

# MARY E. BARTLETT LIBRARY

## EMPLOYEE HANDBOOK



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## **I. INTRODUCTION INTRODUCTORY STATEMENT**

This Employee Handbook applies to all employees of the Mary E. Bartlett Library (the Library). It is designed to help employees become familiar with the policies and practices of the Library that most often affect your work.

This handbook is intended to provide an overview of Library policies and procedures, as well as the expectations for all library employees. Nothing in this handbook or in any other written or unwritten policies or practices of the Library creates or is intended to create, an express or implied contract, covenant, promise, or representation between the Library and the employee.

To the extent permitted by law and as further limited by New Hampshire RSA 202-A:17, the Library and its employees have an employment-at-will relationship. This means that employment may be terminated with or without cause or with or without notice at any time at the option of either the employee or the Library. This handbook does not modify or limit the employment-at-will relationship.

The Library reserves the sole right to add, change, withdraw or revoke any or all policies or practices at any time for any reason, with advance notice of change. The Trustees of the Library have the right to vote and pass any changes to this handbook. Any changes to the policies of this handbook will be posted for ten (10) days in a public place prior to implementation.

This Employee Handbook supersedes and replaces any and all previous handbook, policies, procedures, or practices, oral and written statements of the Library. Note that this handbook does not cover every situation that can arise in the workplace. Employees are responsible for knowing its contents and using it as a guide. Finally, when specific benefit plans conflict with this employee handbook, the benefit document will prevail.

Employees should feel free to discuss the contents of this handbook with the Library Director.

### **EMPLOYMENT AUTHORITY**

New Hampshire RSA 202-A:2 defines a board of library trustees as the governing body of a library, not the Board of Selectmen. In turn, Library employees are not considered Brentwood town employees.

Therefore, unless otherwise specifically noted in this policy or by statute, the Library Trustees shall be considered the hiring authority for the Library for all positions including part-time, full-time, and temporary personnel.

The term "Library Director" for the purposes of this handbook is defined as an individual, who by statute and/or authority by the Trustees, is responsible for the overall operation of the Library. This individual may adopt, subject to approval by the Trustees, rules and regulations for the operation of the Library in addition to policies in this handbook, and has the authority to recommend hiring, promotion and termination of employees to the hiring authority.

## WELCOME

Welcome to the Mary E. Bartlett Library!

Our mission is to provide enlightenment, entertainment and cultural enrichment by giving unrestricted access to a wide array of traditional and unconventional library offerings in various media forms, and to do so in a helpful, welcoming way without bias and with full respect for patrons' privacy

We believe that each employee contributes directly to the growth and success of the Library and we hope you will take pride in being a member of our team of dedicated professionals. We're committed to promoting a work environment that is both rewarding and equitable, as well as conducive to both personal and professional growth.

This handbook is designed to acquaint you with the Mary E. Bartlett Library and to provide you with information about working conditions, employee benefits, and some of the policies affecting your employment. Employees are expected to read, understand, and comply with all of the provisions outlined in this handbook.

Again, welcome--together, we can achieve great things.

Sincerely,

The Board of Trustees for the Mary E. Bartlett Library

Marilyn Morehead, Library Director

September 2011

## **II. EMPLOYMENT**

### **NATURE OF EMPLOYMENT**

To the extent permitted by law and as further limited by New Hampshire RSA 202-A:17, your relationship with the Library is that of an employee-at-will. Your job status does not guarantee employment for any specific length of time. Your employment with the Library is entered into voluntarily and both you and the Library are free to end the relationship at any time, for any reason, with or without cause or advance notice. Your employment at-will status with the Library may be altered only with written authorization by the Mary E. Bartlett Library Board of Trustees.

### **EQUAL EMPLOYMENT OPPORTUNITY**

It is the policy of the Library to afford equal opportunity in all aspects of employment to all persons without discrimination on the basis of race, color, religion, sex, national origin, ethnicity, age, physical or mental disability, political affiliation, color, marital status, familial status, veteran status, sexual orientation, or pregnancy, or any other legally protected class. This policy shall apply to all employees, applicants for employment and extends to all phases of employment, including recruitment, screening, referral, hiring, training, promotion, discharge or layoff, rehiring, compensation, and benefits.

### **BUSINESS ETHICS AND CONDUCT**

The successful business operation and reputation of the Library is built upon the principles of fair dealing and ethical conduct of our employees. Employees have a responsibility to the Library and the public we serve to act in a way that will merit the continued trust and confidence of the public.

The Library expects its trustees, director and employees to conduct business in accordance with the letter, spirit and intent of all relevant laws and to refrain from any illegal, dishonest or unethical conduct. In general, the use of good judgment, based on high ethical principles, will guide you with respect to lines of acceptable conduct.

If a situation arises where it is difficult to determine the proper course of action the matter should be discussed openly with the Library Director and, if necessary, with the Trustees for advice and consultation. Compliance with this policy of business ethics and conduct is the responsibility of every Library employee.

Disregarding or failing to comply with this standard of business ethics and conduct could lead to disciplinary action, up to and including possible termination of employment.

### **WORK ELIGIBILITY**

All employment is conditioned on receipt, by the Library Director, of documentation, Form I-9 (Employment Eligibility Verification), establishing identity and authorization to work in the United States.

### **AMERICANS WITH DISABILITIES ACT (ADA)**

The Library prohibits discrimination on the basis of physical, mental or emotional disability or perceived disability. Library policy prohibits discrimination against qualified applicants and employees with disabilities in hiring, promotion, discharge, pay, job training, benefits and all other phases of employment. As required by law, the Library shall make reasonable efforts to accommodate qualified applicants and employees who are known to be disabled provided that such accommodation will not impose undue hardship on the Library.

## **RECRUITMENT AND SELECTION**

It is the policy of the Library that all positions shall be filled by fully qualified persons who have been considered for employment on the basis of job-related criteria. The Library seeks to find the most qualified candidates to fill position vacancies. This will be accomplished through a combination of internal and external recruiting as determined by the Library Trustees. Due consideration will be given to the advancement of current employees, and employees are encouraged to apply for promotions for which they feel they are qualified.

## **JOB POSTINGS**

The Library provides employees an opportunity to indicate their interest in open positions and advance within the organization according to their skills and experience. Job vacancies will be posted on the bulletin board in the Library office, as well as the Library website and outside publications. Job postings will include job title, position description and/or duties, and qualifications.

## **III. EMPLOYMENT STATUS AND RECORDS**

### **EMPLOYMENT CATEGORIES**

#### **FULL-TIME EMPLOYEES**

Full-time employees work between thirty-five (35) and forty (40) hours per week at the Library.

#### **PART-TIME EMPLOYEES**

Part-time employees work less than thirty-five (35) hours per week at the Library. An employee who works a regularly budgeted schedule of a minimum of twenty (20) hours per week will be categorized as a "Regular Part-Time Employee" and will be eligible for pro-rated benefits. Any employee hired for a year-round position budgeted at less than 20 hours per will not be categorized as a "Regular Part-Time Employee" and will therefore not be eligible for benefits.

#### **TEMPORARY EMPLOYEES**

Temporary employees are hired for a defined, but limited period of time when staffing requires the addition of employees for a specific time. Temporary employees are not eligible for benefits. Hours of work may be less than the standard work week.

#### **NON-EXEMPT AND EXEMPT EMPLOYEES**

All Library employees will be classified as either "exempt" or "non-exempt."

