

Personnel Policy

(Est. 10/21/2009; Revised 8/12; 6/2013; 12/2013; 11/2016; 10/2018; 11/2021; 06/22/22)

A. Purpose

The purpose of this policy is to provide employees with an explanation of present employment policies and practices of the Madison Library District (the Library).

B. The Organization

1. The Library is a political subdivision of the state of Idaho, though it is not a part of state government.
 - a. The Board of Trustees (the Board) serves as the governing body of the Library, carrying out local legislative duties and fulfilling other obligations. The Board shall have powers and duties consistent with the laws of the State of Idaho. See Idaho Code 33-2720.
 - b. The Board is the general policymaker for the Library and has primary authority to establish terms and conditions of employment with the Library.
2. The terms and conditions set forth in this policy, and in the resolutions and policy statements that support it, cannot be superseded by any other person, without the express written agreement of the Board. That is particularly true for terms or conditions that would establish a current or future financial obligation for the Library. Employees may, however, work for a department with an operational policy that provides additional direction to employees on expectations and procedures unique to that department.
3. The Library reserves the right to modify any of the policies, benefit offerings, and procedures, including those covered in this policy, at any time, without prior notice to, and consent of, Library employees. Changes may be made at the sole discretion of the Board.

C. Personnel Classifications

1. Employee status must be organized by classes in order to administer employee policies and benefits or to otherwise address employment issues.
2. The Library has five classifications of employees:
 - a. **Administration:** The Director and Assistant Director are full-time permanent, benefitted employees who work a scheduled forty hours per week. Administration are salaried employees;
 - b. **Staff:** Full-time permanent, benefitted, and trained employees who work a scheduled forty (40) hours per week;
 - c. **Clerks:** Part-time permanent, partially-benefitted, trained employees who assist the full-time staff in the operation of the Library and who work a scheduled week between twenty (20) and twenty-nine (29) hours;
 - d. **Pages:** Permanent non-benefitted employees who work less than twenty (20) hours per week.
 - e. **Temporary Employees:** Employees who work on an irregular, seasonal, or temporary basis. Temporary employees receive no benefits provided to regular employees, except those required by law or authorized by the Board.
3. Employees are hired subject to a ninety (90) day probationary period.
4. Each employee should recognize that although they may serve as an employee supervised by a department head, they remain an employee of the Library, and not of the person who supervises their work.
5. All employees are for-cause employees and can be dismissed as per the Disciplinary Process described in section L, by the Director.

6. With the exception of Administration, employees – Staff, Clerks, Pages, and temporary employees – are hourly waged.

D. Duties of the Library Director

1. The Library Director (the Director) shall administer the Library following the policies of the Board.
2. The Director shall serve as secretary for the Board without voting rights. The Director shall be present at monthly Board meetings and prepare and present such reports and meeting documents as requested, including financial records (income, expenses, budget updates) and statistical reports.
3. The Director shall advise and consult with the Board, implement policy set by the Board, and shall oversee the acquisition of Library materials, equipment, and supplies. This includes selection, ordering, processing, weeding, and inventory of the collections according to the guidelines in the Collections Policy.
4. The Director shall oversee the maintenance of financial records in an efficient manner; present periodic reports to the Board and to county and state governments as required by law; prepare the draft of the annual budget to be presented to the Board annually in July; and assist Trustees with presentation of the proposed budget to patrons at the annual budget hearing in August.
5. The Director shall attend all executive sessions of the Board of Trustees, except those called to consider the evaluation, dismissal, discipline, or complaints or charges against the Director.
6. No Director shall be an employee or Board member of a library or other agency with which the Library has a service contract.
7. The Director shall hire or oversee the hiring of all employees based on the policies and job classifications created by the Board, and shall discipline and discharge any employee, as necessary, according to the written policies of the Board.
8. The Director shall appoint a staff employee as Assistant Director. The Assistant Director shall be trained by the Director to carry out all the Director's tasks and shall have sufficient authority to direct the Library and employees in the Director's absence.
9. The Director shall organize and hold regular meetings with staff and/or volunteers for training and facilitating the smooth operation of the Library.
10. The Director shall be responsible for or oversee preparing annual performance assessments for Library employees.
11. In case of emergency, such as severe weather, fire, earthquake, or other natural or man-made disaster or dangerous situation, the Director and/or the Assistant Director shall use their best judgment to determine closure of the Library for the protection of both patrons and staff.

E. Hiring Practices

1. Equal Opportunity Employment Policy

- a. It is the policy of the Library to provide equal employment opportunity for all qualified persons. Equal employment opportunity shall be according to the provisions of State and Federal laws and regulations.
- b. All selection of employees and all employment decisions, including classification, transfer, discipline, and discharge, will be made without regard to race, religion, sex, age, national origin, or non-job-related disability, or any other characteristic protected by law. No job or class of jobs will be closed to any individual except where a mental or physical attribute, sex, or age is a bona fide occupational qualification.

