

NOTICE OF INTENT TO ADOPT

Public notice is hereby given that Albany County Public Library Board intends in accordance with Wyo. Stat. § 16-3-103 and under the authority of Wyo. Stat. § 18-7-105 (a) to amend its Personnel Policy previously adopted by the Albany County Public Library Board in October, 2015. The proposed amended Personnel Policy includes regulations for library employee benefits.

Interested persons may obtain a copy of these regulations at the Albany County Public Library, 310 S. 8TH Street, Laramie, Wyoming or may be viewed on the County Library website.

PLEASE TAKE NOTICE that the Albany County Public Library Board will hold a PUBLIC HEARING on Monday, April 24, 2017 at 4:30 p.m. at the Albany County Public Library, 310 S. 8th Street Laramie, Wyoming to take oral comments from interested persons upon the proposed regulations. WRITTEN COMMENTS, data, views, and arguments may be submitted to the Interim County Librarian, Nathan Bender, 310 S. 8th Street, Laramie, Wyoming 82070 no later than April 10, 2017. Written comments may also be submitted via electronic mail to nbender@albanycountylibrary.org.

Any interested person may urge the Albany County Public Library Board to not adopt the rules and also request the Board state its reasons for overruling the consideration urged against adoption. Requests for an agency response must be made prior to, or within 30 (thirty) days after adoption of the rules, addressed to: Nathan Bender, Interim County Librarian, 310 S. 8th Street, Laramie, Wyoming 82070.

Dated this 8th day of March, 2017

/s/Nathan Bender, Interim County Librarian

PUBLISH: March 10 and April 5, 2017

1 **PERSONNEL POLICIES**

2 (Amended 5/18/95, 6/15/95, 5/24/02, 4/27/04, 7/27/04, 10/24/07, 11/27/07, 12/18/08, 01/27/09)

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4 **I. Appointments**

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6 **A. Recruitment**

- 7 1. When a nonexempt position is to be filled, the county librarian or supervisor will advertise it
- 8 to all current staff and volunteers. The position may be advertised as needed.
- 9
- 10 2. The ACPL provides equal employment to all qualified applicants and employees. We
- 11 adhere to a policy of making employment decisions without regard to race, color, religion,
- 12 sex, sexual orientation, national origin, citizenship, age or disability.
- 13
- 14 3. When an exempt position is to be filled, it will be advertised to eligible staff and volunteers.
- 15 Announcement of the position may also be sent to regional and national professional
- 16 journals. Every effort should be made to interview several candidates before a choice is
- 17 made.
- 18
- 19 4. The board of directors has responsibility for hiring the county librarian. A hiring committee
- 20 recommends a candidate for other positions to the supervisor. The county librarian has final
- 21 approval
- 22

23 **B. Probation**

24 All staff members are on probation for a period of six months after their hire, rehire, transfer, or

25 promotion. During that period, these employees may be released without notice or cause by the

26 county librarian or return to their previous position and pay rate, if available.

27

28 **II. Hours of Work and Overtime**

- 29
- 30 A. A full-time workweek is defined as 40 hours.
- 31
- 32 B. Staff members are entitled to a break depending on hours worked. Supervisors are
- 33 responsible for approving the timing and length of breaks.
- 34
- 35 C. Employees may work more than the scheduled number of hours per week in special
- 36 circumstances with supervisor and county librarian approval as long as the total hours worked per
- 37 pay period does not exceed the budgeted line.
- 38
- 39 D. Employees will be paid for time worked. Supervisors are responsible for monitoring their
- 40 employees' time overages and taking appropriate measures to curtail any abuses.
- 41

42 **III. Holidays** (revised 11/27/12)

43 A. The library shall be closed on the following days, with paid time off to the staff scheduled to

44 work:

45

New Year's Day	M.L. King, Jr./Wyoming Equality Day	Presidents' Day	Easter
Memorial Day	Independence Day	Labor Day	Thanksgiving
Friday following Thanksgiving	Christmas Eve	Christmas Day	New Year's Eve

46
47 **IV. Vacations** (revised 12/18/08)

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49 **A. Hours Earned**

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Staff shall earn vacation as follows:

Years worked	Days accrued per year	Limit to time banked
0 – 2 years	10 days per year	12 days
2.1 – 5 years	15 days per year	17 days
5.1 years and over	20 days per year	22 days
10.1 years and over	25 days per year	27 days

54
55
56

A day is defined as follows:

Hours Worked per Week	Hours per Day
5-10	2
11-15	3
16-20	4
21-25	5
26-30	6
31-35	7
36-40	8

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B. Restrictions

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Employees may take only vacation accrued to date.

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Vacations shall be taken at times which are not in conflict with the operational requirements of the library. All employee requests for vacation shall be approved by the employee's supervisor.

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Vacation is a part of the compensation for the job as much as salary.

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IMPLEMENTATION:

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1. People have six months to use vacation over the limit if they decrease the number of hours they work.

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2. People have six months to use vacation voluntarily, after the new accrual rates and limits are in effect.

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V. Sick Leave (revised 12/18/08, 01/27/09, amended 10/27/09)

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A. Hours Earned

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Sick leave shall accrue at the rate of one day a month, using a day as defined above.

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81
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B. Restrictions

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Sick leave stops accruing when the equivalent of thirty (30) days is reached. Employees may take only sick leave accrued to date.

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87 C. Supervisors may request a written physician's statement from employees who take sick leave
88 over five (5) consecutive work days.

89
90 D. Sick leave may be used for personal illness, illness in the immediate family, bereavement and
91 pregnancy. Sick leave may be used for medical, dental, and optical examinations or treatment for
92 employee and immediate family with supervisor approval.

93
94 E. Employees are not paid for accrued sick leave when terminated. Employees returning to work
95 within twelve months of resigning will regain the sick leave earned during their earlier
96 employment.

97
98 F. Employees may take only the sick leave accrued to date.

99
100 FMLA POLICY (revised 1/2009)

101
102 G. Family and Medical Leave Act (FMLA): The Albany County Public Library Board of Directors
103 recognizes that it is a covered employer as defined by FMLA. Therefore, the library will post a
104 notice of FMLA rights in a place where it may be read by employees. However, the library's status
105 as a covered employer does not mean that any of its employees are "eligible" employees as
106 defined by the FMLA. For the provisions of the Act to apply to an employee, the library must
107 employ 50 or more employees within 75 miles of the employee's worksite. Further, an employee
108 must have worked 1250 hours in the twelve months prior to any FMLA leave. Other criteria are
109 required by the FMLA before the leave requested by the employee is governed by the provisions
110 of the FMLA. Employees should familiarize themselves with all requirements.

111
112 The Albany County Public Library Board of Directors has voted, as a matter of policy, to extend
113 the same benefits provided under the FMLA to all employees, regardless of whether they are
114 "eligible employees" pursuant to the FMLA. Employees will be afforded 12 weeks of leave during
115 a 12-month period. The 12-month period is measured forward from the date any employee's first
116 qualifying leave under this policy begins. This policy does not have the force of law, and its
117 adoption does not provide employees with the right to seek judicial enforcement unless those
118 employees are "eligible employees" under the FMLA.

119
120 To be eligible for the benefits of the policy, employees must have worked for the library for at
121 least 12 months. The number of hours worked a week is not pertinent to their eligibility under this
122 policy. Accrued sick leave must be used before granting leave without pay for medical reasons.
123 Unpaid leave will be counted toward the 12 weeks of family and medical leave afforded by this
124 policy. The county librarian must determine if all requested leave qualifies as leave under this
125 policy, regardless of whether such a determination is requested by the employee or not.
126 Otherwise, the leave afforded by this policy must meet the same requirements as leave afforded
127 pursuant to the FMLA.

