



## **EMPLOYEE HANDBOOK**

Prepared by:



# PERRY PUBLIC LIBRARY

## EMPLOYEE HANDBOOK

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# SECTION ONE

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# INTRODUCTION

# WELCOME

Perry Public Library has a long and proud history dating back to 1914. As a Perry Public Library employee, you are an important part of our continued heritage.

This Handbook summarizes many of your privileges, benefits, and responsibilities as an employee of our Library. If you are a new employee, it will be helpful in acquainting you with our Library's philosophies and human resources practices. If you are already a member of the Perry Public Library team, this Handbook should prove to be a useful reference. Above all, we hope it will promote consistency, fairness and understanding throughout our Library.

In order to maintain the necessary flexibility in the administration of policies and procedures, Perry Public Library reserves the right to change, revise or terminate any of the policies and/or benefits discussed in this Handbook with or without advance notice. After you have read your Handbook, please keep it handy for future reference and updating.

Welcome to Perry Public Library! We are glad that you have joined our Library and we hope that you will find your work with us to be both challenging and rewarding.

Director & Board of Trustees

# PREFACE

This Handbook\* outlines the human resources policies and benefit plans currently in effect at **Perry Public Library**. In this **Employee Handbook**, **Perry Public Library** is also referred to as “**Perry Library**” or “**Library**.” Policies are revised or added periodically and are effective as of the date issued.

The statements regarding our **Library’s** policies, procedures and benefits are for information purposes only. They do not constitute a contract for employment, either expressed or implied. Our **Library** adheres to the principle of employment-at-will which preserves the right of either the employee or the employer to terminate the employment relationship at any time, with or without cause. No Library Director or employee of **Perry Public Library** has any authority to enter into an agreement for any employment other than at will. Only **the Board of Trustees** has the authority to make any such agreement and then only if it is reduced to writing.

## Important Information about Benefits

As our **Library** evolves, we will continue to review and revise these human resources policies and benefit programs. The **Library** reserves the right to alter, reduce or terminate any pay practices, policies, premium contributions, benefits and benefit plans, in whole or in part, at any time for any reason to the extent permissible by law. Any such change may affect retirees and beneficiaries, as well as active employees.

The benefit information found in this Handbook is intended to provide an overview of the benefit plans. The actual benefits are controlled by the terms of the applicable plan documents and insurance policies. Questions regarding the interpretation of these plans will be answered in accordance with the actual plan documents and insurance policies, rather than the summaries contained in this Handbook. Employees may obtain copies of these documents from **the Library Director**.

## Disclaimers

This **Employee Handbook** will be interpreted to comply with all applicable federal, state, and local laws.

**Note:** If there is a conflict between Civil Service regulations and this Handbook, Civil Service regulations are controlling for Civil Service employees.

In this **Employee Handbook**, the “workplace” may refer to a physical worksite, including the **Library’s** private offices, work performed at a **client’s/customer’s** worksite, any remote work location, including an employee’s home or any other place outside of the traditional workplace where an employee performs work on behalf of **Perry Public Library**.



- \* This Handbook and its policies are effective **March 4, 2024** and supersedes all other personnel manuals and personnel policies previously distributed by the **Library**. To avoid confusion, please discard any copies of previously published **Employee Handbooks**.

## **SECTION TWO**

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# **EMPLOYMENT PRACTICES**

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## **2.01 EQUAL EMPLOYMENT OPPORTUNITY**

Perry Public Library is committed to a policy of Equal Employment Opportunity with respect to all employees, interns, and applicants for employment. Consistent with this commitment, our policy is to comply with all applicable federal, state, and local laws concerning employment discrimination. Accordingly, the Library prohibits discrimination against qualified employees, interns and applicants in all aspects of employment including, but not limited to: recruitment, interviewing, hiring (or failure or refusal to hire), evaluation, compensation, promotion, job assignment, transfer, demotion, training, leaves of absence, layoff, benefits, use of facilities, working conditions, termination and employer-sponsored activities and programs, including wellness, social and recreational programs. Employment decisions will be made without regard to an applicant's, employee's or intern's actual or perceived: race (including traits historically associated with race, such as hair texture and protective hairstyles), color, creed, religion (including wearing attire, clothing or facial hair in accordance with the tenets of religion), sex (including pregnancy, childbirth or related medical conditions and transgender status), gender identity or expression, an employee's or dependent's reproductive health decisions, familial status, national origin, citizenship or immigration status, physical or mental disability (including gender dysphoria and being a certified medical marijuana patient), genetic information (including predisposing genetic characteristics), age (18 and over), veteran status, military status, sexual orientation, marital status, certain arrest or conviction records, domestic violence or victim status, and any other status protected by law.

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### **MANAGEMENT RESPONSIBILITIES**

All members of management are responsible for understanding the Library's commitment to this policy and ensuring this policy is carried out. Supervisors are responsible for immediately reporting and responding to a discrimination complaint, even if the reporting party does not want any action taken. It is critical that any observation of, or any formal or informal reference to discrimination is taken seriously and addressed promptly.

### **REASONABLE ACCOMMODATIONS**

Consistent with our Individuals with Disabilities and Religious Accommodation policies, The Library will work to make reasonable accommodations for a qualified applicant, intern or employee with a known disability, or arising out of an individual's sincerely held religious beliefs or practices, unless doing so would result in an undue hardship to the Library. Employees who require a reasonable accommodation due to a known disability or arising out of a sincerely held religious belief or practice should refer to the applicable Library policies.

### **QUESTIONS AND COMPLAINTS**

Questions regarding the administration of this policy or a complaint regarding Equal Employment Opportunity should be directed to the employee's or intern's

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supervisor or to the Director. Consistent with our policy on Harassment & Discrimination Prevention, the Library will promptly and thoroughly investigate all complaints. Confidentiality will be maintained to the greatest degree possible, consistent with the Library's obligation to thoroughly investigate the complaint.

Any individual at any time, even after separation of employment who feels this policy has been violated should immediately contact their supervisor or the Director.

If not satisfied with the resolution, an employee or intern may pursue an appeal. Appeals will generally follow the steps outlined in the Open Communication policy.

### **NO RETALIATION**

It is the policy of Perry Public Library that any employee, intern, or applicant who makes or participates in the investigation of a discrimination complaint will not be retaliated against in any way. Employees, interns, or applicants who feel they have been retaliated against for such activity should immediately contact the Director.

Anyone found to be engaging in any type of inappropriate conduct under this policy may be subject to disciplinary action, up to and including termination of employment.

## **2.02 HARASSMENT AND DISCRIMINATION PREVENTION**

Perry Public Library is committed to maintaining a workplace free from all forms of harassment and discrimination. The Library prohibits unlawful harassment and discrimination against anyone, for any reason, including, but not limited to an individual's actual or perceived: race (including traits historically associated with race, such as hair texture and protective hairstyles), color, creed, religion (including wearing attire, clothing or facial hair in accordance with the tenets of religion), sex (including pregnancy, childbirth or related medical conditions and transgender status), gender identity or expression, an employee's or dependent's reproductive health decisions, familial status, national origin, citizenship or immigration status, physical or mental disability (including gender dysphoria and being a certified medical marijuana patient), genetic information (including predisposing genetic characteristics), age (18 and over), veteran status, military status, sexual orientation, marital status, certain arrest or conviction records, domestic violence victim status, and any other status protected by applicable law.

The purpose of this policy is for employees and other covered individuals to recognize harassment and discrimination and to know what action to take when it occurs. This policy is one component of Library's commitment to a harassment and discrimination-free work environment where all individuals are treated with dignity and respect.

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## **APPLICABILITY**

This policy applies to all employees, applicants for employment, interns, whether paid or unpaid, anyone who is (or is employed by) a contractor, subcontractor, vendor, consultant, or anyone providing services in our workplace; collectively referred to as “covered individual(s)” throughout this policy.

All covered individuals conducting business in our workplace must refrain from engaging in unlawful harassment and discrimination.

## **NO TOLERANCE**

Harassment, discrimination and retaliation of any kind is a violation of our policies, is unlawful, and may subject Perry Public Library to liability for harm to targets of harassment, discrimination and retaliation. Workplace harassment, discrimination and retaliation will not be tolerated at Perry Public Library. All covered individuals conducting business with Perry Public Library are required to conduct themselves in a manner that prevents sexual or other forms of harassment and discrimination in the workplace. Any individual covered by this policy who engages in workplace harassment, discrimination or retaliation may be subject to remedial and/or disciplinary action, up to and including termination.

Harassers may also be individually subject to liability and the Library or supervisors who fail to report or act on harassment may be liable for aiding and abetting such behavior. Employees of every level who engage in harassment, discrimination or retaliation, including supervisors who engage in harassment, discrimination, or retaliation or who allow such behavior to continue, will be penalized for such misconduct.

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## **DEFINITION OF SEXUAL HARASSMENT**

Sexual harassment is unacceptable. Sexual harassment is a form of sex discrimination that subjects an employee to inferior conditions of employment due to their sex, sexual orientation, self-identified or perceived sex, gender expression, gender identity and the status of being transgender and is unlawful under federal, state and where applicable local law.

Sexual harassment is not limited to sexual contact, touching or expressions of a sexually suggestive nature and may include any unwelcome which is directed at an individual because of that individual’s sex when:

- Such conduct has the purpose or effect of unreasonably interfering with an individual’s work performance or creating an intimidating, hostile or offensive work environment, even if the complaining individual is not the intended target of the sexual harassment;

- Such conduct is made either explicitly or implicitly a term or condition of employment; or
- Submission to or rejection of such conduct is used as the basis for employment decisions affecting an individual's employment.

There are two main types of sexual harassment:

- **Hostile Work Environment.** Behaviors that contribute to a hostile work environment may include but are not limited to words, signs, jokes, pranks, intimidation or physical violence which are of a sexual nature, or which are directed at an individual because of that individual's sex. Sexual harassment also consists of any unwanted verbal or physical advances, sexually explicit derogatory statements or sexually discriminatory remarks made by someone which are offensive or objectionable to the recipient, which cause the recipient discomfort or humiliation, which interfere with the recipient's job performance.
- **Quid Pro Quo.** Sexual harassment also occurs when a person in authority tries to trade job benefits for sexual favors. This can include hiring, promotion, continued employment or any other terms, conditions or privileges of employment. This is also called "quid pro quo" harassment.

Any covered individual who feels harassed should report the harassment to the Library Director so that any violation of this policy can be corrected promptly. Any harassing or discriminatory conduct, even a single incident, can be addressed under this policy. If the covered individual does not feel comfortable reporting the harassment to the Library Director, they should follow the Open Communication Policy, and contact the Library Board President.

Any employee who feels harassed should report the harassment to **the Library Director** so that any violation of this policy can be corrected promptly. Any harassing conduct, even a single incident, can be addressed under this policy.

## EXAMPLES OF SEXUAL HARASSMENT

The following describes some of the types of acts that may be unlawful sexual harassment and that are strictly prohibited:

- Physical assaults of a sexual nature, such as:
  - Touching, pinching, patting, grabbing, brushing against another employee's body or poking another employee's body;
  - Rape, sexual battery, molestation or attempts to commit these assaults.
- Unwanted sexual advances or propositions, such as:

- Requests for sexual favors accompanied by implied or overt threats concerning the victim's job performance evaluation, a promotion or other job benefits or detriments;
  - Subtle or obvious pressure for unwelcome sexual activities.
- Sexually oriented gestures, noises, remarks, jokes or comments about a person's sexuality or sexual experience, which create a hostile work environment.
- Sex stereotyping occurs when conduct or personality traits are considered inappropriate simply because they may not conform to other people's ideas or perceptions about how individuals of a particular sex should act or look.
- Sexual or discriminatory displays or publications anywhere in the workplace, such as:
  - Displaying pictures, posters, calendars, graffiti, objects, promotional material, reading materials or other materials that are sexually demeaning or pornographic. This includes such sexual displays on workplace computers or cell phones and sharing such displays while in the workplace.
- Hostile actions taken against an individual because of that individual's sex, sexual orientation, gender identity and the status of being transgender, such as:
  - Interfering with, destroying or damaging a person's workstation, tools or equipment, or otherwise interfering with the individual's ability to perform the job;
  - Sabotaging an individual's work; or
  - Bullying, yelling, name-calling.

## **DEFINITION OF OTHER UNLAWFUL HARASSMENT**

The creation of an intimidating or hostile working environment, based on one or more of the above protected categories, constitutes unlawful harassment. Specific types of unlawful harassment, in addition to sexual harassment covered above, include, but are not limited to:

- Physical harassment refers to pushing, hitting, crowding, cornering or unwanted physical touching;
- Verbal abuse refers to verbal comments, including but not limited to jokes or the use of slurs or other offensive language regarding, or made because of, an individual's actual or perceived membership in one of the protected categories listed above;
- Written harassment refers to derogatory or degrading written comments regarding, or made because of, an individual's membership in one of the categories listed above. Specific examples include, but are not limited to e-mail, text messages, memos, notes, graffiti, other visual depictions or pictures, cartoons, drawing, videos;

- Inappropriate, unwelcomed behaviors, such as offensive gestures and wearing clothes, jewelry, signage, etc. known to be offensive to particular protected classifications; and
- Any other unwelcome conduct that has the purpose or effect of creating an intimidating, hostile, or offensive working environment as defined by law, or has the purpose or effect of unreasonably interfering with an individual's work performance or otherwise adversely affecting an individual's employment opportunities.

Unlawful harassment, whether it is physical, verbal or visual in nature, is a form of employee misconduct which undermines the integrity of the employment relationship within our **Library**.

### **WHO CAN BE A TARGET?**

**Harassers can be anyone in the workplace.** Harassment can occur between any individuals, regardless of their sex or gender. New York Law protects all covered individuals. A perpetrator of workplace harassment can be a superior, a subordinate, a coworker or anyone in the workplace including an independent contractor, contract worker, vendor, client, customer or visitor.

### **WHERE CAN HARASSMENT OCCUR?**

Unlawful harassment is not limited to the physical workplace itself. It can occur while covered individuals are working remotely, traveling for business or at employer-sponsored events or parties. Calls, texts, emails, communications in virtual meeting platforms and messaging apps and social media usage by covered individuals can constitute unlawful workplace harassment, even if they occur away from the workplace premises, on personal devices (i.e. cellphones) or during non-work hours.

### **REPORTING HARASSMENT**

In New York, harassment does not need to be severe or pervasive to be illegal. It can be any harassing behavior that rises above petty slights or trivial inconveniences. Any covered individual who has been subjected to behavior that may constitute unlawful harassment or discrimination is encouraged to report such behavior to their supervisor or to the Library Director. Anyone who witnesses or becomes aware of potential instances of workplace harassment or discrimination should report such behavior to their supervisor or to the Library Director.

Reports of workplace harassment or discrimination may be made verbally or in writing. The written complaint form is located at the end of this handbook. All covered individuals are encouraged to use this complaint form. Employees who are reporting potential harassment on behalf of other covered individual should use the complaint form and note that the complaint is being made on behalf of another covered individual.



Covered individuals who believe they have been a victim of workplace harassment or discrimination may also seek assistance in other available forums, as outlined in the Legal Protections and External Remedies section of this policy.

### **BYSTANDER INTERVENTION**

Any employee witnessing harassing or discriminatory behavior as a bystander is encouraged to report it. A supervisor that is a bystander to these behaviors is **required** to report it.

To the extent in which a bystander feels safe and comfortable, they may interrupt the harassment by engaging with the individual being harassed and distracting them from the harassing behavior; asking a third party to help intervene in the harassment; documenting the incident; checking in with the person who has been harassed after the incident; or confronting the harassers and naming the behavior as inappropriate.

When confronting harassment, physically assaulting an individual is never an appropriate response.

### **MANAGEMENT RESPONSIBILITIES**

All supervisors who receive a complaint or information about suspected workplace harassment or discrimination, observe what may be harassing or discriminatory behavior or for any reason suspect that harassment or discrimination is occurring, are **required** to report such suspected harassment or discrimination to the Library Director.

In addition to being subject to discipline if they engaged in harassing or discriminatory conduct themselves, supervisors will be subject to discipline for failing to report suspected workplace harassment and discrimination or otherwise knowingly allowing workplace harassment and discrimination to continue.

Supervisors will also be subject to discipline for engaging in any retaliation.

### **COMPLAINTS AND INVESTIGATIONS**

All complaints, information, or knowledge about suspected workplace harassment or discrimination will be investigated, whether that information was reported in verbal or written form. Investigations will be thoroughly conducted in a prompt and timely manner and will be confidential to the extent possible. All persons involved, including complainants, witnesses and alleged harassers, will be accorded due process, as outlined below, to protect their rights to a fair and impartial investigation.

Any covered individual may be required to cooperate as needed in an investigation of suspected workplace harassment. **Perry Public Library** will not tolerate retaliation against covered individuals who file complaints, support another's complaint or participate in an investigation regarding a violation of this policy.

While the process may vary from case to case, investigations will generally be conducted in accordance with the following steps:

- Upon receipt of complaint, **the Library Director** will conduct an immediate review of the allegations, and take any interim actions, as appropriate. If the complaint is verbal, the individual will be encouraged to complete the “Complaint Form” in writing. If the complainant chooses not to complete the Complaint Form **the Library Director** will prepare a Complaint Form based on the complainant’s verbal report.
- When applicable, the Library Director may request, review and preserve documents relevant to the allegations, such as emails, phone records or other electronic communications.
- **the Library Director** will interview all parties involved, including any relevant witnesses.
- **the Library Director** will prepare written documentation of the investigation (such as a letter, memo or email), which contains the following:
  - A list of all documents reviewed, along with a detailed summary of relevant documents;
  - A list of names of those interviewed, along with a detailed summary of their statements;
  - A timeline of events;
  - A summary of prior relevant incidents, reported or unreported; and
  - The basis for the decision and final resolution of the complaint, together with any corrective actions action(s).
- Written documentation and associated documents will be maintained by the **Library** in a secure and confidential location.
- Following the investigation, **the Library Director** will promptly notify the complainant and the individual(s) about whom the complaint was made that the investigation has been completed and implement any corrective actions identified in the written document.
- **the Library Director** will inform the complainant of their right to file a complaint or charge externally as outlined in the Legal Protections and External Remedies section of this policy.

## **CORRECTIVE ACTION**

If a report of workplace harassment or discrimination is found to be valid, immediate and appropriate corrective action will be taken. Covered individuals who violate this policy, including the provision against retaliation, will be subject to disciplinary action, up to and including termination. This determination will be based on all the facts of the case.