- c. All objections to hiring or other employment practices will be brought to the attention of the Board, department head, or supervisor, or in the case of objection to actions undertaken by that person, to legal counsel for the Library.
 - d. Employees can raise concerns and make reports without fear of retaliation. Anyone found to be engaging in any type of unlawful discrimination or retaliation will be subject to disciplinary action, up to and including termination of employment.
 - e. The Library will endeavor to make reasonable accommodations for qualified individuals with known disabilities, unless doing so would result in an undue hardship. An employee should advise either the supervisor or department head if they require an accommodation to enable the employee to perform the essential tasks of the job.
 - f. The Library will also endeavor to make reasonable accommodations for its employees' religious needs and practices, including those related to appearance and observance of holidays. An employee should advise either the supervisor or the Board if they require accommodation for religious reasons.
2. **Preference for Hiring from Within**
 Qualified Library employees may be given preference over outside applicants to fill vacancies in the work force without following the notice and selection procedures normally required for hiring new employees. If the internal preference process is used, it should be completed prior to seeking outside applicants for the position.
3. **Veteran's Preference and Rights**
 The Library will grant a preference to U.S. Armed Services veterans, or certain veteran family members, in accordance with provisions of Idaho Code, Title 65, Chapter 5.
- a. In the event of equal qualifications for an available position, a veteran or family member who qualifies for the preference will be employed.
 - b. Employees who are qualified veterans returning to employment with the Library following qualified military leave shall have the rights and responsibilities provided by Idaho Code 65-508 and the Uniformed Services Employment and Reemployment Rights Act, 38 U.S.C. 4301, et seq.
 - i. The returning veteran will be restored to their position with the same seniority, status, and pay that they would have had if there had been no military leave.
 - ii. In addition, in accordance with the provisions of these laws, the veteran will not be discharged from their position without cause for a period of 1 year after the restoration of their employment with the Library.
4. **Nepotism/Hiring of Relative**
- a. No person will be employed by the Library when the employment would result in a violation of provisions found in Idaho Code, including but not limited to Idaho Code Title 74, Chapter 4, Idaho Code §18-1359, and their successors. Any employment made in violation of these sections may be void. The appointment or employment of the following persons is expressly prohibited:
 - i. No Board member or other public servant, including employees, will appoint or vote for the appointment of any person related to them by blood or marriage within the second degree to any compensated office, position, employment, or duty.
 - ii. This means no one related within the second degree to anyone involved in any way in the hiring process can be hired and/or that no one related to an applicant within the second degree can take part in the hiring process.

- b. An employee whose relative is subsequently elected to the Board may be eligible to retain their position and receive pay increases as allowed by relevant provisions of Idaho law, including Idaho Code § 18-1359(5).

5. Americans with Disabilities Act

a. Eligibility

The Americans with Disabilities Act (ADA) and the Americans with Disabilities Amendments Act (ADAA) prohibit employers with 15 or more employees from discriminating against individuals with disabilities.

b. Reasonable Accommodation

- i. Employees should contact their supervisor or the Director with any questions or requests for accommodation.
- ii. The Library will reasonably accommodate qualified individuals with a disability so that they can perform the essential functions of a job, unless:
 - A. doing so causes a direct threat to these individuals or others in the workplace, and the threat cannot be eliminated by reasonable accommodation; or
 - B. the accommodation creates an undue hardship to the Library.

F. Employee Code of Conduct

1. Employees are expected to conduct themselves in a professional manner that is both civil and cooperative.
 - a. Library employees are public employees and therefore are exposed to additional public scrutiny in both their public and personal conduct. This Code of Conduct has been established to aid employees in understanding both expected and prohibited conduct.
 - b. Violations of the Code of Conduct will be grounds for disciplinary action up to and including termination of employment.
 - c. This list is illustrative and not all-inclusive. Other behaviors and acts of misconduct not specifically detailed here may be grounds for disciplinary action as well. Nothing contained herein is intended to limit the reasons for which an employee may be disciplined.
2. Expected Conduct

Each employee is expected to conduct themselves in a professional manner. In order to accomplish this, each employee must:

 - a. Be respectful, courteous, and professional. Work cooperatively and constructively with fellow workers and members of the public.
 - b. Be prompt and regular in attendance at work for defined work schedules or other required employer functions, and follow procedures for exceptions to the normal schedules, including the scheduling and taking of vacation and sick leave.
 - c. Comply with dress standards established in the Employee Dress Code. Clothing will be appropriate for the functions performed and will present a suitable appearance to the public.
 - d. Abide by all departmental rules and direction of a supervisor whether written or oral. No employee will be required to follow the directive of a supervisor that violates the laws of the local jurisdiction, state, or nation.
 - e. Maintain the confidential nature of records that are not open to the public in accordance with the direction of the responsible official.
 - f. Maintain a current appropriate driver's license when work for the Library requires the employee to drive a vehicle as part of their responsibilities. Each such employee must report any state-imposed driving restrictions to their immediate supervisor and notify their supervisor if their driving abilities are impaired.