128
129 If an employee is determined to be eligible pursuant to the FMLA, then any leave requested by
130 that employee would be governed by the provisions of FMLA qualifying leave as measured
131 forward from the date any employee's first FMLA begins.

132
133 **EMERGENCY SICK LEAVE POLICY AMENDMENT**

134 If there is world-wide pandemic and the County Librarian deems that staff members need to be
135 encouraged to stay home if sick, the following emergency sick leave policy goes into effect:

- 136
- Staff who can work from home will be encouraged to do so.
 - The requirement that staff absent for five days or more must have a note from their
137 doctor to return to work is waived.
- 138

- 139 • Employees may use sick leave in advance of its accrual if they have exhausted all sick
140 leave accrued.
 - 141 • Advanced sick leave accruals will be deducted from the employee's sick leave accrual
142 balance as it is taken and will be reimbursed as it is earned once the emergency is over.
 - 143 • Employees will be required to pay back the equivalent dollar amount for any advanced
144 sick leave accrual balance outstanding upon separation from employment and will sign
145 an agreement so stating.
- 146 These policies remain in effect:
- 147 • Sick leave can be used for the illness of members of the immediate family.
 - 148 • FMLA guidelines will apply to eligible employees.

149 The emergency sick leave policy will cease to be in effect when adequate staffing levels have
150 been maintained for one week or more.

151
152

153 **VI. Time Off With Pay** (revised 12/18/08)

154
155 A. The following times will be granted as time off with pay: voting and voter registration and
156 receiving a flu shot. Serving on a jury can be paid time if the jury pay is turned over to the
157 library. Attending a funeral may be allowed if the supervisor approves as long as the time is not
158 in conflict with the operational requirements of the library and the privilege is not abused.

159
160 B. Exempt employees shall use sick or vacation time or, as an alternative, adjust their schedules
161 to make up for the time missed during an absence of one day or less with supervisor approval.
162 Absences of more than a day shall be taken as paid leave.

163
164 **VII. Administrative Leave** (approved 05/2011)

165
166 The county librarian, at his/her sole discretion, may place an employee on administrative leave
167 with pay pending the outcome of an investigation into allegations against the employee, if the
168 employee has received a notice of recommended dismissal or for other reasons which the county
169 librarian determines require the employee's absence from work. Administrative leave is not
170 disciplinary, but may be used when necessary to serve the mission of the library. An employee
171 shall be notified in writing of the administrative leave, the reasons for the leave, the effective day
172 and the expected duration. A copy of the letter shall be placed in the employee's personnel file.
173 Employees on administrative leave for any reason other than a recommended dismissal shall
174 make themselves available to return to work within one day if notified by the library that they are
175 to return to work. If the employee is not available to return to work within one day, then the
176 employee must take vacation or sick leave, whichever is appropriate.

177
178

179 **VIII. Time Off Without Pay** (revised 12/18/08, 01/27/09)

180
181 A. Leaves without Pay: Employees who wish to have unpaid time off that does not qualify as
182 family medical leave shall make arrangements with their supervisors. The supervisor or county
183 librarian may deny or approve the unpaid leave request. If more than one work day is involved,
184 employees shall request that time from the supervisor with at least three days notice. Leave
185 without pay cannot be made up. Leave without pay is within a single pay period.

186
187 Employee shall use leave without pay if they have no vacation or sick leave remaining.
188 Unapproved absences shall be considered leave without pay.

189
190 B. Leaves of Absence: After one (1) year of employment, a leave of absence may be granted by
191 the county librarian or, in the case of the county librarian, by the board of directors. The

192 employee shall ask for the leave at least one month in advance. Vacation time shall be used first.
193 Leaves of absence extend beyond one pay period. If a leave of absence is granted, the position
194 may be temporarily filled.

195

196 C. Compassionate Leave: If an employee has no vacation or sick leave, compassionate unpaid
197 leave for a death in the immediate family will be granted up to three days if the employee
198 requests it.

199

200 D. If the employee's leave of absence impacts the total number of hours in a pay period such
201 that minimum hours are not met for health insurance requirements the employee will be
202 responsible to pay the proportional amount calculated from their normal contribution.

203

204 **VIV. Time Off for Work-Related Injuries** (revised 12/18/08)

205

206 Subject to the approval of the county librarian and to a limit of 30 work days, work time lost as a
207 result of job-related injuries will not be deducted from employees' accumulated sick leave or
208 vacation if the employee is not covered under Wyoming Workman's Compensation. During such
209 period of absence resulting from job-related injuries, employees shall draw their normal salary.

210

211 Should such absence exceed five working days for the employee, the county librarian shall
212 require a physician's written certification of the employee's inability to perform normal
213 duties. This shall be recertified, in writing, by a physician for each subsequent five (5) working
214 days missed.

215

216 **IX. Miscellaneous** (adopted 11/27/07)

217

218 A. Continuing Education

219 The library recognizes the need and value of continuing education for its employees. Although
220 financial constraints limit the library's ability to pay for fees and travel, paid time will be given for
221 such purposes, when approved by the county librarian beforehand. For formal ALA-accredited
222 library education, a leave of absence up to one year may be granted upon prior arrangement with
223 the county librarian.

224

225 B. Retirement

226 1. Effective July 1, 1986, participation in the Wyoming Retirement System is mandatory for all
227 employees of Albany County Public Library, except temporary ones. Employees retire under the
228 provisions of the Wyoming Retirement System. A current copy of the system's manual shall be
229 distributed to and available to all employees. Current information may be found at
230 <http://retirement.state.wy.us/>

231

232 2. Retiring employees should follow the guidelines in C. Written Notice of Resignation.

233

234 C. Written Notice of Resignation

235 Non-exempt employees shall submit a letter of resignation at least two weeks before leaving.
236 Exempt employees shall submit a letter of resignation at least one month before leaving. Failure
237 to submit adequate notice will become part of the employee's personnel file.

238

239 D. Children of Employees at the Work Site

240 Children of employees are subject to the "Library Behavior Policy" and the "Safe Child
241 Guidelines" already in place. While employees are on the job, their children are not to be in the
242 immediate working area, except under unusual circumstances, with supervisor approval.

243

244 E. Temporary Employees

245 Employees working only on a temporary basis do not earn holiday, sick or vacation leave. They
246 are not eligible to participate in the Wyoming Retirement System. Temporary employees who

247 become probationary and then non-probationary employees begin accruing leave and are
248 enrolled in the Wyoming Retirement System at the time they become probationary.

249
250 **X. Schedules** (adopted 11/27/07)

251
252 Schedules for each department shall be made by the supervisor of that department. Once a
253 schedule has been established, it must be adhered to unless changes are approved by the
254 supervisor.

255
256 **XI. ACPL Acceptable Use of Employee Time** (adopted 6/24/9, revised 7/2007)

257
258 During scheduled working hours, employees are expected to use their time for undertaking work-
259 related tasks. Employees should refrain from using library resources and time for personal
260 business. Brief use of library resources and time on personal business is acceptable if such use
261 does not interfere with the employee's duties and the ability of the library to perform the functions
262 necessary to carry out its mission. Such personal business should be conducted away from
263 public areas of the library. Violations of this policy are subject to appropriate disciplinary action
264 under the library's discipline policy. ([See Guidance below for more information.](#))

265
266 **XII. Employee Records** (adopted 11/27/07)

267
268 There are four types of employee records: personnel records, medical records,
269 harassment/discrimination complaints, and payroll/financial records.

