

ALBANY COUNTY PUBLIC LIBRARY
BOARD OF DIRECTORS
MINUTES OF THE REGULAR MEETING
OF SEPTEMBER 27, 2011

The Board of Directors of the Albany County Public Library met in regular session at the Centennial Valley Branch Library on Tuesday, September 27, 2011, at 5:09 p.m. Directors present were Antonio Bendezu, Terry Callaghan, Suzanne Harris, Rebecca Roberts, and Diana Shelton. Also present were Nathan Bender, staff representative; Lynette Parkhurst, President, Centennial Library and Cultural Association; Amy Pearce, FOL Liaison; Deb Shogren, Centennial Librarian, Susan Simpson, Albany County Librarian and six other members of the Centennial Library and Cultural Association.

Chair Antonio Bendezu called the meeting order at 5:05 p.m. People present introduced themselves, and Lynette Parkhurst summarized cultural association events in the past year. She thanked Deb Shogren, Friends, the board, the staff, and County IT for their support for the library. She specifically mentioned the July children's activities, new book drop, and Qwest's shutting Internet access to malware. Bendezu responded that the library board was proud of the level of use and involvement at the Centennial library. The meeting then recessed at 5:25 p.m. to move to the Beartree Tavern and Café for the remainder of the meeting. Bendezu reconvened the meeting at 5:43 p.m.

CONSENT AGENDA: Diana Shelton moved and Rebecca Roberts seconded approving the consent agenda as presented:

- Minutes of the Regular Meeting of August 23, 2011
- Written Reports for August 2011
 - I. Statistics
 - II. Financial Reports:
 - a. Payroll Summary
 - b. Revenues and Expenditures
 - c. Balance Sheet
 - III. County Librarian's Report and
 - IV. Foundation Executive Director

The board asked for further information about the air quality issue mentioned in the board report. Simpson reported one consultant suggested purchasing his air purifiers. She also reported that the building had been cleared for about an hour that morning because of a slight gas smell; source Gas found no problems. Investigations continued. The library is 16% through the fiscal year with 5.57% of its estimated revenue received and 11.69% of its estimated expenditures disbursed. Ebooks remain a topic of great interest. The board reviewed a reported on Specific Purpose Excise Tax expenditures so far.
Motion carried.

Staff representative Nathan Bender reported that Ruth Hitchcock was returning to the library as Youth Services Librarian. He had no staff comments to relay.

Foundation liaison Rebecca Roberts reports that the search for a foundation executive director continues. Stephen Williams chairs the search committee. Three applications have been received. The library and foundation directors will be meeting with each and their board chairs to discuss a difference of opinion about grant payments to the library. She did not know exact plans for the foundation's income tax program.

Friends liaison Amy Pearce reported the August sale grossed \$850; the board will meet Oct. 5. The October sales dates are not yet firm.

Roberts moved and Harris seconded approving the vouchers are presented totaling \$17,903.73, with a payment of \$ 8,457.18 to the foundation on the voucher list excluded, and a Flexible Spending Account disbursement of \$ 325 to Susan Simpson. Bill paid earlier online included ACPE FCU for the book bill and general purchases, Bresnan Communication, Century Link (formerly Qwest), FSH communication, Kone, Rocky Mountain Power, Source Gas, Staples, and Total Funds by Hasler. Motion carried.

STAYING OPEN UNTIL 6 P.M. ON SATURDAY, OCTOBER 29: Shelton moved and Terry Callaghan seconded approving the library's staying open an additional hour on Saturday, October 29, to ease access to the book sale. This time was omitted from the list last month. Motion carried.

CREDIT CARD REVIEW: Callaghan moved and Harris seconded approving the library's have three credit cards, one for materials purchases, one for technology purchases, and one for general purchases. Each will have a credit limit of \$5,000. Motion carried.

The board recessed to a work session on the proposed discipline policy. The meeting reconvened at 6:22 p.m. Callaghan moved and Harris seconded approving the revised discipline policy as edited:

DISCIPLINE POLICY AND PROCEDURES
(revised 9-27-2011)

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

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

General: Disciplinary actions shall only be instituted for cause. Employees may work without fear of negative action or dismissal for reasons of political, religious, racial, sexual orientation, or personal incompatibility, or for other unjust reasons. In considering whether to issue disciplinary action, supervisors or the county librarian shall consider any evidence of the type commonly relied upon by reasonably prudent people in the conduct of their serious affairs. Hearsay alone, that is, second-hand information, about library employees will not be considered sufficient cause for

instituting a disciplinary action, unless it is the type of evidence required below and is otherwise probative, trustworthy and credible.

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

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

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

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

The progressive steps of discipline are:

1. Informal warning/counseling
2. Formal written warning.
3. Plan of improvement (Disciplinary Probation).
4. Suspension.
5. Termination.

1. INFORMAL WARNING/COUNSELING: All supervisory personnel shall inform, listen to, and counsel with employees on all relevant matters and make their best effort to contribute to informal resolution of any dispute. The supervisor shall meet with the employee to discuss problems leading to the informal warning/counseling. A written summary of the discussion (signed and dated by both parties) of any such meetings shall be placed in the disciplined employee's personnel file. The signature of the employee shall acknowledge that the disciplinary action was discussed with the employee and that a copy of the summary of the discussion was provided to the employee. It shall not indicate that the employee agrees with the disciplinary action or

the reasons for the disciplinary action. An employee may submit a response, which shall be placed in the employee's personnel file if so requested by the employee.