- g. Follow all workplace safety rules, whether established formally by the department or by outside agencies.
 - h. Report all accidents that occur or are observed on the job or that involve Library property, and cooperate as requested in the reconstruction of any such accident.
 - i. Avoid conflicts of interests in appointments and working relationships with other employees, contractors, and potential contractors in the Library and related agencies.
 - j. Adhere to any code of ethics in the employee's profession.
3. Prohibited Conduct
- Employees are expected to refrain from behaviors that reflect adversely upon the Library, including, but not limited to:
- a. Not initiate or participate, or encourage others, in acts or threats of violence, bullying, malicious gossip, spreading of rumors, or any other behavior designed to create discord and lack of harmony, or that willfully interferes with another employee's ability to do their job.
 - b. Not engage in abusive conduct or language, including profanity and loud, threatening, or harassing speech, toward or in the presence of fellow employees or the public.
 - c. Not engage in conduct at or away from work that may reflect adversely upon the Library or its officials or otherwise impair the employee's ability to perform.
 - d. Not engage in prolonged visiting with co-workers, children, friends, or family members while on work time.
 - e. Not use work time for personal business, including the selling of goods or services to the general public.
 - f. Not use phones or computers in the workplace in a manner that violates policy or that disrupts workplace productivity, including time spent on social media.
 - g. Not use work time or public premises to promote religious beliefs to members of the public or fellow employees.
 - h. Not engage in non-Library employment or serve on any board or commission that conflicts with duties performed for the Library in any meaningful way.
 - i. Not knowingly make any false report or complaint regarding behavior of others, or participate in such report or complaint.
 - j. Not release any public record, including personnel records, without the express authority of the public official responsible for custody of the record.
 - k. Not use any substances, lawful or unlawful, that will impair the employee's ability to competently perform their work or threaten the safety and well-being of other workers or the public. If the employee is prescribed a medication that may impair the employee's ability to safely do their job, the employee is required to provide a physician's note explaining the possible effects of the medication on the employee's ability to do their job and the length of the time that the employee will be required to take the medication. The employee may be required to take leave while taking the medication.
 - l. Not destroy, alter, falsify, or steal the whole or any part of a police report or any record kept as part of the official governmental records of the Library (Idaho Code §§ 18-3201 and 18-3202).
 - m. Not engage in political activities while on duty.
 - n. Not provide false or misleading information on employment applications, job performance reports, or any other related personnel documents or papers.
 - o. Not engage in conduct that violates the laws of the State of Idaho, including but not limited to Idaho Code §18-1356 (accepting gifts that exceed a value of \$50),

Idaho Code §74-401 et seq. (Ethics in Government Act), Idaho Code §74-501 et seq. (Prohibitions Against Contracts), and Idaho Code §18-1359 (Using Public Position for Personal Gain).

- p. Not accept gifts or gratuities in any personal or professional capacity that, although it may be legal, could create the impression that the giver was seeking favor from the employee or official in violation of Idaho Code § 18-1356 and Idaho Code § 18-1357.
- q. Not engage in criminal conduct of any kind while on or off duty.

G. General Employee Expectations

1. Attendance Expectations

- a. Upon acceptance of employment, the employee consents to work a set number of weekly hours. Employees are expected to report to work when scheduled.
- b. Whenever an employee knows in advance that they would like to be absent, the employee should follow the Library's Time-Off Request procedures.
- c. If the absence is unexpected, the employee should follow the Unscheduled Absence procedures.
- d. Clerks, Pages, and Temporary Employees do not receive paid time off; however, it is expected that they will miss no more than the allocated equivalent number of days off as a Staff employee would receive following the Years of Eligible Service chart (See section I.1) in relation to their years of service.
- e. If an employee exceeds this number of days allowed absent, it will be considered excessive absenteeism, and the employee may face disciplinary action up to and including termination of employment.
- f. In the case of extenuating circumstances, the Director reserves the right to accommodate as necessary.

2. Work Schedules

- a. Changes in the Director's work schedule that could negatively affect the long-term functionality of the Library shall not be made without approval of the Board. Requests for such changes shall be made in writing to the Board.
- b. Requests for work schedule changes for all other employees shall be made in writing to the Director or Assistant Director.
- c. Each employee is expected to be present in the Library during their scheduled work time unless on assignment for the Library elsewhere.

3. Resignation and Retirement Procedure

- a. A Library employee wishing to resign or retire from employment must notify the Director, or in the case of the Director, the Board, as soon as practical. Requested notice from employees is two weeks. Requested notice from the Director is at least one month.
- b. Written and oral resignations are effective upon receipt by the Director or the Board. Oral resignations should be immediately documented by the person receiving the resignation. Evidence of the written or oral resignation should be provided to the employee and placed in the employee's personnel file.
- c. Employees who have an unexcused or unauthorized absence may be considered to have resigned through abandonment of their position. If an employee has an unexcused or unauthorized absence *and* their words or actions have indicated an intent to resign or they are currently involved in the disciplinary process, the Library will consider the employee as having chosen to resign effective immediately.