- 270
271 1. Personnel records: Personnel records may include resumes and other documents
272 relating to the employee's recruitment and appointment, job descriptions, performance
273 evaluations, records of attendance at job related workshops or courses, letters of
274 commendation, written grievances, or exit interviews. These records are strictly confidential,
275 and access shall be limited to the county librarian, Administrative Services
276 Manager, designee for county librarian or supervisor if warranted, and the individual
277 employee. The responsibility for safeguarding them belongs to the Administrative Services
278 Manager. Personnel files shall be kept in a secure place.
- 279
280 A. Each personnel file shall have attached to it a log sheet which will serve as a table of
281 contents and a record of documents included and removed, including dates and initials.
- 282
283 B. Nothing may be placed in or removed from a personnel folder without the
284 acknowledgment, indicated by initials and date on the log sheet, of both the employee
285 and the Administrative Services Manager or county librarian. In case of an immediate
286 termination, by death, firing, or employee walking off the job, both the Administrative
287 Services Manager or county librarian and the immediate supervisor of said employee will
288 initial the cause for termination. If the county librarian and immediate supervisor are the
289 same person, the "supervisor in charge" or Administrative Services Manager shall be a
290 witness.
- 291
292 C. Acknowledging the inclusion or removal of a document by initialing the log sheet does not
293 indicate agreement with the contents of the document.
- 294
295 D. Employees shall have the right to place in their folders written rebuttals or explanations of
296 documents in the folders.
- 297
298 E. Employees shall have all reasonable access to their folders, but in any case an employee
299 should not have to wait more than three (3) working days after a request to view his/her
300 folder.
- 301

- 302 F. If the absence of the county librarian and Administrative Services Manager prevents
 303 immediate access to an employee's folder and the lack of access prevents the meeting of
 304 a deadline involved in the settling of a grievance, the deadline will be extended by
 305 agreement of both parties.
 306
- 307 G. The process of orienting a new employee will include logging in any documents relevant
 308 to his/her employment.
 309
- 310 H. Once the employee checklist or termination form has been documented and signed
 311 properly and the employee has left the library, his/her personnel records will be handled
 312 according to state retention schedules.
 313
- 314 I. An exit interview shall be conducted by the last day of the employee's employment. The
 315 exit interview will include the employee, County Librarian or Administrative Services
 316 Officer and, at the discretion of the employee, the immediate supervisor. With the
 317 agreement of the department head, a library board member may attend the department
 318 head's exit interview with the county librarian. For terminated employees, a note stating
 319 "no exit interview conducted" can be placed in the employee's personnel file.
 320
- 321 J. All forms will be placed in the personnel file. A copy of the exit interview may be given to
 322 the employee and, if the employee requests, to the supervisor.
 323

324 2. Discrimination/harassment: Records relating to an employee's complaints of sexual
 325 harassment or other discrimination prohibited by law or library policy shall be kept in a separate
 326 file accessible only to the county librarian, Administrative Services Manager except in the narrow
 327 circumstances set forth below. Access to this separate file shall be permitted to persons other
 328 than the county librarian or Administrative Services Officer as necessary to investigate and/or
 329 prosecute harassment and/or discrimination complaints, or as otherwise necessary to promote
 330 the interests of the employee or the library.
 331

332 3. Medical: Records revealing personal medical or disability information, other than sick leave
 333 records, shall be kept in a separate file accessible only to the county librarian or Administrative
 334 Services Manager except in the narrow circumstances set forth below. Disability and medical
 335 information may be revealed to others than the county librarian as is necessary to accommodate
 336 or to consider an accommodation of a disabled employee or an employee who claims to be
 337 disabled as defined by law.
 338

339 4. Payroll/financial records: Payroll/financial records include such items as W-4's, health
 340 insurance and deferred compensation enrollments, state retirement records, time sheets, and
 341 salary histories. The maintenance of these records is the responsibility of the bookkeeper.)
 342

343 **XIII. Other Benefits** (adopted 11/27/07, Revised 04/21/16, Revised 02/27/17)
 344

345 ~~Employees working fewer than 20 hours per week may inquire about the availability of benefits,
 346 premiums to be paid entirely by the employee.~~

347 ~~1. Dental Insurance: Dental insurance may be available to county employees who work a
 348 minimum of 30 20 hours a week and their families. Eligibility shall be determined by the carrier.
 349 The entire premium is the responsibility of the employee and requires monthly deductions from
 350 the employee's paycheck. Enrollment and benefit start guidelines are the same as Medical
 351 Insurance.~~

352 ~~2. Medical Insurance: The library through Albany County provides group medical insurance to full
 353 and part-time employees who are eligible and request it. Eligibility shall be determined by the
 354 carrier. The library pays the full premium for employees working 30 hours a week or more and
 355 half the premium for employees working from 20 to 29.999 hours a week. Employees pay the
 356 other half. Family coverage is available to eligible employees for an additional premium, paid by
 357 the employees. Retirees, that is people drawing benefits from the Wyoming Retirement System,~~

358 may remain on the policy at their own expense. Open enrollment occurs annually in November for
359 employees who are currently eligible but have not enrolled prior.
360 Employees on leave without pay must bear the full cost of any and all premiums beginning when
361 the next premium is due. The library will continue to pay the covered portion of the employee's
362 health insurance while they are on FMLA. Employees continue to be responsible for their portion.
363 ~~3. Vision Insurance: Vision insurance may be available to county employees who work a~~
364 ~~minimum of 20 hours a week and their families. Eligibility shall be determined by the carrier. The~~
365 ~~entire premium is the responsibility of the employee, and requires monthly deductions from the~~
366 ~~employee's paycheck. Eligibility shall be determined by the carrier. Upon enrollment, vision~~
367 ~~insurance benefits become active on the first day of the month following the first payroll deduction~~
368 ~~premium paid.~~
369 ~~1. Medical, Dental, Vision and Group Life Insurance: The Albany County Public Library (ACPL)~~
370 ~~provides group medical, dental, vision and life insurance to full-time employees who are eligible~~
371 ~~and request it. Eligibility shall be determined by the carrier. The ACPL pays the full premium for~~
372 ~~employees working 30 hours a week or more. Family coverage is available to eligible employees~~
373 ~~for an additional premium, paid by the employees. Retirees, that is people drawing benefits from~~
374 ~~the Wyoming Retirement System, are not eligible for the ACPL's Blue Cross / Blue Shield health~~
375 ~~plan. Open enrollment occurs annually from August 15, 20xx – September 15, 20xx for~~
376 ~~employees who are currently eligible but have not enrolled prior. Employees on leave without pay~~
377 ~~must bear the full cost of any and all premiums beginning when the next premium is due. Leave~~
378 ~~of Absence policy will follow Blue Cross / Blue Shield of Wyoming's leave of absence policy. As~~
379 ~~per Blue Cross / Blue Shield of Wyoming policy, FMLA is not applicable to ACPL as a small group~~
380 ~~employer. However, see Personnel Policies, part V. Sick Leave, section G. Family and Medical~~
381 ~~Leave Act (FMLA) for further information. Employees working fewer than 30 hours per week may~~
382 ~~inquire about the availability of benefits, premiums to be paid entirely by the employee.~~
383 ~~2. 4- Wyoming Deferred Compensation: All employees may participate in the Wyoming Deferred~~
384 ~~Compensation program at their own expense. Special permission is required for temporary~~
385 ~~employees.~~
386 ~~3. 5- Term Life Insurance: Term life insurance may be available to all employees at their own~~
387 ~~expense. Eligibility shall be determined by the carrier.~~
388 ~~4. 6- Supplemental Insurance: Supplemental insurance may be available to all employees at their~~
389 ~~own expense. Eligibility shall be determined by the carrier.~~

390
391 **XIV. Definitions** (adopted 11/27/07):
392

- 393 A. Department head: An exempt employee in charge of a library division, such as public
394 services. May be also called a supervisor, though not all supervisors are department
395 heads. (amended 12/18/08)
- 396 B. Eligible: An employee or volunteer meeting the guidelines of the external service
397 provider or a vacant position.
- 398 C. Exempt employee: A person in an administrative, executive, or professional position as
399 defined by the Fair Labor Standards Act.
- 400 D. Former: Any employee who has retired, resigned, or been terminated from library
401 employment
- 402 E. Full-time: A person who works 40 hours a week
- 403 F. Immediate family: spouse, parents, parents-in-law, children, step-children, step-parents;
404 other relationships will be considered on an individual basis (adopted 12/18/08).
- 405 G. Nonexempt employee: An employee protected by the Fair Labor Standards Act.
406 Receives an hourly wage and is subject to wage and hours laws, i.e . over-time pay, for
407 working over forty (40) hours a week.
- 408 H. Non-probationary: An employee who has completed probation in the current position.
- 409 I. Part-time: An employee working less than forty hours a week.
- 410 J. Probationary: An employee who has been in the current position for less than six
411 months. This employee may be terminated or returned to past position and pay without
412 cause.
- 413 K. Prospective: A candidate for employment.

