EVALUATION

The objectives of performance reviews are:

- to document and evaluate performance levels
  - to support any wage/salary adjustments that may be recommended
  - to provide the vehicle for employees and the Library Director to set performance standards and goals
  - to give employees an opportunity to discuss job aspirations, concerns, and interests with the Library Director and, if appropriate, with the Trustees.
- 1) The Board of Trustees will evaluate the performance of the Library Director annually to determine the quality of job performance, suitability of the assignment, provide the Director with a written measure of job performance, and support wage or salary adjustment recommendations.

- 2) The Library Director will evaluate all other employees at the end of their three month orientation periods, again at the end of twelve months of employment, and thereafter annually, to determine the quality of job performance, suitability of the assignment, provide the employee with a written measure of job performance, and support wage or salary adjustments that may be recommended.
- 3) A performance evaluation may be conducted at any other time, if determined to be warranted by the Library Director or the Trustees.
- 4) The employee will have the opportunity to provide written comment on, or rebuttal to, the evaluation. The evaluation will then be forwarded to the Trustees for review and final acceptance. The Trustees will file the original evaluation, including employee comments, in the employee's personnel file at the Town offices. Any employee under the Director's supervision may discuss his/her evaluation with the Board of Trustees within ten (10) working days of the review completed by the Director.

## **GENERAL RULES AND REGULATIONS FOR ALL EMPLOYEES**

Rules and regulations regarding employee behavior are necessary for the efficient operation of the Library and for the benefit and safety of all employees. Conduct that interferes with operations, discredits the Library, and/or is offensive to patrons or co-workers, will not be tolerated.

- 1) Employees are expected to conduct themselves in a positive manner at all times, so as to promote the best interests of the Library in its role of providing services to the Town. Such conduct includes:
  - a) reporting to work punctually as scheduled, ready for work at the assigned starting time.
  - b) giving proper advance notice whenever unable to work or report on time.
  - c) complying with all safety and security procedures and regulations. The Occupational Safety and Health Act of 1970 established safety and health standards in the workplace and are enforced by the Occupational Safety and Health Administration (OSHA). The Library Director will inform all employees and volunteers of safety and health requirements as they relate to his/her work area and duties. The Director shall ensure these requirements are strictly adhered to.
  - d) preventing accidents by eliminating procedures or conditions that may result in injury, work interruption, or damage or destruction of equipment, material, or property. Each employee is responsible for reporting any conditions or procedures, which s/he feels are unsafe, to the supervisor as soon as possible.
  - e) smoking is prohibited inside the library or anywhere on Library property.
  - f) wearing clothing appropriate to a public work place and the work being performed, as determined by the Library Director and the Trustees.
  - g) maintaining a clean and orderly work place.
  - h) treating all library patrons and coworkers in a courteous manner.
  - i) refraining from behavior or conduct deemed offensive or undesirable, or which is contrary to the best interests of the library patrons and employees.
  - j) performing assigned tasks efficiently and in accordance with established quality standards.
  - k) reporting to the Director, a Trustee, or the Town authorities, suspicious, unethical or illegal conduct by coworkers, patrons, or suppliers.
  - l) cooperating with any internal Library or Town investigations.
- 2.) Employees are required to report any work-related accident, injury, or illness to their supervisor as soon as possible. The supervisor will ensure that all applicable forms are completed in a timely manner and submitted to the Town office.

- 3.) Improper conduct is prohibited, will be cause for disciplinary action, and/or may result in termination of employment. Such conduct includes but is not limited to:
- a) reporting to work under the influence of alcohol and/or illegal substances; the use, sale, dispensing or possession of alcoholic beverages and/or illegal substances on Library premises.
  - b) using profanity, or threatening or abusive language.
  - c) possessing weapons, armaments or explosives on Library premises.
  - d) being insubordinate or refusing to follow management's instructions concerning work-related matters.
  - e) failing to conduct oneself in a professional and cooperative manner while carrying out duties for the library.
  - f) neglecting duties; failing to perform work-related responsibilities.
  - g) continuing or not resolving violations of library employment policies.
  - h) conducting one self, including speech or gestures, in a manner that physically harms or threatens others, or that is abusive or disrespectful to coworkers or other members of the public.
  - i) stealing, destroying, misappropriating, using without authorization, defacing or otherwise misusing Library property.
  - j) falsifying, altering, or being dishonest in any Library record, report or communication.
  - k) engaging in inappropriate workplace behavior, including harassment.
  - l) improperly disclosing confidential information.
  - m) failing to comply with safety requirements.
- 4) When leaving Library employ, each employee must account for and turn over all Library equipment and information in his/her possession, including but not limited to phones, keys, computers, printers, discs, files, and all information contained on storage media of any type.