- d. If the employee is retiring and is entitled to PERSI (Public Employees Retirement System, Inc.) retirement benefits, compliance with current PERSI requirements is essential for benefits to begin on the date of retirement.
 - e. Employees who currently receive medical benefits and who resign or are terminated from their employment may be eligible to continue those medical benefits for a limited time in accordance with the Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA). Employees with questions regarding the right to continue health coverage after termination of their employment should contact the Director.
- 4. **Social Media**
See Social Media Policy XV.
- 5. **Relationship Policy**
Any supervisor involved in a romantic relationship with a subordinate must immediately notify their supervisor or the Director, or in the case of a relationship involving the Director, the Board, of the existence of any such relationship. Efforts should be made to eliminate supervisory responsibility for one who is romantically involved with a subordinate. Employees involved in such a relationship bear a responsibility to the Library to cooperate in any effort to avoid the potential conflicts that can arise from such personal relationships in the workplace. Such a relationship may result in a change of employment duties.
- 6. **Drug-Free Workplace Policy**
 - a. In compliance with the *Drug-Free Workplace Act of 1988*, the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance is prohibited while performing work for the Library, whether that work is carried out in the workplace building or not. All employees shall abide, as a condition of employment, by the terms of this notice and shall notify the Director, or in the case of the Director, the Board, within five days of any criminal drug statute conviction.
 - b. Substance abuse is an illness that can be treated. Employees who have an alcohol or drug abuse problem are encouraged to seek appropriate professional assistance. When work performance is impaired, admission to or use of a treatment or other program does not preclude appropriate action by the Library.
 - c. Failure to comply with the above requirements shall be grounds for appropriate personnel action against such employee up to and including termination.
- 7. **Fitness for Duty**
 - a. **Safe Work Environment**
The Library is committed to maintaining a safe and productive workplace. Every employee is required to report to work fit to perform their job in a safe, appropriate, and effective manner.
 - b. **Conditions for Exam**
The Library may require a fitness for duty evaluation as part of a physical exam of the employee to determine the employee's physical, mental, and emotional readiness to perform the essential functions of their job with efficiency and safety for themselves and others. Fitness for duty evaluations may be done in the following circumstances:
 - i. as part of the interview process or following a conditional offer of employment;
 - ii. prior to return to work following a leave related to injury or illness;
 - iii. when an employee expresses concern about their ability to perform the functions of their job; or

- iv. when there is reasonable belief that the employee cannot safely perform the functions of their job.

H. Employee Personnel Files

1. Personnel Records

- a. The official employee records for the Library will be kept in the Director's Office.
- b. The personnel files should contain records related to employee performance, employee status, and other relevant materials related to the employee's service with the Library.
- c. The employee's supervisor, the Board, or the employee himself/herself may contribute materials to the personnel files deemed relevant to the employee's performance.

2. Access to Personnel Files

- a. Only the employee's supervisors, the Board when acting as a board in the course of its official business, attorneys for the Library, and the employee themselves are authorized to view materials in a personnel file. Access of others to such files will be allowed only when authorized after consultation with legal counsel for the Library.
- b. Information regarding personnel matters will only be provided to outside parties with a release from the employee, when deemed necessary by legal counsel for the Library, or pursuant to a Court order or a proper subpoena.
- c. The Library reserves the right to disclose the contents of personnel files to outside state or federal agencies, its insurance carrier or its carrier's agents for risk management purposes, or when necessary to defend itself against allegations of unlawful conduct.
- d. Copies of materials in an employee's personnel file are available to that employee without charge, subject to exceptions provided by statutes.

3. Management of Information in Personnel Files

Each employee will be provided an opportunity to contest the contents of their personnel file at any time by filing a written objection and explanation that will be included in the file along with the objectionable material. In the sole judgment of the supervising official, after consultation with legal counsel for the Library, any material may be removed upon a finding by the Library that it is false or unfairly misleading. In general, there is a presumption that materials are to remain in personnel files accompanied by the employee's written objection and explanation to provide a complete employment history. Any such approved removal of information will be documented in writing and maintained in the employee's personnel file.

I. Employee Benefits – Earned/Paid Leave

1. Vacation Leave

- a. The Library provides time off with pay to Administration and Staff to provide opportunities for rest, relaxation, and personal pursuits.
- b. Vacation is accrued on an annual basis, to be allotted at the beginning of each fiscal year. The amount of paid vacation time received each year and the rate of accrual increases with the length of employment as shown in the following schedule:

VACATION EARNING SCHEDULE		
YEARS OF ELIGIBLE SERVICE	MONTHLY ACCRUAL (If prorate is needed)	VACATION HOURS PER YEAR
Upon initial eligibility	4 hours	48 hours

After 1 year	8 hours	96 hours
After 5 years	10 hours	120 hours
After 10 years	12 hours	144 hours
After 15 years	14 hours	168 hours
After 20 years	15 hours	180 hours
After 25 years	16 hours	192 hours
After 30 years	18 hours	216 hours

- c. To take vacation, Staff must request advance approval from the Director or the Assistant Director. Requests will be reviewed based on staffing requirements.
- d. If, in the event an employee leaves or is terminated, the vacation hours they have earned for the fiscal year will be prorated on a monthly scale as shown in the above schedule. Any balance owed will be taken out of the employee's final check, or if they did not take their prorated hours, they will be financially reimbursed at the then-current hourly rate.
- e. Employees may not carry over more than 80 hours of vacation time into a new fiscal year. In the event an employee leaves or is terminated, any carryover hours will not be reimbursed.
- f. In the event that an employee changes from part-time status to full-time status, the employee will be credited with the total previous years of part-time service divided in half. This will determine the starting point on the vacation earning schedule.