- 414 L. Supervisor: A person who manages or is an assistant manager of a library division or
415 staff.
416 M. Temporary: An employee working on an as needed basis or being paid by funds
417 provided by grants. Not eligible for holiday, retirement, sick or vacation benefits unless
418 the grant funds these benefits.
419

420
421 **XV.A. Discipline Policy and Procedures** (revised 9-27-2011)
422

423 **Policy:** The Albany County Public Library (hereinafter “library”) wants to provide and adhere to a
424 clear, timely, fair, and progressive corrective discipline procedure for all employees. This **policy**
425 **is intended to help supervisors make clear their expectations to employees. At the same**
426 **time**, the library recognizes the rights of all employees (non-probationary, full time and part time)
427 to challenge disciplinary actions and provides for a grievance procedure.
428

429 **Purpose:** This policy establishes procedures for a progressive corrective disciplinary procedure
430 for all non-probationary library employees. **PROBATIONARY WORKERS ARE AT-WILL**
431 **EMPLOYEES WHO HAVE NO EXPECTATION OF CONTINUED EMPLOYMENT AND MAY BE**
432 **TERMINATED, AT ANY TIME DURING THEIR PROBATIONARY PERIOD WITH OR WITHOUT**
433 **NOTICE AND WITH OR WITHOUT CAUSE.** All employees, whether probationary or non-
434 probationary, are protected against illegal discrimination and harassment. Employees shall report
435 all incidences of illegal discrimination and/or harassment to the library administration. In all cases
436 of disciplinary action, the procedures outlined herein shall be followed.
437

438 **General:** Disciplinary actions shall only be instituted for cause. Employees may work without
439 fear of negative action or dismissal for reasons of political, religious, racial, sexual orientation, or
440 personal incompatibility, or for other unjust reasons. In considering whether to issue disciplinary
441 action, supervisors or the county librarian shall consider any evidence of the type commonly
442 relied upon by reasonably prudent people in the conduct of their serious affairs. Hearsay alone,
443 that is, second-hand information, about library employees will not be considered sufficient cause
444 for instituting a disciplinary action, unless it is the type of evidence required below and is
445 otherwise probative, trustworthy and credible.
446

447 **Cause Defined:** All employees are responsible for carrying out their responsibilities honestly,
448 completely, and in good faith. Cause is defined as unsatisfactory job performance,
449 insubordination, misconduct, and other just and good cause, including but not limited to those
450 actions, omissions or behaviors of employees which are detrimental to the operations of the
451 library or which impair library mission, values and goals. Disciplinary action may be applied for
452 cause, including but not limited to the following:

- 453 1. Violation of library policies and procedures.
454 2. Failure to comply with employee's job description.
455 3. Falsification of employment applications.
456 4. Incapacity to perform essential work duties.
457 5. Unsatisfactory work performance.
458 6. Work-related offenses that include, but are not limited to dishonesty, theft, absenteeism,
459 intentional damage to library property, unauthorized use of library property, sexual harassment,
460 assault, carrying weapons on library property, insubordination, and the possession or use of
461 alcohol or illegal narcotics while on library business, on library premises, or in a library vehicle.
462

463 **Disciplinary Procedures:** Employee discipline includes the following progressive steps of
464 discipline, which shall be applied according to the procedures set forth below. The procedures
465 applied in disciplinary actions will be reasonable, timely, related in severity to the seriousness of
466 the offense, and designed to correct the behavior or problem. All infractions will be investigated
467 by the proposing authority before disciplinary action is taken to protect the employee's rights.
468

469 Some offenses are of such a serious nature as to require immediate termination, in which case
470 the progressive disciplinary process will not be followed. Others are sufficiently serious that
471 certain steps in the disciplinary procedure may, in appropriate circumstances, be bypassed.
472 Further, in the case of chronic offenders, steps in this disciplinary process may be, in appropriate
473 circumstances, bypassed or repeated.

474
475 The progressive steps of discipline are:

- 476 1. Informal warning/counseling
- 477 2. Formal written warning.
- 478 3. Plan of improvement (Disciplinary Probation).
- 479 4. Suspension.
- 480 5. Termination.

481
482 1. **INFORMAL WARNING/COUNSELING:** All supervisory personnel shall inform, listen to, and
483 counsel with employees on all relevant matters and make their best effort to contribute to informal
484 resolution of any dispute. The supervisor shall meet with the employee to discuss problems
485 leading to the informal warning/counseling. A written summary of the discussion (signed and
486 dated by both parties) of any such meetings shall be placed in the disciplined employee's
487 personnel file. The signature of the employee shall acknowledge that the disciplinary action was
488 discussed with the employee and that a copy of the summary of the discussion was provided to
489 the employee. It shall not indicate that the employee agrees with the disciplinary action or the
490 reasons for the disciplinary action. An employee may submit a response, which shall be placed
491 in the employee's personnel file if so requested by the employee.

492
493 If there are no additional disciplinary actions for the same or other violations against the
494 employee, the written summary and any response from the employee shall be removed from the
495 file one year from the date of the meeting. An informal warning will not be used against an
496 individual in decisions affecting promotion or termination after one year from the effective date of
497 the warning, providing there has been no intervening disciplinary action during the one year.

498
499 2. **WRITTEN WARNING:** The supervisor initiating the disciplinary action shall issue the
500 warning. The written warning shall specifically address the conduct or behavior committed by the
501 employee justifying the disciplinary action. Within ten (10) days of the occurrence if a specific
502 event has led to the disciplinary action or as soon as reasonably possible when job performance
503 or other good cause is alleged to justify the disciplinary action, the supervisor, after consultation
504 with the county librarian, shall inform the employee in writing of the written warning imposed and
505 the reason or reasons. This notification shall be given to the employee personally by the
506 supervisor in a confidential meeting or sent to the employee by certified mail if a meeting is not
507 possible. Any documents relating to the written warning shall be placed in the employee's
508 personnel file. An employee may submit a response, which shall be placed in the employee's
509 personnel file if so requested by the employee. A written warning will not be used against an
510 individual in decisions affecting promotion, or termination after one year from the effective date of
511 the warning, providing there has been no intervening disciplinary action during the one year.

512
513 A written warning and any response from the employee will be canceled and removed from the
514 employee's personnel file after the one year period, providing there has been no intervening
515 disciplinary action during the one year. Three written reprimands, for the same or for different
516 offenses, within a one year period may constitute grounds for dismissal, at the discretion of
517 management, regardless of any lower level disciplinary action in effect at the time of the third
518 written warning.