Exempt employees are paid on a salary basis and meet the other requirements necessary to be considered exempt from the overtime requirements of the Fair Labor Standards Act (FLSA). Therefore, these employees are not eligible to receive overtime pay.

Non-exempt employees do not meet the requirements necessary to be considered exempt from the overtime provisions of the FLSA. Therefore, these employees are eligible for overtime pay in accordance with the FLSA. Upon hiring, employees are told whether they are classified as exempt or non-exempt.

#### **PERSONNEL RECORDS**

Personnel files are kept in the Library office. It is important that files contain up-to-date information and employees should inform the Library Director immediately whenever there are changes in their personal data, such as address, telephone number, emergency contact information, etc.

## **ACCESS TO PERSONNEL RECORDS**

Employees have the right to inspect their personnel file during regular office hours, given reasonable notice to the Library Director. However, you may not be permitted to review your personnel file if you are subject to an investigation at the time of your request and disclosure of such information would prejudice law enforcement. Personnel records are the property of the Library and are not allowed to be removed from the Library. Employees may obtain copies of any document in their personnel file to the extent required by law.

## **EMPLOYMENT REFERENCE CHECKS**

To ensure that individuals who join the Library staff are well qualified and have strong potential to be productive and successful, it is the policy of the Library to check the employment references of all applicants.

For employees who list the Library as a work reference it should be understood that the Library will respond verbally only to those reference check inquiries that are submitted in writing. Responses to such inquiries will confirm only dates of employment and position(s) held. No employment data will be released without the written authorization and release signed by the individual who is the subject of the inquiry. If you have questions, please contact the Library Director.

## **BACKGROUND CHECKS**

Prior to extending an offer of employment, it is the policy of the Library to have the NH Department of Safety (Division of State Police) conduct a criminal background check for job candidates eighteen (18) years of age or older. A Criminal Record Release Authorization Form is required to be signed by the candidate. The fee for conducting this criminal background check will be paid for by the Library.

## **PROBATIONARY PERIOD**

Initial employment shall be for a probationary period of six (6) months. Employee performance shall be reviewed on a regular basis and after ninety (90) days of employment a performance evaluation will be conducted to determine skills, adaptation to the job, work environment, co-workers, and the need, if any, for additional training. A probationary employee shall be notified at least two weeks (14 days) prior to the end of the probationary period if they will be terminated, recommended for permanent status, or recommended for an extended probationary period. An extended probationary period is to permit further evaluation of the employee's skills and adaptation to the job and shall not exceed an additional ninety (90) days to the initial probationary period. In the instance of an extended probation, notification to the employee of an end to the probation or termination can occur at any time during the extended probationary period.

## **PERFORMANCE EVALUATIONS**

The Board of Trustees believes it is important for employees to know exactly how well they are performing in relation to the established standard of performance.

Each employee's performance will be reviewed on a continual basis by the Library Director. A probationary evaluation will be performed ninety (90) days after beginning work for the Library. In addition, an annual performance evaluation will be conducted each fall by the employee's immediate supervisor or the Library Director and will be the basis for determining a recommendation for increase in salary for the following fiscal year.

All performance evaluations are to be signed by both the employee and the Library Director, reviewed by the Board of Trustees, and placed in the employee's file.

## **IV. EMPLOYEE BENEFIT PROGRAMS**

### **HEALTH INSURANCE**

Through the Town of Brentwood, the Library provides full-time employees with health insurance. The Library pays 100% of the premium for full-time employees and pays 75% of the premium for eligible dependents. Coverage begins on the first day of the month following the date of hire (provided the application for insurance benefits has been provided prior to the eligibility date).

- Full-time employees that opt not to take the health insurance benefit will be provided an opt-out payment from the Library in lieu of benefits. This opt-out payment as of January 2012 is set at \$2,000.00 to be paid at the end of the calendar year for the year in which the Full-time employee has opted out of the health insurance benefit for the full calendar year. The terms of this benefit is subject to change from year to year at the discretion of the Board of Trustees.
- Full-time employees who have health coverage from another source must provide proof of coverage from the outside source, such as a spouse's health insurance plan.
- Part-time employees who work a minimum of thirty-two (32) hours per week may participate in the health insurance program for themselves and their eligible dependents. The Library pays 75% of the single coverage plan and 75% of the eligible dependents.

### **DENTAL INSURANCE**

Through the Town of Brentwood, the Library provides full-time employees with dental insurance. The Library pays 100% of the premium for full-time employees. Eligible dependents may receive coverage at the employees' expense. Coverage begins on the first day of the second month following the date of hire (provided the application for benefits has been received before the eligibility date).

### **BENEFITS CONTINUATION (COBRA)**

The Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA) provides eligible employees and their covered dependents with the opportunity to continue medical and dental insurance for a period of time, at their own expense, if they would otherwise lose coverage for certain qualifying reasons. Please see the Library Director for more information about COBRA.

### **DISABILITY INSURANCE**

Through the Town of Brentwood, the Library provides all full-time employees with short-term disability insurance. The Library pays 100% of the premium. Coverage begins on the first of the month following the date of hire.

### **UNEMPLOYMENT INSURANCE**

Individuals laid off from employment by the Library may be eligible for unemployment compensation benefits through the New Hampshire Department of Employment Security.

### **LIFE INSURANCE**

Through the Town of Brentwood, the Library pays 100% of the premium for life insurance equal to a year's salary to all full-time employees. Coverage ceases upon termination or retirement.

### **WORKER'S COMPENSATION INSURANCE**

The Library carries Worker's Compensation insurance as required to protect employees who are injured on the job and complies with the laws of the State of New Hampshire (RSA 281-A) as posted in each work area. Specific questions regarding reporting injuries, and benefit provisions should be directed to the Library Director. The Library pays for the cost of coverage.

### **RETIREMENT**

For all eligible employees, the Library shall contribute to the NH Retirement System at the current rate. Some or all employees may be required to participate in the Federal Social Security System. Deductions for this program begin at the time of employment and are not governed by the employee's status.

## V. PAID TIME OFF

### EARNED TIME ACCRUAL

Full-time and eligible part-time employees accrue Earned Time. The Earned Time approach allows employees to use their paid time off for a variety of purposes including vacation, sick days, personal days, or military leave rather than accumulating each of them separately. Accrual begins at the conclusion of the six month probationary period. The accrual rate for full-time employees is as follows:

Years of Service	Accrual Rate	
Service	per year	
6 months - 4 years	1.25 days per full month of service worked	(15 days per year)
5 - 14 years	1.75 days per full month of service	(21 days per year)
15+ years	2.25 days per full month of service	(27 days per year)

- The maximum carry-forward accumulation from one year to the next is seven (7) days.
- Regular Part-time employees are eligible for Earned Time. The accrual rate for Regular Part-time employees is on a prorated basis and based on years of service as outlined above (non-status hours worked and supplemental compensation, such as overtime, are excluded). See page 7 for the definition of a Regular Part-time employee.
- Years of service will be calculated from the employment date at which the individual became a benefits-eligible employee.

### EARNED TIME USAGE

- Employees must have successfully completed their six (6) month probationary period before using earned time.
- A forty-eight (48) hour notice is required when requesting planned absences.
- Employees who are eligible for payment of forty (40) or more hours within a given pay period, either by working the full forty (40) hours or through a combination of work and holiday pay, will not be allowed to use earned time within that pay period.
- The maximum carry-forward accumulation from one year to the next is seven (7) days.
- Unused earned time will be paid upon termination. However, no earned time will be paid if the employee is terminated for cause, in which such case earned time shall be forfeited.