### **PHONE, COMPUTER, E-MAIL, AND INTERNET POLICY**

Phones and computers are the property of the Library. They exist solely for Library use and should not be used for creation or storage of personal information or files. Use of phones or computers that violates any laws, regulations or any other provisions of Library policy is prohibited, as is the use of the computers that adversely affects the efficient operation of this equipment.

No employee should have any expectation of privacy in any message, file, image or data created, sent, retrieved or received by use of the Library's equipment and/or technology. The Board of Trustees, acting as managers of the Library has the right to monitor all aspects of telecommunications and computer systems including, but not limited to, phone calls, web browsing, instant messaging systems, news groups, files uploaded or downloaded, and e-mail sent or received. Monitoring may occur at any time, without notice, and without the user's permission. Failure to comply with the provisions of this policy may result in disciplinary action up to and including termination of employment.

Certain activities are prohibited when using Library computers. These include, but are not limited to:

- accessing, downloading, printing or storing information with sexually explicit content
- downloading or transmitting fraudulent, threatening, violent, obscene, intimidating, defamatory, harassing, discriminatory, or otherwise unlawful messages or images
- installing or downloading computer software, programs, or executable files contrary to Library policy
- uploading or downloading copyrighted materials or proprietary Library information
- uploading or downloading access-restricted Library information
- sending e-mail using another's identity, an assumed name, or anonymously
- any other activities designated as prohibited by the Library

## DISCIPLINARY PROCESS

Disciplinary action will normally be taken in order of the steps noted below, except when the act is so egregious as to warrant immediate discharge.

- 1) **Verbal Warning:** The employee will receive a verbal warning of the area that needs improvement with remedial plan(s) of correction required by the supervisor. Date, time, nature of the warning and remedial recommendation(s) must be documented and entered into the employee's personnel file. Generally, a warning should be issued within one (1) workday of knowledge of the offense or concern.
- 2) **Written Warning:** The employee is given a written warning by his/her supervisor for a repeat of the offense that was the source of the verbal warning or for an offense the seriousness of which dictates more than a verbal warning. Warning will include nature of offense, remedial plan(s) of correction, date, time of offense and possibility of future disciplinary action. Generally, a written warning should be issued to the employee within three (3) workdays of knowledge of the offense, with a copy reviewed with the employee and placed in his/her personnel file. The Board of Trustees will be notified of written warnings given by the Library Director.
- 3) **Suspension:** The employee is suspended without pay for a recurring offense or an offense that merits suspension. The Library Director will notify the Board of Trustees of this recommended action before the suspension is imposed by the Trustees. Length of suspension is based on the seriousness of the offense. The employee will receive confirmation of suspension in writing with date, time, nature of offense, and remedial plan(s) of correction and the possibility of future disciplinary action, if applicable. A copy of this letter of suspension will be placed in the personnel file.
- 4) **Discharge:** Library Director submits a written recommendation for termination, which includes the grounds and reasons, and previously attempted remedial action(s) if applicable, to the Trustees. After compiling and reviewing the pertinent facts and discussing the situation with the Library Director, if a majority of the Board of Trustees deems appropriate, the employee will be discharged. Notice of discharge shall be given to the employee not less than fifteen days and not more than 30 days prior to the effective date of discharge. The discharge letter to the employee will include the time, date, and nature of the offense. A copy of this letter will be placed in the personnel file.
- 5) **Review:**
  - a) In the case of a verbal or written warning, an employee may request a review, in writing, to the Library Director within three (3) workdays of the action. The Director shall respond, in writing, within three (3) workdays of receiving the request for review. If not satisfied with the Director's decision, the employee may request a review, in writing, to the Trustees within five (5) workdays of the decision. The Trustees shall respond, in writing, within ten (10) workdays of receiving an appeal request. The Trustees' decision shall be final.
  - b) In cases of discharge, upon receipt of the notice and within thirty days thereafter, an employee may request a public hearing on such discharge. The Trustees shall hold the public hearing not more than thirty days after the receipt of the request, and if the Trustees, upon due hearing, shall find good cause for discharge, they shall order the employee's discharge. There shall be no change in wages or salary of the employee during the proceedings for discharge until the final effective date of the order.

## **ANTI-HARASSMENT and NON-DISCRIMINATION POLICY HARASSMENT POLICY and SEXUAL HARASSMENT POLICY**

All Library employees should be able to enjoy a work environment free of illegal discrimination and harassment, and have the established grievance procedures, including 504 grievances. Employees have the right to use these procedures without jeopardizing their current or prospective employment status.