519
520 3. **PLAN OF IMPROVEMENT (Disciplinary probation):** A plan of improvement may be issued
521 at the discretion of management to provide an employee with an opportunity to correct behavior
522 or deficiencies in performance. A plan of improvement cannot be instituted without a previous
523 informal and formal warning for the same offense. A plan of improvement must be in writing and
524 must include the beginning and ending dates, the reasons for its institution, the correction to be

525 achieved, the method of judging if the goal has been reached and the consequences if the
526 conditions of the plan are not met. The duration for a plan of improvement must not exceed three
527 months. However, consecutive plans of improvement may be issued in appropriate cases. The
528 plan of improvement must be signed and dated by the employee, involved supervisor, and the
529 county librarian. The employee's signature shall signify that the employee has received a copy of
530 the plan of improvement and that the plan has been discussed with the employee. If the
531 employee refuses to sign, then the supervisor shall so note and indicate that a copy of the plan
532 has been provided to and discussed with the employee. The notice shall be personally delivered
533 to the employee in a confidential meeting or delivered by certified mail to the employee's address
534 of record if a meeting is not possible. The county librarian will place a duplicate of the notice and
535 proof of delivery to the employee in the disciplined employee's personnel file.
536

537 The supervisor will file a concluding report at the end of the time stated in the plan, reporting on
538 the successful or unsuccessful completion of the plan. An employee may submit a response,
539 which shall be placed in the employee's personnel file if so requested by the employee. If the
540 results are successful, the report will be kept in the employee's personnel file for one year from
541 the date of the successful completion and then removed. If the results are unsuccessful, the
542 report will be kept in the employee's personnel file. Failure to successfully complete the plan may
543 result in suspension or termination.
544

545 **4. SUSPENSION:** The county librarian may impose disciplinary suspensions for cause and
546 without pay for up to 20 working days per year. The county librarian shall provide the employee
547 with written notification specifying the reason or reasons for the suspension, the effective date
548 and duration, as well as the corrective action necessary to avoid further discipline. The
549 suspension may be followed by a Plan of Improvement. A copy of the notice of suspension shall
550 be placed in the employee's personnel file. An employee may submit a response, which shall be
551 placed in the employee's personnel file if so requested by the employee. The notice of
552 suspension shall remain in the employee's personnel file for five (5) years.
553

554 **5. TERMINATION:** The county librarian and supervisor will give careful and thorough
555 consideration before terminating an employee from employment. When it is necessary to
556 terminate an employee, such action will be taken immediately, or as soon as possible, following
557 discovery of the last alleged infraction or event that led to the termination. The county librarian
558 and the employee's supervisor prior to initiating such action will discuss recommendations for the
559 termination of employment. The county librarian must approve a supervisor's recommendation
560 for termination. The county librarian shall issue a notice of recommended termination, stating the
561 reason for the recommendation in sufficient detail to provide fair notice to the employee of the
562 issues involved. The employee may, at the discretion of supervisor and/or county librarian, be
563 placed on administrative leave with pay following the issue of the notice of recommended
564 termination & by the county librarian until either the expiration of the fourteen (14) day period in
565 which the employee must appeal the termination, or in the event the employee files such appeal,
566 until a final decision is made to terminate the employee by the board of directors. If an employee
567 fails to appeal the recommended termination then a notice of final termination will be issued by
568 the county librarian. If an employee appeals the termination, and the termination is upheld, then
569 the decision issued by the board or its designee shall constitute final notice of termination.
570

571 The library will pay the terminated employee for any unused vacation earned and the regular,
572 compensatory and holiday hours unpaid up to the time of the Notice of final dismissal.
573

574 A non-probationary employee contesting a recommendation of dismissal by the county librarian
575 shall proceed directly to step three of the grievance and appeals process. The dismissal of a
576 non-probationary employee shall not become final until either the expiration of the fourteen (14)
577 day period in which the employee must appeal the dismissal and no appeal is taken, or in the
578 event the employee files such appeal, until a final decision is made to dismiss the employee by
579 the board of directors.
580

581 **Appeals of Disciplinary Action:** An employee may contest disciplinary actions through the
582 grievance procedure. Termination of employees on probation is not subject to a grievance or
583 appeal, nor is the termination of any employee with limited temporary appointment, nor is the
584 termination of an employee due to a layoff.

585
586 **Layoff:** Layoff is the removal from a position due to termination of the position because of
587 reorganization, lack of work, or lack of funding. Whether a reorganization is appropriate or
588 whether the interests of the library require a layoff for lack of work or funding shall be determined
589 entirely at the discretion of the board. The employee who is laid off shall be given accrued annual
590 leave. In addition, the library has the option of providing employees to be laid off either 30 days'
591 notice of the impending layoff or 30 days' (one month) salary as severance pay. The employee is
592 eligible for unemployment through the Wyoming Workforce Services Department.

593
594 **Resignation:** At any time during the disciplinary process, up to termination, the employee may
595 offer to resign. The employee's official reason for termination shall be recorded as a voluntary
596 resignation.

597
598 **Employee Response:** When a disciplinary procedure is instituted, the employee has a right to
599 respond-in writing within ten (10) calendar days from receipt of any notice of disciplinary action,
600 other than dismissal. In the case of a recommended dismissal, the employee may file an appeal
601 pursuant to the grievance policy.

602
603 **Notice of End of Discipline:** Written notice will be given to the employee within ten (10)
604 calendar days upon successful completion of disciplinary action, and/or the removal of the
605 disciplinary record from the employee personnel file relating to an oral warning, written reprimand
606 or plan of improvement.

607
608 **Confidentiality:** All procedures and records related to disciplinary actions will be held in strict
609 confidence. The county librarian, supervisor(s), and staff will investigate and discuss a
610 disciplinary action only with those individuals who have a need to know or who are needed to
611 supply necessary information.

612
613 **Custody of Records:** Only the county librarian or Administrative Services Manager,
614 supervisor(s), and the employee shall have access to the record

615
616 **Effective Date:** This policy will become effective thirty (30) days after adoption by the Albany
617 County Public Library Board of Directors.

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619

ALBANY COUNTY PUBLIC LIBRARY DISCIPLINE FLOW CHART

620 *IMPORTANT NOTE: This flow chart is intended as a guide for employees and supervisors. The*
621 *policies of the Albany County Public Library shall govern in the event of a conflict between the flow chart*
622 *and said policies.*