### SICK LEAVE

If you've used all of your Earned Time and are in need of paid time off due to illness, time off may be granted at the discretion of the Library Director and the Library Trustees.

### HOLIDAYS

All full-time and eligible part-time employees are paid for the following holidays:

New Year's Day	Columbus Day
Civil Rights Day	Veteran's Day
Presidents Day	Thanksgiving Day
Memorial Day	Day after Thanksgiving Day
Independence Day	Christmas Day
Labor Day	

If a holiday falls on a day when the Library would normally be open for business (i.e.: the day after Thanksgiving, Civil Rights Day, Presidents Day, etc.), full-time and eligible part-time employees may opt to use their holiday at a different time within the same calendar year; this in effect acts as a “floating” holiday.

**BEREAVEMENT LEAVE**

All Library employees will be granted up to five (5) days of bereavement leave in the event of a death in the employee's immediate family. “Immediate family” includes father, mother, mother-in-law, father-in-law, stepparent, child, stepchild, sibling, brother-in-law, sister-in-law, spouse, grandparent, or legal guardian of the employee, or a person who is otherwise in an intimate relationship with and residing in the same household as the employee.

**JURY DUTY/WITNESS DUTY LEAVE**

An employee shall be excused from employment for the day or days required in serving as a juror or witness in any court created by the United States or the employee's state of residence.

Regular full-time and part-time employees called to jury duty (or subpoenaed as a witness) shall be granted leave for the period of civil involvement. Employees who are compensated for jury duty shall be paid the difference between his/her regular pay and juror's pay upon presentation of an official statement of jury pay received. Employees called to witness duty will be paid at their base rate.

Employee classifications that qualify for paid jury duty or witness duty leave are:  
Regular full time employees  
Regular part-time employees

**VI. TIMEKEEPING AND PAYROLL**

**TIMEKEEPING**

Accurately recording time worked is the responsibility of every nonexempt Library employee. Federal and state laws require the Library to keep an accurate record of time worked in order to properly calculate employee pay and benefits.

Nonexempt employees must accurately record the time they begin and end work, as well as the beginning and ending time of each meal period. They must also record the beginning and ending time of any split shift or departure from work for personal reasons. Overtime work must always be approved by the Library Director before it is performed. Altering, falsifying, tampering with time records or recording time on another employee's time record may result in disciplinary action, up to and including termination of employment.

It is the employee's responsibility to sign their time records to certify the accuracy of all time recorded. The Library Director will review and then initial the time record before submitting it for payroll processing to the Town of Brentwood.

**PAY PERIODS**

The pay period commences at 12:01 a.m. on Sunday and ends at midnight (12:00 a.m.) on Saturday. The Town of Brentwood handles the payroll process for the Library. Library employees will receive their paychecks in accordance with the Town's payroll schedule.

**PAYROLL DEDUCTIONS**

The Library is required by law to make certain deductions from your paycheck, including federal income taxes and your contribution to social security. The Library may also be required to make deductions from your paycheck pursuant to a federal or state agency or court order, such as for child support. These deductions will be itemized on your check stub. The Library may make additional deductions for insurance and other purposes to benefit the employee. Arrangements for these voluntary deductions can be made with the Library Director.

The Library complies with all federal and state laws with regard to deductions from paychecks, including deductions from the salaries of exempt employees. In accordance with the laws, salaried employees receive a pre-determined salary that is not subject to reduction because of variations in the quality or quantity of work performed and is not subject to reduction for absences requested by the Library or due to the operating requirements of the Town.

The Library recognizes that under federal and state law there are only limited times when a salaried employee's salary can be subject to deductions. The Library prohibits deductions from salaries that are inconsistent with the status of an Exempt Employee.

Employees should note that salaries are subject to modification from time to time, such as at evaluation time, when an employee's position or responsibilities change, and at other appropriate times. Employees should also note that it is permissible for an employer to apply Earned Leaves and other forms of paid time off to full-day absences for personal reasons, sickness, or disability, and that applying paid time is not considered a deduction from salary.

If you have any questions or concerns about your paycheck or any deductions from your pay, please contact the Library Director as soon as possible.

Questions and concerns regarding pay and deductions will be investigated and addressed promptly. If there has been an error, such as a deduction made in error, the employee will receive a corrected check or a check reimbursing the employee for the error, whichever is more practicable under the circumstances.

Employees should feel free to communicate any questions or concerns regarding payroll deductions. The Library will not tolerate retaliation against employees who have expressed concerns using this procedure.

### **COMPENSATION (PAY)**

The Trustees have established a minimum and maximum pay range for each job classification. Base compensation is the hourly rate an employee receives for working a normal schedule. Other forms of compensation such as overtime, shift and/or weekend differentials, etc. are considered premium rates of pay. The base compensation rate will be the only rate used when determining merit, cost of living, or other forms of compensation.

## **VII. WORKPLACE CONDITIONS & HOURS**

### **SAFETY & HEALTH**

The Library strives to provide a safe and healthful workplace and to prevent accidental injury. The Library maintains a safety program and has information available about it in the Library office. All employees are required to work in a safe and responsible manner. Safety requirements for employees include considering safety as a daily on-the-job priority, as well as:

- Follow all safety rules and work procedures;
- Immediately report any unsafe condition, accident, or near-miss, to the Library Director;
- Maintain a clean and orderly work area;

Work only with equipment or materials with which they are familiar and for which they've been properly trained;  
Any willful violation of a safety procedure can result in immediate termination of employment.

Violations of safety precautions may lead to disciplinary action, up to and including termination.

#### **JOINT LOSS MANAGEMENT COMMITTEE (Safety Committee)**

The Library maintains an active Joint Loss Management Committee comprised equally of management and regular employees, which meets at least quarterly. All participation is voluntary and is strongly encouraged. If you are interested in becoming a member, please see the Library Director for details.

#### **HOURS OF WORK**

A normal work week shall not exceed forty (40) hours. Work schedules/times are based on the library's hours of operation and service needs. All schedules are subject to change. Employees should not start work before their scheduled start time or work beyond their accustomed ending time without prior approval of the Library Director.

#### **OVERTIME (NON-EXEMPT EMPLOYEES)**

All eligible non-exempt employees shall be paid at the rate of time and one half their regular rate of pay for all hours worked over forty (40) hours in any one week period, as defined in the hours of work section. All overtime shall be approved and authorized by the Library Director before an employee shall work in excess of forty (40) hours in one (1) week. In the case of an emergency, the Trustees may waive prior approval.

#### **CALL-IN PROCEDURE**

Employees who are unable to report for work for any reason must notify the Library Director at least one (1) hour prior to their regularly scheduled starting time. A family member may only notify the Library Director of an employee's absence in an emergency. Unless specifically authorized by a Library Director, an employee must call-in on each day of absence thereafter. In the event a message must be left, the employee must leave their name, department, shift and brief reason for absence.

#### **SMOKING POLICY**

The Library is committed to providing a safe, healthy, and smoke-free work environment for our employees, visitors, and vendors. Consistent with our commitment and state law, we have declared a No Smoking Policy within our building.

If you have a concern or complaint with respect to any employee, visitor, or vendor violating this policy, please report such concern or complaint to the Library Director. If an employee fails to comply with these rules, the employee will be subject to disciplinary action, up to and including termination.