2. Sick Leave

- a. The Library provides paid sick leave benefits to Administration and Staff for periods of temporary absence due to illnesses, injuries, or appointments with medical professionals.
- b. Staff may use sick leave for their own illness or injury or that of an immediate family member.
- c. Staff accrue sick leave at the rate of 8 hours per month, up to a maximum fiscal-year carryover of 480 hours.
- d. Upon termination of employment, accrued sick leave does not get paid out to the employee. Any balance owed will be taken out of the employee's final check.

3. Paid Holidays

- a. All Administration, Staff, and Clerks shall have paid holidays equivalent to their regular work schedule. The following are paid holidays:
 - i. Martin Luther King Day
 - ii. Presidents Day
 - iii. Memorial Day
 - iv. Juneteenth
 - v. Independence Day
 - vi. Labor Day
 - vii. Veterans Day
 - viii. Thanksgiving (Thanksgiving Eve [close at 5:00pm], Thanksgiving Day, full business day following),
 - ix. Christmas (Christmas Eve, Christmas Day, full business day following)
 - x. New Year's (New Year's Eve, New Year's Day)
- b. If the scheduled holiday falls on a Sunday, the holiday will be observed by the Library on Saturday prior to the Sunday. When this occurs, any pre or post-paid holiday days shall be observed on the previous Friday and the following Monday.

4. Insurance

- a. The Library provides health insurance to Administration and Staff employees. The Library pays the employee's premium in total, but if other family members are added to the coverage, then the employee pays the added premium for the additional coverage.
- b. The Library provides disability and life insurance for Administration and Staff, paying the cost of the premium for the employee. Group term life insurance is available to Administration and Staff, but the employee must pay the premium.

5. Retirement Program Offering

The Library participates in the retirement program of the Public Employees Retirement System of Idaho (PERSI) and with Social Security (FICA). PERSI requires the Library to withhold a percentage of an employee's gross salary for pension purposes and to contribute an additional larger amount on behalf of the employee.

J. Special Types of Leave

1. Leave of Absence

- a. Family Medical Leave Act
 - i. Eligibility Requirements:
 - A. To be eligible for FMLA benefits, prior to any leave request, the employee:
 - I. Must have worked for the Library for at least 12 months, which in some circumstances may include separate periods of employment with the Library;
 - II. Must have worked at least 1,250 hours for the Library during the previous 12 months; and
 - III. The Library must employ at least 50 employees within 75 miles of the employee's workplace.
 - ii. **Employees Not Eligible**
Since the Library does not employ at least 50 employees, FMLA DOES NOT apply to Library employees, and they are not entitled to 12 weeks of job protected FMLA leave.
- b. Up to 30 calendar days of unpaid leave of absence can be granted by the Director for any justifiable purpose. Unpaid Leave in excess of 30 calendar days may require written approval of the Board.
 - i. Requests for leave must be submitted in writing well in advance of the time when the leave is to begin. Written requests should indicate both a beginning and ending date for the leave.
 - ii. Vacation and sick leave must be used before an unpaid leave begins.
- c. When an employee is on unpaid leave, the employee is responsible for all health insurance costs and other benefit premiums/deductions that may apply.
- d. An employee on an extended unpaid leave of absence does not accrue paid time off hours (sick and vacation hours) for the duration of the leave period. Any sick or vacation hours used prior to the leave that had not been earned will be prorated and deducted from the allotted benefit hours for the next fiscal year. (See the Vacation Earning Schedule in this policy.)
- e. The Library reserves the right to deny requests for an unpaid leave of absence. Unpaid leaves of absence are a privilege and can be granted only if the best interests of the Library can be maintained. When assessing whether to grant an unpaid leave as a reasonable accommodation, the Director will consider whether the leave would cause an undue hardship. If it would, the Library does not have to grant the leave.

- i. An indefinite leave, meaning that an employee cannot say whether or when they will be able to return to work, will constitute an undue hardship.
- ii. If a leave of absence requires reallocation of some of the employees' job duties that will result both in increased workloads and changes in work priorities for co-workers, that would cause an undue hardship.
- iii. The Library has the right to permanently reassign the duties or replace the employee if they cannot fulfill their responsibilities by the end of the approved unpaid leave. However, an employee may later be eligible to return to employment after they are deemed fit for duty if a position is available for the same or lesser duties/pay.

2. Bereavement Leave

- a. Staff are eligible to be paid up to:
 - i. A total of forty (40) work hours of bereavement in the event of the death of a spouse or child.
 - ii. Twenty-four (24) work hours in the event of the death of a parent or sibling of the employee or the employee's spouse.
 - iii. Eight (8) work hours will be granted to attend the funeral of a grandparent, aunt, or uncle of the employee or the employee's spouse.
 - iv. Bereavement is to be used at the discretion of the Director.
- b. Additional time off beyond the hours set forth above must be taken from vacation or sick leave.