## **NO RETALIATION**

**Perry Public Library** will not tolerate retaliation against anyone who, in good faith, complains or provides information about suspected harassment.

Unlawful retaliation can be any action that could discourage an employee from coming forward to make or support a workplace harassment claim including, but not limited to being discharged, disciplined, discriminated against, having their personnel file disclosed, except where such disclosure is permitted or required by applicable law, or otherwise being subject to adverse employment action. Adverse action need not be job-related or occur in the workplace to constitute unlawful retaliation (e.g., threats of physical violence outside of work hours).

Retaliation is unlawful under federal, state and (where applicable) local law. The New York State Human Rights Law protects any individual who has engaged in a “protected activity.” Protected activity occurs when a person has:

- Made a complaint of harassment, either internally or with any anti-discrimination agency;
- Testified or assisted in a proceeding involving harassment under the human rights law or other anti-discrimination law;
- Opposed harassment by making a verbal or informal complaint to management, or by simply informing a **supervisor/manager** of harassment;
- Reported that another employee has been harassed; or
- Encouraged a fellow employee to report potential harassment.

Even if the alleged harassment does not rise to the level of a violation of law, the individual is protected from retaliation if the person had a good faith belief that the practices were unlawful. However, the retaliation provision is not intended to protect persons making intentionally false charges of harassment.

## **LEGAL PROTECTIONS AND EXTERNAL REMEDIES**

Harassment and discrimination based on a protected class is against the law. The internal process outlined in this policy is one way for covered individuals to report harassment and discrimination. Covered individuals may also choose to pursue legal remedies with the following governmental entities. While a private attorney is not required to file a complaint with a governmental agency, legal advice from an attorney may be sought.

### **New York State Division of Human Rights (DHR)**

The Human Rights Law (HRL) codified as N.Y. Executive Law, art. 15, § 290 et seq., applies to employers in New York State and protects employees and covered individuals, regardless of immigration status. A complaint alleging violation of the Human Rights Law may be filed either with DHR or in New York State Supreme Court.

Complaints of sexual harassment and discrimination may be filed with the DHR any time within **three years** of the harassment. If an individual does not file a

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complaint with the DHR, they can sue directly in state court under the HRL, **within three years** of the alleged harassment or discrimination. An individual may not file with DHR if they have already filed an HRL complaint in state court.

Complaining internally to **Perry Public Library** does not extend the time to file with DHR or in court. The three years is counted from date of the most recent incident of harassment.

An attorney is not needed to file a complaint with DHR, and there is no cost to file with DHR.

DHR will investigate the complaint and determine whether there is probable cause to believe that harassment or discrimination has occurred. Probable cause cases receive a public hearing before an administrative law judge. If harassment or discrimination is found at a hearing, DHR has the power to award relief, which varies but may include requiring the employer to take action to stop the harassment, or redress the damage caused, including paying monetary damages, punitive damages, attorney's fees and civil fines.

DHR's main office contact information is: NYS Division of Human Rights, One Fordham Plaza, Fourth Floor, Bronx, New York 10458, (718) 741-8400, [www.dhr.ny.gov](http://www.dhr.ny.gov).

Go to [dhr.ny.gov/complaint](http://dhr.ny.gov/complaint) for more information about filing a complaint. The website has a digital complaint process that can be completed on your computer or mobile device, in addition to, a complaint form that can be downloaded, filled out and mailed to DHR as well as a form that can be submitted online. The website also contains contact information for DHR's regional offices across New York State.

The DHR also maintains a toll-free hotline that provides counseling and accepts complaints regarding workplace sexual harassment. This hotline can be reached at 1-800-HARASS3.

### **United States Equal Employment Opportunity Commission (EEOC)**

The EEOC enforces federal anti-discrimination laws, including Title VII of the 1964 federal Civil Rights Act (codified as 42 U.S.C. § 2000e et seq.). An individual can file a complaint with the EEOC anytime within **300 days** from the harassment. There is no cost to file a complaint with the EEOC. The EEOC will investigate the complaint and determine whether there is reasonable cause to believe that discrimination has occurred, at which point the EEOC will issue a Right to Sue letter permitting the individual to file a complaint in federal court.

The EEOC does not hold hearings or award relief but may take other action including pursuing cases in federal court on behalf of complaining parties. Federal courts may award remedies if discrimination is found to have occurred. In general,

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private employers must have at least 15 employees to come within the jurisdiction of the EEOC.

If an employee believes that they have been discriminated against at work, they can file a “Charge of Discrimination.” The EEOC has district, area and field offices where complaints can be filed. Contact the EEOC by calling (800) 669-4000 (800) 669-6820 (TTY), visiting their website at [www.eeoc.gov](http://www.eeoc.gov) or via email at [info@eeoc.gov](mailto:info@eeoc.gov).

If an individual filed an administrative complaint with DHR, DHR will file the complaint with the EEOC to preserve the right to proceed in federal court.

### **Local Protections**

Many localities enforce laws protecting individuals from sexual harassment and discrimination. An individual should contact the county, city or town in which they work to find out if such a law exists. For example, employees who work in New York City may file complaints of sexual harassment with the New York City Commission on Human Rights. Contact their main office at Law Enforcement Bureau of the NYC Commission on Human Rights, 22 Reade St, New York, NY 10007; call 311 or (212) 306-7450; or visit [www.nyc.gov/html/cchr/html/home/home.shtml](http://www.nyc.gov/html/cchr/html/home/home.shtml).

### **Contact the Local Police Department**

If the harassment involves physical touching, coerced physical confinement or coerced sex acts, the conduct may constitute a crime. Those wishing to pursue criminal charges are encouraged to contact the local police department.

## **CONCLUSION**

All covered individuals have the right to a workplace that is free from harassment and discrimination. This policy should be considered applicable to all protected classes under federal, state and local law.

Employees who have questions regarding this policy should contact the Library Director.

## **2.03 WORKPLACE BULLYING**

The purpose of this policy is to communicate to all employees and supervisors, that Perry Public Library will not tolerate bullying behavior in the workplace.

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### **BULLYING PROHIBITED**

Perry Public Library defines bullying as repeated activity that is meant to diminish or disempower another individual and any use of aggressive, hostile, abusive, harassing or unreasonable conduct against another individual. It occurs when a

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person uses strength or influence to intimidate another, typically to force a desired act or result.

Bullying may be intentional or unintentional and may consist of threats, verbal conduct or any action intended to interfere with an individual's work.

Bullying at work may take the form of actions that are:

- Threatening, aggressive or intimidating;
- Abusive, insulting or offensive;
- Cruel or vindictive; or
- Humiliating, degrading or demeaning.

It is the effect of the behavior on the individual that is of the utmost importance.

## **EXAMPLES**

Perry Public library considers the following types of behavior examples of bullying:

### **Verbal Bullying**

Slandering, ridiculing or maligning a person or their family; persistent name calling that is hurtful, insulting or humiliating; using a person as the butt of jokes; abusive and offensive remarks.

### **Physical Bullying**

Pushing, shoving, kicking, poking, tripping, assault or threat of physical assault, damage to a person's work area or property.

### **Gesture Bullying**

Nonverbal threatening gestures; glances that can convey threatening messages.

### **Exclusion**

Socially or physically excluding or disregarding a person in work-related activities.

### **Electronic Bullying**

Threatening, intimidating or offensive text messages, social media posts, etc.

The examples are not intended to be an exclusive list of the types of behavior that would be considered bullying.

## **ADDITIONAL INFORMATION**

Employees who feel they have been bullied should contact their supervisor or the Library Director. Reports of bullying will be investigated. Employees found in violation of this policy will be subject to disciplinary action, up to and including termination.

## **2.04 HATE SYMBOLS IN THE WORKPLACE**

The Perry Public Library is committed to creating a workplace free from harassment and discrimination, and we believe that a workplace free from hate symbols is essential for creating a productive and positive work environment.

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### **DEFINITION OF HATE SYMBOLS**

Hate symbols are defined as any symbols, words or phrases that are used to promote or express hatred, discrimination against or harassment of a particular group of people based on protected classes under federal, state or local law including but not limited to race, religion, ethnicity, national origin, sex, sexual orientation, gender identity, disability or veteran status.

### **DISPLAY OF HATE SYMBOLS**

The display of hate symbols in the workplace are considered a violation of the Library's policies on Equal Employment Opportunity, Harassment & Discrimination Prevention and Standards of Conduct as they can create a hostile work environment for employees who are members of the groups being targeted. Hate symbols can also damage the Library's reputation and relationships with patrons.

Employees are prohibited from displaying hate symbols in the workplace, including on their clothing, tattoos, or other personal items. This policy applies to all areas of the workplace, including offices, common areas, break rooms, visible areas of a virtual or remote workspace or the Library's parking lot.

### **EXAMPLES OF HATE SYMBOLS**

The following are examples of symbols that have been historically associated with hate:

- Anti-Semitic symbols such as Swastikas;
- Neo-Nazi symbols;
- Numeric hate symbols;
- Certain flags such as the Confederate flag or Nazi Party flag;
- Ku Klux Klan symbols; or
- Any other hostile symbols, images or slogans that target someone's protected identity.

This list is not exhaustive and there are many other symbols that can be considered hate symbols. If you are unsure whether or not a particular symbol is a hate symbol, please ask the Library Director.

### **TATTOOS**

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Employees with hate symbol tattoos are required to cover them up while at work. This can be done by wearing clothing that covers the tattoo, such as long sleeves or pants.

## **ENFORCEMENT**

Employees who violate this policy may be subject to disciplinary action, up to and including termination of employment.

## **REPORTING VIOLATIONS**

Employees who see someone violating this policy should report it to the Library Director immediately. Reports will be investigated promptly and confidentially to the greatest extent possible and consistent with the investigation process outlined in our Harassment & Discrimination Prevention policy.

## **NO DISCRIMINATION AND NO RETALIATION**

The Library will not demote, terminate, discriminate, retaliate or otherwise take adverse action against an employee who makes a complaint or participates in an investigation related to this policy. Employees who feel that they have been discriminated against or retaliated against should report the matter to the Library Director.

## **2.05 GENDER INCLUSION**

**Perry Public Library** is committed to creating a safe and productive workplace environment for all employees, including those who identify as transgender or gender nonconforming.

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### **EMPLOYEE RIGHTS**

Employees have the right to discuss their gender identity or expression openly, or to keep that information private. Employees also have the right to be addressed by the name and pronoun that correspond to their gender identity and use the restroom or other facilities that corresponds to their gender identity. Employees also have the right to comply with the **Library's Professional Attire** policy in a manner consistent with their gender identity.

### **NON-DISCRIMINATION/NON-HARASSMENT**

As stated in the **Equal Employment Opportunity the Non-Harassment/Non-Discrimination policy**, **Perry Public Library** does not discriminate based on sex, sexual orientation, gender identity, or gender expression. Any incident of discrimination, harassment, or violence based on gender identity or expression will be given immediate and effective attention, including, but not limited to, investigating the incident, taking suitable corrective action, and providing employees and staff with appropriate resources.



## **ADDITIONAL INFORMATION**

Employees who have questions about this policy, including changes to their official record or who would like to discuss their personal circumstances, may contact the Library Director. The needs of each employee will be assessed on a case-by-case basis and in accordance with applicable federal, state and local law.

## **2.06 PREGNANCY ACCOMMODATIONS**

The Library will not discriminate against an employee or application with known physical or mental limitations related to pregnancy, childbirth, or pregnancy-related medical conditions who requests an accommodation due to pregnancy, childbirth and related conditions or who requests an accommodation due to pregnancy, childbirth or pregnancy related medical conditions unless the accommodation would impose an undue hardship on the operation of the Library.

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### **REASONABLE ACCOMMODATIONS**

Employees and applicants for employment may request a reasonable accommodation for pregnancy-related conditions, including, but not limited to, lactation. For purposes of this policy, a "pregnancy-related condition" is a medical condition related to pregnancy or childbirth that inhibits the exercise of a normal bodily function or is demonstrable by medically accepted clinical or laboratory diagnostic techniques but does not prevent the employee from performing their job functions in a reasonable manner, with or without a reasonable accommodation. Reasonable accommodations may include but are not limited to: providing an accessible worksite; acquiring or modifying equipment; job restructuring and modifying work schedules provided, however, that such actions do not impose an undue hardship on the business.

The Library will provide a reasonable accommodation that would enable the employee or applicant to perform their job functions in a reasonable manner, unless the accommodation would impose an undue hardship on the Library's operations.

### **REQUESTING A REASONABLE ACCOMMODATION**

Employees or applicants who would like to request a reasonable accommodation under this policy should contact the Library Director, preferably specifying in writing what barriers or limitations prompted the request. The Library Director will evaluate the information provided regarding any reported or apparent barriers or limitations and will then communicate with the applicant or employee and engage in an interactive process to determine the nature of the limitation and what, if any, reasonable accommodation(s) may be appropriate. If, through this interactive process, the Library identifies a reasonable accommodation that does not impose an undue hardship on the operation of the Library's, the Library will make that accommodation.

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Employees who wish to request time away from work to accommodate a limitation related to pregnancy, childbirth or a pregnancy-related medical condition should contact the Library Director. However, the Library will not require a qualified employee to take leave if another reasonable accommodation can be provided.

### **CERTIFICATION REQUIREMENTS**

To the extent permitted by federal or state law, employees may be required to provide medical or other information that is necessary to verify the existence of the pregnancy-related condition or that is necessary for the **Company's** consideration of a reasonable accommodation. Such medical information will be kept confidential and disclosed only as permitted by law.

### **NO DISCRIMINATION AND NO RETALIATION**

The Library prohibits discrimination on the basis of pregnancy, childbirth or related medical conditions. The Library also will not interfere with any individual's rights under federal and state law or take any adverse action against a qualified applicant or employee because they request or use reasonable accommodations in accordance with this policy, report or oppose discrimination under federal or state law, or participate in a proceeding involving an alleged violation of federal or state law. Individuals who believe they have been subjected to, or believe that another individual has been subjected to, prohibited discrimination or retaliation should report it immediately to the Library Director.

### **ADDITIONAL INFORMATION**

Employees or applicants for employment who have questions about this policy or who wish to request a reasonable accommodation under this policy should contact the Director. Employees who need reasonable break time to express breast milk for their child should consult the Library's Lactation Accommodation policy and the Policy on the Rights of Employees to Express Breast Milk in the Workplace which is available at the end of this employee handbook.

## **2.07 LACTATION ACCOMMODATION [NEW YORK]**

The Library will provide a reasonable amount of break time for up to three years following the birth of a child to accommodate nursing employees desiring to express milk for their child.

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### **LACTATION BREAKS**

Nursing employees can elect to take time to express milk during their regularly scheduled meal and rest breaks. If the employee chooses a time to express milk that does not run concurrently with a scheduled break time, the lactation break time will be unpaid for non-exempt employees except where federal or state law may require otherwise. If additional lactation breaks are required or the break

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schedule needs to be modified from time to time, employees should work with the Library Director regarding scheduling. A non-exempt employee can elect to work before or after their normal shift to make up the amount of time used during unpaid break time for expression of milk, so long as the additional time requested falls within the Library's normal work hours. However, non-exempt employees will not be required to make up any unpaid break time.

Unpaid breaks provided for the expression of milk must be at least 20 minutes. However, if the designated lactation room where such break will be taken is not close to an employee's workstation, the provided break must be at least 30 minutes. Employees will be allowed to take longer or shorter unpaid breaks if needed. Because exempt employees receive their full salary during the weeks in which they work, all exempt employees who need lactation accommodation breaks do not need to report any extra break time as "unpaid."

Employees who work remotely have the same rights to unpaid time off for the purpose of expressing milk, as all other employees who perform their work in-person.

## **LACTATION ROOM**

Employees who work onsite have the right to request a lactation room for the purpose of expressing milk. Employees will be informed as soon as practicable when a lactation room or location has been designated. The lactation room will be a well-lit, sanitary place, other than a restroom or toilet stall, that is shielded from view, free from intrusion and in reasonable proximity to the employee's work area. The lactation room will include an electrical outlet, a chair, a working surface area on which to place a breast pump and other personal items, nearby access to running water and access to refrigeration for the purpose of storing the expressed milk. Please note that the Library is not responsible for ensuring the safekeeping of expressed milk stored in any refrigerator on its premises. The employee is required to store all expressed milk in closed containers, regardless of the method of storage, and should remove such milk at the end of the workday.

## **REQUESTING USE OF THE LACTATION ROOM**

To request use of a lactation room, employees will reach out, preferably in writing, to the Library Director. The Library will respond to the employee's request within a reasonable amount of time, not to exceed five business days. Employees should contact the Library Director with any follow-up inquiries.

A room identified for use as a lactation room may also be used for other purposes. However, an employee's need of a room for lactation breaks will be prioritized, and during times when an employee is using the room as a lactation room, that will be its sole function. When two or more employees need to use the room for lactation purposes or in connection with other accommodations, they should contact and work together with the Library Director to schedule room usage cooperatively and

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in a way that accommodates all affected employees. Employees who have questions or concerns related to lactation room scheduling conflicts can also contact the Library Director.

### **EMPLOYEE'S RESPONSIBILITY**

Employees are required to provide reasonable advance notice to the Library that they intend to take breaks for expressing milk upon returning to work following the birth of the child. If providing the requested lactation room will place an undue hardship on the Library's operations, the Library will engage in reasonable efforts to provide a private room or location, other than a restroom or toilet stall, that is in close proximity to the work area where an employee can express milk in private.

### **NO RETALIATION AND NO DISCRIMINATION**

Employees who believe the Library has failed to comply with the requirements of this policy and federal or state law should immediately notify the Library Director. The Library will not retaliate or discriminate against an employee because they exercise their rights under this policy or file a complaint or institute any proceeding under or related to New York State law or the federal Fair Labor Standards Act.

### **ADDITIONAL INFORMATION**

Pursuant to New York State requirements, a [Policy on the Rights of Employees to Express Milk in the Workplace](#) that further explains your rights under New York State law will be provided at hire, annually after hire, and whenever an employee returns to work following the birth of a child and is available at the end of this Employee Handbook.

## **2.08 REPRODUCTIVE HEALTH DECISIONS**

**Perry Public Library** complies with state law regarding reproductive health decisions as outlined in this policy.

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### **NON-DISCRIMINATION/ NO RETALIATION**

The Library will not discriminate or retaliate against an employee because of the employee's, or a dependent of the employee's, reproductive health decision-making, including the use of particular drugs, devices or medical services. The Library also will not, without prior informed written consent, access personal information regarding the reproductive health decision-making of employees or their dependents and will not require an employee to sign any document or waiver denying that employee the right to make their own reproductive health decisions.