#### **WEATHER EMERGENCY POLICY**

In the event of a weather emergency, or threat of a weather emergency, the Library Director will determine if the library will open or close. During a snow emergency, the Director will determine if the safety of the library staff and the public would be compromised by opening or closing the library. Considerations include the condition of the roads and parking lots as well as whether or not conditions would become so severe that travel becomes dangerous. In all cases the Director, with input from public safety officials, will determine what is in the best interest of the public and library staff.

#### **REIMBURSABLE EXPENSES**

With prior approval by the Library Director, legitimate expenses will be reimbursed by the Library to the employee. The employee must submit receipts in order to be reimbursed. Reimbursement may be in the

form of petty cash, an addition to a paycheck, or a separate check. See the Library Director with any questions as to whether and what expenses may be reimbursed.

### **COMPUTER USE AND COMMUNICATIONS EQUIPMENT POLICY**

The Library provides communication tools including computers, fax machines, telephones, voice mail, e-mail, and access to the Internet to help you do your job. This policy is designed to help you understand our expectations for the use of these resources and to help you use these resources wisely.

All employees should be aware that the Library has the right, but not the duty, to monitor the computer, network, fax, voice mail, cellular phones, e-mail, and Internet use of all employees. For this reason, employees should not have any expectation of privacy in their use of our computers or other communications equipment, including e-mail and voice mail systems. The Library reserves the right to suspend individual user accounts for violation of this policy and to take disciplinary action up to and including termination of employment for the misuse of these resources or other violations of this policy. The following guidelines apply to all employees:

- Employees should be aware that in addition to monitoring e-mail messages sent and received on our system (including e-mail messages sent and received from personal e-mail accounts accessed from our system), the Library has the ability and the right to monitor such things as each Internet web site visit, newsgroup discussions, chat room discussions, computer network use, and voice mail accounts. Our computers and other communications equipment and the communications, information, and documents created on them are the property of the Library and may be monitored by the Library at any time.
- Our computers and other communications equipment may not be used to violate any federal, state, or local laws or regulations. Use of any Library resources for illegal activity is grounds for immediate termination of employment, and we reserve the right to report the matter to law enforcement authorities. We will cooperate with any legitimate law enforcement investigation.
- The Library reserves the right to inspect any and all files stored on our computer network, including any files in private areas of our network, in order to assure compliance with this policy.
- The display or transmission of any sexually explicit image or document on any Library system is a violation of our policy on sexual harassment. Our computers and other communications equipment also may not be used to transmit or display ethnic or racial slurs, or any other comment, message, or image that offensively addresses age, race, sex, sexual orientation, religion, national origin, disability, veteran status, or anything else that may be construed as harassing, discriminating, or disparaging of others. Transmission of harassing, discriminatory or otherwise objectionable e-mail or files is strictly prohibited.
- Transmission of any religious or political messages is strictly prohibited.
- Access to non-work related, obscene or offensive web sites is strictly prohibited.
- All pass codes and passwords are the property of the Library. No employee may use a passcode, password, or voice mail access code that has not been issued to that employee by the Library or that is unknown to the Library. Passwords should not be divulged to unauthorized persons.
- Destruction, theft, alteration, or any other form of sabotage of the Library's computers, programs, software, hardware, networks, websites, files, data, and other communications equipment and resources is prohibited and will be investigated and prosecuted to the fullest extent of the law.
- The breaking into and/or corrupting of any of the Library's computer, network, or other communications equipment is strictly prohibited. Hacking into third party computer or other information systems using the Library's technology is also prohibited, and will be reported to the authorities.
- The use of viruses, worms, or other destructive programs is prohibited. If a virus, worm, or other destructive program is identified, it should be immediately reported to the Library Director.
- All employees are required to report any violations, or suspected violations, of this policy.

### **PERSONAL DRESS**

We expect all employees to come to work with a neat, well-groomed appearance and workplace appropriate clothing. All clothes should be clean and neat in appearance. Jeans, tight-fitting clothing, tank tops, bare midriff (half) shirts, shirts with bare backs, shorts, and short skirts or dresses are not

considered workplace appropriate clothing. Exceptions to the business attire policy may be made for inclement weather.

If an employee is not dressed or groomed appropriately for work, the employee may be sent home to change. This time will be unpaid unless otherwise required by law. Any questions concerning dress should be directed to the Library Director.

### **WORKPLACE VIOLENCE**

Unfortunately, violence in the workplace has become a reality for many employers. We hope that we never have to face this growing problem. The Library therefore prohibits employees from bringing weapons on our premises, including our parking lots. Moreover, violence and verbal and physical threats of violence of any kind in the workplace or on Library property will not be tolerated, and employees engaging in such conduct will be subject to discipline, up to and including separation from employment. Responsive action may also include notifying the police or other law enforcement and prosecuting violators of this policy. If you become aware of any violence or threat of violence, you must immediately report the matter to the Library Director.

## **VIII. LEAVES OF ABSENCE**

### **PREGNANCY RELATED LEAVE**

The Library recognizes that during pregnancy and after, some pregnant women may have special needs. With this in mind the Library will accommodate these needs as defined below.

#### **Eligibility**

Female employees, either full time or part time, who are temporarily physically “disabled” resulting from pregnancy, childbirth or related medical conditions are eligible for the benefits provided under this policy. The term “disability” or “disabled” in this circumstance means the employee cannot perform the essential functions of her job due to pregnancy. In order to be classified as “disabled”, the employee must be classified as “disabled” by her healthcare provider. Medical verification of the disability is required to receive eligibility under this policy.

#### **Duration of Leave**

Should your physician deem you temporarily disabled due to pregnancy, childbirth or related medical condition your leave will extend until your physician states that such disability has ended and you are able to return to work. The Library complies with all Federal and State laws governing pregnancy leave. Because this policy covers medical disability leave only, it is not available for the care of newborn, adoptive or foster child, or for child rearing although you may have rights under FMLA (see Family & Medical Leave Policy for details).

#### **Compensation During Pregnancy Disability Leave**

Pregnancy Disability Leave will be unpaid except for the following vehicle by which eligible employees may receive compensation during leave:

- Earned Time
- Disability Insurance, if applicable.

#### **Health Benefits During Leave**

Your health benefits will continue while you are on pregnancy disability leave for the period of time that you are receiving compensation from the Library and the Library is able to deduct your standard benefits contributions. Should you move to an unpaid status you will continue to have the same health benefits available to you while on pregnancy-related disability leave. However in order to maintain those benefits

you must write a monthly check to the Library for your portion of the benefit contributions. Monthly checks should be directed to the attention of the Library Director.

#### Transfer Rights

If you are pregnant and request a transfer, you may be eligible to transfer from your current position to a less strenuous or duties if such transfer is due to your pregnancy; and you provide a certification from your health care provider that such transfer is medically advisable; and the Library can reasonably accommodate such a transfer without undue hardship.

If it is foreseeable that it would be medically advisable for you to take intermittent leave or leave on a reduced schedule based on your medical needs, the Library may require you to transfer temporarily to an available alternative position that has equivalent pay and benefits, so long as you are qualified for the position, and the position better accommodates recurring periods of leave.

You will be reinstated to your regular job or comparable position when your health care provider certified that there is no further need for such transfer, intermittent leave or leave on a reduced work schedule due to your pregnancy.

#### Returning From Pregnancy Disability Leave

You will return to the Library with no less seniority then when your leave began. If you return to work at the end of a pregnancy disability leave you will be reinstated to your former position, unless the position no longer exists due to legitimate business reasons, such as a reduction in force or job abolishment. If your former position does not exist, you will be reinstated to an equivalent position if you are able to perform the essential functions of the job, unless such position is unavailable.