This policy refers, but is not limited, to discrimination and/or harassment based on age, race, color, national origin, religion, gender, sexual orientation, marital or familial status, physical or mental disability, or veteran status, or any other characteristic protected by law. To help ensure that no employee feels himself or herself to be subject to harassment, the Library policies prohibit any offensive physical, written, or spoken conduct regarding any of these areas, including conduct of a sexual nature. Harassment includes display, amplification or circulation of audio or written materials or pictures degrading to either gender, or to racial, ethnic, differently abled or religious groups.

Harassment also includes, but is not limited to, verbal abuse or insults directed at, or made in the presence of, members of a racial, ethnic, or minority group. Harassment also refers to behavior that is personally offensive, impairs morale, and/or interferes with the work effectiveness of employees. Sexual harassment includes, but is not limited to, unwelcome sexual advances, requests for sexual favors, and other offensive verbal or physical conduct that is sexual in nature. No harassment of employees by other employees will be permitted, regardless of their working relationship. Harassment undermines the employment relationship by creating an intimidating, hostile or offensive work environment and will not be tolerated.

Conduct may also constitute harassment when engaged in by a Library employee in a position to influence employment decisions when:

- 1) submission to such conduct is made, either expressly or implicitly, a condition of the recipient's continued employment, or
- 2) submission to or rejection of such conduct by the recipient is used as the basis for employment decisions affecting the recipient.

In fulfilling his/her obligation to maintain a positive, productive work environment, the Library Director is expected to halt immediately any harassment of which he or she becomes aware by reminding the employee of the Town policy, documenting the concern and the action taken, and applying disciplinary action when necessary.

If an employee believes s/he is subject to any form of harassment or believes that s/he is being discriminated against because another employee is receiving favored treatment in exchange for favors, s/he must bring this to the attention of the Library Director and/or the Board of Trustees. The very nature of harassment can make it difficult to detect unless the person being harassed registers her/his grievance. In order for the Library Director or Board of Trustees to deal with the problem, employees must report offensive conduct or situations they experience or observe others experiencing.

**Harassment/Discrimination Investigation:** When the Library Director or Trustees receive a complaint of harassment or discrimination, the allegation will be investigated promptly. Complaints will be kept confidential to the extent consistent with our obligation to look into and remedy any harassment or discrimination. For most matters, the investigation will include an interview with the person filing the complaint, an interview with the person alleged to have committed the harassment, and to the extent necessary, interviews with coworkers or other witnesses. All employees are expected to be truthful, forthcoming, and cooperative in connection with a complaint investigation.

Once the investigation is complete, the Library Director and/or the Trustees will inform the person filing the complaint and the person alleged to have committed the conduct of the results of the investigation. If it is determined that inappropriate conduct occurred, the Library Director and the Trustees will act promptly to eliminate the offending conduct, and where it is appropriate, impose disciplinary action. There may be instances when, depending upon the nature of the allegations of harassment or discrimination, an alleged wrongdoer will be suspended, with pay, pending investigation. Such a suspension pending investigation should not be considered as a conclusion of wrongdoing

**Disciplinary Action:** The Trustees will not condone, permit, or tolerate unlawful harassment or discrimination in any manner whatsoever. Any employee who is found to have engaged in behavior contrary to this policy will be subject to disciplinary action, up to and including suspension or termination, depending among other things on the nature of the conduct. As stated previously, this anti-harassment and discrimination policy is not designed or intended to limit the Trustees' authority to discipline or take remedial action for workplace conduct which they deem unacceptable, regardless of whether that conduct satisfies the definition of illegal harassment or discrimination.

**Retaliation:** The Trustees also prohibit any form of retaliation against any employee for filing a good faith complaint under this policy or for assisting in a complaint investigation. Anyone found to have engaged in such retaliation against a person who has registered a complaint under this policy or to have retaliated against anyone for assisting in the investigation of a complaint would be subject to disciplinary action up to and including suspension or termination. Any employee who believes that s/he is being retaliated against should bring it to the attention of the Library Director or the Trustees, so that appropriate action may be taken.

## **AMERICANS with DISABILITIES ACT POLICY**

The Trustees are committed to providing equal employment opportunities to qualified individuals with disabilities, which includes providing reasonable accommodation to qualified applicants to allow them to perform essential job duties. In general, it is the responsibility of the employee to notify the Library Director of the need for an accommodation of any physical or mental disability that substantially limits a major life activity. When appropriate, the Trustees may need the employee's permission to obtain additional information from his/her physician or other medical or rehabilitation professionals to document the disability and to assist the Library Director in assessing any functional limitations for which a reasonable accommodation may be needed. All medical information will be treated as confidential in accordance with the Americans with Disabilities Act. The Trustees will take all requests for accommodations seriously and will promptly determine whether the employee is a qualified individual with a disability and whether a reasonable accommodation exists which would allow the employee to perform the essential functions of the job without imposing an undue hardship on other employees or the services of the Library.