Employees subjected to unlawful discrimination or retaliation on the basis of reproductive health decision-making can bring an action in court and may be entitled to certain remedies, including monetary and injunctive relief.

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**ADDITIONAL INFORMATION**

Employees who feel they have been subjected to discrimination or retaliation on the basis of their reproductive health decision-making, or that of a dependent, or to any other violation of this policy, should contact the Director.

## **2.09 INDIVIDUALS WITH DISABILITIES**

Perry Public Library complies with the New York State Human Rights Laws which make it unlawful to discriminate in employment against a qualified individual with a disability. The Library prohibits discrimination against employees and applicants with disabilities in all aspects of employment. Our Library's commitment to this policy includes making reasonable accommodations to otherwise qualified persons with disabilities to enable them to perform the essential functions of their jobs, unless doing so would pose an undue hardship on our business, would pose a direct threat of substantial harm to the employee or others, or is otherwise not required by applicable law.

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### **OUR COMMITMENT**

An employee or applicant in need of a reasonable accommodation should make the Library aware of their request by notifying the Director. The Library will work with each individual to define their job-related or application-related needs and to try to accommodate those needs.

### **QUALIFIED INDIVIDUALS WITH DISABILITIES**

Qualified individuals with disabilities are defined as individuals with disabilities who can perform the essential functions of the job in question with or without reasonable accommodation. The term disability is defined by applicable law.

### **REASONABLE ACCOMMODATION**

A reasonable accommodation is any change or adjustment to a job, the work environment or the way things usually are done that enables a qualified individual with a disability to perform the essential functions of the job and that does not pose an undue hardship for the Library or create a direct threat to health or safety.

When requesting an accommodation, employees are required to notify the Director of the need for the accommodation. The Library may ask for medical documentation supporting the need for an accommodation and all supporting documentation should be returned as quickly as possible to prevent a delay in the accommodation process.

Requests for a reasonable accommodation for a medical condition and any supporting documentation, will be treated as confidential, maintained in a file separate from an employee's other personnel documents and disclosed only as permitted by applicable law.

## **DETERMINING APPROPRIATE ACCOMMODATIONS**

Frequently, when a qualified individual with a disability requests a reasonable accommodation, the appropriate accommodation is easily agreed upon. The individual may recommend an accommodation based on their life or work experience. The ultimate decision as to whether a particular accommodation will be made rests with the Library. When the appropriate accommodation is not obvious, the Library may assist the individual in identifying one. If more than one accommodation will enable the individual to perform the job, the Library reserves the right to choose which accommodation it will make.

Employees who feel they have been unreasonably denied an accommodation or who have questions concerning this policy should contact the Library Director. Please refer to the Open Communication Policy if further concerns need to be addressed.

## **2.10 RELIGIOUS ACCOMMODATION**

Perry Public Library will provide reasonable accommodation for employees' religious beliefs, observances and practices when a need for such accommodation is identified, and reasonable accommodation is possible.

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### **RELIGIOUS ACCOMMODATION**

A reasonable accommodation is one that eliminates the conflict between an employee's religious beliefs, observances or practices and the employee's job requirements, without causing undue hardship on the Library's operations.

The Library has developed an accommodation process to assist employees and management through this process, by establishing a system of open communication between employees and the Library to discuss conflicts between religion and work and to take action to provide reasonable accommodation for employees' needs.

Any employee who perceives a conflict between job requirements and a religious belief, observance or practice should bring the conflict and their request for accommodation to the attention of the Library Director to initiate the accommodation process. The Library asks that accommodation requests be made in writing, and in the case of schedule adjustments, as far in advance as possible.

### **INTERACTIVE DIALOGUE**

Once the employee has submitted their request for an accommodation, Perry Public Library will evaluate the request by meeting with the employee to discuss the request and propose a reasonable accommodation. The supervisor and/or the Library Director will be responsible for implementing the accommodation. If the

employee rejects the proposed accommodation, the employee may lodge an appeal pursuant to Perry Public Library's **Open Communication** policy.

## **NO RETALIATION AND NO DISCRIMINATION**

Perry Public Library will not retaliate or otherwise discriminate against an employee or applicant because they request an accommodation in accordance with this policy. Employees who have questions concerning this policy or feel they have been unreasonably denied an accommodation should contact the Library Director.

## **2.11 CODE OF ETHICS**

Perry Public Library's code of ethics is dependent upon our core values maintaining ethical standards and the personal integrity of every individual in our Library. Each employee of the Library is required to ensure that they and their family members do not improperly benefit personally from the employee's position as an employee for the Library. For this reason, it is of paramount importance that we always conduct our day-to-day activities in an ethical and responsible manner.

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### **CONFLICT OF INTEREST**

While we acknowledge that employees may have pursuits separate from their work at the Perry Public Library, employees must refrain from participating in any activity or business venture which could conflict with the interests of Perry Public Library and their job duties and responsibility with Perry Public Library. Specifically, employees may not accept personal payment or other benefits from any supplier, vendor or patrons of the Library, nor should they take any action as a representative of the Library for personal gain. Employees also may not accept a second job with a customer, competitor, supplier, or vendor of the Library where there is an actual or perceived conflict.

### **PROPRIETARY INFORMATION**

In working at Perry Public Library, employees will learn things about the Library and our patrons which are proprietary or confidential, and the Library has a legitimate and substantial business interest in maintain the confidentiality of such information. Every employee of the Library has a professional and ethical responsibility to treat this information as privileged and to ensure such information is not improperly or accidentally disclosed. Except as required in the performance of their duties for the Library, employees may not use or disclose any proprietary information such as strategic and business or operational plans, pricing lists, sales and profit data, funding sources, marketing strategies, database systems, technology, trade secrets, customers'/clients' supplier or vendor lists, and/or



customers'/clients' supplier or vendor contracts to anyone who does not work for us or have a need to know the information.

Additionally, employees who have the following information by virtue of the performance of their job responsibilities should not disclose such information for any reason, except as required to complete job duties, without the permission of the employee at issue: Social Security Numbers, dates of birth, driver's license or resident identification numbers, financial accounts, credit or debit card numbers, and security and access codes or passwords that would permit access to medical, financial or other legally protected information.

Confidential information does not include conduct that was, or that an employee reasonably believes to be illegal; conduct that is recognized as against a clear mandate of public policy; or the existence of a non-confidential settlement involving any such conduct.

Upon termination of employment, employees must return and not retain any duplicates of all Library property and all copies of documents, notes, flash drives and other repositories containing proprietary or confidential information such as pricing lists, invoices, marketing methods, database systems, financial information, employee lists and all other information that is not general public knowledge relating to Library, except as otherwise required to retain pursuant to a legal hold notice.

#### **New York Civil Practice Law, Sec. 4509, Library Records**

Library records, which contain names or other personally identifying details regarding the users of public, free association, school, college and university libraries and library systems of this state, including but not limited to records related to the circulation of library materials, computer database searches, interlibrary loan transactions, reference queries, requests for photocopies of library materials, title reserve requests, or the use of audio-visual materials, films or records, shall be confidential and shall not be disclosed except that such records may be disclosed to the extent necessary for the proper operation of such library and shall be disclosed upon request or consent of the user or pursuant to subpoena, court order or where otherwise required by statute.

#### **RECEIVING AND GIVING GIFTS**

Employees should avoid situations that could create an actual or perceived conflict of interest, or that could otherwise hinder an employee's ability to perform their job in an honest and ethical manner. To this end, employees may not accept or give substantial gifts, favors or excessive business entertainment from patrons or suppliers or vendors. A gift, favor or entertainment is considered substantial or excessive if it might influence an employee's business relationship with the donor. Generally, substantial gifts or favors are defined as having a value of \$75 or more and should be reported to the Director.

## **EMPLOYEE'S RESPONSIBILITY**

Employees are responsible for promptly reporting any violation or suspected violation of these guidelines on conflicts of interest, proprietary information or gift giving and receiving or any violation or suspected violation of any other Library policy to the Library Director

## **NO RETALIATION**

The Library protects those employees from retaliation who in good faith report possible inappropriate, unprofessional, illegal or unethical actions. Any employee who believes they have been retaliated against in violation of this policy should notify the Library Director immediately. Individuals who engage in any retaliation in contravention of this policy are subject to disciplinary action in accordance with the Library's Standards of Conduct policy.

## **ADDITIONAL INFORMATION**

Violations of this policy are subject to disciplinary action, up to and including termination of employment and, if applicable, legal action.

Employees should meet with their supervisor or Director if they have questions regarding the application of this policy.

## **2.12 WHISTLEBLOWER PROTECTION**

The Perry Public Library is committed to operating in furtherance of its tax-exempt purposes and in compliance with all applicable laws, rules and regulations, including those concerning accounting and auditing, and prohibits fraudulent practices by any of its Board members, officers, employees, or volunteers. This policy outlines a procedure for employees to report actions that an employee reasonably believes violates a law, or regulation, or that constitutes fraudulent accounting or other practices. This policy applies to any matter which is related to the Library's business and does not relate to private acts of an individual not connected to the business of the Library.

If an employee has a reasonable belief that an employee or the Library has engaged in any action that violates any applicable law, or regulation, including those concerning accounting and auditing, or constitutes a fraudulent practice, the employee is expected to immediately report such information to the Director. If the employee does not feel comfortable reporting the information to the Director, he or she is expected to report the information to the President of the Board of Trustees, the Vice President, or the Chair of the Personnel Committee. All reports will be followed up promptly, and an investigation conducted.

In conducting its investigations, the Library will strive to keep the identity of the complaining individual as confidential as possible, while conducting an adequate review

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and investigation. The Library will not retaliate against an employee in the terms and conditions of employment because that employee: (a) reports to a supervisor, to the Director, the Board of Directors, or to a federal, state or local agency what the employee believes in good faith to be a violation of the law; or (b) participates in good faith in any resulting investigation or proceeding, or (c) exercises his or her rights under any state or federal law(s) or regulation(s) to pursue a claim or take legal action to protect the employee's rights. The Library may take disciplinary action (up to and including termination) against an employee who in management's assessment has engaged in retaliatory conduct in violation of this policy. Supervisory staff will be trained on this policy and the Library prohibition against retaliation in accordance with this policy.

# **SECTION THREE**

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# **EMPLOYEE RELATIONS**

## **3.01 EMPLOYMENT ELIGIBILITY & WORK AUTHORIZATION**

Perry Public Library is committed to employing only individuals who are authorized to work in the United States and who comply with applicable immigration and employment law.

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### **EMPLOYMENT ELIGIBILITY AND WORK AUTHORIZATION**

As a condition of employment, every individual must provide satisfactory evidence of their identity and legal authority to work in the United States within three business days of commencing employment. If the employee cannot verify their right to work in the United States within three business days of employment, the Library will be required to terminate employment immediately.

## **3.02 CIVIL SERVICE APPOINTMENTS & PROBATIONARY PERIOD**

### **PERSONNEL APPOINTMENTS**

The Trustees of the Perry Public Library shall hire the Library Director. All other staff shall be hired by the Library Director and approved by the Board of Trustees. The staff of the Perry Public Library consists of the Library Director, Youth Services Librarian, Library Assistants, and Library Clerks, as determined by the Board.

As a school district public library, Perry Public Library's staff appointments must comply with Civil Service Requirements. Details can be found in Section 44 of Civil Service Law.

### **PROBATIONARY PERIOD**

Except as otherwise provided in Civil Service rules, every permanent appointment from an open-competitive list and every permanent appointment to a position in the non-competitive, exempt or labor class shall be for a probationary term of between eight weeks up to fifty-two weeks.

Every permanent appointment from a promotion eligible list shall be for a probationary term of between eight up to twenty-six weeks.

An appointment shall become permanent upon the retention of the probationer after his/her completion of the maximum period of probation or upon earlier written notice following complete of the minimum period of probation that his/her probationary term is successfully completed. A copy of such notice shall be sent to the Commission.

If the conduct or performance of a probationer is not satisfactory, his/her employment may be terminated at any time after the completion of the minimum period of probation and on or before the completion of the maximum period of probation in the manner as prescribed in these rules.

For additional information, please review the Rules for Classified Service of Wyoming County available at the Wyoming County Civil Service's website.

### **3.03 EMPLOYMENT CLASSIFICATIONS**

Employees of our Library are employed based on the classifications detailed below. Perry Public Library offers different employment classifications in order to meet staffing and business requirements and accommodate employee needs and schedule preferences.

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#### **FULL-TIME**

Employees in this category are regularly scheduled to work at least 37.5 hours per week and receive benefits based on position, length of service and scheduled hours.

#### **PART-TIME**

Employees in this category are regularly scheduled to work less than 37.5 hours per week and are eligible for certain benefits as stated to them in writing based on position, length of service and may be eligible for medical insurance based on hours worked.

#### **FLSA CLASSIFICATIONS**

Under the Federal Fair Labor Standards Act (FLSA), all positions, regardless of employment classification, are classified as either exempt or non-exempt for overtime and minimum wage requirements based on the nature of the job duties and amount of wages.

##### **Exempt Employees**

The FLSA provides an exemption from both minimum wage and overtime pay for employees employed as executive, administrative, professional, outside sales and computer employees.

##### **Non-Exempt Employees**

Under the FLSA, non-exempt employees must be paid at least the federal minimum wage for all hours worked and overtime pay at one and one-half the regular rate of pay for all hours worked over 40 hours in a workweek.

## **3.04 WORKING HOURS**

Our Library observes a 37.5-hour workweek. Time records are kept for each non-exempt employee showing the hours worked each week.

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### **WORKWEEK**

Due to the nature of our business, workdays and hours may vary with the job. Our standard workweek consists of 7.5 hours per day, 5 days per week.

### **MEAL BREAK**

Employees working at least a six-hour workday, which extends over the noon meal break (11 a.m. to 2 p.m.), are entitled to a 30-minute meal break to be taken between 11 a.m. and 2 p.m.

An uninterrupted meal break lasting 30 minutes will be unpaid for non-exempt employees.

Employees may not take a shorter meal break or skip a meal break to leave early. All non-exempt employees must record their meal breaks.

If for any reason an employee's meal break is interrupted, the employee must notify their supervisor and the time should be recorded as worked. The employee will be paid for the time and will receive an uninterrupted meal break as soon as practicable. Employees should contact their supervisor if they have any questions regarding the meal break.

### **TIME RECORDS**

To ensure accurate recordkeeping of hours worked, non-exempt and exempt employees are required to punch their timecard at the beginning and end of their shift. Employees are prohibited from engaging in off-the-clock work or unrecorded work. Employees may not punch their timecard more than five minutes before their authorized start time or after their authorized ending time without permission from the supervisor.

Employees also are required to punch their timecards at the beginning and end of meal periods. Under no circumstances should an employee record time for another employee. Should an employee forget to record their time, the employee should notify the Director and make the correct notation in the time keeping system so the Director can correct the issue. If you miss a punch, please notify the Director through the timekeeping system, or if the system is down, through written notice ASAP after the event.

### **FLEXIBLE WORK SCHEDULES**

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Our Library offers a flexible work schedule to assist in balancing work and family life. Supervisors will discuss the flexible work schedule policy with employees. Once an employee has established their work schedule, it cannot be changed without the supervisor's approval.

## **3.05 PAY PRACTICES**

Perry Public Library is committed to a policy of fair and equitable compensation for all employees.

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### **WAGE AND SALARY PROGRAM**

The Trustees of the Perry Public Library shall set the salaries of all staff. Wage rates are assigned to each job based on job requirements and the economic conditions of the Library and the marketplace, as well as each employee's qualifications, skills and abilities. The Library endeavors to comply with all federal, state and local laws with respect to the payment of wages.

### **PAYDAY**

Employees are paid biweekly on Fridays. If payday falls on a holiday, employees will ordinarily be paid on the day before the holiday.

### **PAYROLL**

Employees have the option of being compensated by direct deposit. The Director answers questions regarding compensation options.

### **GARNISHMENTS**

A court may order the Library to garnish amounts directly from an employee's paycheck. The Library is required to withhold the amount indicated in the garnishment from the employee's paycheck in accordance with federal, state and local law.

### **COMPENSATION FOR EMERGENCY CLOSINGS**

If the library has to close for an emergent situation the regularly scheduled staff will be paid. An emergent situation will be defined as any situation where the staff cannot be notified of a library closing within 24 hours of such a closing.

### **OVERTIME**

When operating requirements cannot be met during regular work hours, employees may be scheduled to work overtime hours. When possible, advance notification of these mandatory assignments will be provided.

Non-exempt employees will be paid one and one-half times their regular rate of pay for all hours worked over 40 hours in a workweek.



For purposes of calculating overtime, the Library's seven-day workweek begins on **Sunday** and ends on **Saturday**.

Paid time off, including holidays, **PTO is not** counted as hours worked when calculating overtime.

All overtime work must receive the supervisor's prior authorization.

Failure to work assigned overtime, or working unauthorized overtime may result in disciplinary action, up to and including termination.

## **OUTSIDE WORK ACTIVITIES**

Unless pre-approved by the Director non-exempt employees are prohibited from performing work activities during non-working hours. This includes, but is not limited to, accessing electronic communication through cell phones, text messages and emails for work-related purposes and performing preparatory work outside of regular work hours. Time spent accessing work-related electronic communication outside of regular work hours or performing any other work during non-working hours must be pre-approved by the supervisor. Any such time, regardless of whether it has been approved or not, must be recorded and reported as time worked in the Library's time system.

## **TRAVEL/EXPENSE REIMBURSEMENT**

Employees will be reimbursed for pre-authorized expenses, such as: Library-related travel mileage, lodging expenses, airfare, meals, or other business expenses incurred on behalf of Perry Public Library. Reimbursement of non-standard expenses (including the purchase of alcoholic beverages) incurred on business trips is within the sole discretion of the Library.

Employees will be reimbursed for their mileage at the Library's current reimbursement rate, half mileage. In addition to obtaining pre-approval, the employee must complete a travel/expense reimbursement form, attach any receipts, and submit to the Director.

Clerical staff are encouraged to attend staff development opportunities as specified by the Library Director and will be paid at their normal rate of pay for their hours of attendance. Employees should ask their supervisor or Director for guidance and assistance on procedures related to travel arrangements, expense reports, reimbursement for specific expenses or any other business travel issues.

Abuse of this policy, including falsifying expense reports to reflect costs not incurred by the employee, may result in disciplinary action, up to and including termination of employment.