You will be required to provide the Library with a “fitness for duty” certification from your doctor stating that you are released to return to work and indicating any work restrictions you may have. You will not be permitted to return to work until you have provided this certification to the Library Director.

If you do not return to work after your leave has ended, and have not contacted your supervisor at the end of your leave, the Library will assume that you have resigned and your employment may be subject to termination unless you are eligible for some other legally mandated leave. In addition, your employment will be subject to termination after a pregnancy disability leave if you accept other employment during your leave, or you perform services for another employer during your leave without the Library’s express written permission.

#### **FAMILY MEDICAL LEAVE ACT (FMLA)**

Under the Family and Medical Leave Act (“FMLA”), eligible employees may take an unpaid leave of absence and be restored to the same or an equivalent position upon their return to work for any of the following reasons:

- (1) The birth of the employee’s child and to care for the newborn child (leave must be taken within twelve (12) months of the birth of the child);
- (2) The placement of a child with the employee for adoption or foster care, and in order to care for the placed child (leave must be taken within (12) months of adoption or placement of the child);
- (3) The serious health condition of a spouse, parent, minor child, or adult child when the adult child is incapable of self care and the employee is needed for such care (“covered family members”);
- (4) The employee’s own serious health condition that renders the employee unable to perform his or her job;
- (5) A “qualifying exigency” (as defined in the Department of Labor Regulations) arising out of the fact that the spouse, or a son, daughter, or parent of the employee is on active duty or has been

notified of an impending call or order to active duty in the United States Armed Forces in support of a contingency operation as a member of the National Guard or Reserves;

(6) The employee is a spouse, son, daughter, parent, or next of kin of a “covered service member” (as defined in the Department of Labor Regulations) who has a serious injury or illness and the employee is needed to care for such person.

#### Eligibility Requirements:

To be eligible for FMLA leave, an employee must satisfy both of the following conditions:

The employee must have worked for the Library for at least twelve (12) months, and must have performed at least 1,250 hours of work in twelve (12) months prior to a leave request.

#### Leave Entitlement:

If an employee takes FMLA leave for a reason stated in paragraphs (1)-(5), above, the employee is entitled to up to twelve (12) workweeks of unpaid leave during a twelve (12) month period. That twelve (12) month period is defined as a "rolling" twelve (12) month period measured backward from the date an employee begins an FMLA leave. In other words, the number of weeks the employee has available upon the beginning of a FMLA leave will be twelve (12) weeks less the number of FMLA leave weeks taken in the twelve (12) month period prior to the beginning of the current FMLA leave (the "Available Leave Weeks"). For example, if an employee used four weeks beginning February 1, 2008, four weeks beginning June 1, 2008, and four weeks beginning December 1, 2008, the employee would not be entitled to any additional leave until February 1, 2009. Beginning on February 1, 2009, the employee would be entitled to four weeks of leave; on June 1, 2009, the employee would be entitled to four additional weeks; and so on.

If an employee takes FMLA leave for the reason stated in paragraph (6), above, the employee may take up to 26 weeks of unpaid FMLA leave within a single 12-month period. This 12-month period begins on the first day of leave.

An employee who takes FMLA leave for a reason stated in paragraph (6), above, will be limited to a combined total of 26 workweeks of leave for any FMLA-qualifying reason during the single 12-month period. The leave entitlement described in paragraph (6) above is to be applied on a per-covered-service member, per injury basis such that an eligible employee may be entitled to take more than one period of 26 workweeks of leave if the leave is to care for different covered service members or to care for the same service member with a subsequent serious illness of injury, except that no more than 26 work weeks of leave may be taken within any single 12-month period.

#### Tracking FMLA Leave:

When an eligible employee requests any leave of absence that qualifies under the FMLA, the Library has the right to designate such leave as FMLA leave. For example, if an eligible employee suffers a work related injury that qualifies as a serious health condition, the Library has the right to designate any time away from work as FMLA leave. In such circumstances, the Library will provide the employee with the same notifications as though the employee had specifically requested FMLA leave.

#### Intermittent and Reduced Schedule Leave:

Under some circumstances, employees may take FMLA leaves of absences intermittently (in separate blocks of time due to a single FMLA qualifying reason) or on a reduced leave schedule (reducing the usual number of hours an employee works per workweek or workday). Certification will be required to show that an intermittent or a reduced schedule leave is a medical necessity for leaves under paragraphs (3), (4), and (6), above. Other documentation or certification may be required to show that such an intermittent or a reduced schedule leave is necessary in the case of a leave of a “qualified exigency” under paragraph (5), above.

If FMLA leave is for birth and care, or placement for adoption or foster care, as described in paragraphs (1) and (2), above, use of intermittent leave is subject to the Library's approval. When an employee takes intermittent or reduced schedule leave, time spent working will not be counted against the employee's FMLA entitlement.

Employees taking intermittent or reduced schedule leave will be paid for the time they work, and the leave time away from work will be unpaid unless the employee qualifies for workers' compensation, short-term disability, or other benefits. If an employee is a salaried employee, the Library will adjust the employee's salary based on the amount of time actually worked.

While an employee is on intermittent or reduced schedule FMLA leave, the Library may temporarily transfer the employee to an available alternate position that better accommodates the employee's recurring leave and that has equivalent pay and benefits.

Employees who take intermittent leave for a planned medical treatment have an obligation to make a "reasonable effort" to schedule the treatment so as not to disrupt unduly the Library's operations.

#### Status Of Employee Benefits:

Employees are required to use any accrued, unused paid time off days during FMLA leave unless the FMLA leave is otherwise paid through workers' compensation benefits, short-term disability benefits, or other benefits. The substitution of paid leave time for unpaid leave time does not extend the FMLA leave period. Also, the employee's FMLA leave may run concurrently with other types of leave.

During an approved FMLA leave, the Library will maintain the employee's health benefits under the same terms and conditions applicable to employees not on leave.

If paid leave is substituted for unpaid FMLA leave, the Library will deduct the employee's portion of the health plan premium as a regular payroll deduction.

If an employee's leave is unpaid, or is paid through workers' compensation, short-term disability benefits, or other benefits not provided through the Town's payroll system, the employee must pay his or her portion of the premium by making arrangements with the Library Director and/or the Town Administrator.

Health and other benefit coverage may be canceled if the employee's premium payment is more than (thirty) 30 days late.

If an employee elects not to return to work at the end of the leave, the employee will be required to reimburse the Library for the cost of the premiums paid by the Library for maintaining coverage during the unpaid leave, unless the employee cannot return to work because of a serious health condition or because of other circumstances beyond the employee's control. If the FMLA leave is for a condition that is covered under the Library's short or long term disability insurance, covered employees may apply for benefit coverage.

Benefit entitlements based on length of service will be preserved at the level earned as of the commencement of the leave, but will not accrue further during the leave period. For example, an employee on leave will not accrue additional sick/personal days.

Requesting Leave:

Employees must complete the appropriate FMLA leave request forms. These forms are available from the Library Director and/or the Town of Brentwood's Selectmen's office.

If an employee's need for leave is foreseeable, such as for the birth of a child or planned medical treatment, you must give the Library Director and Town Administrator (thirty) 30 days' prior written notice. In cases of planned medical treatment, please make efforts to schedule the treatment to avoid disrupting the Library's operations.