## **DRUG FREE WORK PLACE POLICY**

In conjunction with the Town's drug free workplace policy, there will be no use of alcoholic beverages in the building or property of the Library. Any employee who reports to, or returns to, work and appears to be under the influence of alcohol or any controlled substance, may be tested as arranged through the Town Administrator, and will receive at least a written warning and be sent home for the rest of the work day without pay, or the employee may be terminated. The employee will be sent to the Town Administrator or Human

Resource Manager and will receive information regarding local services: counseling, medical insurance benefits for substance abuse programs, if applicable; assessment and treatment resources; employee assistance programs. The second infraction will result in termination. We will not tolerate the unlawful possession, use, manufacture, distribution, or dispensation of controlled substances, alcohol, or other drugs at the workplace or during work time. Controlled substances include, but are not limited to: narcotics, cannabis, stimulants, depressants, and hallucinogens.

The administration of the Library and the Town are committed to the health and safety of our employees. We believe that rehabilitation is the preferred solution to any substance abuse problem from all standpoints, as it both protects our investment in trained staff and treats the employee concerned with dignity. As a matter of policy, we will encourage the rehabilitation option whenever possible. Employees should refer any questions to the Library Director, who may direct them to the human resource department at the town offices for specific information about available services. All employees will be asked to acknowledge in writing, on a form obtained from and returned to the Town Administrator, that they have been informed of the Drug Free Workplace Policy and agree to abide by it in all respects. By law, this acknowledgment and agreement is required as a condition of employment.

## **FAMILY, MEDICAL and OTHER LEAVE**

### **Family / Medical Leave:**

Although the Town is covered by the FMLA, at the time this policy was implemented, the Library and the Town did not have enough employees to render any employee eligible for FMLA. However, the Town has set out this FMLA policy so that employees who believe that they may be eligible for FMLA leave may ask the Library Director have the Town Administrator analyze eligibility at that time. If the Town does not have enough employees to render an employee eligible for FMLA leave, the Trustees and the Town may, at their discretion, grant a leave that is similar to the FMLA leave described below.

**FMLA Leave Eligibility:** Eligible employees may take up to 12 weeks of unpaid family/medical leave every 12 months for certain family and medical reasons. To be eligible, the employee must have worked for the Library for 12 months and for one thousand two hundred fifty hours (1,250) over the previous 12 months. (See the FMLA regarding exemptions for certain highly compensated employees) Intermittent leave will be permitted for eligible employees where necessary.

Reasons for Leave: Eligible employees may take FMLA leave for any of the following reasons:

- 1) to care for a newborn, an adopted child, or a foster child within one year of the child's arrival,
- 2) to care for a spouse, child, or parent who has a serious health condition, or
- 3) for a serious health condition which makes you unable to perform the functions of your job, or
- 4) because of any qualifying exigency (as the Department of Labor Regulations shall define that term) arising out of the fact that the spouse, or son, daughter, or parent of the employee is on active duty (or has been notified of an impending call or order to active duty) in the Armed Forces in support of a contingency operation.

**Service Member Family Leave:** An eligible employee who is the spouse, child, parent, or next of kin of a covered service member who is recovering from a serious illness or injury sustained in the line of duty on active duty shall be entitled to a total of 26 workweeks of leave during 12-month period to care for the service member. The leave described in this paragraph shall be available during a single 12-month period. During this 12-month period, an eligible employee shall be entitled to a combined total of 26 workweeks of leave (including any time taken because of any qualifying exigency arising out of the fact that the spouse, child, or parent of the

employee is on active duty (or has been notified of an impending call or order to active duty) in the Armed Forces in support of a contingency operation).

**Substitution of Paid Leave for FMLA Leave:** In the case of leave for the birth, foster placement, or adoption of a child, the serious health condition of a spouse, child, or parent, or because of any qualifying exigency arising out of the fact that the spouse, child, or parent of the employee is on active duty (or has been notified of an impending call or order to active duty) in the Armed Forces in support of a contingency operation, an eligible employee must substitute any accrued vacation leave, personal leave and/or “family” leave for any part of the unpaid leave provided for under the FMLA. In the case of the employee’s own serious health condition, an eligible employee must substitute any accrued vacation, personal, or sick leave for any part of the unpaid leave provided for under the FMLA. Substitution of paid leave time for unpaid leave time does not extend the 12-week leave period. The employee’s family/medical leave will run concurrently with other types of leave. You will not accrue vacation or holiday benefits while on unpaid leave.

**Health Benefits:** During an approved family/medical leave, the Town will maintain the employee’s health benefits under the same terms and conditions applicable to employees not on leave. If paid leave is substituted for unpaid family/medical leave, the Town will deduct the employee’s portion of the health plan premium as a regular payroll deduction. If the employee’s leave is unpaid, he/she must pay his/her portion of the premium by making arrangements with the Town Administrator. The employee’s health coverage will cease if his/her premium payment is more than 30 days late.