## **OVERPAYMENTS**

In the event an employee is overpaid due to a mathematical or clerical error, Perry Public Library will proceed to recoup the overpayment via wage deductions in accordance with the New York State Labor Law. Employees who become aware of an overpayment must notify the Director immediately. For more information, employees should contact the Director.

## **POLICY FOR DEDUCTIONS FROM WAGES**

Employee pay stubs itemize deductions made from gross earnings. The Library is required by law to make deductions for Social Security, federal income tax and any other appropriate taxes. These required deductions may also include any court-ordered garnishments. Pay stubs also itemize any voluntary deductions such as an employee's portion of New York State Retirement, to the extent applicable. If applicable, pay stubs will also differentiate between regular and overtime pay received. The Library also has an after-tax deduction for Paid Family Leave. Please see the Paid Family Leave Policy for details on that deduction.

It is our policy to comply with the salary basis requirements of the Fair Labor Standards Act (FLSA) and applicable state law. In turn, supervisors are prohibited from making any improper deductions from the salaries of exempt employees or from the wages of any employee that are not consistent with federal and state wage and hour laws.

## **PERMITTED DEDUCTIONS FROM EXEMPT EMPLOYEE'S PAY**

Employees who are classified as exempt must record absences from work for reasons such as PTO or sick leave.

Exempt employees are paid on a salary basis. This means the employee regularly receives a predetermined amount of compensation each pay period, which cannot be reduced because of variations in the quality or quantity of the employee's work. In general, an exempt employee will receive their salary for any week in which the employee performs any work, regardless of the number of days or hours worked.

Under federal and state law, an exempt employee's salary may be subject to certain deductions. For example, absent contrary state law requirements, an exempt employee's salary can be reduced as either partial-day or full-day deductions for the following reasons:

- Full-day absences for personal reasons other than sickness or disability.
- Full-day absences for sickness or disability, if the employee has exhausted or is not yet eligible for paid time off under a bona fide policy or plan that provides compensation for salary lost due to illness.
- Full-day disciplinary suspensions for infractions of written policies and procedures.
- Penalties imposed in good faith for infractions of safety rules of major significance.

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- Unpaid leave taken under the Family and Medical Leave Act (if applicable).
- To offset amounts received as jury and witness fees or military pay.
- The first or last week of employment when an employee works less than a full week.
- Any full workweek in which an employee does not perform any work.

In a workweek in which an exempt employee performs any work, the employee's salary will not be reduced for any of the following reasons:

- Partial day absences.
- Absence on a scheduled workday in which the Library has decided to close the facility at which an employee is scheduled to work and has not designated an alternate work site.
- Absences for jury duty, attendance as a witness or military leave, except that the Library may offset the employee's salary based on the received as jury or witness fees or military pay.
- Any other deductions prohibited by federal or state law.

Please note: It is not an improper deduction to reduce an employee's accrued PTO/vacation, sick leave, or other forms of paid time off for full- or partial-day absences.

It is Library policy to comply with the salary basis requirements of the Fair Labor Standards Act (FLSA) and applicable state law. The Library prohibits any deductions from pay that violate the FLSA or applicable state law.

### **REPORTING IMPROPER DEDUCTIONS OR OTHER ERRORS**

Employees should immediately contact the Director with questions about deductions or to report improper deductions and/or errors. Employees will not be retaliated against for making a complaint.

Reports of improper deductions or other errors will be promptly investigated. If it is determined that an improper deduction or other error has occurred, the employee will be promptly reimbursed.

It is our policy and practice to accurately compensate employees and to do so in compliance with all applicable federal and state laws. To ensure accurate pay and proper deductions for all time worked, employees must correctly record all work time. Additionally, employees should promptly review their paychecks to identify and report all errors.

## **3.06 ATTENDANCE**

Each employee's position and the work that they do at Perry Public Library is important. It is essential that employees be at work on time for us to serve our patrons and run our Library in an efficient manner.

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### **PUNCTUALITY**

Although individual schedules may vary, employees should be at their work area on time, ready to work. Punctuality is important. Consistent, unexcused tardiness, as determined by the Library, is considered a performance issue and is subject to disciplinary action, up to and including termination of employment.

### **EMPLOYEE'S RESPONSIBILITY**

An employee who is going to be late or absent from work must contact the Director **30 minutes** before their scheduled start time or as soon as is practicable under the circumstance. Employees may contact their supervisor via call or text.

An employee that is absent for **two** consecutively scheduled days without contacting their supervisor will be considered to have voluntarily resigned from their position.

## **3.07 OPEN COMMUNICATION**

Our Library is committed to the principle of open communication between employees and their supervisor concerning any aspect of the employment relationship.

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### **WORKING TOGETHER, WE CAN FIND A SOLUTION TO ANY PROBLEM**

In every Library there are honest differences of opinion about working conditions, discipline, policies, and other work-related matters. Employees should not keep concerns to themselves and are encouraged to communicate their issues to management via the steps outlined below. Problems that are unknown cannot be solved. If an employee has a work-related complaint, concern, or problem of any kind, we will welcome the opportunity to discuss it with the employee and resolve it.

#### **FIRST STEP**

Employees who have a problem, complaint, question, or suggestion about any aspect of our Library are encouraged to discuss the issue with their immediate supervisor. We hope that most matters can be satisfactorily resolved by such discussions.

#### **SECOND STEP**

Employees who are not satisfied with the outcome of this first step or are not comfortable raising a particular issue with their supervisor, are welcome to discuss the situation with the Director. They will meet with the employee and/or their supervisor and attempt to reach a satisfactory solution.

### **THIRD STEP**

Employees who are not satisfied with the outcome of the second step or are not comfortable raising a particular issue with the Director, are encouraged to discuss the situation with the Board President. They will review the situation in its entirety, meet with the employee and attempt to reach a satisfactory solution. The meeting will occur within 10 business days.

If for any reason an employee does not feel comfortable speaking with their supervisor or the designated management assigned in any step of this policy, the employee should feel free to discuss their concerns with any other member of management with whom the employee feels comfortable.

### **SUGGESTIONS**

Perry Public Library values employees' talents and abilities and seeks to foster a cooperative environment. For this reason, the Library's Open Communication policy applies not only to complaints and concerns, but to job-related ideas, recommendations and any other suggestions an employee believes would positively benefit Perry Public Library. Perry Public Library values employee input and ideas, and therefore all employees should share their feedback, comments and suggestions with a supervisor or any management employee.

### **NO RETALIATION**

Employees will not be retaliated against in any way for raising concerns, asking questions or for making suggestions.

## **3.08 SOLICITATION & DISTRIBUTION**

In order to prevent disruptions in the operations of our Library, solicitation and distribution of advertising material, handbills or other literature during the working time of the employee soliciting or the employee being solicited, or in working areas, is restricted as described below.

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### **SOLICITATION DEFINED**

For purposes of this policy, solicitation includes, but is not limited to, asking employees: for funds or contributions; to purchase goods for charitable or commercial purposes; to sign petitions; to join or become members of a group; to support political candidates; or to support or commit to causes, groups, or interests. Solicitations may be made by any form of communication, including

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verbal, written, email, text message, direct messaging, etc. Solicitation does not include brief conversations that are so limited that they do not interrupt employees' work.

### **DURING WORKING TIME**

Employees may not solicit or distribute non-work-related literature to another employee for any purpose when either the person doing the soliciting, or the person being solicited is on working time. For purposes of this policy, working time refers to that portion of any working day in which the employee is actually working or scheduled to work. It does not include such times as lunch or break time or before or after work. Employees who are on non-working time still may not solicit or distribute non-work-related literature to another employee who is on working time.

### **IN WORKING AREAS**

Employees may not distribute non-work-related literature to another employee for any purpose in the working areas of our Library. "Working areas" do not include areas such as, but not limited to, the cafeteria, parking lot or break rooms.

### **OUTSIDE INDIVIDUALS**

Individuals who are not employed at our Library may not distribute literature, nor solicit employees or visitors at any time on our Library's grounds or inside our offices.

### **POST NOTICES**

Only governmental notices required to be posted due to federal or state regulations may be posted on Library property, with the exception of postings on the community bulletin board as governed by the Display Policy.

## **3.09 STANDARDS OF CONDUCT**

The staff should always be alert and approachable. Patrons should not be allowed to feel that staff members are completely absorbed in work or conversation among themselves and, thus, too busy to assist. Prolonged visiting with friends and acquaintances, in person or on the phone (including texting) and discussion of personal business, is unprofessional and a breach of good taste. Personal use of the computer should be limited to break times.

The Library expects employees to follow basic, common-sense rules of conduct that will protect everyone's safety and security.

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### **FORMS OF UNACCEPTABLE BEHAVIOR**

It is not possible to list all forms of behavior that are considered unacceptable in the workplace, but the following are examples of behaviors that are considered unacceptable and may result in disciplinary action, including suspension, demotion, or termination of employment:

- Falsification of employment records, employment information or other records or work-related information of the Library;
- Recording the work time of another employee, allowing any employee to record another employee's work time, or allowing falsification of any timesheet record, whether the employee's or another employee's;
- Theft or damage of any Library property or the property of any employee or patron, contractor or visitor;
- Use of Library materials, resources, supplies, or tools, or products for personal reasons without advanced permission from the Director;
- Violation of the Library's electronic resources in a manner that interferes with the employee's work performance or violates a Library policy.
- Possessing, distributing, selling, transferring, using or being under the influence of alcohol or illegal drugs in the workplace;
- Provoking a physical fight or engaging in physical fighting in the work environment, during working hours, at a work event or on premises owned or occupied by the Library;
- Carrying firearms, weapons or dangerous substances at any time, on premises owned or occupied by the Library, unless state law provides otherwise;
- Using violent, threatening or unlawfully harassing language at any time in the working environment, during working hours or while on premises owned or occupied by the Library;
- Making knowingly false statements concerning the Library or any employee, client, contractor visitor;
- Failing to obtain permission to leave work or be offline during scheduled working time (not including unpaid meal and rest breaks) unless the reason is legally protected;
- Working overtime without authorization or refusing to work assigned hours;
- Violating any policy, rule or procedure of the Library;
- Failure to demonstrate immediate and consistent improvement in poor work performance.
- Committing a fraudulent act or intentional breach of trust under any circumstances; and
- Discrimination or harassment in violation of the Library's Equal Opportunity (EEO) or Harassment & Discrimination Prevention policies against any employee, client, contractor, visitor, or other individual involved in the operations of the Library based upon race, religion, age, sex, nation origin, disability or any other protected characteristic under applicable federal, state or local law.

## **CORRECTIVE ACTION**

Before taking corrective action, the Library Director may meet with the employee to explain why the need for corrective action is warranted.

Depending upon the severity of the matter, disciplinary measures may include counseling, verbal warning, written warning, suspension, demotion, transfer or termination. The Library will determine the appropriate corrective action and does not guarantee that one form of action will necessarily precede another.

Section 75 of the Civil Service Law provides rights for certain permanent employees with regards to removal or other disciplinary action. Section 75 must also be observed when reprimanding or disciplining a permanent appointee who has not completed the minimum period of probation.

### Covered Employees

The following employees have rights under Section 75 of the Civil Service Law:

1. A person holding a position by permanent appointment in the competitive class of the classified civil service (*Library Director I, Librarian I, Library Assistant, FT Library Clerk*); or
2. A person holding a position by permanent appointment or employment in the classified service who is an honorably discharged service member of the Armed Forces of the United States having served therein as such a member in time of war as defined in Section 85 of Civil Service Law, or who is an exempt volunteer firefighter as defined in the General Municipal Law, except when a person described in this paragraph holds the position of private secretary, cashier or deputy of any official or department; or
3. A person holding a position in the non-competitive class, other than a position designated in the rules of the municipal civil service commission as confidential or requiring the performance of functions influencing policy, who since his/her last entry into service has completed at least five years of continuous service in the non-competitive class.

Disciplinary meetings with an employee should be documented with a summarizing memorandum, which should be kept on file with other evidence.

According to Section 75(2), an employee who appears to be a potential subject of disciplinary action has the right to representation by a certified or recognized organization during questioning. The employee must be notified in advance, in writing of this right.

Additional details regarding Section 75 proceedings can be found in the Civil Service Management Procedures.



## **AT-WILL EMPLOYMENT**

This statement of prohibited conduct does not alter or limit the policy of at-will employment, where applicable. Either the employee or the Library may terminate the employment relationship at any time for any reason, with or without cause, and with or without notice.

## **3.10 PROFESSIONAL ATTIRE**

The impression that we make on visitors to Perry Public Library is important. There is no substitute for neatness, propriety of dress, good grooming and speech and a professional attitude. Sensitivity to these areas will ensure that our good relationships with patrons are maintained and fostered.

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### **DRESS CODE**

Although no formal dress code exists, employees are asked to wear clothing that is appropriate for their position and the work that they do. Clothing should be neat, clean, in good taste and not constitute a safety hazard.

Perry Public Library will make accommodations when necessary to comply with federal and/or state law. Please contact the Library Director with questions regarding this policy.

## **3.11 PERFORMANCE EVALUATIONS**

All employees will participate in a performance evaluation each calendar year. This evaluation will be based on the staff member's primary job responsibilities and upon factors universal for every staff member. Such factors may include: communication with the public, working with others, creativity, attendance, initiative, work attitude, organization and planning of work.

The instrument used in staff performance evaluations will be devised by the Library Director. Staff will have an opportunity, on an annual basis, to review the standards upon which they will be evaluated. They shall sign the performance plan at the beginning of the evaluation period acknowledging having had the opportunity to review the plan. Staff signature will not signify agreement with the proposed plan.

In the event there exists a conflict of interest, the Director will request a member of the Personnel Committee to be involved in and present during an employee evaluation.

The Trustees of the Perry Public Library are responsible for evaluating the performance of the Library Director using an instrument agreed upon by the Trustees.

Each employee has the right to attach a written statement to his/her evaluation.

All personnel evaluations will be kept in a confidential location.

## **3.12 USING YOUR OWN DEVICE**

Employees are permitted to use personal mobile devices such as cellphones, and personal electronic devices such as personal computers and tablets, for work-related purposes and access to the Library's email, network and applications, except for the ILS & related reports system as defined in the OWWL Library System's Systems Access and Confidentiality of Library Records Policy, provided employees follow the procedures outlined in this policy.

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### **ACCEPTABLE BUSINESS USE**

The Library considers acceptable business use as activities that directly or indirectly relate to, concern or support Perry Public Library's operations.

Perry Public Library reserves the right to terminate the use of personal mobile devices for business purposes if the employee violates any provision of this or any other Library policy.

### **PERSONAL USE**

Employees should aim to keep personal conversations and communications on personal mobile devices to a minimum during working hours. Employees should try not to engage in personal conversation on personal mobile devices during meetings, training sessions, presentations, client meetings or at any time when patrons are present in the patron & circulation areas unless advised otherwise by the Library.

### **PROHIBITED USE**

Personal mobile devices used for business purposes may not be used to store or transmit pornographic, obscene, harassing or offensive material and content, to store or transfer confidential and proprietary information belonging to another individual or company, to store or transmit materials in violation of any Library policy, or to engage in outside business activities unrelated to the employer.

### **PERMITTED DEVICES**

Employees may use the following devices for business use: laptops, computers, phones, and tablets. Other types of electronic devices may also be approved upon request. In order to use a personal mobile device for business purposes, it must be explicitly approved by the Library Director. If an employee has a question regarding whether a device is permissible, the employee should contact the Library Director.

## **PERMISSIBLE ACCESS**

Employees may use personal mobile devices for business use and to access the following Perry Public Library's networks, services, data and applications. Employees are prohibited from accessing certain websites such as those of a pornographic, obscene, harassing or offensive nature during working hours and while connected to the employer's network at the discretion of the Library or the employee's supervisor or the Library Director.

## **SECURITY**

Employees may not access certain websites or applications while connected to the Library's network that will be distracting, violate any Library policy, or pose a threat to or compromise the integrity of the employer's network.

## **PASSWORD PROTECTED**

In order to guard against unauthorized access and use, all personal mobile devices used by Perry Public Library employees for business purposes must be password-protected and may require dual authentication.

## **CONFIDENTIAL DATA**

Perry Public Library 's confidential and proprietary information and trade secrets shall not be stored on an employee's personal mobile device and the employee should gain access to such information remotely through the Library's secure network. In the event that the employee must store or transmit data from the device, such information should be encrypted so as to protect the confidentiality of the information.

## **IT SUPPORT**

Employees should contact the Library Director for IT support regarding issues related to the use of personal devices for work-related purposes.

## **COST**

Perry Public Library will not contribute monies to employees to cover the cost of the mobile device. Perry Public Library will not reimburse the employee for the cost of the plan and all applicable charges.

## **BACK UP**

By using a personal mobile device for business purposes, employees are explicitly agreeing to have information backed up by the employer's server or cloud-based storage.

## **MONITORING**

If an employee chooses to use a personal device for business purposes, the Library may monitor business-related communications occurring on the personal mobile device and that the employee is on notice that the expectation of privacy is limited under these circumstances.

Employees should also refer to Perry Public Library's Notice of Electronic Monitoring for additional monitoring practices that may be conducted by the Library.

### **LOSS OF DEVICE OR UNAUTHORIZED ACCESS**

If a personal mobile device that is used for business purposes is lost, stolen or misplaced or accessed without authorization by a third party, the employee should notify the Library Director immediately. The Perry Public Library retains the right to remotely wipe the device in order to protect the Perry Public Library's systems and so that the Library's network is not compromised.

### **VIRUS/SECURITY THREAT**

Employees are required to have all devices contain approved virus detection and prevention software as well as personal firewall protection to separate personal information and business information. In the event of a virus or threat to the Perry Public Library data, information and computer networks, Perry Public Library retains the right to remotely wipe the device in order to protect the employer's systems and so that the employer's network is not compromised.

### **SAFE DRIVING**

Consistent with the guidelines in the Operations of Vehicles for Library Business policy, employees are expected to follow all laws regarding the use of cellular phones and personal mobile devices while driving a vehicle while on Library business or while conducting employer-related business on a personal mobile device. This includes the use of a personal mobile device to send or receive text messages or emails. Employees are not permitted to use a personal mobile device while driving unless using a hands-free feature and must engage in safe operation of all vehicles.

### **APPLICABILITY OF ALL OTHER POLICIES**

Employees must abide by all policies of the employer including those policies regarding Equal Employment Opportunity, Harassment & Discrimination Prevention, Workplace Bullying, Code of Ethics, and Standards of Conduct.

### **EMPLOYEE TERMINATION**

If the employee terminates employment or employment is terminated by Perry Public Library, the Library retains the right to remotely wipe the device in order to protect the employer's systems and so that the employer's network is not compromised.