If the need for leave is not foreseeable, the employee must give notice to their supervisor as soon as practicable (generally, either the same day or the next business day of learning the employee's need for leave) and the employee must comply with all the Library's policies regarding absences from work. Failure to provide such notice may be grounds for delaying the leave. If the employee is unable to notify the Library Director or the Library Trustees of his/her need for leave personally because of illness, the employee should ask someone else to call on his or her behalf.

#### Medical Certifications:

If an employee is requesting leave because of the employee's serious health condition, a covered family member's serious health condition, or for the serious injury or illness of a covered service member, the employee must provide a medical certification from the appropriate health care provider. It is an employee's responsibility to provide a complete and sufficient certification. Please obtain a medical certification form from the Library Director for the health care provider to use. If possible, the employee should provide the medical certification before the leave begins. If that is not possible, the employee must provide the medical certification within fifteen (15) days of requesting leave. If the employee does not provide the required medical certification in a timely manner, the employee's leave may be delayed. If you do not provide the certification at all, the Library will not be able to determine whether you are eligible for FMLA leave and your leave will be denied. The Library reserves the right to authenticate or clarify any medical certification if necessary.

In the case of an employee's own serious health condition, or that of a family member's serious health condition, the Library at its expense, may require an examination by a second health care provider designated by the Library. If the second health care provider's opinion conflicts with the original medical certification, the Library, at its expense, may require a third health care provider agreed upon by the employee and the Library to conduct an examination and provide a final and binding opinion.

The Library may also require subsequent medical recertification. Failure to provide requested recertifications within fifteen (15) days may result in delay of further leave.

#### Certifications for a Qualifying Exigency:

Employees who request a leave for a "qualifying exigency" arising from an immediate family member's call to active duty or impending call or order to active duty will be required to provide a copy of the family member's active duty orders or other documentation issued by the military indicating the member is on active duty or call to active duty status in support of a contingency operation. Other documentation certifying the exigency necessitating the leave will also be required.

#### Confirmation of Familial Relationship:

Employees requesting a leave of absence based on a familial relationship (e.g. leaves under paragraphs (3), (5) and (6)), may be required to provide reasonable documentation or statement of family relationship. This documentation may take many forms, including but not limited to a child's birth certificate, a court document, etc.

#### Reporting While On Leave:

If an employee takes leave because of his or her own serious health condition, to care for a covered family member with a serious health condition, to care for a covered service member with a serious illness or injury, or for a qualifying exigency, the employee must contact the Library Director or the Library Trustees on a regular basis to provide updates about the status of the need for leave (e.g. the medical condition of the employee or the individual for whom the employee is caring, or other circumstances necessitating leave) and the employee's intention to return to work. In addition, the employee must give notice as soon as practicable (within two (2) business days if feasible) if the dates of leave change or are extended or initially were unknown.

#### No Work While On Leave:

The taking of another job (including self-employment) while on FMLA leave or any other authorized leave may lead to disciplinary action, up to and including discharge.

#### Returning To Work:

At the end of an authorized FMLA leave, the employee will be reinstated to his or her original position or an equivalent position. However, certain highly compensated employees or "key employees" may be denied restoration to their prior or equivalent position if keeping the job open for the employee would result in substantial economic injury to the Library. Key employees are those employees who are among the highest paid ten percent of employees within 75 miles of the worksite. If an employee takes leave because of his or her own serious health condition, the employee will not be reinstated until the employee provides a fitness for duty certificate from his or her health care provider confirming that the employee is medically able to resume work and perform the essential functions of his or her job. The return-to-work medical certification forms are available from the Library Director or from the Town Administrator. The Library reserves the right to clarify and authenticate such certification.

#### Coordination With Pregnancy Related (Maternity) Leave:

As stated in the Disability & Pregnancy Related Leave policy, the Library provides female employees with a leave of absence for the period of temporary physical disability resulting from pregnancy, childbirth, and related medical conditions. If an employee is also eligible for FMLA leave, the employee's FMLA leave and Disability & Pregnancy Related Leave will run concurrently. Please refer to the Library's Disability & Pregnancy Related Leave policy for more information. For purposes of coordinating FMLA and pregnancy related leaves (aka maternity leaves), maternity disability leave will be treated in the same manner as the FMLA leave of absence described in paragraph (4) above. Maternity disability leave begins when an employee is medically determined to be disabled and ends when medically determined to be able to return to work. If a maternity disability leave is for the number of available FMLA leave weeks or less, the employee may take additional FMLA leave pursuant to paragraph (1) or (2) after the end of the disability period, not to exceed the number of remaining available leave weeks and will be reinstated in accordance with this FMLA policy. If a maternity disability leave exceeds the number of available FMLA leave weeks, then reinstatement will be governed by the Disability & Pregnancy Related Leave policy.

#### Coordination With Other Library Policies; Reference To FMLA And Federal Regulations:

In the event of any conflicts between this policy and other Library policies, the provisions of this policy will govern. The FMLA and the FMLA regulations issued by the U.S. Department of Labor contain many limitations and qualifications that are not stated in this policy. The Library reserves the right to apply the terms of the FMLA and the FMLA federal regulations.

Any questions relative to FMLA leaves, including eligibility requirements, should be directed to the Library Director.

## **MILITARY LEAVE (USERRA)**

Employees who voluntarily or involuntarily serve in the United States armed forces or National Guard (collectively referred to as "uniformed services") will be provided with leaves of absence for such service or training in connection with such service in accordance with the federal Uniformed Service Employment and Reemployment Rights Act ("USERRA").

Military leaves of absence will be unpaid, unless otherwise required by law.

Employees may elect to take accrued earned time during military leave, but are not required to do so. An employee needing time away from work for service or training in the uniformed services should make the Library Director aware of the need for leave as soon as the employee receives the written or verbal orders. It is requested that notice should be provided at least thirty (30) days before the leave begins if it is at all possible to do so.

An employee's request for leave may include reasonable time off to get personal business in order prior to commencing service in the uniformed services.

Reasonable time off will be decided by Trustees on a case-by-case basis.

If a military leave lasts less than thirty-one (31) days, the employee's health insurance will be continued and the employee will pay his/her regular contribution for the cost of health care insurance. Payment for insurance with less than thirty-one (31) days leave may be paid in advance or upon return through payroll deductions. If a military leave lasts thirty-one (31) days or more, the employee's health insurance coverage will cease and the employee will be eligible to elect to continue his or her health insurance coverage at his/her own expense for up to twenty-four (24) months, in accordance with USERRA. The cost for continuation coverage will be the full cost of the premium, and a two-percent (2%) administrative fee may also be charged. When the employee returns to work, he/she will be reinstated to the health insurance benefit with no waiting period, even if coverage terminated during the leave.

Accrual of Earned Time will follow the same guidelines as leaves of absence, i.e. they will continue to accumulate for the first thirty (30) days of leave but will be discontinued after that point until the employee returns.

Employees wishing to be reinstated following military leave should promptly notify the Library Director of their desire to be reinstated.

If the leave is for service of less than thirty-one (31) days, the employee should return to work on the first full regularly scheduled work day following completion of service, allowing for 24 hours of rest and time for safe transportation back from the service. If the service lasts 31 to 180 days, the employee should notify the Library Director of the desire for reinstatement within 14 days of completing service.