If the employee elects not to return to work at the end of the leave, the employee will be required to reimburse the Town for the cost of the premiums paid by the Town for maintaining coverage during the employee’s unpaid leave, unless the employee cannot return to work because of a serious health condition or because of other circumstances beyond the employee’s control.

**Leave Forms:** Employees must complete the appropriate family/medical leave forms. These forms are available from the Library Director.

**Notice:** If his/her need for family/medical leave is foreseeable, the employee must give thirty (30) days prior written notice. If the need for FMLA leave is not foreseeable, the employee must give notice to the Library Director as soon as practicable. If his/her need for leave is because of a planned medical treatment, the employee must attempt to schedule the treatment to avoid unduly disrupting the Library’s operations.

**Certification:** The Library requires that the employee provide a medical certification of his/her need for leave because of a serious health condition (whether the employee’s, child’s, spouse’s, parent’s, or next of kin’s) whenever the leave is expected to extend beyond five (5) consecutive working days or will involve intermittent or part-time leave. The employee must provide a medical certification of his/her ability to resume work after a FMLA leave for his/her own serious health condition that extends beyond ten (10) consecutive working days. The Library may require that a request for leave due to military service be supported by appropriate certification if the FMLA regulations prescribe such certification.

If possible, the employee must provide the medical certification within 15 days after his/her requested leave. If the employee provides at least thirty (30) days notice of his/her need for medical leave, he/she should provide the medical certification in a timely manner or the leave may be delayed until certification is provided. The Library, at its or the Town’s expense, may require an examination by a second healthcare provider designated by the Town, if the accuracy of the medical certification initially provided is in doubt. If the second healthcare provider’s opinion conflicts with the original medical certification, the Library or the Town, at its expense, may

require a third, mutually agreeable, health care provider to conduct an examination and provide a final and binding opinion. The Library or the Town may require subsequent medical recertification. Failure to provide requested certification within fifteen (15) days if such is practicable may result in delay of further leave until it is provided.

**Tracking Leave Time:** The 12-month period in which 12 weeks of leave may be taken is measured from the date an employee begins using any family/medical leave. Accordingly, an employee is entitled to 12 weeks of leave during the year beginning on the first day the employee takes FMLA leave. The next 12-month period would begin on the first day on which the employee takes FMLA leave after completion of any previous 12-month period.

**Reporting While On Leave:** If the employee takes a leave because of his/her own serious health condition or to care for a covered relation with a serious health condition, the Library Director shall be contacted on a prescheduled basis regarding the status of the medical condition and the intention of the employee to return to work. In addition, the employee must give notice as soon as practicable (within two business days if feasible) if the dates of leave change or must be extended.

**Returning To Work:** If the employee returns from an approved family/medical leave not in excess of 12 weeks within a 12-month period, he/she will be reinstated to his/her previous position or an equivalent position with the same status, pay, benefit, accrual, and seniority, which existed prior to the leave, unless the employee has been designated as a “key employee” under FMLA. If the employee takes leave because of his/her own serious health condition (except if he/she is taking intermittent leave), he/she must provide medical certification that he/she is able to resume work before his/her return. A return-to-work medical certification form must be obtained from, completed and returned to the Library Director, who will forward it to the Town. Employees failing to complete the return-to-work medical certification form will not be permitted to resume work.

**No Work While On Leave:** The taking of another job while on family/medical leave or any other leave may lead to disciplinary action, up to and including discharge.

**State Family and Medical Leave Laws:** Where State, family and medical leave laws offer more protection or benefits to eligible employees, the additional protection or benefits provided by such laws will apply.

**Disability Leave:** Full-time employees who have completed their probationary period are eligible for an unpaid disability leave due to a non-occupational illness, injury or pregnancy-related disability for a period not to exceed 12 weeks. The granting of this leave prior to the completion of the eligibility period and/or beyond the maximum period as stated above may be required as a reasonable accommodation to an employee in accordance with the Americans with Disabilities Act. Employees are permitted to use earned vacation and sick time during a disability leave. The Town must be provided with a notice of disability including a doctor’s certificate stating the nature of the disability and the expected date of return to work.

When the employee is able to return to work, he/she should give the Library at least one week’s written notice by mail, which notice shall include a doctor’s certificate stating that he/she is physically able to return to his/her normal duties. The Library reserves the right to require a physical examination by a physician of the Library and the Town’s choosing prior to the employee’s resumption of duties, as provided by state law. The Library Director will make reasonable efforts to return the employee to the same or similar position as held prior to the leave, subject to the Library’s staffing and business requirements. The employee’s continued absence from work beyond his/her disability leave as determined by his/her physician will be deemed a voluntary termination of employment.