### **DISCIPLINARY ACTION**

Perry Public Library reserves the right to take appropriate disciplinary measures, up to and including termination, if an employee fails to comply with the provisions of this policy.

## **3.13 PERSONAL CALLS & PERSONAL ELECTRONIC DEVICES**

While employees are at work, they are expected to perform their job duties and responsibilities. Personal calls and the use of electronic device should take place primarily outside of working time. For purposes of this policy, “working time” is defined as the time during which employees are performing work or are actually scheduled to work, but does not include scheduled rest periods, meal breaks and other specified times when employees are not expected to be working.

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### **PERSONAL CALLS**

Personal calls made using the Library’s telephones should be limited to business purposes. However, the Library recognizes that employees may occasionally need to use Library telephones for non-business-related matters.

Employees are requested to keep all personal calls to an absolute minimum and, except in the case of an emergency, place calls during non-working periods. The abuse of this privilege would interfere with the efficiency of our operations.

### **USE OF ELECTRONIC DEVICES WHILE DRIVING**

Employees are required to take all necessary safety precautions and follow all relevant traffic laws while driving. The use of cell phones and portable electronic devices while driving can be a distraction, and Perry Public Library prohibits distracted driving. Employees must take full responsibility for paying attention to the road and are solely responsible for all traffic violations and all liabilities that may result from their actions while operating a vehicle for work.

### **ADDITIONAL INFORMATION**

If personal calls and/or use of personal devices becomes excessive, employees may no longer be able to use their personal devices during work hours. Failure to comply could lead to disciplinary action up to and including termination of employment.

## **3.14 ELECTRONIC RESOURCES**

This policy describes the Library's general guidelines for using its electronic resources, including electronic mail (email), voicemail, Internet access and computer systems.

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### **IMPROPER USE**

Employees should use the Library's electronic resources with the understanding that these resources are provided for the benefit of the Library's business. Employees should never use the Library's electronic resources for personal use in a manner that interferes with their work duties or any responsibilities to patrons.

Sending, saving, accessing, or viewing obscene or similarly offensive material on the Library's electronic resources is prohibited. Messages stored and/or transmitted by the Library's electronic resources, including the computer, voicemail, email or the telephone system, must not contain content that may reasonably be considered to be obscene or other patently offensive material. Prohibited material includes, but is not limited to, sexual comments, jokes or images related to legally protected classifications, racial slurs, gender-specific comments, or any comments, jokes or images that would discriminate against or harass someone on the basis of their race, color, sex, age, national origin or ancestry, disability, or any other category protected by federal, state or local law. Likewise, any use of the Internet, email or any other electronic resource to engage in harassment or discrimination prohibited by Library policies is unlawful and strictly prohibited. Violators may be subject to discipline, up to and including termination of employment.

Unless otherwise noted, all software on the Internet should be considered copyrighted work. Therefore, employees are prohibited from downloading software and/or modifying any such files without permission from the copyright holder.

### **NO SOLICITATION**

The Library's electronic resources must not be used for solicitation purposes during working time. The Library's no solicitation rule applies to the use of electronic resources.

### **SOFTWARE CODE OF ETHICS**

Employees may not duplicate any licenses, software or related documentation for use either on the Library's premises or elsewhere unless the Library is expressly authorized to do so by agreement with the licensor. Unauthorized duplication of software may subject users and/or the Library to both civil and criminal penalties under the United States Copyright Act. Employees may not give software to any outsiders including contractors, patrons, or others without approval from the Library Director. Employees may use software on local area networks or on multiple machines only in accordance with applicable license agreements.

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Employees may not download software from the Internet and install it on their computers.

The Library reserves the right to audit any Library computer to determine what software is installed on the local drive(s).

### **EMPLOYEE'S RESPONSIBILITY**

Each employee is responsible for the content of all text, audio or images that they place or send using the Library's electronic resources. The same standards should be utilized for the creation of email messages in connection with an employee's work as would be utilized for other Library correspondence or memoranda.

### **COMPUTER AND SYSTEMS SECURITY**

All computers and the data stored on them are, and remain at all times, the property of Library. As such, all messages created, sent or retrieved over the Internet or the Library's electronic mail systems are the property of the Library and should be considered Library information. The Library reserves the right to retrieve and read any message composed, sent or received using the Library's electronic resources, including all computer equipment and the electronic mail system, for any business reason, including but not limited to, ensuring compliance with this and all Library policies.

Employees should be aware that even when a message is deleted or erased, it is still possible to recreate the message; therefore, ultimate privacy of a message cannot be ensured to anyone. Accordingly, Internet and email messages are not private. Furthermore, all communications including text and images can be disclosed to law enforcement or other third parties without prior consent of the sender or the receiver.

Employees should also be aware that duplicates of email transmitted through a personal, web-based email account using Library equipment could be stored on that equipment; likewise, information regarding Internet sites that an employee has accessed may also be stored.

### **EMAIL CONTENT SCREENING**

The Library maintains the right to screen all inbound and outbound email content. Email messages or attachments that contain obscene or similarly offensive material may be quarantined and held from transmission or receipt until the sender or recipient can verify the message or attached document is work-related.

The Library may, in its discretion, review communications to and from a personal account, subject to applicable state laws.

If an employee wants to communicate with an attorney or send an otherwise confidential piece of communication that they do not want the Library to monitor, the employee should consider using a personal email address and personal

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computer equipment. If an employee does use Library equipment, they consent to any monitoring by the Library and should understand that they have no right to privacy with respect to such communications, to the extent permissible under applicable law.

### **ELECTRONIC MONITORING**

Employees should also refer to Perry Public Library's Notice of Electronic Monitoring for additional monitoring practices that may be conducted by the Library.

Employees will be required to sign an acknowledgement of having received the Notice of Electronic Monitoring and provide it to the Library Director. A copy of the signed acknowledgement will be kept in the employee's personnel file.

## **3.15 NEW YORK CIVIL RIGHTS LAW 52-C NOTICE OF ELECTRONIC MONITORING**

The Library monitors, in its sole discretion, employees' use of its electronic resources. Any and all telephone conversations or transmissions on the Library's systems, electronic mail or transmissions, or internet access or usage by an employee by any electronic device or system, including but not limited to the use of a computer, telephone, wire, radio or electromagnetic, photoelectric or photo-optical systems may be subject to monitoring at any and all times and by any lawful means.



## **SECTION FOUR**

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# **BENEFIT PROGRAMS**

## 4.01 PAID TIME OFF

### ELIGIBILITY

Full time employees will annually receive the following hours of Paid Time Off (PTO), dependent on the number of years worked at the library. At hire every employee will receive 165 hours of PTO, prorated to the quarter of hire. After five years of employment, 202.5 hours and after ten years of employment 240 hours. PTO hours are awarded every calendar year on January 1, not on the employee's date of hire anniversary. Full time employees can bank unused PTO and carry into the new calendar year, up to a maximum of 450 hours.

Part-time hourly employees will receive two weeks PTO based on their regularly scheduled hours. The Library Director will make it possible for all part-time staff to have flexible schedules, within reason, for unpaid leave for personal or family illness, and other personal needs.

## 4.02 HOLIDAYS

Perry Public Library observes the following holidays each year. Time off for observance of holidays is paid for fulltime employees and unpaid for part time employees.

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### OBSERVED HOLIDAYS

New Year's Day	Indigenous People's Day
Martin Luther King Day	Veterans' Day
Presidents' Day	Thanksgiving Day
Memorial Day	Christmas Eve (after 5 pm)
Juneteenth	Christmas Day
Independence Day	New Year's Eve (after 5 pm)
Labor Day	

### FLOATING HOLIDAYS

If an observed holiday falls on a Saturday when the library is normally open, Full-Time staff will earn a floating holiday to be used within 12 months. The floating holiday cannot be used prior to the defined pay week of the holiday

### HOLIDAY DURING VACATION/PTO

Eligible full-time employees who are on PTO when a paid holiday is observed will receive pay for the holiday at their straight time rate and will not be charged for the PTO day.

### WEEKEND HOLIDAYS

When a holiday falls on Sunday, it will generally be observed on the following Monday.

## **FLOATING HOLIDAYS UPON TERMINATION**

Floating holidays are not paid upon termination of employment.

## **4.03 HEALTH INSURANCE**

### **ELIGIBILITY**

The Trustees of the Perry Public Library will offer full time, salaried staff health insurance, the amount of which will be determined by the Board of Trustees. Part time employees will not be offered a health insurance.

### **STIPEND**

The employee will receive a stipend in lieu of health insurance, the amount of which shall be determined by the Board of Trustees (Personnel Committee in consultation with the Budget Committee). This stipend will be paid out through payroll and may be taxable income.

## **4.04 NEW YORK STATE RETIREMENT**

### **ELIGIBILITY**

The Library is a member of the New York State Local Retirement System. Full time salaried employees *are required to be enrolled* in the New York State and Local Retirement System. Part time staff may participate in the New York State Retirement System plan, if they so choose.

### **ADDITIONAL CREDITS**

A person in good standing who retires from employment at the Perry Public Library and is already vested in the NY State Retirement System will be able to receive the benefit of claiming as additional service credit the unused, unpaid PTO hours (up to our library's maximum of 450 hours, which is 60 days). The New York State Retirement System specifies how this time is converted to service credit. For example, it may not be used to meet levels required for vesting or other milestones. It simply adds service credit to those milestones once they are reached. Specific guidelines can be found through the NY State Retirement System.

## **4.05 PAID SICK LEAVE**

### **ELIGIBILITY**

All employees (whether full-time or part-time) working in New York are eligible to receive paid sick leave.

### **ACCRUAL OF PAID SICK LEAVE**

Eligible employees begin to accrue paid sick leave upon hire.

According to New York State, paid sick leave is accrued at a rate of one hour for every 30 hours worked, up to a maximum accrual of 40 hours each leave year. For purposes of this policy, the library defines sick leave as PTO and the “leave year” is January 1<sup>st</sup> through December 31<sup>st</sup>. If the employee earns more PTO through this process than was granted to them on January 1, those hours are awarded as work is completed. By law all unused PTO will roll over into the new calendar year.

Only actual hours worked count toward the employee’s accrual. Employees do not accrue time for hours not worked including use of leave under this policy as well as PTO or holidays.

### **USE OF PAID SICK LEAVE**

Employees may use accrued leave for the following reasons impacting the employee or a member of their family for whom they are providing care or assistance with care:

#### **Sick Leave (PTO)**

- For mental or physical illness, injury, or health condition, regardless of whether it has been diagnosed or requires medical care at the time of the request for leave; or
- For the diagnosis, care, or treatment of a mental or physical illness, injury or health condition; or need for medical diagnosis or preventive care.

#### **Safe Leave**

- For an absence from work when the employee or employee’s family member has been the victim of domestic violence as defined by the State Human Rights Law, a family offense, sexual offense, stalking, or human trafficking due to any of the following as it relates to the domestic violence, family offense, sexual offense, stalking, or human trafficking:
  - to obtain services from a domestic violence shelter, rape crisis center, or other services program;
  - to participate in safety planning, temporarily or permanently relocate, or take other actions to increase the safety of the employee or employee’s family members;

- to meet with an attorney or other social services provider to obtain information and advice on, and prepare for or participate in any criminal or civil proceeding;
- to file a complaint or domestic incident report with law enforcement;
- to meet with a district attorney's office;
- to enroll children in a new school; or
- to take any other actions necessary to ensure the health or safety of the employee or the employee's family member or to protect those who associate or work with the employee.

An individual is not eligible for safe leave where that individual has committed such domestic violence, family offense, sexual offense, stalking or human trafficking, regardless of any family relationship.

### **DEFINITION OF FAMILY MEMBER**

For purposes of this policy "family member" means an employee's child, spouse, domestic partner, parent, sibling, grandchild or grandparent; and the child or parent of an employee's spouse or domestic partner.

For purposes of this policy "parent" means a biological, foster, step- or adoptive parent, or a legal guardian of an employee, or a person who stood in loco parentis when the employee was a minor child.

For purposes of this policy "child" shall means a biological, adopted or foster child, a legal ward, or a child of an employee standing in loco parentis.

### **INCREMENTS OF USE**

Leave may be used in hour increments.

### **PAY DURING LEAVE**

An employee's leave pay is based on the number of hours the employee is regularly scheduled to work at the employee's normal rate of pay or the applicable minimum wage, whichever is greater. Employees who are paid at more than one rate of pay will be paid based on the weighted average of those rates.

### **INTERACTION WITH OTHER LEAVES AND BENEFITS**

Paid leave will run concurrently with leave taken under or any applicable federal and state law or Library policy, to the extent permitted by law.

The employee may elect to supplement their New York Paid Family Leave (PFL) benefit, or any other job protected leave with paid leave in increments of one hour.

The Library is committed to complying with all applicable laws. Employees should contact the Director for information about other federal and state medical, victim or family leave rights.

## **EMPLOYEE'S RESPONSIBILITY**

Employees may provide verbal or written request of the need for leave to the Director.

## **QUESTIONS REGARDING ACCRUAL AND USE**

Employees should contact the Director with any questions regarding records of individual accrual or use of paid leave.

## **CARRYOVER OR PAY OF UNUSED LEAVE**

Unused leave will be carried over to the next leave year. The Library does not offer pay in lieu of taking paid leave.

## **CONFIDENTIALITY**

Employees are not required to disclose confidential information relating to a mental or physical illness, injury, or health condition of such employee or such employee's family member, or information relating to absence from work due to domestic violence, a sexual offense, stalking, or human trafficking, as a condition of receiving leave.

## **REINSTATEMENT**

Employees utilizing paid leave will be returned to the same position they held immediately prior to the use of leave with the same pay and other terms and conditions of employment.

## **NO RETALIATION**

Employees have the right to request and use leave in a manner consistent with state law. The Library will not discriminate or retaliate, or tolerate discrimination or retaliation, against any employee who seeks or obtains leave under this policy or who otherwise exercises their rights under this policy. Employees who feel they have been retaliated against for such activity should immediately contact the Director.

## **MISUSE OF LEAVE**

An employee who uses leave for purposes other than those provided for under this policy, or who lies in connection with taking such leave, will be subject to disciplinary action, up to and including termination.

## **PAID LEAVE AT SEPARATION**

Unused leave is paid if sufficient notice is given. Sufficient notice is two weeks for hourly employees and 1 month for salaried employees. Unused leave is not paid upon termination from employment due to just cause.

## 4.06 SHORT-TERM DISABILITY INSURANCE

New York employees who are temporarily disabled by a nonwork-related injury or illness (including a disability due to pregnancy) may be eligible to receive disability benefits.

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### ELIGIBILITY

All employees who cannot work due to a non-job-related disability are covered under this short-term disability insurance program if they meet the eligibility requirements of the New York State Disability Benefits Law.

### BENEFITS

Disability benefits are not paid during the first seven consecutive days of any period of disability. Benefits begin on the eighth consecutive day of a disability and may continue being paid for up to a maximum of 26 weeks during any one period of disability or in a 52-week period. Eligible employees will receive a weekly benefit amount equal to 50 percent of their average weekly wage for the eight weeks immediately prior to their disability, up to a maximum weekly benefit amount of \$170.00.

Employees will generally not be eligible to receive disability benefits if they are receiving workers' compensation, permanent disability or unemployment. Likewise, employees are ineligible for disability benefits if they perform any type of work for which they receive wages or profit, even if that work is performed at home.

### INTERACTION WITH OTHER BENEFITS

Employees cannot collect both disability benefits and New York Paid Family Leave (PFL) benefits concurrently. An employee who is eligible for both PFL benefits and disability benefits in the same 52-week period may not receive more than 26 total weeks of combined PFL and disability benefits during that period.

Employees may use any accrued but unused **PTO** prior to receiving disability benefits. Employees may also choose to use accrued but unused **PTO** to supplement disability benefits received; if the employee chooses to do so, the Library will integrate all paid benefits so that the employee will not be paid more than their regular compensation at any time.

### COMPANY PAID SUPPLEMENTAL SHORT-TERM DISABILITY INSURANCE

The Library also provides supplemental short-term disability insurance at no additional cost to the employee. The weekly state insurance benefit is integrated with this additional supplemental benefit. Combined short-term disability benefits are 50% **percent** of an employee's average weekly wage, up to a maximum weekly benefit of **\$340.00**.

## **COST**

Disability benefits are funded by employee contributions made through payroll deductions. The amount of an employee's contribution depends on the employee's average weekly wage. The maximum deduction amount will be adjusted periodically by the state. The amount of any deduction taken will be reflected on an employee's pay statement. The cost of the supplemental or optional disability insurance is paid for by the **Library**.

## **LEAVE ENTITLEMENT**

The disability benefits described in this policy are a partial wage replacement benefit, not a protected leave of absence. Employees are required to obtain approval for a leave of absence by contacting the Library Director and to comply with applicable eligibility, notice, and certification requirements when required by **Library** policy or applicable law.

When applicable, disability benefits will run concurrently with leave time available under the **Library's Disability Leave** policy and any other applicable law. [See the Disability Leave policy for additional information.

## **EMPLOYEE'S RESPONSIBILITY**

Absences greater than seven days, may qualify for short-term disability insurance benefits. Employees must notify **the Library Director** immediately if they anticipate being on a medical leave beyond seven calendar days.

When filing a claim for disability benefits, employees will be required to submit a Notice and Proof of Claim for Disability Benefits and required certifications to **the Library** within 30 days of becoming disabled.

## **NO DISCRIMINATION AND NO RETALIATION**

The **Library** takes its disability benefits obligations very seriously and will not interfere, restrain or deny the exercise of any right protected under the New York disability benefits law. If an employee believes that their New York disability benefits rights have been violated in any way, they should immediately report the matter to **the Library Director**.

## **ADDITIONAL INFORMATION**

Employees may also contact **the Library Director** with questions regarding this policy.

*This is intended as a brief introduction to the Short-Term Disability Insurance. A more thorough explanation of the plan is contained in the Summary Plan Description and plan documents available from the Library Director. In the event of a discrepancy between the terms of this policy and the official plan documents, the official plan documents will control.*

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## **4.07      DISABILITY LEAVE**

Our Library offers employees a leave of absence due to an injury or illness, including pregnancy-related disability, consistent with applicable law. During an unpaid disability leave, employees may be eligible to receive wage replacement benefits which will provide pay during leave.

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### **ELIGIBILITY**

All employees are eligible for this leave.

### **LENGTH OF LEAVE**

Leave will be provided as medically necessary and consistent with the operational needs of the Library, for up to one year. The Library will comply with the requirements of state law.