If the military leave lasts more than 180 days, the employee should notify the Library Director of the desire for reinstatement within 90 days of completing service. The Library will reinstate eligible employees promptly and they will be eligible for reemployment in the previous position, with the same seniority, pay, status, rights and benefits. Eligibility for re-employment will be determined with reference to USERRA and its implementing regulations. Employees seeking reinstatement may be asked to provide documentation of the timeliness of the reinstatement request, the total time spent in service, and/or a statement that the reason for separation or dismissal from service was not disqualifying.

If a returning employee was disabled or a disability was aggravated during uniformed service, the Library will make reasonable accommodations and efforts to help the employee become qualified to perform the duties of his/her reemployment position.

## **PERSONAL LEAVE**

Personal leave of absence without pay may be granted provided such leaves are requested at least fourteen (14) days prior to the leave and must be submitted to the Trustees for approval. Personal leaves of absence may be granted for up to thirty (30) days. Such leaves exceeding thirty (30) days and up to twelve (12) months may be granted by the Trustees in thirty (30) day increments at their discretion.

Insurance premiums normally paid by the Library shall be limited to the first thirty (30) days of an approved personal leave of absence. After thirty (30) days, an employee on an approved personal leave of absence will be responsible for the entire cost of all insurance premiums unless such leave is FMLA leave. Benefits that normally accrue for hours worked will not accrue during a personal leave of absence.

## **LEAVE OF ABSENCE FOR VICTIMS OF CRIME**

As required by law, the Library will grant an employee unpaid time off from work to attend court or other legal or investigative proceedings associated with the prosecution of a crime in which the employee was a victim. For purposes of this policy, a “victim” is any person who suffers direct or threatened physical, emotional, psychological, or financial harm as a result of the commission or attempted commission of a crime.

Employees may also qualify for leave under this policy if they are part of the immediate family of a homicide victim or part of the immediate family of a child under the age of 18 or an incompetent adult who is the victim of a crime. For purposes of this policy, “immediate family” means the father, mother, stepparent, child, stepchild, sibling, spouse, grandparent, or legal guardian of the victim, or a person who is otherwise in an intimate relationship with and residing in the same household as the victim.

An employee needing time off under this policy should notify the Library Director as far in advance as possible. The employee may be asked to submit copies of the notices of each scheduled hearing, conference, or meeting that is provided to the employee by the court or agency involved in the prosecution of the crime. Employees must comply with any requests to submit these notices, and failure to do so may result in denial of the leave of absence. The Library shall maintain any such notices or records in confidence, and will disclose them only on a need to know basis.

The employee will be notified as soon as practicable whether the leave request is granted or denied.

Requests falling within the definitions of this policy will typically be granted unless the leave of absence would cause an undue hardship on the Library. An “undue hardship” for purposes of this policy means significant difficulty and expense. In determining whether an undue hardship may exist, we will consider the size of our operations, the employee’s position, and our need for the employee to be at work.

Leave taken under this policy is unpaid, although an employee may elect to use his or her accrued, unused Earned time.

The Library will not discharge, threaten, or discriminate against an employee for taking leave under this policy, and employees taking leave under this policy will not lose any seniority during the leave of absence.

## **IX. EMPLOYEE CONDUCT & DISCIPLINARY ACTION EMPLOYEE CONDUCT AND WORK RULES**

To ensure orderly operations and provide the best possible work environment, the Library expects employees to follow rules of conduct that will protect the interests and safety of all employees and the organization.

It’s not possible to list all the forms of behavior that are considered unacceptable in the workplace. The following are just a few examples of infractions of rules of conduct that may result in disciplinary action, up to and including termination of employment:

- supplying false or misleading information when applying for employment or during employment
- theft or inappropriate removal or possession of Library property;
- falsification of timekeeping records;
- working under the influence of alcohol or illegal drugs or the illegal use of drugs;
- fighting or threatening violence in the workplace;
- insubordination or other disrespectful conduct;
- engaging in unethical or illegal conduct;
- violation of safety or health rules;
- smoking in prohibited areas;
- sexual or other unlawful or unwelcome harassment;
- excessive absenteeism or tardiness or any absence without notice;
- conduct that reflects adversely upon you or the Library;
- violation of personnel policies;
- unsatisfactory performance or conduct that does not meet the requirements of the position;
- other circumstances which warrant discipline.

### **DRUG AND ALCOHOL POLICY**

The Library is committed to providing a safe work environment that is free from the effects of drugs and alcohol.

Drug and alcohol use in the workplace can create health, safety, and security issues for our employees, and patrons. The Library is committed to providing a safe work environment that is free from the effects of drugs and alcohol. In support of our commitment, the Library prohibits the following conduct and other conduct which, in our determination, is inconsistent with our commitment:

- the manufacture, distribution, sale, dispensation, possession, storage, or use of a controlled substance, unauthorized prescription drug, or drug paraphernalia at any time on Library premises, on Library business, or during working hours;
- use, possession, storage, manufacture, distribution, dispensation, or sale of alcohol at any time while on Library premises, on Library business, or during work hours;
- reporting to work or otherwise working under the influence of drugs or alcohol, or under the influence of legal drugs that may impair your ability to safely perform your job functions;
- reporting to work in a condition that is not fit for work. In addition to being under the influence as mentioned above, other indications of a lack of fitness for duty are smelling of alcohol, appearing to be hung over, or otherwise appearing or being unable to effectively interact with patrons and co-workers and work safely and properly without impairment;
- failing to submit to a required fitness for duty exam.

The Library also maintains the following reporting requirements:

- Any employee who is taking medication that may impair his or her ability to safely perform job functions must inform his or her supervisor immediately, and must not perform any work until authorized to do so by the Library.
- If any employee is involved in drug misconduct (including the use or possession of illegal drugs or unauthorized prescription drugs) on Library premises or while working for the Library, the Library reserves the right to report the incident to law enforcement authorities;

- If any person observes an employee exhibiting behavior that may be indicative of impairment by drug or alcohol use, he or she should immediately report the behavior to the Library Director.

Investigations and Searches:

When the Library determines that there is reasonable cause to suspect that an employee has violated this policy, the Library reserves the right to inspect, without prior notice, lockers, work areas, desks, cabinets, purses, bags, briefcases, other belongings, and vehicles brought on Library premises or at locations where work-related activities are being conducted. Cause to suspect shall be solely in the judgment and discretion of the Library. Library supplied lockers, work areas, desks, and cabinets are Library property and employees shall have no expectation of privacy in such.

Violations of this Policy:

Employees must, as a condition of employment, abide by the terms of this policy. Violations of this policy will result in disciplinary action, up to and including termination, and may also have legal consequences.

Fitness for Duty Exams:

The Library reserves the right to require any employee to submit to a fitness for duty exam when there is a reasonable basis for the Library to believe that the employee may be under the influence of alcohol or drugs or may be otherwise unfit for duty. Fitness for duty exams may include, but not be limited to, tests for the presence of drugs or alcohol. Employees must consent to fitness for duty exams as a condition of employment. The cost of any such fitness for duty exams will be covered by the Library. Within the Library's discretion, an employee may be placed on paid or unpaid administrative leave or suspension pending the results of a fitness for duty exam.

**SEXUAL AND OTHER UNLAWFUL HARASSMENT**

The Library is committed to providing a work environment that is free from all forms of discrimination and conduct that can be considered harassing coercive, or disruptive, including sexual harassment. Actions, words, jokes, or comments based on an individual's sex, race, color, national origin, age, religion, marital status, familial status, veteran status, pregnancy, physical or mental disability, sexual orientation or any other legally protected class will not be tolerated.