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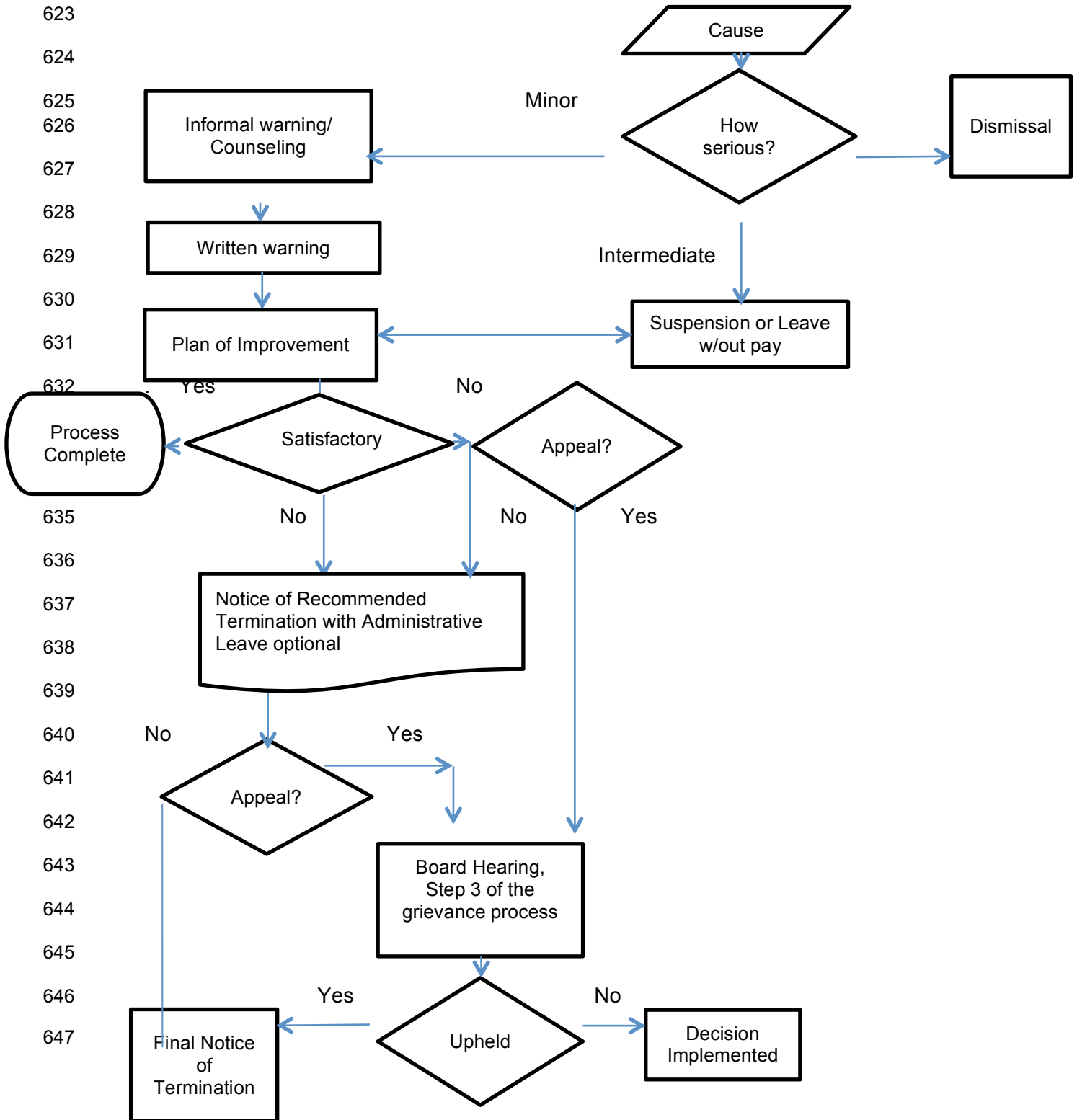
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XV.B. Grievance and Appeal Policy and Procedures (revised 10/25/11)

Policy: The Albany County Public Library aims to resolve employee grievances and appeals in a fair and timely manner on a non-adversarial basis. All employees shall have the right to present a grievance or appeal, pursuant to the provisions of this policy, without coercion, restraint, discrimination or reprisal. All employees of the library submitting a grievance must follow the steps outlined in this procedure. **PROBATIONARY EMPLOYEES WHO MAY BE TERMINATED WITH OR WITHOUT CAUSE MAY SUBMIT GRIEVANCES, BUT MAY NOT APPEAL THEIR TERMINATION OR OTHER DISCIPLINARY ACTION TAKEN AGAINST THEM.**

Purpose: The library encourages open communication and recognizes the right of all employees to express differences of opinion and to seek fair and timely resolutions of employment disputes. This regulation establishes the exclusive internal process to provide library employees a prompt and efficient review and resolution of disputes.

Non-probationary employees may submit a grievance contesting:

1. A dismissal, suspension or any disciplinary action other than the issuance of a plan of improvement. An employee may grieve a determination that the employee did not successfully complete the plan of improvement
2. Unfairness, unlawful discrimination, impropriety.
3. Violation or misinterpretation of the library rules or policies. Non-probationary employees contesting a dismissal shall proceed directly to step three in the grievance procedure.

Examples of actions which may be causes of grievances appropriate under this policy include, but are not limited to, the following:

1. Application of library policies, practices, rules, regulations, and procedures.
2. Treatment considered to be unfair by an employee, such as coercion, reprisal, harassment, or intimidation by a co-worker, supervisor, or the county librarian.
3. Alleged discrimination because of race, color, sex, sexual orientation, age, religion, national origin, marital status, or disability. Employees are to report all incidents of illegal discrimination and/or harassment.
4. Improper or unfair administration of employee benefits or conditions of employment. For instance, employees may grieve perceived unfairness in the implementation of library policies regarding vacations, fringe benefits, promotions, retirement, holidays, evaluations, salary, job duties or classification, disciplinary actions, transfers, working conditions, and supervisory actions.

Informal Solutions: Employees are expected to first attempt to resolve any differences with each other, supervisors or with the implementation or interpretation of procedures or policy on an informal basis. The grievance procedure is used only the complaint has been discussed and has not been satisfactorily resolved through regular channels of communication. The grievance procedure is designed to deal with serious problems and should not be undertaken lightly.

Employees 1) will not be forced to initiate a grievance complaint if they do not wish to do so, 2) will not be penalized for proper use of the grievance procedure, and 3) may withdraw a grievance complaint at any time.

Time Limits May Be Extended by Agreement (Mutual Resolution): Any time limits in this procedure may be extended by mutual consent, and the grievance may be concluded by mutual decision at any step of the procedure. All time periods set forth in this policy include holidays and weekends. However, if the last day of the time period falls on a day when the library is not open, then the time period shall be extended to the next day when the library is open for business.

703

704 **Effect on Library Policy:** Any decision reached through the grievance procedure cannot and
705 does not change or alter library policy. Only the board of directors can change library policy.

706

707 **Formal Grievance Procedure:** In order to assure the orderly conduct of business and the
708 handling of any grievance or dispute, the following procedures shall apply:

709

710 1. **Step One -- Supervisor:** Within fourteen (14) calendar days of the occurrence, dispute or
711 disciplinary action that is a basis of the grievance, the employee may submit a written complaint
712 detailing the circumstances giving rise to the complaint and the remedy sought to the employee's
713 immediate supervisor, thereby initiating the formal grievance process. Fourteen (14) calendar
714 days are given for the filing of the formal grievance in order to provide the employee with the
715 opportunity to attempt to informally resolve the dispute. If no answer is received within seven (7)
716 calendar days or if the answer is unsatisfactory, the Grievant may proceed to the next step. If the
717 complaint is with the Grievant's immediate supervisor, he/she may skip to Step Two. If the
718 county librarian is the immediate supervisor and the Complaint is against the county librarian, the
719 Grievant may skip to Step Three.

720

721 2. **Step Two -- County Librarian:** If the Grievant feels that the decision at the first level was not
722 satisfactory, or the immediate supervisor fails to respond within the applicable time limit, the
723 Grievant may submit the complaint, in writing, to the county librarian. Appeals to the county
724 librarian must be made within seven (7) calendar days of the answer at Step One, or the
725 expiration of the Step One time limit, whichever is sooner. The county librarian will review the
726 case, requesting additional information if necessary, and render a written decision. The county
727 librarian may respond to the grievance on the basis of the written documents supplied or, in
728 his/her discretion, may meet with the employee and such other individuals as the county librarian
729 deems appropriate in an effort to resolve the grievance. If no response is received within seven
730 (7) calendar days or if the answer is unsatisfactory, the Grievant may proceed to the next step.

731

732 3. **Step Three -- Review By Board or Appointed Reviewer(s):** If the Grievant finds the
733 county librarian's decision unsatisfactory, if no response is received within the Step Two time
734 limit, or if the employee is contesting a dismissal from employment, the grievant may seek a
735 review of the matter by submitting in writing to the chair of the board of directors a request for
736 review of the county librarian's decision, setting forth the specific reasons or grounds for the
737 review and the remedy sought. The remedy shall not include disciplinary action against other
738 employees or supervisors.