### **PAY DURING LEAVE**

Disability leaves are unpaid except to the extent an employee is eligible to receive wage replacement benefits while on leave including workers' compensation benefits or short-term disability benefits. In addition, employees may use their PTO while on leave, to the extent permitted by law.

Employees who receive workers' compensation or short-term disability benefits may choose to supplement their benefit with available PTO to receive up to 100 percent of their average weekly wage.

Employees should be aware workers' compensation or short-term disability insurance benefits are partial wage replacement benefits, not a job-protected leave of absence. Therefore, having applied for, or receiving these benefits, is not an automatic designation of leave under this policy, and employees are required to obtain approval for a leave of absence by contacting the Library Director and complying with the medical certification requirements of this policy.

### **MEDICAL CERTIFICATION**

Prior to the granting of such leave, employees must provide the Director with a health care provider's certificate justifying the medical need for the disability leave and providing the expected date of return.

### **INTERACTION WITH OTHER LAWS AND LEAVES**

Leave under this policy may be provided as a reasonable accommodation under state law.

Where applicable, this leave will run concurrent with any other leave required by law provided the employee is eligible for that leave.

## **HEALTH INSURANCE DURING LEAVE**

Our Library will continue to provide health insurance stipend for employees on authorized disability leave.

## **RETURN TO WORK**

Before returning to work, employees are required to present documentation from a health care provider certifying they can return to work with or without a reasonable accommodation.

## **JOB REINSTATEMENT**

We will make all reasonable efforts to return employees to the same or similar position as held prior to the disability leave, subject to our staffing and business requirements and applicable law. An employee's continued absence from work beyond the period of disability may be deemed a voluntary termination of employment.

# **4.08 NEW YORK PAID FAMILY LEAVE BENEFITS**

New York's Paid Family Leave (PFL) law provides job protected leave and wage replacement to eligible employees for qualifying events.

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## **ELIGIBILITY**

To be eligible, employees must: regularly work 20 or more hours per week and have been employed for at least 26 consecutive workweeks preceding the first full day family leave is taken; or regularly work less than 20 hours per week and have worked for at least 175 days preceding the first full day family leave is taken. Paid time off can be counted toward an employee's eligibility determination. Employees are eligible for PFL regardless of citizenship and/or immigration status.

PFL is granted to eligible employees who request time off for the following qualifying events:

- To participate in providing care, including physical or psychological care for a "covered family member" with a "serious health condition";
- To bond with a child during the first 12 months after the child's birth, adoption or foster care placement with the employee; or
- Due to a qualifying exigency for the employee's spouse, domestic partner, child, or parent who is on active military duty or has been notified of an impending call to active duty.

## **"COVERED FAMILY MEMBER" WITH A "SERIOUS HEALTH CONDITION"**

Covered "family members" include:

- Spouse;

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- Domestic partner (including same and different gender couples; legal registration not required);
- Child/stepchild and anyone for whom the employee has legal custody;
- Parent/stepparent;
- Parent-in-law;
- Grandparent;
- Grandchild; or
- Sibling.

A “serious health condition” is an illness, injury, impairment, or physical or mental condition that involves: (a) inpatient care in a hospital, hospice or residential health care facility; or (b) continuing treatment or continuing supervision by a health care provider.

### **LENGTH OF LEAVE AND BENEFITS**

Eligible employees may receive up to 12 weeks of job protected, paid time off for a PFL-qualifying reason within a 52-week period. Employees taking PFL will receive 67% of their average weekly wage, or 67% percent of the state average weekly wage, whichever is less.

PFL may be taken on a continuous or intermittent basis. Employees who take PFL on a continuous basis (e.g., in weekly increments) are eligible for the maximum number of weeks of leave, as indicated above.

Employees who take PFL in daily increments (intermittent leave) are eligible for paid leave based on the average number of days worked per week during a base period.

### **INTERMITTENT USE**

Eligible employees may take leave under the PFL on an intermittent basis, in full-day increments. Employees may not take partial day leave under PFL.

When an employee takes intermittent PFL, the employee must provide notice to **the Library Director** as soon as is practicable before each day of intermittent leave.

More than one employee of **Perry Public Library** cannot use the same period of PFL to bond with the same child or to care for the same qualifying family member.]

### **EMPLOYEE NOTICE REQUIREMENTS**

In the case of a foreseeable leave, a covered employee must provide **the Library Director** with advance notice 30 days before the date on which the leave would begin. If the employee is unable to provide 30 days’ notice, they must provide notice as soon as it is practicable under the circumstances. Usually, this means giving notice the same day the employee receives notice or the next business day.

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If an employee does not give **the director** timely notice, the employee's PFL leave may be delayed or denied.

In giving notice, an employee must provide sufficient information for **the PFL Insurance carrier** to determine if the leave qualifies for PFL and the anticipated timing and duration of the leave.

## **PROCEDURE FOR REQUESTING LEAVE**

Employees must complete and submit a Request for Paid Family Leave Form (PFL-1) with supporting documentation as follows to **the PFL insurance carrier**:

- (1) Bonding Certification: PFL-2 Form plus documentation;
- (2) Health Care Provider Certification: PFL-4 Form plus Personal Health Information (PHI) Release (PFL-3 Form); or
- (3) Military Qualifying Event: PFL-5 Form plus documentation.

The Forms can be obtained from **the Library Director** or **the PFL insurance carrier**.

To submit a request for PFL, employees must:

- Complete the employee's portion of the PFL-1 Form.
- Submit the PFL-1 Form to **the Director**.
- The **Library** will complete its portion of the PFL-1 Form and return it to the employee within three business days.
- If the **Library** fails to respond, the employee may submit all materials directly to **the PFL insurance carrier**.
- Depending on the type of PFL leave the employee is seeking, the employee will be required to complete additional PFL forms as described in the letter from **the PFL insurance carrier**. Employees must submit the completed PFL forms to **the PFL insurance carrier** before or within 30 days after the start of their leave. **The PFL insurance carrier** must pay or deny leave requests within 18 calendar days of receiving an employee's completed forms.

## **CONTINUATION OF BENEFITS DURING LEAVE**

An employee's use of PFL will not result in the loss of any employment benefits that accrued prior to the start of PFL.

Employees who choose to supplement PFL with accrued **PTO** will receive benefits, including seniority under the same terms and conditions that were in effect prior to the start of PFL.

All other employee-paid benefits will be retained as long as the employee continues to make premium payments.

**PTO for part-time employees will still be based on the number of hours worked the previous calendar year.**

## **CONCURRENCE WITH OTHER LEAVES/BENEFITS**

Employees may choose to supplement PFL benefits with applicable **PTO**.

### **Short-Term Disability**

Employees cannot use PFL and short-term disability benefits at the same time, but can use them consecutively, up to a maximum of 26 weeks of disability and PFL benefits combined in a rolling 52-week period. If an employee is unable to work and qualifies for workers' compensation benefits, the employee may not use PFL benefits at the same time the employee is receiving workers' compensation benefits. An employee receiving reduced earnings may be eligible for PFL.

## **COST**

PFL premiums are paid for by the employee and are deducted from the employee's paycheck on an after-tax basis. The deduction amount is set annually by the Department of Financial Services.

## **WAIVER OPTION**

Employees have the option of filing a waiver for PFL benefits if:

- The employee's regular employment schedule is 20 hours or more per week, however the employee will not work 26 consecutive weeks; or
- The employee's regular employment schedule is less than 20 hours per week and the employee will not work 175 days in a 52-consecutive-week period.

Employees who are eligible to waive PFL benefits and wish to do so must complete and submit a waiver form to **the Library Director**. Employees who submit a waiver form will not make any contributions for PFL benefits and will not be eligible to receive PFL benefits. If the employee voluntarily revokes the waiver, or the employee's schedule changes such that it is anticipated that the employee will become eligible to receive PFL benefits, the waiver will be revoked, the employee must start making contributions on a going forward basis and must pay retroactive contributions to the employee's date of hire.

## **PERIODIC STATUS REPORTS AND RETURN FROM LEAVE**

The **Library** may require an employee on PFL leave to report periodically on the employee's status and intent to return to work to the extent permitted by law.

Any employee who exercises their right to PFL will receive job protection. This means that upon the expiration of that leave, the employee will be entitled to return to the same position the employee held when leave began, or to an equivalent position with equivalent pay and other terms and conditions of employment.

## QUESTIONS AND ADDITIONAL INFORMATION

Employees who have questions regarding this policy should contact the Library Director. For additional information concerning leave entitlements and obligations that might arise when PFL is either not available or exhausted, employees should consult the **Library's** other leave policies or contact **the Library Director**. The **Library** is committed to complying with PFL and shall interpret and apply this policy in a manner consistent with the PFL law and regulations. Employees who disagree with a denial of their claim for PFL may submit their dispute to arbitration. Employees will be provided with information about how to request arbitration with their PFL denial.

Employees are protected from discrimination and retaliation for requesting or taking PFL. If an employee believes their rights have been violated and/or job restoration has been denied as a result of requesting and/or taking PFL, the employee must send **the Library Director** a formal request for job reinstatement using the Formal Request for Reinstatement Regarding Paid Family Leave (Form PFL-DC-19), which can be found in the forms section of the New York Paid Family Leave website (<https://www.ny.gov/PaidFamilyLeave>). Employees must file the completed form with the **Library** and send a copy to: Paid Family Leave, P.O. Box 9030, Endicott, NY 13761-9030. If the **Library** does not comply with an employee's request for reinstatement within 30 days, the employee may file a PFL discrimination complaint with the Workers' Compensation Board using the Paid Family Leave Discrimination Complaint (Form PFL-DC-120), which is also available on the New York Paid Family Leave website. Once an employee's complaint is received, the Board will assemble the employee's case and schedule a preliminary hearing in front of a Workers' Compensation Law Judge.

## 4.09 BEREAVEMENT LEAVE

When a death occurs in the immediate family, the Library will provide time off with pay, up to a maximum of five days, commensurate with the employee's regular work schedule/work hours. Members of the immediate family are considered to be: parents, spouse, children, siblings, parents-in-law, sons/daughters-in-law, stepchildren, stepparents, foster children.

In the case of other close relatives who are not considered members of the employee's immediate family (as defined above), the use of Bereavement Leave will be determined by the Director of the Perry Public Library.

## **4.10 TIME OFF FOR CANCER SCREENING**

In accordance with Civil Service Law Sections 159-b, the Library provides paid time off for employees to be screened for cancer. Employees are eligible to receive up to four hours of paid time off for cancer screening, per calendar year.

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### **ELIGIBILITY**

Upon hire, all employees are eligible to receive paid time off to be screened for cancer. Employees must complete a “Time-Off for Cancer Screenings Form” and return it to the Director.

The form may be obtained from the Director.

### **EMPLOYEE’S RESPONSIBILITY**

Once the employee has attended the screening appointment, the employee must return the “Verification of Time-Off for Cancer Screenings Form” to the Director to receive compensation for the time off.

### **ADDITIONAL INFORMATION**

Any questions regarding this policy should be directed to the Director.

## **4.11 JURY DUTY & COURT ATTENDANCE**

Our Library considers service on a jury to be an important civic duty.

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### **JURY DUTY PAY**

Full-time employees who are called to serve on jury duty will be paid their regular salary, less any compensation received for such service. Part-time staff will receive the same benefit on a pro-rated basis.

### **DOCUMENTATION**

Employees must submit a copy of the Jury Duty Attendance Certificate to their supervisor indicating the dates served. Employees must ask the court to provide a copy of the attendance certificate when their jury duty is complete.

### **TIME AWAY FROM WORK**

In fairness to the Library, employees are expected to return to work if they are excused from jury duty during their regular working hours.

## **COURT ATTENDANCE**

Employees who are subpoenaed to appear in court as a witness in a criminal proceeding will be granted unpaid time off for their attendance.

## **4.12 CRIME VICTIM LEAVE**

Our Library provides employees with time away from work if they are a victim of a crime or to participate as a witness of a crime.

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### **ELIGIBILITY**

Eligible employees who are the victim of a crime or subpoenaed to attend a criminal proceeding as a witness, may take time off from work to (1) testify in a criminal proceeding (including time off to consult with the district attorney); (2) give a statement at a sentencing proceeding; (3) give a victim impact statement at a pre-sentencing proceeding; or (4) give a statement at a parole board hearing.

Employees are eligible for time off under this policy if they are:

- The victim of the crime at issue in the proceedings;
- The victim's next of kin, if the victim is deceased as a result of the offense;
- The victim's representative (a person who represents or stands in the place of another person, including an agent, attorney, guardian, conservator, executor, heir, or parent of a minor);
- A good Samaritan (someone who acts in good faith to: (1) apprehend a person who has committed a crime in their presence; (2) prevent a crime or an attempted crime from occurring; or (3) aid a law enforcement officer in effecting an arrest); or
- Pursuing an application or the enforcement of an order of protection as provided under relevant law.

### **CRIME VICTIM LEAVE PAY**

Time off under this policy is unpaid except that exempt employees will not incur any reduction in pay for a partial week's absence for leave under this policy. However, the employee may supplement time off with paid **PTO**.

Exempt employees will not incur any reduction in pay for a partial week's absence for leave under this policy.

### **DOCUMENTATION**

Employees must notify the Director of the need to take a leave under this policy no later than the day before the absence. In addition, employees must provide the Director with verification of their service upon request.



## **TIME AWAY FROM WORK**

In fairness to the Library, employees are expected to return to work if they are excused from proceedings during their regular working hours.

## **NO RETALIATION**

The Library will not retaliate or tolerate retaliation against any employee who seeks or obtains leave under this policy.

## **4.13 DOMESTIC VIOLENCE VICTIM LEAVE**

The Library will reasonably accommodate employees who are the victim of domestic violence with time off in compliance with the New York State Human Rights Law. Employees should also refer the Library's Paid Sick Leave policy for additional benefits that may be available.

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## **REASONABLE ACCOMMODATIONS**

The Library will reasonably accommodate employees who are the victim of domestic violence and who need a reasonable amount of time off for the following reasons, unless providing such accommodation would result in an undue hardship:

- Seek medical attention for injuries caused by domestic violence, including for a child who is a victim of domestic violence, provided that the employee is not the perpetrator of the domestic violence against the child;
- Obtain services from a domestic violence shelter, program or rape crises center;
- Obtain psychological counseling related to domestic violence incidents, including for a child who is a victim of domestic violence, provided that the employee is not the perpetrator of the domestic violence against the child;
- Participate in safety planning or other actions to increase safety from future incidents of domestic violence, including temporary or permanent relocation; or
- Obtain legal services, assist in the prosecution of an offense, or appear in court in relation to an incident of domestic violence.

## **EMPLOYEE'S RESPONSIBILITY**

Employees must give the Library reasonable advance notice of their intention to take leave for this purpose unless such advance notice is not feasible. An employee who cannot give reasonable advance notice must provide certification supporting the need for leave within a reasonable time after the absence.

Acceptable forms of certification include:

- A police report indicating the employee or the employee's child is a victim of domestic violence;

- A court order protecting or separating the employee or their child from the perpetrator of domestic violence;
- Other evidence from the court or prosecuting attorney that the employee appeared in court; or
- Documentation from a medical professional, domestic violence advocate, health care provider or counselor that the employee or their child was undergoing counseling or treatment for physical or mental injuries or abuse resulting from an act of domestic violence.

When taking leave under this policy, an employee **may** use any available paid leave, including Library-provided paid time off, **such as PTO**. Otherwise, leave will be unpaid. During the leave, the Library will maintain any health insurance coverage being provided in the same manner as if the employee had not taken leave.

### **CONFIDENTIALITY**

Except as otherwise required by law, the Library will maintain the confidentiality of any information regarding an employee's status as a victim of domestic violence.

### **NO RETALIATION**

The Library will not discriminate or retaliate against an employee because the employee is a victim of domestic violence or requests leave in accordance with this policy.

## **4.14 MILITARY LEAVE**

The Library recognizes the obligation of those employees serving in any branch of the military or other uniformed services of the United States. Employment status within the Library is protected by the Uniformed Services Employment and Reemployment Rights Act of 1994 (“USERRA”) and applicable state military leave provisions.

Employees should also refer to the New York State Paid Family Leave policy to determine if they are also eligible for benefits under that policy.

### **ELIGIBILITY FOR LEAVE**

The Library provides military leaves of absence to employees who serve in the uniformed services as required by USERRA and applicable state laws.

The uniformed services are defined as the Army, Navy, Marine Corps, Air Force, Coast Guard, Army National Guard, Air National Guard, Commissioned Corps of the Public Health Service and any other category of persons designated by the President of the United States in time of war or national emergency. The uniformed services also include participants in the National Disaster Medical System when activated to provide assistance in response to a public health emergency, to be

present for a short period of time when there is a risk of a public health emergency, or when they are participants in authorized training, and intermittent personnel who are appointed into Federal Emergency Management Agency (FEMA) service under the Stafford Act or to train for such service.

## **LEAVE AND REEMPLOYMENT**

Employees who serve on active or reserve duty will be granted a leave of absence up to the maximum time required by law. The Perry Public Library is committed to preserving the job rights of employees absent on military leave in accordance with law.

Eligible employees may take leave for uniformed service as defined under USERRA or ordered military duty as defined under state law.

## **PAY DURING LEAVE**

The Library will grant leave with pay not exceeding a total of thirty days or twenty-two working days, *whichever is greater*, in any one calendar year and not exceeding thirty days or twenty-two working days, *whichever is greater*, in any one continuous period of such absence.

Military leave beyond the 22 workdays or 30 calendar days in a calendar year will be unpaid, however employees may choose to apply **PTO** benefits to their absence at any time during the leave.

In accordance with applicable state law, employees may keep all pay received for military service.

## **EMPLOYEE'S RESPONSIBILITY**

Employees are expected to inform their supervisor of their need for military or spousal leave as far in advance as possible, unless giving notice is impossible, unreasonable, or precluded by military necessity. Employees also must submit a copy of the military orders to the Library Director.

Employees must also notify the Library Director prior to returning to work. For service of less than 31 days, the service member must return at the beginning of the next regularly scheduled work period on the first full day after release from service, taking into account safe travel home plus an eight-hour rest period. If this is impossible or unreasonable, then as soon as possible. For service of more than 30 days but less than 181 days, the service member must submit an application for reemployment within 14 days of release from service. If this is impossible or unreasonable through no fault of the employee, then as soon as possible. For service of more than 180 days, an application for reemployment must be submitted within 90 days of release from service. Reporting or application deadlines are extended for up to two years for persons who are hospitalized or convalescing.