Further, retaliation against an individual who has complaint about sexual or other unlawful harassment and/or retaliation against any individual who has cooperated in an investigation of harassment are unlawful and will not be tolerated.

Sexual harassment is any conduct that has the purpose or effect of unreasonably interfering with an individual's performance at work or creates an intimidating, hostile humiliating, or sexually offensive work environment.

It is not possible to list all of the circumstances and behaviors that may constitute sexual harassment or other inappropriate conduct; however the following are just a few examples of prohibited conduct:

- unwelcome sexual advances, whether or not they involve physical touching;
- requests for sexual favors
- sexual or non-sexual comments that are directed at an individual because of his/her

sex, race, color, national origin, age, religion, marital status, familial status, veteran status, pregnancy, physical or mental disability, sexual orientation

- sexual epithets; sexual jokes; written or oral references to sexual conduct; gossip regarding one's sex life;
- commenting on an individual's body or about an individual's sexual activity, deficiencies, or prowess;
- displaying sexually suggestive objects, pictures, cartoons; leering, whistling, brushing against the body; sexual gestures;
- suggestive and/or insulting comments including inquiries into an individual's sexual experiences and discussion of one's sexual activities.

The Library takes allegations of sexual and other forms of unlawful harassment seriously and will respond promptly to any complaints. Where it is determined that such inappropriate conduct has occurred, the Library will act promptly to eliminate the conduct and impose any necessary disciplinary action including suspension, demotion or termination of employment.

### **COMPLAINT PROCEDURES**

If an employee believes they are being harassed they should request that the person engaging in the alleged conduct stop such behavior. However, if an employee is uncomfortable taking this step, it is not a requirement to do so and the employee should report the conduct to the Library Director. The Library Director will immediately report the allegation to the Trustees.

In the event the allegation involves the Library Director or a Trustee, the employee shall report the matter to the full Board of Trustees.

The Trustees will assign an impartial person to promptly investigate the allegation and report the investigation and findings to the Board of Trustees within ten (10) business days or within another time frame as deemed appropriate.

Where it is determined that such inappropriate conduct has occurred, action will be taken to eliminate and correct the conduct. The Trustees will notify the reporting employee of the findings of the investigation. The reporting employee will not be subject to any adverse employment action unless it is determined that the employee purposely made a false allegation.

Employees who violate the Sexual and Other Unlawful Harassment policy will be subject to disciplinary action up to and including termination of employment.

### **EMPLOYEE DISCIPLINE**

Discipline may be required for substandard job performance, safety violations, absenteeism, or inability to work as part of a team. The Library Director is responsible for identifying problems and assisting in their resolution.

Generally there are four (4) types of disciplinary actions used by the Library depending on the circumstances and severity of the problem: documented verbal warning, written warning, suspension and termination of employment.

1. Verbal Warning or Employee Counseling: The Library Director counsels the employee following a minor offense of rules, policies and/or procedures in an effort to eliminate possible misunderstandings and to identify what constitutes good performance. The Library Director will help the employee develop a solution and improve performance to the appropriate level and inform the employee of the consequences

of further violations, which may include steps 2, 3 and/or 4 below. Verbal warnings are documented by the Library Director and signed by the employee.

2. **Written Warning:** The employee meets with his or her Library Director and is presented with a written warning of corrective action. A written warning is designed to make sure that the employee is fully aware of the misconduct or performance problem, including the degree of seriousness and the consequences if the problem is not corrected. The Library Director and employee set a time frame during which improvement must be made and maintained and the consequences of further violation, which may include suspension and/or discharge. The employee is requested to sign the warning to acknowledge receipt and understanding of the contents.

3. **Termination:** In cases of serious misconduct, immediate rather than progressive disciplinary action may be taken. Termination can result from a single serious offense or can be the final step in a process to correct a series of offenses of the same nature. It can also occur as the result of ongoing conduct that is inconsistent with Library policy.

4. The Library may also place an employee on administrative leave, paid or unpaid, on a temporary basis as permitted under federal and state law.

The Library reserves the right to determine the proper level of discipline in any circumstance and by-pass any of the above 4 types of discipline its discretion. In addition, nothing in this policy or Employee Handbook undermines the at-will nature of the employment relationship as limited by New Hampshire RSA 202-A:17, which may be terminated at any time by either party with or without cause, and regardless of whether any prior disciplinary action has been taken, subject to the requirements of New Hampshire RSA 202-A:17.

### **PROBLEM RESOLUTION**

It is the Trustees' desire that issues or problems of concern can be resolved between the employee and Library Director. In circumstances where an employee's discussion with the Library Director has not worked to resolve the issue in an amicable manner, the employee may file a written complaint or grievance to the Board of Trustees. The Trustees will discuss the issue/grievance with the employee in a timely manner but no later than two (2) weeks following receipt of the complaint.

No employee will be penalized, formally or informally, for voicing an issue/grievance in a reasonable and business-like manner.

### **EMPLOYEE TERMINATION**

To the extent permitted by law and as further limited by New Hampshire RSA 202-A:17, employment with the Library is not for any specified period and can be terminated by either the employee or the Library at any time with or without any particular reason or advance notice. Nothing contained in these policies is intended to or should be construed to alter the at-will relationship between the Library and its employees. Although other terms and conditions and benefits of employment with the Library may change from time to time, the at-will relationship of employment as limited by New Hampshire RSA 202-A:17 is one aspect that cannot be changed except by an agreement in writing with the Board of Trustees signed by the Chair of the Board on behalf of the entire Board.

#### **Voluntary Termination of Employment (Resignation)**

An employee who resigns from their employment with the Library is required to provide at least two (2) weeks notice in advance of the planned departure date. Failure to do so will cause forfeiture of earned time. The Board of Trustees must approve any exception to the two (2) week notice

### Involuntary Termination of Employment

**Discharge:** The Library may terminate an employee when an employee is believed to have a job performance problem or to be engaging in behavior that is unacceptable or counterproductive. Some examples, though not complete, are provided in the Standard of Conduct section of this handbook.

**Without Fault:** The Library may terminate an employee through "no fault" of their own when it is determined that an employee is unsuited and/or incapable of performing the work assigned.

# Mary E. Bartlett Library

## Employee Handbook EMPLOYEE ACKNOWLEDGEMENT

I have received and reviewed the Mary E. Bartlett Library's Employee Handbook. The Employee Handbook describes important information about the Library. I have entered into my employment relationship with Library voluntarily and understand that there is no specified length of employment.

Since the information and policies described here may change, I acknowledge that revisions to the handbook may occur. I understand that such changes will be communicated through official notices, and that revised information may replace, modify, or eliminate existing policies, just as this handbook replaces any prior policies or practices by the Library.

I understand that the Library has included in the Employee Handbook a Sexual and Other Unlawful Harassment Policy because the Library seeks to provide a workplace free of sexual and other prohibited harassment. I understand that unlawful harassment will not be tolerated by the Library.

Only the Board of Trustees of the Library has the ability to adopt any changes to the policies in this Manual. Furthermore, I acknowledge that this Handbook is neither a contract of employment nor a legal document. I have received the Handbook, and I understand that it is my responsibility to read and comply with the policies contained in this handbook and any revisions made to it.

Please return this signed acknowledgement to the Library Director to be placed in your employee file.

EMPLOYEE'S NAME (print): \_\_\_\_\_

EMPLOYEE'S SIGNATURE: \_\_\_\_\_

DATE: \_\_\_\_\_

**Note:** return completed form to the Library Director