739

740 The request for review must be submitted within seven (7) calendar days of the answer at Step
741 Two or the expiration of the time limit in Step Two, whichever is sooner, or within fourteen (14)
742 calendar days from the receipt of a notice of dismissal. The board of directors upon receipt of a
743 request for review may schedule a proceeding to hear the matter themselves or may, at their
744 discretion, appoint a panel of the board or an independent third party or parties to hear the matter
745 and make a recommended decision to the board. The board shall inform the employee of its
746 decision as to which person or persons have been appointed to conduct the review within seven
747 days of receipt of the request for review. In the event a quorum of the board cannot be convened
748 within the seven-day time frame, as soon thereafter as a quorum of the board can be convened,
749 the person or persons selected to hear the review shall be appointed and the employee
750 immediately notified. At the same time that the board notifies the employee of the person or
751 persons to hear the review, the board shall also notify the employee of the time schedule within
752 which the review will be conducted and a recommended decision rendered.

753

754 If the board decides to have a third party to hear the review, the employee and the county
755 librarian shall have seven days upon which to mutually agree upon the person who shall serve as
756 the third party. If the employee and county librarian cannot agree within seven days, then the
757 board shall select the third party. The review proceeding shall be conducted within 30 calendar
758 days of the date of the request for review, unless an extension of the time limit is agreed to by the

759 employee and the reviewer or reviewers. A review will be conducted in a manner that will afford
760 the employee and supervisor and/or county librarian the opportunity to present their positions.
761 The reviewer or reviewers will have discretion to structure the review with such procedures as
762 deemed appropriate and will promptly notify the employee of such procedures. A record shall be
763 made of the proceedings either by audio recording or by an official court reporter. A transcript
764 does not have to be ordered unless requested by the board or the parties. If a transcript is
765 ordered by the employee, the employee shall bear the cost. The record shall be kept in the
766 employee's personnel file.

767
768 If a panel of the board or a third party or parties is appointed to hear the review, the
769 recommended decision rendered will set forth the proposed action recommended and the
770 reasons therefor. The board may, at its option, accept or reject a recommended decision. In the
771 event the board rejects a recommendation, the board shall set forth the reasons why the board
772 has chosen to reject the recommended decision. A recommended decision shall be issued within
773 fourteen (14) calendar days [of the conclusion of the review proceeding. The board shall issue its
774 final decision within seven (7) calendar days of receiving the recommended decision.

775
776 If the board hears the review itself, it shall issue a written decision within fourteen (14) calendar
777 days of the conclusion of the review proceeding. The board may direct such action as it deems
778 appropriate.

779
780 The review provided above shall be the exclusive and mandatory procedure for challenge of a
781 dismissal, disciplinary action and the resolution of any allegations of unfairness, impropriety or
782 violation of the library rules or policies. Failure to timely request a review or failure to participate
783 in the review process to its completion shall waive any right of the employee to contest a
784 dismissal or other disciplinary action; or to allege a violation of the library rules or policies. The
785 review provided by these rules shall be the exclusive remedy for disputes as to whether cause
786 exists for termination. The results of the review set forth above shall be final and binding and
787 shall not be subject to any form of further appeal or review.

788
789 **Representation:** In all proceedings provided under this grievance procedure, an employee who
790 is a party to the proceedings shall have the right to appear personally and may be accompanied
791 by his or her chosen representative.

792
793 **Leave without Pay or Leave of Absence:** If a recommendation of dismissal is issued and the
794 employee files an appeal under this grievance policy and the employee is not placed on
795 administrative leave with pay, the employee may take leave without pay or a leave of absence.
796 During that time, the position will not be permanently filled nor any benefits denied until the
797 grievance has been satisfactorily resolved. The library will pay health insurance premiums.

798
799 **Confidentiality:** Information concerning an employee grievance shall be confidential except to
800 the extent necessary for the parties to fully participate in the grievance proceedings.

801
802 **Time Spent on Grievance:** Time spent by employees in grievance discussions with
803 supervisor(s), county librarian and/or board will be considered hours worked for pay purposes.
804 An employee may spend up to a total of eight (8) hours of work time preparing for any steps in
805 the grievance process.

806 **Material Kept in Personnel File:** Copies of all grievance material will be retained in the
807 Grievant's personnel file for five years after the person leave employment.

808
809 **Alternative Dispute Resolution:** The parties may at any time in the grievance process mutually
810 agree to engage in any form of alternative dispute resolution (ADR). If alternative dispute
811 resolution fails, then the grievant may resume the grievance process at the point where it was
812 halted in order to engage in ADR. The board and Grievant shall engage a mediator, agreeable to
813 both parties, equally sharing any expenses incurred.

814

815 **Effective Date:** This policy will become effective thirty (30) days after adoption by the Albany
816 County Public Library Board of Directors.
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NOTE: This flow chart is intended as a guide for employees and supervisors and the policies of the Albany County Public Library shall govern in the event of a conflict between the flow chart and said policies.

This procedure begins after informal resolution fails.

General Grievance/Appeal

Grievances or appeals of disciplinary action other than termination. The placement of an employee on a Plan of Improvement may not be appealed. However, an employee may appeal a supervisor's conclusion that the plan was not successfully completed.

Termination

Appeal of Termination. Go to Step Three.

STEP ONE—Immediate Supervisor

Submit written grievance to immediate supervisor within 14 calendar days.

- a. If grievance is against immediate supervisor immediately proceed to Step Two.
- b. Supervisor has 7 days to respond.
- c. If Supervisor does not respond in 7 days or the response is unsatisfactory, then proceed to Step Two.

STEP TWO—County Librarian

Submit written grievance to county librarian within 7 calendar days of decision below or the expiration of the supervisor's time period to respond.

- a. If grievance involves county librarian, then proceed immediately to Step Three.
- b. County librarian has 7 calendar days to respond.
- c. If county librarian does not respond within 7 days or the response is unsatisfactory, then proceed to Step Three.

STEP THREE—Library Board

Submit Request for Review to Library Board within 14 calendar days for review of termination, and within 7 calendar days for all other requests for review.

Hearing by Board

Board or Panel of Board hears Request for Review.

Hearing must be scheduled within 30 days of filing of Request for Review, unless the parties agree to extension.

Hearing by Independent Third Party

Board opts to have independent third party hear Request for Review.

- a. Board has 7 days from Request for Review filed to notify.
- b. Employee & county librarian have 7 calendar days to agree upon the third party.
- c. Hearing must be scheduled within 30 days of date Request filed, unless the parties agree to extension.

874 **XIX. Harassment Policy** (APPROVED 11/23/04, REVISED 4/26/2011)

875

876 It is the policy of the Albany County Public Library that the workplace be free from sexual or other
877 types of harassment and/or discrimination based upon a person's membership in any class
878 protected by law, including gender, race, color, national origin, religion, disability and/or age.

879 Such harassment violates federal civil rights laws and is a form of illegal discrimination. Although
880 sexual orientation has not been recognized in Wyoming as a protected class, harassment
881 because of a person's perceived or actual sexual orientation is included within this policy.

882

883 All members of the library community must take notice that the library is concerned about sexual
884 and other unlawful harassment/discrimination and is prepared to take prompt remedial action to
885 prevent and correct such behavior. Individuals who engage in sexual and other unlawful
886 harassment/discrimination, as well as harassment/discrimination based on sexual orientation, will
887 be subject to discipline, up to and including termination. Retaliation against a person who
888 properly, and in good faith, reports, complains about, supports a complaint or participates in the
889 investigation of sexual and other unlawful harassment/discrimination is likewise prohibited.

890

891 Discriminatory conduct or harassment of employees, patrons, or volunteers by supervisors, co-
892 workers, vendors or patrons because of the employees' or volunteers' membership in the
893 protected classes cited above or because of their sexual orientation are prohibited by this policy.
894 Undue harassment of a general nature against employees for reasons other than those listed in
895 this policy is not covered by this policy. An employee may report such harassment pursuant to
896 the library's Grievance Policy, to the Problem Patron Procedure and/or to local law enforcement.