3. Military Leave

An unpaid leave of absence will be granted to an employee to participate in ordered and authorized field training in accordance with Idaho Code §§ 46-407 and 46-409, and the Uniformed Services Employment and Reemployment Rights Act (USERRA).

4. Jury Duty or Court Witness Leave

- a. The Library encourages employees to fulfill their civic responsibilities by serving on jury duty when required. Leave will be granted, and full pay provided, to employees called to serve as a court witness in matters specifically related to Library operations or called to serve on jury duty.
- b. Employees must show the jury duty summons or notice to their supervisor as soon as possible so that the supervisor can make arrangements to accommodate their absence. Employees are expected to report for work whenever the court schedule permits.
- c. In the event an employee is called for jury duty, the Library will release them and assure no loss of wages, provided any compensation paid to the employee up to and equal to the employee's wage are turned in to the Library.

K. Grievance Procedure

It is the intent of the Library that every employee shall have the opportunity to express concerns relating to the physical surroundings in which the employee works, the procedures and conditions of the specific position, relationships with fellow workers or supervisors, and Library rules as they apply to employees. A concern or grievance should follow the procedure below.

- a. Submit the grievance in writing to the Director or Assistant Director.
- b. Follow the written grievance with a private interview with the Director. If the grievance is with the Director, schedule a private interview with a member of the Board. In the case of the Director having a concern, this should be discussed with the Board.
- c. The grievance should be solved at the lowest level possible. Those that can be solved by the Director should be; those that required the Board's consideration will

be considered by a quorum of the Board ~~as a whole~~. Personnel-related grievances considered by the Board will be considered in executive session.

- d. If a grievance is brought to the Board concerning the Director, the Board will meet in executive session without the Director present.
- e. All filed grievances will be replied to with a written response providing a determination, solution, or proposed strategy for how the issue will be addressed within one calendar week following the next regularly scheduled Board meeting.

L. Employee Disciplinary Policy

- 1. An employee of the Library may be dismissed for any action or behavior that causes the Library's image or operation to be diminished.
- 2. The following actions are among the disciplinary actions that may be taken in response to personnel policy violations or performance deficiencies:
 - a. Oral warning
 - b. Written warning or reprimand
 - c. Suspension without pay
 - d. Demotion
 - e. Dismissal
- 3. Conditions of maintaining employment that relate to particular performance/behavior issues may be established in conjunction with any of these actions.
- 4. Normally, termination of an employee following the probationary period (see Section C.3) would be a final step following training and mentoring by the Director, Assistant Director, or other staff member. However, termination can also occur following:
 - a. a substandard performance appraisal (see Section D.10);
 - b. cases involving theft, drug or alcohol abuse, criminal activity, dishonesty, accessing pornography in the workplace, or other instances of significant misconduct;
 - c. excessive or unexcused absence;
 - d. failure to fulfill employment duties.
- 5. Opportunity to be Heard—Proposed Discipline or Failure to Perform
 - a. All employees have the right to be heard in the event of contemplated demotion with a reduction in pay, suspension without pay, or dismissal from employment related to job performance or conduct issues.
 - b. The opportunity to be heard is designed to be informal, allowing the employee to discuss the facts surrounding the proposed disciplinary action or performance-based personnel action and to provide any additional documentation that the employee believes would be helpful in explaining their actions, attitudes or behavior.
 - c. The following steps should be followed:
 - i. The employee will be provided with a written notice of the reasons for the proposed personnel action, along with an explanation of the Library's supporting information.
 - ii. The written notice will include a date, time, and place for the employee to be heard to discuss the proposed personnel action.
 - iii. The notice should state whether the employee is being placed on suspension pending the outcome of the opportunity to be heard, and whether any such suspension will be with or without pay.
 - iv. If the employee is unable to participate in the scheduled opportunity to be heard, they may request an alternate date. Any approved alternate date that falls after the originally scheduled date may continue the suspension without pay, at the discretion of the Library.

- v. The employee must notify the Library within two (2) business days of the date of the notice that they desire to be heard as scheduled. If notice of acceptance of the opportunity to be heard is not received within two business days, the opportunity to be heard will be vacated and deemed waived.
- d. As an alternative to an opportunity to be heard, the employee may choose to provide a written response to the bases for the proposed personnel action. This written response must be submitted no later than the scheduled date and time initially set for the opportunity to be heard.
- e. The opportunity to be heard, if chosen, will be conducted by the Board and will last no longer than one hour, unless otherwise approved by the Board. It will be limited to discussion of the issues contained in the notice and to any allegations by the employee of unlawful discrimination, harassment, or retaliation in employment as provided for in section M.
- f. The employee may have an attorney present and assist them at the employee's own expense. The employee must give the Library notice at least twenty-four (24) hours before the hearing if they intend to have an attorney present.
- g. The employee will be allowed to present written statements from witnesses about the issues contained in the notice.
- h. The Board may ask the employee questions.
- i. The Idaho Rules of Evidence do not apply to the opportunity to be heard.
- j. There will be a record maintained of the discussion.
- k. The Board will render a written decision after considering an employee's responses, if any, to the allegations set out in the notice.
- l. Failure to participate in the opportunity to be heard constitutes a failure to exhaust administrative remedies under this policy.