**Military Leave:** Any employee of the Library may take a military leave in accordance with the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA) and applicable State law. Military leaves of absence for more than ten (10) workdays in a calendar year are without pay. In computing the pay, if any, due the employee, payment will reflect the difference between the employee's straight time rate for the days in question and the military pay, if the normal pay exceeds the military pay for the specified period. Reinstatement rights will be in accordance with USERRA.

**Workers' Compensation Leave:** A leave of absence will be granted to an employee who is absent because of a work-related accident or illness covered by Workers' Compensation Insurance, and the employee may apply for workers' compensation benefits. The State of New Hampshire's workers' compensation law as amended shall govern reinstatement rights.

**Personal Leave of Absence:** A personal leave of absence without pay may be granted for a reasonable period of time of up to thirty (30) days, at the Library Director's discretion, for compelling personal reasons. Requests for a personal leave must be submitted in writing to the Library Director. If s/he supports the leave request, the Director must obtain express approval from the Library Trustees before the leave is granted. Reinstatement after a personal leave is not guaranteed. However, if reinstatement is granted, it is the employee's responsibility to report to work at the end of the approved leave. If the employee fails to report to work on the day after the leave expires, he/she will be considered to have voluntarily terminated employment.

**Jury Duty Leave:** In the event that an employee is summoned for jury duty, the Library will provide the necessary time off as prescribed by State Law. Employees must notify the Library Director within three (3) days after receipt of jury duty summons. The Library will pay the employee who is reporting for Jury Duty and who is required to stay at Court for a minimum of four (4) hours. The employee will be paid the difference between what the employee received from the Court and what he/she would have earned if he/she had worked his/her regular scheduled shift that day. If the employee is released from jury duty earlier than four (4) hours, he/she will be expected to report to work, if scheduled, within a reasonable time of being so discharged from jury service.

**Bereavement Leave:** To be eligible for bereavement leave, an individual must have been a full-time, casual, or part-time employee of Library for at least twelve (12) months. In the event of a death in the immediate family (as defined below), the employee will be granted up to four (4) consecutive days off, one of which will include the day of the funeral (with pay) for time lost from his/her regularly scheduled workweek. Casual and part-time employees, who have been employed by Library for at least twelve (12) months, will be granted prorated paid leave if the bereavement arises at a time they are regularly scheduled to work. Immediate family is generally defined to mean spouse, parent, child, sibling, parent-in-law, child-in-law, grandparents, grandchild, domestic partner, and significant other.

**Sick Leave:** All full-time, casual, and part-time employees who have satisfactorily completed six (6) months of service are eligible for sick leave. Each employee will be allowed one (1) regularly scheduled workweek of sick time per calendar year. Sick days are not carried forward or accrued into the next year until the employee has worked for the Library for five (5) or more years. Accrual will begin upon completion of the fifth year of employment. Casual and part-time employees accrue a pro-rated amount of leave based on their average number of regularly scheduled hours per week. Employees can accrue no more than twenty-five (25) sick days at any given time.

Sick leave is allowed only in the case of necessity and actual illness or disability of the employee, because of illness in the employee's immediate family (including civil union partner), or domestic partner, or to take

physical, dental, visual, or other sickness prevention or wellness measures. The employee must notify the Library Director as early as possible of his/her absence. Any absence of more than three (3) consecutive workdays must be documented with a doctor's statement before an employee is allowed to return to work and before sick leave payment is processed.

## **CRIME VICTIM EMPLOYMENT LEAVE ACT POLICY**

Library complies with the New Hampshire Crime Victim Employment Leave Act, N.H. **RSA 275:61**.

### **Definitions for purposes of this policy:**

- a.) "Crime" means an offense designated by law as a felony or a misdemeanor
- b.) "Victim" means any person who suffers direct or threatened physical, emotional, psychological, or financial harm as a result of the commission or the attempted commission of a crime. "Victim" also includes the immediate family of any victim who is a minor or who is incompetent, or the immediate family of a homicide victim.
- c.) "Immediate" family means parent, stepparent, child, stepchild, sibling, spouse (including civil union partner), grandparent, or legal guardian of the victim; or any person involved in an intimate relationship and residing in the same household with the victim.

**Right to Leave Work:** The Library will permit an employee who is a victim of a crime to leave work so that the employee may attend court or other legal or investigative proceedings associated with the prosecution of the crime. This time will be considered an authorized unpaid leave of absence. The employee will not lose seniority while taking this leave.

**Substitution of Paid Leave:** The employee must substitute any accrued vacation leave, personal leave and/or sick leave for any part of the unpaid leave provided for under this policy.