897

898 **Sexual Harassment**

899

900 Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of
901 a sexual nature constitute sexual harassment when:

- 902 • submission to that conduct is made either explicitly or implicitly a term or condition of an
903 individual's employment or education;
- 904 • submission to or rejection of such conduct by an individual is used as the basis for
905 employment decisions affecting that individual; or
- 906 • the conduct has the purpose or effect of substantially interfering with an individual's work
907 performance or creating an intimidating, hostile, or offensive employment environment.

908

909 The conduct must be subjectively offensive to the person against whom it is directed. The
910 conduct also must be objectively offensive in that a reasonable person would find it to be
911 offensive.

912

913 Examples of sexual harassment may include, but are not limited to, the following:

- 914 • unwelcome sexual propositions;
- 915 • sexually graphic comments about a person's body;
- 916 • unwelcome touching, patting, pinching, or leering;
- 917 • persistent, offensive, and unwelcome sexual jokes and comments;
- 918 • unwelcome displays of sexually graphic pictures. (The viewing of sexually graphic
919 material on-line by patrons may constitute harassment only if done with the intent to
920 intimidate or harass an employee, patron, or volunteer because of their protected class.)

921

922 Sexual harassment does not refer to occasional compliments of a socially acceptable nature.

923

924 **Hostile Work Environment Harassment**

925

926 A hostile work environment occurs when a person is subjected to verbal or physical conduct
927 which denigrates or shows hostility or aversion toward an individual because of his/her
928 membership in a protected class or because of his/her sexual orientation and the conduct is so

929 severe or pervasive as to affect the terms and conditions of the employee's job. The conduct has
930 the purpose or effect of unreasonably interfering with the employee's work performance.

931

932 Hostile environment harassment includes, but is not limited to:

933

- 934 • epithets, slurs, and negative stereotyping;
- 935 • threatening, intimidating or hostile acts motivated by a person's membership in a
936 protected class;
- 937 • written or graphic material that shows hostility or aversion to members of a protected
938 class;
- 939 • materials or information posted or circulated in the workplace which denigrate or show
940 hostility toward members of a protected class;
- 941 • any other conduct that creates an intimidating, hostile, or offensive work environment.

942

943 **Complaints of Sexual or Other Unlawful Harassment/Discrimination**

944

945 If any employee, patron, or volunteer believes that he or she has been subjected to sexual or
946 other types of harassment and/or discrimination prohibited by law or this policy, the employee,
947 patron, or volunteer shall report the conduct or incident at once. The report may be oral or written.
948 If the employee is harassed or discriminated against, but does not report the incident or conduct,
949 management will not be able to respond. Employees are encouraged to report any action that
950 they think could be sexual harassment of themselves or others.

951

952 The employee or volunteer may report the harassment/discrimination to his/her supervisor or to
953 the county librarian. If the report is oral, the person receiving the report shall make a written
954 summary of the allegations for use in the investigation. The person receiving the report shall
955 attempt to review the summary with the complainant, and obtain the complainant's signature on
956 the summary if possible.

957

958 If the supervisor is the subject of or in any way involved in the complaint, the report may be made
959 to the county librarian. If the county librarian is the subject of or in any way involved in the
960 complaint, then the harassment/discrimination may be reported to the chairperson of the board of
961 directors.

962

963 Supervisors who become aware of harassment/discrimination shall report it immediately to the
964 county librarian, or if the county librarian is involved, to the chairperson of the board of directors.
965 Supervisors who fail to report allegations of sexual harassment of which they are aware may be
966 subjected to disciplinary action.

967

968 If a concern about discriminatory conduct or harassment is reported to library management by
969 someone other than the subject of the alleged harassment/discrimination, and the subject is
970 unwilling or unable to provide an oral or written statement, then the library will investigate if
971 sufficient information is furnished to enable the library to conduct a meaningful and fair
972 investigation. Failure of a complainant or the subject of a harassment/discrimination report, to
973 assist the library in the investigation will limit the library's ability to respond effectively to the
974 conduct that prompted the complaint or report.

975

976 **Investigation of Complaints**

977

978 When a complaint of harassment/discrimination is received, the library will promptly investigate
979 the allegation in a fair and expeditious manner. The investigation will be conducted in such a way
980 as to maintain confidentiality to the extent practicable under the circumstances and the law. The
981 investigation will include a private interview with the person filing the complaint and with
982 witnesses. The investigator(s) will also interview the person alleged to have committed
983 harassment/discrimination prohibited pursuant to this policy. Employees, volunteers, or patrons

984 shall not willfully and knowingly attempt to interfere, obstruct or inappropriately influence the
985 investigation.
986
987 When the investigation is complete, the library will, to the extent appropriate, inform the person
988 filing the complaint and the person alleged to have committed the conduct of the results of the
989 investigation. Others shall be informed of the outcome only to the extent that they have a need to
990 know in order to investigate the complaint or implement actions taken as a result of the
991 investigation.
992
993 The investigator(s) will be chosen by the county librarian unless the county librarian is involved in
994 the matter to be investigated, then the board chair shall select the investigator(s). As is
995 appropriate under the circumstances, the investigator(s) may be a library employee or may be a
996 person or organization from outside the library.
997
998 If it is determined that inappropriate conduct has occurred, the library will act promptly to
999 eliminate the offending conduct, and where it is appropriate the library will also impose
1000 disciplinary action in accordance with its discipline policy.
1001
1002 Employees, patrons, or volunteers who are interviewed regarding a complaint of
1003 harassment/discrimination shall keep the matter confidential. Employees, patrons, or volunteers
1004 may be disciplined for breaches of confidentiality. Those interviewed shall be told that they will
1005 not be informed of the outcome of the investigation, as it is a confidential personnel matter,
1006 unless they have a need to know as a part of their employment duties.
1007
1008 If the complaint is not substantiated and the details of the allegations have become known to
1009 employees or volunteers, the county librarian may, at the request of the accused person and
1010 when fairness so dictates, inform those with knowledge of the allegations that they have not been
1011 substantiated. The county librarian shall reveal no other information from the investigation in
1012 implementing this paragraph. The determination of whether fairness requires the notice provided
1013 in this paragraph shall be within the sole discretion of the county librarian.
1014
1015 The report of investigation and the investigative file shall be kept indefinitely in a separate file
1016 maintained by the county librarian. If action is taken against an employee or volunteer as a result
1017 of an investigation held pursuant to this policy, the action and the basis for that action shall be
1018 maintained in the employee's or volunteer's personnel file. However, the investigative report and
1019 file shall not be maintained in the employee's personnel file
1020
1021 No Retaliation
1022
1023 Employees, patrons or volunteers who report harassment/discrimination in good faith will not be
1024 disciplined or retaliated against for making the report. Employees, patrons, or volunteers found to
1025 have knowingly and deliberately provided false information may be subjected to discipline.
1026
1027 Employees, patrons or volunteers who have witnessed harassment/discrimination will not be
1028 disciplined or retaliated against for reporting such conduct or for cooperating in an investigation.
1029
1030 Any employee, patron or volunteer who retaliates against any person who reports alleged
1031 harassment/discrimination or who participates in an investigation, proceeding or hearing related
1032 to such a report will be disciplined.
1033
1034 Distribution
1035
1036 This policy shall be distributed to all current employees and volunteers of the Library upon its
1037 adoption by the board of directors. Thereafter, all new employees and volunteers shall receive a
1038 copy promptly upon beginning work at the library. Each employee or volunteer shall sign a

1039 receipt acknowledging that they were provided with a copy of this policy. Employees, patrons or
1040 volunteers may request additional copies at any time.
1041