M. Unlawful Discrimination, Harassment, and Retaliation

1. The Library strives to maintain a supportive and civil workplace—one in which employees treat each other with respect and dignity. In keeping with these values, the Library prohibits and does not tolerate unlawful workplace discrimination, harassment, or retaliation.
2. The following defined terms are applicable to this section:
 - a. **Legally protected class** means a personal characteristic that is protected by law. This includes race, color, national origin, religion, sex, age (40 and over), disability, or any other characteristic protected by law.
 - b. **Participation in the workplace** includes all aspects of being an employee at the Library, including recruitment, hiring, job performance, performance reviews, training, development, promotion, demotion, transfer, compensation, benefits, educational assistance, layoff and recall, participation in social and recreational programs, termination, and/or retirement.
3. **Workplace Discrimination**
 - a. Workplace discrimination is when one or more employees in a legally protected class are treated adversely with respect to their participation in the workplace. Adverse employment actions usually involve decisions made by supervisors, department heads, or the Board that affect the workplace status and benefits of employees.
 - b. Unlawful adverse employment actions may include, but are not limited to, not hiring a qualified applicant due to their age, not promoting an employee due to their religious beliefs, denying an employee a raise due to their race, disciplining

an employee more harshly than others due to their sex, and terminating an employee due to their national origin.

4. Workplace Harassment

- a. Workplace harassment is unwelcome conduct that is directed to one or more persons in a legally protected class that interferes with their participation in the workplace. The offensive conduct must be *severe or recurring* such that it creates a work environment that a reasonable person would consider intimidating, hostile, or abusive. Petty slights, annoyance, and isolated incidents (unless extremely serious) will not rise to the level of unlawful conduct.
- b. Offensive conduct may include, but is not limited to, offensive jokes, slurs, epithets or name calling, physical assaults or threats, intimidation, ridicule or mockery, insults or put-downs, offensive objects, or pictures.

5. Workplace Sexual Harassment

- a. Sexual harassment is a specific type of workplace harassment. Since it is particularly destructive to the work environment, it is more thoroughly addressed here.
- b. Sexual harassment occurs when one or more persons are subject to unwelcome sexual advances, request for sexual favors, or other verbal, non-verbal, visual or physical harassment of a sexual nature that is so *severe or recurring* such that it creates a hostile or offensive work environment.
- c. Sexual harassment includes sexually harassing others of the same and/or different gender, gender identity, or gender expression.
- d. Sexual harassment is unlawful whether it involves co-workers, supervisors, elected officials, or patrons of the Library.
- e. Sexual harassment may include, but is not limited to:
 - i. Leering, making sexual gestures, or displaying derogatory and or sexually suggestive objects, pictures, cartoons, posters, or drawings;
 - ii. Sexually degrading language, derogatory comments, epithets, slurs, sexually explicit jokes, or comments;
 - iii. Verbal or non-verbal unwanted sexual advances or propositions;
 - iv. Threatening or making reprisals after a negative response to sexual advances;
 - v. Offering employment benefits such as raises, promotions, and job retention in exchange for sexual favors;
 - vi. Unwanted physical conduct/contact such as touching, massaging, pinching, patting, hugging;
 - vii. Physical interference with normal work or movement including impeding or blocking movement.

6. Hostile Work Environment

- a. A hostile work environment is discrimination or harassment in the workplace in which comments or conduct based on a legally protected class unreasonably interfere with participation in the workplace. To a reasonable person, the comments or conduct must be *severe or recurring* such that it creates an intimidating or offensive work environment. Isolated incidents, petty slights, occasional teasing, or impolite behavior are generally not sufficient to create a hostile work environment.
- b. Examples of a hostile work environment may include, but are not limited to, being subjected to daily racial slurs, recurring derogatory comments about job performance based on gender, continuous sexual advances or propositions,

frequently receiving sexually explicit emails from a coworker, physical harassment like hitting, pushing, groping, and other touching.

7. Workplace Retaliation

- a. Workplace retaliation is when an employee is punished or negatively treated because the employee engaged in legally protected activity, including initiating a complaint of discrimination or harassment, providing information for, or assisting in, an investigation, or refusing to follow orders that would result in discrimination or harassment. Retaliation can result from employment action taken by a supervisor, department head, or the Board, or from acts of other employees.
- b. Examples of conduct that might be considered retaliation for engaging in protected activity include assigning the employee to less-desirable tasks or shifts in the office, denying an employee a promotion or raise, socially isolating an employee, playing practical jokes on the employee, and allowing other employees to be critical of an employee for participating in a workplace investigation into alleged discrimination or harassment.