## **REEMPLOYMENT RIGHTS**

Unless an exception applies (e.g., initial enlistments lasting more than five years, periodic National Guard and Reserve training duty, and involuntary active duty extensions and recalls), if the military leave is less than five (5) years, returning service-members are reemployed in the job that they would have attained had they not been absent for military service (the "escalator" principle), with the same seniority, status and pay, as well as other rights and benefits determined by seniority. The Library will make reasonable efforts (such as training or retraining) to enable returning service members to refresh or upgrade their skills to help them qualify for reemployment. The Library will explore alternative reemployment positions if the service member cannot qualify for the "escalator" position.

## **OTHER LEAVES**

Where applicable, this leave may run concurrently with any available New York State Paid Family Leave, or any other leave benefit that may be required by state law.

## **DO DISCRIMINATION AND NO RETALIATION**

Any employee who believes they have been discriminated or retaliated against based on their past, present, or future participation in the uniformed services, request for military leave, complaint or participation in any investigation of a complaint of discrimination or retaliation based on a military leave request or service participation, or any other situation protected under this policy or applicable law should notify the Library Director immediately.

# **4.15 VOTING LEAVE**

Our Library believes that all employees should have the opportunity to exercise their right to vote in elections.

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## **TIME AWAY FROM WORK**

Employees who do not have sufficient time to vote outside their working hours will be allowed the necessary time off to vote at the beginning or the end of their shift. Up to two hours will be paid time off. No time off will be allowed in any election where the polls are open at least four consecutive hours before or after the employee's shift.

Employees must return to work immediately after voting if their shift has not ended.

## **ADVANCE NOTICE**

Employees intending to take leave to vote must inform the Director not more than ten but at least two working days prior to Election Day. The employee's supervisor

will designate when the leave should be taken (e.g., at the beginning or end of the shift).

## **4.16 VOLUNTEER FIREFIGHTER & AMBULANCE PERSONNEL LEAVE**

Our Library recognizes the obligations that our employees who serve as volunteer firefighters and ambulance personnel may have in times of emergency.

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### **ELIGIBILITY**

Employees who are volunteer firefighters or ambulance personnel are permitted unpaid time off (unless payment is required by law) in the event that a State or local state of emergency has been declared by the Governor or a local government executive (such as a city mayor) and the employee's duties as a volunteer are related to handling/resolving the declared emergency.

### **NOTIFICATION**

Employees who request time off under the policy must notify the Director immediately after the need for the leave becomes known. If the Library grants an employee time off pursuant to this law, the employer may request the employee provide appropriate documentation from the head of the volunteer fire department or ambulance service certifying the period(s) of time that the employee spent responding to the declared emergency.

## **4.17 UNPAID LEAVE**

Every employee will have the option of requesting a leave of absence without pay of up to one year. The request for this leave shall be directed to the Library Director who will render a decision on the request within 5 days. In the case of the Library Director requesting a lengthy leave, the Board of Trustees shall approve the request. If a library employee feels they cannot come into the library due to safety concerns they will be excused without prejudice. They can elect to use their PTO hours, or to take any such day without pay.

For salaried employees, extended unpaid leaves may be granted at the discretion of the Library Director, with approval of the Trustees of the Perry Public Library if needed. For part-time hourly employees only the approval of the Library Director is necessary.

## 4.18 SOCIAL SECURITY

All employees are covered by this federal program, which is funded through payroll taxes known officially as the Federal Insurance Contributions Act (FICA) taxes.

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### **BENEFITS**

Social Security is an important benefit for employees and their families as it provides death, disability, and retirement benefits.

### **COST**

The cost of this coverage is determined by law. The rates are subject to change in accordance with legislated amendments by Congress. The required amount of an employee's contribution will be deducted automatically from their paycheck.

### **ADDITIONAL INFORMATION**

Questions regarding the Social Security program should be directed to the Social Security Administration, which has answers to many common questions on its website at [www.ssa.gov](http://www.ssa.gov). Questions regarding an individual's FICA or other payroll tax deductions should be directed to the Director.

## 4.19 WORKERS' COMPENSATION

When work-related accidents, injuries or illnesses occur, employees may be eligible for workers' compensation insurance benefits. Perry Public Library provides a comprehensive workers' compensation insurance program at no cost to employees and in accordance with applicable state law. This program covers most injuries or illnesses, sustained in the course of employment, that require medical, surgical or hospital treatment. Subject to applicable legal requirements, workers' compensation insurance provides benefits or, if the employee is hospitalized, treatment immediately.

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### **REPORTING ACCIDENTS**

Employees who sustain a work-related injury or illness, no matter how slight, should immediately report the incident to the Library Director. This will enable an eligible employee to qualify for coverage. Consistent with applicable state law, failure to report an injury within a reasonable time period could jeopardize your claim.

### **BENEFITS**

Workers' compensation benefits are based on a formula derived by the state using the employee's average weekly wages up to the maximum allowed under applicable state law.

## **LEAVE ENTITLEMENT**

Employees are eligible for a Disability Leave. This leave runs concurrently with any leave benefit that may be required by state law. See the Disability Leave policy for more information.

## **RETURN TO WORK [OPTIONAL]**

Employees who are ready to return to work following a workers' compensation-related leave of absence must supply a certification from a health care provider confirming the employee's ability to return to work.

## **FRAUD**

Perry Public Library will notify the workers' compensation insurance company if we have reason to believe an employee has supplied false or misleading information in connection with a claim and/or has filed a fraudulent claim. Workers' compensation fraud is a crime and may also be grounds for disciplinary action, up to and including termination of employment.

# **4.20 EMPLOYEE ASSISTANCE PROGRAM**

On occasion, everyone has personal problems. Usually, these problems are resolved with the support of relatives and close friends. But sometimes, employees or members of their family may find that they would benefit from the assistance of a trained counselor. It is for this reason that **Perry Public Library** provides an Employee Assistance Program (EAP) to employees and family members who may need help with personal or behavioral problems.

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## **ELIGIBILITY**

Our EAP is available to all employees and their family members.

## **BENEFITS**

Through this program, confidential advice and short-term counseling are provided for any employee or member of an employee's family who requests it or for an employee who is referred by the Director. Common problems addressed through counseling include alcoholism, drug abuse, financial difficulties, family tensions and conflicts with co-workers.

The privacy of employees and their family members is always protected. The Library is not informed when anyone seeks assistance, unless the individual so requests or the Library refers the employee to the program as a requirement of continued employment.

## **COST**

Perry Public Library pays the full cost of the Employee Assistance Program. Employees are responsible for the cost of outside referrals.

**ADDITIONAL INFORMATION**

Employees can find information regarding our EAP on the Library bulletin boards. If it is a crisis situation, employees should call 911. If it is not a crisis situation, employees may contact 2-1-1 /LIFE LINE at 1-877-356-9211, by dialing 211 or by visiting <http://211lifeline.org/>. The 2-1-1 /LIFE LINE offers referrals for emergency food, shelter, clothing, crisis counseling, substance abuse issues, employment, financial and legal issues and physical and mental health needs.



## **SECTION FIVE**

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# **SAFETY POLICIES**

## **5.01 ACCIDENT REPORTING AND INVESTIGATION**

Properly reporting accidents and/or unsafe conditions is the key to creating a safe workplace. Employees have both a right and responsibility to report work-related injuries and illnesses and unsafe working conditions.

Employees should also refer the Workers' Compensation policy for additional information.

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### **PURPOSE**

The purpose of accident reporting and investigation is to discover the cause(s) so proper action may be taken to prevent a recurrence. Every accident indicates that proper preventive action must be taken. Employees have both a right and responsibility to report accidents and work-related injuries and illnesses.

### **NO RETALIATION**

Employees have the right to report unsafe conditions, accidents, and work-related injuries or illnesses without fear of reprisal. It is the policy of Perry Public Library that any employee or intern who makes a complaint regarding safety and/or reports a work-related injury will not be retaliated against in any way. Employees or interns who feel that they have been retaliated against for such activity should immediately contact the Director.

### **RESPONSIBILITIES**

The Director is responsible for promptly investigating unsafe working conditions and accidents as soon as they are reported.

A good accident investigation will:

- Assist in determining the principal or underlying cause.
- Determine how to initiate significant corrective action.

The supervisor is required to fill out accident/injury investigation reports and report all accidents to the Director. The Director will fill out and distribute workers' compensation reports and disability paperwork as needed. The Director is responsible for reviewing each accident/injury investigation report, and with the supervisor, determining the proper corrective action to take.

The Director is responsible for implementing identified corrective action(s).

### **PROCEDURE**

The following procedure should be adhered to in the event that there is an accident and/or injury in the workplace:

- When an accident occurs, the supervisor will immediately take action to prevent further injury or damage.

- The Director will interview employee(s) and witnesses as soon after the accident as possible. A fact-finding approach will be maintained.
- The Director will determine causes of the injury, illness, or property damage.
- The Director will establish corrective action(s) for managing and rectifying the cause of the accident.
- The Director will ensure compliance with any reporting obligations (i.e., OSHA, Workers' Compensation).
- The Director will ensure that all reports are recorded and retained. Accurate information must be available regarding the accident, the injury or damage which occurred, the corrective action identified and when the corrective action was implemented.
- The Director will conduct a periodic review of the accident investigation reports to identify the need for retraining, problem areas, operations that need attention or trends in frequency which indicate a need for added prevention activities and/or training.

## GENERAL INVESTIGATION GUIDELINES

The investigative process will:

- Analyze the working conditions and/or incident to determine the cause or causes.
- Inspect the location and equipment involved.
- Inquire about similar incidents which have occurred.
- Review records.
- Interview those involved and witnesses.
- Create a plan of corrective actions to eliminate the causes.
- Assign responsibility for the corrective actions.
- Ensure the plan is carried out.
- Monitor effectiveness of the corrective action.

## 5.02 ALCOHOL & DRUG-FREE WORKPLACE

The Library strives to provide a safe environment for employees and others and to minimize the risk of accidents and injuries. Accordingly, each employee has a responsibility to co-workers and **patrons** to deliver services in a safe and conscientious manner. As a condition of employment with our **Library**, all employees are required to fully comply with the provisions of this policy.

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### DEFINITION OF CONTROLLED SUBSTANCES

"Controlled substances" are defined as those drugs listed in Schedules I through V of Section 202 of the Federal Controlled Substances Act, 21 U.S.C. 812 and include, but are not limited to: marijuana, cocaine (including "crack" and other cocaine derivatives), morphine, codeine, phenobarbital, heroin, amphetamines and many barbiturates.

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## **UNAUTHORIZED PRESENCE OF CONTROLLED SUBSTANCES AND/OR ALCOHOL IN THE WORKPLACE**

The unauthorized or illegal use, sale, purchase, possession, distribution, dispensation, formulation, manufacture or transfer of controlled substances or alcohol on **Library** property or any location at which **Library** business is conducted, including **Library** vehicles and any private vehicle parked on **Library** premises or work sites, is strictly prohibited.

## **PRESCRIPTION AND OVER-THE-COUNTER DRUGS**

This policy does not prohibit the possession and proper use of lawfully prescribed or over-the-counter drugs. However, an employee taking medication should consult with a health care professional or review dosing directions for information about the medication's effect on the employee's ability to work safely, and promptly disclose any work restrictions to the Library Director. Employees are not required to reveal the name of the medication or the underlying medical condition. The **Library** will evaluate and respond to this information on a case-by-case basis and consistent with its reasonable accommodation process. Consistent with applicable policies, the **Library** will maintain the confidentiality of the information provided.

The **Library** reserves the right to transfer, reassign, place on leave of absence or take other appropriate action regarding any employee during the time the employee uses medication that may affect their ability to perform safely. The **Library** will comply with all requirements pertaining to providing reasonable accommodations to the extent required by applicable law.

Any employee who cannot work safely and who does not advise the **Library** about warnings accompanying lawfully prescribed or obtained medications will be subject to disciplinary action up to and including possible termination of employment. An employee's lack of knowledge concerning such warnings will not excuse a violation of this rule where an employee has failed to make the inquiries required by this policy.

## **REMOTE WORK**

Remote work employees are also required to adhere to this policy while working remotely. Remote employees are prohibited from using controlled substances during working hours. Any employee deemed to be in violation of the **Library's** policy will be subject to an investigation which may result in termination of the employee's ability to work remotely and will also result in disciplinary action, up to and including termination of employment.

## **COUNSELING AND REHABILITATION**

Employees who voluntarily seek help for substance abuse (self-referral) by contacting the **Library** will be provided an opportunity to pursue counseling and rehabilitation. The **Library** will make available information about counseling and rehabilitation services. An employee who is receiving counseling and/or treatment for substance abuse may use available **PTO**.

Health insurance may cover the costs of such services, but costs not covered must be paid by the employee. Employees cannot return to work until released by a treatment provider, and upon successfully passing a drug and/or alcohol test (as appropriate for that individual). In addition, the employee may be asked to submit to follow-up testing for a period following the return to work.

An employee's decision to seek help voluntarily will not be used as a basis for disciplinary action, although the individual may be transferred, given work restrictions or placed on leave, as appropriate. A request for help is considered voluntary only if it is made before the employee is asked to submit to any drug or alcohol test or is discovered to have otherwise violated this policy.

### **EMPLOYEE ASSISTANCE PROGRAM (EAP)**

**Perry Public Library** provides an EAP for employees and their family members. Employees are encouraged to use the EAP whenever they feel the need to discuss personal issues. For employees who have difficulty handling drugs or alcohol, the EAP can provide information on treatment. The EAP is a confidential service.

### **VIOLATION OF POLICY**

Violations of this policy will lead to disciplinary action, up to and including termination.

## **5.03 EMERGENCY EVACUATION**

Perry Public Library is committed to ensuring employees understand their roles and responsibilities in the event of an emergency.

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### **IN AN EMERGENCY**

In the event of a fire or hazardous material emergency, the emergency fire alarm system should be activated by pulling one of the fire alarms. The source of a potential fire or hazardous material emergency should not be investigated. Any employee who suspects an emergency should report it immediately. In any emergency, reporting is the first essential step to protecting oneself and others.

When the emergency fire alarm system is activated, all employees and visitors are expected to evacuate the building by exiting in an orderly manner through the nearest exit.

When exiting, employees should not use elevators and should descend stairwells in an orderly manner. After exiting, employees should report to the area away from the building exits designated as the meeting location. Once employees arrive at the designated area, they should immediately report to the Director and remain at that location until accounted for and authorized to leave.

No reentry to the building will be permitted until an official all-clear notification is given.

### **EMPLOYEE'S RESPONSIBILITY**

Employees should review this policy and the evacuation procedures and notify the Director if they believe they might require an accommodation or assistance in order to comply with these procedures in the event of an emergency.

### **ADDITIONAL INFORMATION**

For additional information regarding the Library's evacuation procedures employees should refer to the **Emergency Preparedness Policy**.

## **5.04 VIOLENCE IN THE WORKPLACE**

**Perry Public Library** is committed to providing a safe environment for employees, **patrons**, and visitors. The **Library** has a zero-tolerance policy concerning workplace violence. Employees who display any violence or threaten violence including talk of committing violence or joking about committing violence in the workplace are subject to disciplinary action, up to and including termination.

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### **DEFINITION**

Violence in the workplace includes but is not limited to physically harming another or one's self, shoving, pushing, brandishing weapons and explicit or implicit threats or talk of committing violence.

### **WEAPONS**

All employees are prohibited from carrying a weapon while in the course and scope of performing their job for **Perry Public Library**, whether they are on **Library** property at the time or not and whether they are licensed to carry a handgun or not. This policy also prohibits weapons at any **Library**-sponsored functions such as parties or picnics.

Unless this prohibition is contrary to state or local law, the workplace specifically includes **Library** parking areas and **Library** vehicles. Employees are not permitted to transport or store weapons in vehicles owned or leased by the **Library** and used by the employee for work purposes, unless the employee is required to transport or store a weapon as part of their duties, and they have written permission from **the Library Director**.

This prohibition specifically includes guns, rifles and firearms of any type, including those for which the holder has a legal permit. Other examples of prohibited weapons include, but are not limited to knives, ammunition, bombs, bows and arrows, clubs, slingshots, blackjacks, metal knuckles and similar devices that by their design or intended use are capable of inflicting serious bodily injury or lethal

force. Products such as mace, pepper spray and other defense devices including stun guns and tasers are also prohibited.

Failure to abide by this policy may result in disciplinary action, up to and including termination. Further, carrying a weapon onto **Library** property in violation of this policy will be grounds for immediate removal from **Library** property and may result in prosecution. This policy shall not be construed to create any duty or obligation on the part of the **Library** to take any actions beyond those required of an employer by existing law.

## **REPORTING VIOLENCE**

It is everyone's responsibility to prevent violence in the workplace. Employees must immediately report what they see or hear in the workplace that could indicate that a co-worker may be a threat to the safety of the workplace. Employees should report any incident that may involve a violation of the **Library's** policies that are designed to provide a safe workplace environment. Concerns may be presented to the employee's **supervisor/manager** or any other member of management.

## **REPORTING DOMESTIC VIOLENCE**

Domestic violence perpetrated by or against an employee of the **Library** is considered a workplace issue as these situations may create safety concerns within the workplace. Employees are encouraged to report if they are the victim of domestic violence or if they suspect that a co-worker may be the target of or the perpetrator of domestic violence to **the Library Director. Managers/Supervisors** made aware of employee-related domestic issues are encouraged to immediately notify **the Library Director**.

Employees who obtain or are the subject of a restraining order are encouraged to immediately notify **the Library Director**, so the **Library** may assist in preventing an individual who may display or carry out an act of violence from obtaining access to **Library** premises.

Employees who have questions or concerns related to domestic violence may contact **the Library Director**. Employees experiencing issues with domestic violence may also contact the National Domestic Violence Hotline at 1-800-799-7233.

## **REPORTING SUICIDAL THOUGHTS AND BEHAVIOR**

Self-harm may be considered a form of violence. Employees who are having thoughts of suicide or become aware of a co-worker having suicidal thoughts and/or displaying suicidal behavior should immediately notify **the Library Director. Managers/Supervisors** made aware of suicidal ideation by an employee must immediately notify **the Library Director**.

Employees who have questions or need assistance with the topic of suicide may contact **the Library Director**. Employees who need assistance may also contact the National Suicide Prevention Lifeline at 988.

If there is a concern of imminent harm employees should contact the local police department by dialing 911.

### **EMPLOYEE ASSISTANCE PROGRAM (EAP)**

**Perry Public Library** provides an EAP for employees and their family members. Employees are encouraged to use the EAP whenever they feel the need for guidance with personal problems, including difficulty handling drugs or alcohol. The EAP is a confidential service that can provide information on counseling or treatment.