**Notice Requires:** Before taking leave under this policy, the employee must provide the Library Director with a copy of the notice of each scheduled hearing, conference, or meeting that is provided to the employee by the court or agency responsible for providing notice to the employee. The Library Director will maintain the confidentiality of any written documents or records submitted by the employee relative to the employee's request for leave under this policy.

**Limitations on Leave:** The Library may limit the leave provided under this policy if the employee's leave creates an undue hardship to the Library.

**No Discrimination:** Library employees will not discharge, threaten, or otherwise discriminate against any employee regarding the employee's compensation, terms, conditions, location or privileges of employment because the employee has exercised his/her right to leave work as provided under this policy. Complaints of discrimination should be brought to the attention of the Trustees immediately. Complaints of discrimination will be investigated and, if appropriate, remedial action will be taken.

## HOLIDAYS

Generally, the Library observes the following holidays, but the Trustees reserve the right to revise the holiday schedule annually for the upcoming calendar year.

New Year's Day	Labor Day
Martin Luther King Day	Columbus Day
Presidents' Day	Veteran's Day
Memorial Day	Thanksgiving Day
Independence Day	Christmas Holiday
Floating Day	

Holidays are generally observed on the dates specified by the laws of the State of New Hampshire. Holidays falling on a Sunday will be observed on the following Monday; holidays falling on a Saturday will be observed on the preceding Friday unless scheduled otherwise. Employees who are absent without authority on workdays directly preceding or following a holiday will not be paid for the holiday. They will be required to submit a note to their supervisor from a health professional indicating that they were unable to work on that day. Part-time employees are eligible for paid, pro-rated holiday leave, whether or not they are scheduled to work on the day of the holiday.

If an eligible employee is not generally scheduled to work on the day of a holiday, s/he must take a comparable number of hours off work (prorated if employee is casual or part time) during that **same** workweek. Employees are not authorized to work on a holiday and then substitute holiday hours for another day.

## VACATIONS

Vacations are an earned benefit and are provided to full-time, casual and part-time employees. Employees are eligible to accrue paid vacation leave after they have completed six (6) months of employment. Vacation time for all eligible employees is based on the calendar year. Any employee leaving prior to year-end, but after completing six (6) months of employment, will have his/her vacation time prorated based on the number of months they were employed during the current calendar year. The Library Director must have prior approval from the Trustees to take vacation leave, and the library staff must have similar prior approval from the Library Director. As the staff schedule is developed monthly, and in order to ensure adequate staffing, all requests for vacation leave should be made and approved at least one month in advance of the requested leave date(s). Exceptions will be dealt with on an individual basis by the appropriate supervisor(s) as stipulated above.

The vacation time accrual for full-time employees is as follows:

- From the month following hire until the end of the fourth year: 6 and 2/3 hours per month
- From the beginning of the fifth year to the end of the ninth year: 10 hours/month
- From the beginning of the tenth year to the end of the nineteenth year: 13 and 1/3 hours per month
- Twenty years and beyond: 16 hours per month

Casual and part-time employees will accrue vacation leave on a pro-rated basis, based on the schedule above. Employees are encouraged to take their accrued vacation on an annual basis, but may carry forward not more than **two weeks** of accrued vacation time into the next calendar year. Approval from the Library Director, or the Trustees in the case of the Director's leave, is necessary to take accrued vacation directly before or after annual vacation leave. All unused leave (not to exceed one year of accrual) shall be paid at the employee's regular base rate of pay, when employment is terminated.

## LIBRARY CLOSURE

If for any reason the Library is closed by the Director and the Trustees (such as when weather is so severe the Town Hall has been closed or essential equipment has malfunctioned in the Library), and if staff have already come in to work and are sent home, they will be paid for any hours worked or half of their regular shift, whichever amount is greater. If they have worked more than half their regular shift before being sent home, they will be paid for their full shift. If a staff member chooses not to come in to work at all, though the Library has not yet been closed, he/she **must** use the appropriate amount of time from the floating holiday or vacation leave. If the staff member has no accrued leave, he/she will not be paid for that day.

## BENEFITS

Although the Library and the Town strive to provide the best benefits possible for its employees, the Library and the Town have the right to change, at any time, the benefits they provide. The following is a summary of benefits that are currently provided. If anything in this policy is inconsistent with any other Town insurance policy language, the insurance policy shall prevail. If employees have any questions regarding these benefits, they should contact the Library director.

Full-time employees of Library are eligible to participate in the benefit package offered to employees of the Town. The Town offers a comprehensive, contributory insured health insurance program. The program includes medical, dental, life insurance, short and long-term disability coverage. The benefit package provides the opportunity for our employees to tailor their benefits to their individual needs. All Library and Town paid benefits are for Full-time and Casual employees only. Part-time employees (who work an average of sixteen (16) hours or more per week, but less than 24 hours) may elect to obtain the benefits but will pay 100% of the cost. Coverage will begin on the first day of the month following date of hire.