8. Responsibilities

- a. Employee Responsibilities
 - i. Employees should report incidents of discrimination, harassment, sexual harassment, hostile work environment, or retaliation as soon as possible after the occurrence. Reporting should be made to any of the following:
 - A. Director
 - B. Assistant Director
 - C. Department Supervisor
 - D. Board Member
 - ii. If the employee's supervisor is the subject of the incident, the employee should instead report the incident to one of the other listed persons. Reporting should be made regardless of whether the offensive act was committed by a supervisor, co-worker, board member, vendor, visitor, or patron.
- b. The Library designates the Director, or in the case of a complaint against the Director, the Assistant Director, as the Designated Official who will be responsible for directing the procedures of this policy.
- c. Supervisor Responsibilities
 - i. All supervisors are expected to ensure that the work environment is free from unlawful discrimination, harassment, sexual harassment, retaliation, or the development of a hostile work environment. They are responsible for the application and communication of this policy within their work areas. Supervisors should:
 - A. Encourage employees to report any violations of this policy before the harassment becomes *severe or recurring*.
 - B. Make sure the Director is made aware of any inappropriate behavior in the workplace.
 - C. Create a work environment where sexual and other harassment, discrimination, or retaliation is not permitted.
 - D. Correct any behaviors they observe that could constitute unlawful discrimination, harassment, sexual harassment, or hostile work environment.
 - E. Report any complaint of unlawful discrimination, harassment, sexual harassment, retaliation, or hostile work environment to the Designated Official.

9. Procedure for Reporting and Investigating

The following steps must be followed to report and investigate incidents of unlawful discrimination, harassment, sexual harassment, retaliation, or the development of a hostile work environment.

- a. A person who believes they have been unlawfully discriminated, harassed, or retaliated against, or who observes or knows about behavior in the workplace that could be unlawful discrimination, harassment, or retaliation, should report it to the Designated Official, their supervisor, department head, board member, or legal counsel for the Library. The individual receiving the report must then forward it to the Designated Official. If the Designated Official is the subject of the complaint, the report must then be forwarded to one of the listed persons.
- b. Once a complaint has been made, the complaint cannot be withdrawn by the complainant without a determination that it was made erroneously.
- c. The Designated Official should promptly review the complaint and consult with legal counsel for the Library and the Director.
- d. In appropriate circumstances, the person who is alleged to have committed the offense may be placed on paid or unpaid administrative leave pending a resolution of the allegations.
- e. The Designated Official, in consultation with legal counsel for the Library, should engage a neutral party to investigate the complaint.
- f. The investigator should interview the complainant, the person alleged to have committed the offenses, and any relevant witnesses to determine whether or how the alleged conduct occurred.
- g. At the conclusion of the investigation, the investigator will submit a report of the findings to the Designated Official, who will then route it as appropriate.
- h. The Designated Official and/or the appropriate supervisors and legal counsel for the Library will meet separately with both the complainant and the person alleged to have committed the offenses to notify them in person of the findings of the investigation.
- i. The complainant and the person alleged to have committed the offenses may submit written statements to the Designated Official and/or supervisors challenging the factual basis of the findings. Unless circumstances prevent, the statement must be submitted no later than five (5) working days after the meeting in which the findings of the investigation are discussed.
- j. After the Designated Official and/or supervisors have met with both parties and reviewed the documentation, and after consultation with legal counsel for the Library, a decision will be made as to what action, if any, should be taken by the Board or department head.
- k. At the conclusion of this complaint procedure, the complainant should be informed that appropriate action, if any, has been taken. Because disciplinary personnel matters are confidential, details of the specific discipline should not be shared with the complainant.

10. Disciplinary Action

- a. If it is determined that unlawful discrimination, harassment, or retaliation has occurred, an appropriate course of action will be taken by the Library. The action will depend on the following factors:
 - i. The severity, frequency, and pervasiveness of the conduct;
 - ii. The conduct of the respective employees;
 - iii. Prior complaints made against the person alleged to have committed the offenses; and

- iv. The quality of the evidence (first-hand knowledge, credible corroboration etc.).
- b. If problematic conduct is revealed in the investigation, corrective action may be taken even if the investigation is inconclusive or if it is determined that there has been no unlawful discrimination, harassment, or retaliation.

11. Confidentiality

Confidentiality will be maintained to the fullest extent possible in accordance with applicable federal, state, and local law. However, a complete and thorough investigation of the allegations will require the investigator to inform witnesses of certain aspects of the complaint in order to obtain an accurate account of the actions of the parties involved. The Library's insurer may also be engaged to assist in all phases of any proceeding or investigation.

N. Idaho Whistleblower Protection

1. Scope

Idaho Code, Title 9, Chapter 21, provides protections to public employees who experience adverse employment actions as a result of the good faith reporting of the existence of any waste of public funds, property, or manpower, or of a violation, or suspected violation, of law, rule, or regulation of the Library, State of Idaho, or the United States of America.

2. Reporting

Any such report must be made at a time, and in a manner, which gives the Library a reasonable opportunity to correct the waste or violation.

3. Protection

The Library may not take adverse action against an employee because the employee in good faith reports the suspected waste or violation, or participates or gives information in an investigation, hearing, court proceeding, or any other form of administrative review of the report.

4. Enforcement of Rights

If the employee believes that they have experienced an adverse employment action protected by the Whistleblower Act, they may bring a civil action in District Court within 180 days of the occurrence of the violation of the Act.