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

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

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

3. **PLAN OF IMPROVEMENT (Disciplinary probation):** A plan of improvement may be issued at the discretion of management to provide an employee with an opportunity to correct behavior or deficiencies in performance. A plan of improvement cannot be instituted without a previous informal and formal warning for the same offense. A plan of improvement must be in writing and must include the beginning and ending dates, the reasons for its institution, the correction to be achieved, the method of judging if the goal has been reached and the consequences if the conditions of the plan are not met. The duration for a plan of improvement must not exceed three months. However, consecutive plans of improvement may be issued in appropriate cases. The plan of improvement must be signed and dated by the employee, involved supervisor, and the county librarian. The employee's signature shall signify that the employee has received a copy of the plan of improvement and that the plan has been discussed with the employee. If the employee refuses to sign, then the supervisor shall so note and indicate that a copy of the plan has been provided to and discussed with the employee. The notice shall be personally delivered to the employee in a confidential meeting or delivered by certified mail to the employee's address of record if

a meeting is not possible. The county librarian will place a duplicate of the notice and proof of delivery to the employee in the disciplined employee's personnel file.

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

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

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

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

A non-probationary employee contesting a recommendation of dismissal by the county librarian shall proceed directly to step three of the grievance and appeals process. The dismissal of a non-probationary employee shall not become final until either the expiration of the fourteen (14) day period in which the employee must appeal the

dismissal and no appeal is taken, or in the event the employee files such appeal, until a final decision is made to dismiss the employee by the board of directors.

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

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

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

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

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

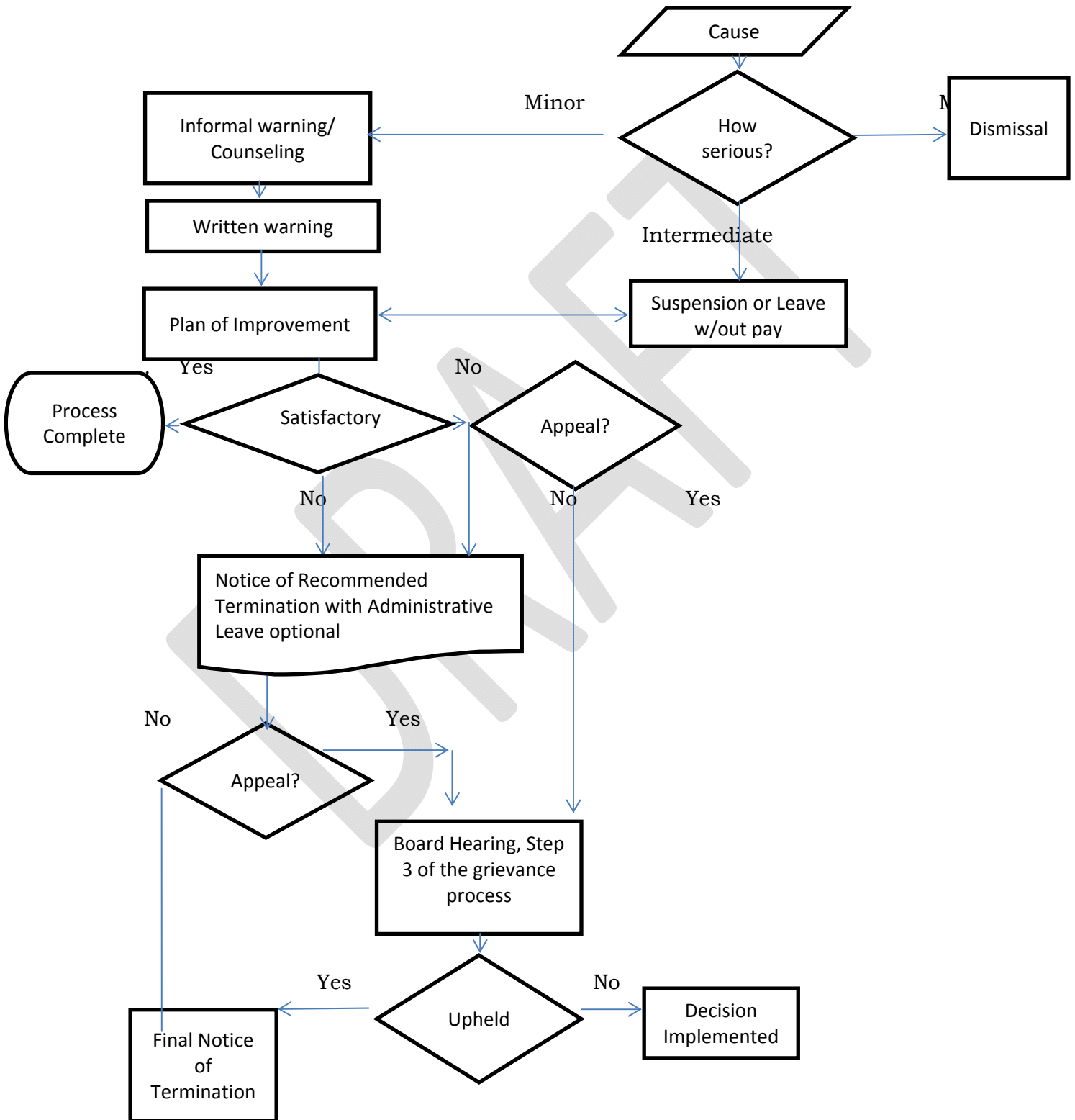
Confidentiality: All procedures and records related to disciplinary actions will be held in strict confidence. The county librarian, supervisor(s), and staff will investigate and discuss a disciplinary action only with those individuals who have a need to know or who are needed to supply necessary information.

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

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

ALBANY COUNTY PUBLIC LIBRARY DISCIPLINE FLOW CHART

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



Motion carried.

Shelton moved and Callaghan seconded adjourned the meeting at 6:24 p.m. Motion carried.

Respectfully submitted

Susan M. Simpson
Secretary Pro Tem

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