### **Medical/Dental Insurance:**

The Library and the Town offer medical and dental insurance for individuals employed full-time or casual time, on a cost shared basis. The employee's share of the cost will be automatically deducted from the individual's weekly paycheck. The cost to the employee will be determined on an annual basis.

### **Life Insurance:**

The Library and the Town provide all full-time and casual employees with a life insurance policy based on their annual salary. Employees may purchase supplemental and/or Dependent Life coverage if they so desire.

**Short-term Disability Insurance:** The Library and the Town provide short-term disability for full-time and casual employees. This covers **non-work related** sickness, accidents, or injuries. This coverage is for full-time and casual employees who have been employed at least twelve (12) months. Benefit coverage begins for accidents on the first day of disability and for illness, on the eighth day of illness.

### **Weekly Benefits: shall not exceed twenty-six (26) weeks and shall be calculated as follows:**

- 1) first seven (7) workdays: 100% of the employee's weekly basic earnings.
- 2) eighth (8<sup>th</sup>) workday until the end of 25 weeks: 66% of the employee's weekly basic earnings, to a maximum of \$800.00 per week.
- 3) employees with ten (10) years or more of service will continue to receive 100% of their normal weekly pay for up to the 25 weeks and will be considered on a "Temporary Medical Leave of Absence."

**Notice from physician:**

To apply for short-term disability, the employee must provide the Library Director or Trustees with a physician's note explaining any illness or disability in excess of five (5) workdays. Upon return to work, the employee must provide a note from his/her physician stating that the individual can return to work and perform the normal functions of his/her position.

**Basic earnings** means the rate of pay as reported on a time card or normal salary, and does not include overtime, or additional compensation or pay for more than forty (40) hours in any one-week.

**Employee Contributions:** The employee will be responsible for his/her weekly insurance contribution.

**Long-term Disability Insurance :**

The Library and the Town provide and pay 100% of premium costs for long-term disability for full-time and casual employees who have been employed for twelve (12) or more months. Benefits begin after one hundred eighty (180) days of consecutive days of disability. This plan will continue to pay the employee a portion (60%) of the employee's income, to a maximum of \$5,000/month, if the employee is unable to work due to total disability caused by accident or illness. (See specific details of plan in separate booklet provided by the Town.)

**Pension Plan:** The Town shall pay the employer's share for all full-time employees of the Library for participation in the New Hampshire State Retirement System.

**Health Savings Plan:** The Library offers employees an opportunity to participate in a "Health Savings Plan". The Library's obligation for benefit coverage will cease when the employee retires.

**Section 125 Premium Offset Plan:** This plan is approved by the IRS and allows employees to elect to convert taxable benefits (health insurance premiums) into non-taxable benefits. This is administered for the Library employees by the Town. Employees will be provided with the proper forms once per year to properly maintain this information.

**Terms of Insurance Policies to Govern:** The extent of coverage under the insurance policies and self-insured plans referred to herein shall be governed by the terms and conditions set forth in said policies or plans. Any questions or disputes concerning said insurance policies or plans or benefits there under shall be resolved in accordance with the terms and conditions set forth in said policies or plans. The failure of any insurance carrier(s) or plan administrator(s) to provide any benefit for which it has contracted or is obligated shall result in no liability to the Library.

### **Tuition Reimbursement**

The Library Trustees encourage and support training and continuing education. All Full-time, Casual, and Part-time employees who wish to enroll in a course (credit or non-credit) relating to their position description will be allotted up to \$125 per subject, per semester (non-accruable). Approval by the Library Director and/or Trustees and documentation of successful completion of the course is required. Medical circumstances causing non-completion of the course will not negate the monetary commitment of this policy.

**(NAME) LIBRARY PERSONNEL MANUAL**

**BOAD OF TRUSTEES APPROVAL**

This personnel manual has been prepared to provide guidance and information to Library employees. The Library Trustees reserve the right to change, add to, or delete any of the provisions in this manual at any time. The Trustees have the authority to enter into or change any agreement of employment contrary to the foregoing, which agreements shall be in writing. Any changes to the content of this manual will be distributed in writing to the parties affected.

This Personnel Policy is effective as of this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

**BOARD OF TRUSTEES**

Printed Name: ..... Signature: .....

**(NAME) LIBRARY PERSONNEL MANUAL**

**EMPLOYEE ACKNOWLEDGEMENT and AGREEMENT**

I acknowledge that I have received and read the (NAME) Library Personnel Policy manual. I acknowledge that I understand all the policies and agree to abide by these policies in all respects. I also understand that this form, once completed, will be kept in my personnel file.

**EMPLOYEE**

Printed Name: ..... Signature: .....

**SUPERVISOR**

Printed Name: ..... Signature: .....