### **CONFIDENTIALITY AND RETALIATION**

It is the policy of **Perry Public Library** that any employee making a report or participating in the investigation of workplace violence will not be retaliated against in any way. Reports will be investigated promptly, and confidentiality will be maintained to the greatest degree possible, consistent with our obligation to thoroughly investigate the allegation and consistent with applicable law and the need to facilitate an investigation and/or a solution to the problem. Employees who feel that they have been retaliated against for reporting workplace violence, domestic violence or suicidal behaviors, or for participating in the investigation of an alleged incident, should contact **the Library Director**.

### **CORRECTIVE ACTION**

If a report of workplace violence is found to be valid, immediate and appropriate corrective action will be taken. Employees who violate this policy, including the provision against retaliation, will be subject to disciplinary action up to and including termination. This determination will be based on all the facts of the case.



**EMPLOYEE PROGRAMS  
&  
PROCEDURES**

## **6.01 MEDIA RELATIONS**

Communication with news reporters and other journalists is, at times, sensitive in nature. Therefore, media requests for official statements from the Library may be handled only by designated senior managers.

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### **MEDIA REQUESTS FOR OFFICIAL STATEMENT**

Any telephone calls, electronic communications or visits from members of the media requesting the Library's official statement should be directed to the Director.

## **6.02 CHANGES IN PERSONAL INFORMATION**

Employees are responsible for notifying the Library when there is a change in their personal data. This information needs to be kept up to date, so benefit plans and payroll withholdings are properly administered. Timely notification of these changes will also enable Perry Public Library to assist employees and their family in matters of personal emergency.

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### **NOTIFICATION**

Notify the Director in writing if any of the following change:

- Name
- Address
- Telephone numbers
- Number of dependents
- Change in familial status and/or beneficiaries
- Emergency contact

## 6.03 PROTECTION OF EMPLOYEE PERSONAL INFORMATION

Perry Public Library recognizes and respects the privacy of applicants, employees, and others with regard to personal information it obtains through the hiring process and the employment relationship.

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### PERSONAL IDENTIFIABLE INFORMATION (PII)

As evidence of our commitment in this regard, this policy provides information regarding the processing of personal information about employees and describes the Library's general practices regarding employee privacy. Since privacy laws and business practices vary from state to state, implementation of these practices may also vary to accommodate local rules. This may involve adopting different standards as required by local law or diverging from the principles set out in this policy where Perry Public Library is not required to follow particular practices either by local law or by contractual commitments. Perry Public Library will only engage in variation from these principles if Perry Public Library has a legitimate, business, or legal reason to do so and not in an arbitrary or capricious manner.

This policy regulates collection and use of information about Perry Public Library's prospective, current, and former employees and the limited amount of personal information that Perry Public Library may collect about employee family members (together, all deemed employee personal information). References in this policy to employees should be interpreted accordingly. The policy is not limited to information held by the Director. The policy regulates all employee personal information held by Perry Public Library.

Where Perry Public Library collects employee personal information, it will take steps to inform the employees concerned of the purposes for which the information will be used and provide them with any further information that is necessary to ensure that the employee personal information is used fairly. For example, where employees are asked to provide personal information about themselves, Perry Public Library will explain whether provision of the information is mandatory or voluntary and any consequences of not providing the requested information.

Notification to employees need not be provided, however, where:

- The employees concerned already have sufficient information (for example, through this policy or other Perry Public Library policies or general notices);  
or
- Employee personal information is not collected directly from the individual concerned and to contact that individual directly would be disproportionate (for example, where an employee provides information about their family member, Perry Public Library will not usually contact the family member).

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The following paragraphs set out general information about the Library's collection and use of employee personal information. This information is not intended to be comprehensive:

### **Purposes**

The Director collects and uses employee personal information to process payroll payments, to determine benefits eligibility and process benefit payments, to analyze compensation costs and training needs and to determine employee eligibility for different responsibilities. Depending on which business unit an employee works for, additional information may be collected for purposes of complying with regulatory requirements. Information may also be collected to meet legally mandated obligations (such as tax and U.S. Equal Employment Opportunity requirements), to ensure compliance with Perry Public Library policies, and to protect the Library, the workforce and the public against injury, theft, legal liability, fraud or abuse. Information (such as emergency contact information) is also collected from employees for use in connection with disaster recovery and business continuity efforts.

### **Disclosures and International Transfers**

Employee personal information may be shared between the Library and its service providers. Without intending to provide an exhaustive list of examples, it may be disclosed in connection with legal proceedings, investigations, or as required by law, regulation, or relevant authority. It may also be disclosed to prospective buyers, business partners or other transferees of the business unit in which an employee works in the event of a potential sale, transfer or joint venture involving the unit or the investigation/negotiations which precede the transaction. This sharing, and these other disclosures, may involve transfers of personal information to any country in the world, including to countries which do not have strong data privacy laws. The Library will, nevertheless, use all reasonable commercial efforts to protect employee personal information in accordance with this policy.

### **Fair Processing Principles**

The Library will only collect and use employee personal information fairly and lawfully. The Library will take reasonable steps to ensure that it does not collect or use irrelevant, excessive or inadequate employee personal information and that the employee personal information it holds is accurate and, where relevant, up to date.

In particular, the Library will only collect and use employee personal information:

- As necessary for the purposes of its legitimate interests which are not overridden by the rights, freedoms or legitimate interests of the employees concerned; or
- With the consent of the employees concerned; or

- Where the collection or use has been approved by the Library’s **Legal Counsel** as justified under applicable data privacy law.

### **Security**

The Library will use commercially reasonable efforts to ensure that it has in place appropriate technical and organizational security measures to protect employee personal information against accidental or unlawful destruction, accidental loss, alteration, unauthorized disclosure or access and all other unlawful forms of processing.

In particular, where the Library contracts with third party service providers to collect and/or process employee personal information on its behalf, it will ensure that the service providers are bound by written agreements requiring them to process the information only on the instructions of the Library and to have appropriate technical and organizational security measures in place to protect the information.

### **Retention and Destruction**

The Library will follow data retention and destruction policies and processes designed to ensure that employee personal information is deleted when it is no longer needed for the purposes for which it is collected and used.

### **Direct Marketing**

The Library will not share employee personal information for direct marketing purposes outside of the Library.

## **MORE INFORMATION**

Employees who have a reason to believe that their PII and/or the Library’s proprietary data has been breached should notify the Director. Employees should also notify the Director if they have knowledge of any Library representative not adhering to this policy.

Violations of this policy may result in disciplinary action, up to and including termination of employment.

## **6.04 SOCIAL MEDIA**

Perry Public Library recognizes that many employees engage in social media activity. This policy establishes a set of rules and guidelines for any activity and participation in “social media” by all Perry Public Library’s employees. These rules are intended to be adaptable to the changes in technology and norms of online communication and behavior and may be amended by Perry Public Library at any time, for any reason. This policy also applies to social media activity when on or off duty, while using the Library’s or personal electronic resources, and whether the employee posts anonymously or using a pseudonym.

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## **DEFINITIONS**

For purposes of this policy, “social media activity” includes any website or forum that allows for open communication on the internet, including, but not limited to, postings on social networking sites, such as Facebook, Instagram, Snapchat and LinkedIn; blogs and other on-line journals and diaries; bulletin boards and chat rooms; microblogging, such as X (formerly known as Twitter) or Threads; and postings of video or audio on media-sharing sites, such as YouTube or TikTok.

The term “social media” applies to any web-based and mobile technologies, in use now or developed in the future, that enable individuals or entities to disseminate or receive information, communicate or otherwise interact and includes, without limitation, email, texting, messaging, social networking, blogging, micro-blogging, bulletin boards and so on.

## **PERSONAL OPINIONS**

Employees should express only personal opinions online and should never represent themselves as a spokesperson for Perry Public Library unless given explicit permission or approval to do so. Employees who choose to post online content relating to Perry Public Library should make it clear that they are not speaking on behalf of Perry Public Library.

## **FOLLOW EXISTING POLICIES AND TERMS OF USE**

Employees are required to observe and follow: (a) existing Perry Public Library policies and agreements, such as our Employee Handbook; (b) the policies and terms of use of the particular social media forum or service that is being used; and (c) applicable laws and regulations. This means that employees should not use social media to post or display comments that are knowingly false, defames the Library, or depicts the employee engaging in conduct that is unlawful or in violation of Perry Public Library’s workplace policies against workplace violence or discrimination and harassment based on any protected status under federal, state or local law.

Thus, the rules in Perry Public Library’s Employee Handbook including but not limited to its Equal Employment Opportunity, Harassment & Discrimination Prevention, Code of Ethics, Standards of Conduct, Electronic Resources and Workplace Violence policies apply to employee behavior on social media and in public online spaces.

Employees may not post any information or conduct any online activity that violates applicable federal, state or local laws and regulations. Any conduct which is impermissible under the law if expressed in any other form or forum is also impermissible if expressed through social media. In addition, most social media websites/services have rules concerning the use of and activity conducted on their sites. These are sometimes referred to as “Terms of Use.” Employees must follow

the established terms and conditions of use that have been established by the venue and not do anything that would violate those rules.

## **SAFEGUARD CONFIDENTIAL PERSONAL AND PROPRIETARY INFORMATION**

Employees should exercise caution when posting their own or others' personal information. It is inappropriate to use or disclose "confidential personal information" (as defined below) about another individual or use or disclose Perry Public Library's "proprietary confidential information" in any form of social media.

For purposes of this policy, "confidential personal information" refers to information that could be used to commit identity theft such as an individual's Social Security Number, financial account numbers, date of birth, driver's license number or personal medical information (including family medical history).

Perry Public Library's "proprietary confidential information" refers to internal information regarding Perry Public Library's finances, future performance and operational plans, operational and brand strategies and information which is or relates to Perry Public Library's trade secrets.

All Perry Public Library's rules regarding Perry Public Library's confidential proprietary information and confidential personal information, apply in full to social media, such as blogs or social networking sites.

## **IDENTIFY YOURSELF IN ENDORSEMENTS**

Employees must clearly and conspicuously disclose their affiliation with Perry Public Library's if they endorse, comment on or promote the Library's services in social media.

## **EXPECTATIONS OF PRIVACY**

Consistent with Perry Public Library's **Electronic Resources** policy, the Perry Public Library may access and monitor its Information Systems and obtain the communications within the systems, including email, Internet usage and the like, with or without notice to users of the system, in the ordinary course of business when the Library deems it appropriate to do so. When using such systems, employees should have no expectation of privacy regarding time, frequency, content or other aspects of use, including the websites the employee visits and other Internet/Intranet activity. The reasons Perry Public Library accesses and monitors these systems include, but are not limited to maintaining the system, preventing or investigating allegations of system abuse or misuse, assuring compliance with software copyright laws and complying with legal and regulatory requirements.

The Perry Public Library will monitor social media to the fullest extent permitted by applicable law and will take disciplinary action against those who violate the policy.

## **IDENTIFY ANY COPYRIGHTED OR BORROWED MATERIAL WITH CITATIONS AND LINKS**

When publishing any online material through social media, employees must respect and follow all copyright and other intellectual property laws and should use citations and links to original material, where possible. Employees are prohibited from using the Library's logos for any business/commercial venture without prior written approval.

## **ADDRESSING WORK-RELATED CONCERNS**

For the most efficient resolutions employees are encouraged to address work-related concerns consistent with the Library's Open Communication policy by contacting the Library director directly rather than through social media.

## **NO RETALIATION**

Perry Public Library will not take adverse action (e.g., discipline, transfer, termination) against any employee for reporting a possible violation of this policy or cooperating in any investigation with respect to a policy violation. Any employee who retaliates against another employee in violation of this policy will be subject to disciplinary action, up to and including termination.

## **ADDITIONAL INFORMATION**

Contact **WHO** for additional information or clarification of any aspect of this policy.

### **Social Media Best Practices**

- All accounts should incorporate library branding.
- The tone should be consistent with the communication and marketing strategy of the library.
- Content should be written from the point of view of the "We," which represents the library as a whole.
- Content should be current, accurate, and relevant to the intended audience.
- Content and images should represent library patrons.
- Content should be easy to read and understand.
- Posting to social media should be done regularly.
- Graphics and images should be high resolution and include image descriptions.
- Posts should include links and tags when appropriate.
- Video content should contain open or closed captioning.
- Posts and comments should be friendly yet professional.
- Write hashtags in camelcase. i.e. #LikeThis instead of #LIKETHIS.
- Use emojis sparingly.



## **6.05 USE OF LIBRARY EQUIPMENT AND RESOURCES**

When using Library property, employees are expected to exercise care, maintain the property in safe working order, and follow all operating instructions, safety standards and guidelines.

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### **LIBRARY EQUIPMENT**

Employees should notify the Library Director if any equipment, machines, or tools appear to be damaged, defective or in need of repair. Prompt reporting of damages, defects and the need for repairs could prevent deterioration of equipment and possible injury to employees or others. Employees who have questions about their responsibility for maintenance and care of equipment used on the job should consult the Library Director.

### **LIBRARY RESOURCES**

The Library has significantly invested in telephone lines, laptops/computers, fax machines, photocopiers and other types of business equipment, internet access and software that are vital to keeping our operations flowing smoothly and effectively. The Library's resources are limited and, except as provided in the Electronic Resources policy, should be used for business transactions only and not for personal use, unless explicitly authorized by the Library Director.

### **USE OF LIBRARY PROPERTY/VEHICLES**

Library property may not be removed from the premises or equipment may not be operated for personal use without the prior written approval of the Library Director.

## **6.06 SHOULD YOU LEAVE US**

Employees of Perry Public Library are employed on an at-will basis, unless covered under Civil Service Law Section 75. This means that employment may be terminated by either party at any time, with or without cause or notice. Nothing in this policy is intended to limit or alter the at-will nature of your employment. To ensure fairness and consistency throughout our Library, terminations are handled in accordance with applicable federal and state laws and the following provisions.

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### **TYPES OF TERMINATIONS**

Termination refers to either voluntary resignations initiated by the employee or involuntary terminations initiated by the Library.

## **INVOLUNTARY TERMINATION**

An involuntary termination occurs when the Library decides to end the working relationship with an employee. Involuntary terminations may occur for cause or for reasons other than cause.

Involuntary terminations for cause include, but are not limited to, terminations for violating Library policy, misuse or theft of resources, the falsification of information, excessive absence/tardiness, or unsatisfactory work performance.

Involuntary terminations for reasons other than cause include, but are not limited to, a reduction in workforce. Please see the Rules for the Classified Service of Wyoming County for details on layoffs of competitive employees.

Please see Standards of Conduct above for more on Civil Service requirements and procedures regarding terminations.

## **VOLUNTARY TERMINATION**

A voluntary termination means an employee has made the decision to end the working relationship with the Library. Voluntary terminations include, but are not limited to, written resignation, retirement, and job abandonment.

## **RESIGNATIONS**

Employees resigning voluntarily are expected to give a minimum of two weeks for hourly employees and 1 month for salaried employees advance notice **in writing** to the Director so that the proper replacement can be found. An employee's consideration in this situation will be viewed favorably by management should the employee reapply for employment with the Library.

## **FINAL WAGES**

Final wages will be paid in accordance with applicable state law.

## **UNUSED VACATION/PTO**

Employees who resign voluntarily giving the required advance notice will be paid for earned but unused Earned but unused **PTO** will not be paid to employees who resign with less than the required advance notice or to employees who are terminated by the Library.

## **TERMINATION OF BENEFITS**

Employees should see the Director for information regarding termination of benefits upon separation.

## **REQUESTS FOR REFERENCE CHECKS**

So that the Library can handle requests for job references in a consistent, fair and lawful manner, all requests for official job references on behalf of the Library must be forwarded to the Director. No other person or department is authorized to release references for current or former employees. In response to job reference

requests, Perry Public Library will only confirm current or former employees' dates of employment and job title.

### **LIBRARY PROPERTY**

Upon termination of employment, resignation, retirement or layoff or immediately upon request, employees are expected to return all Library-issued items, including, but not limited to: keys, key fobs, tools, uniforms, Employee Handbooks, manuals, computers, cell phones, flash drives and patron information and may not retain any copies of Library information in any form. The Library may also take all action deemed appropriate to recover or protect Library property.

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## **EMPLOYEE HANDBOOK RECEIPT 2024 POLICY UPDATES**

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**The following policies have been revised or updated:**

- **Code of Ethics**
- **Working Hours**
- **Open Communication**
- **Solicitation & Distribution**
- **Standards for Conduct**
- **Military Leave**
- **Worker's Compensation**
- **Professional Attire**
- **Social Media**
- **Employee Hand Book Receipt Acknowledgement**

**The following policies have been added to the Employee Handbook:**

- **Workplace Bullying**
- **Pregnancy Accommodations**
- **Lactation Accommodations**
- **Religious Accommodations**
- **Personal Calls & Personal Electronic Devices**
- **Electronic Resources**
- **Use of Company Equipment and Resources**
- **Hate Symbols in the Workplace**
- **Using Your Own Device**
- **Policy on the Rights of Employees to Express Breast Milk in the Workplace**

I acknowledge receipt of the updated Perry Public Library Employee Handbook. I understand that these policies, as well as the policies contained in the Library's Employee Handbook, are not intended to create a contract of employment nor is any other communication by a management representative, either expressed or implied, intended to be a contract, unless explicitly stated otherwise in a written agreement signed by the Board of Trustees of the Perry Public library.

I understand that neither these policies nor other Employee Handbook policies are a guarantee of employment for any set period and that either the Library or I may terminate my employment at any time, with or without cause. Furthermore, I understand that the policies and benefits described in the Employee Handbook may be added to, revised or deleted at any time.

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I further understand that the benefit information found in this Handbook is intended to provide an overview of the benefit plans. The actual benefits may be controlled by the terms of the applicable plan documents and insurance policies. Questions regarding the interpretation of those plans will be answered in accordance with the actual plan documents and insurance policies, rather than the summaries contained in this Handbook. Employees may obtain copies of these documents from the Library Director.

**I have read, understand and agree to comply with these policies.**

If I have any questions about the information contained in this Handbook, I will discuss them with my supervisor and/or the Library Director.

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Employee's Name (Printed)

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Employee's Signature

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Date

## **Acknowledgement of Receipt of New York Civil Rights Law 52-c Notice of Electronic Monitoring**

I acknowledge that I have received and read **Perry Public Library's** Notice to New York Employees of Electronic Monitoring. I understand that any and all of my telephone conversations or transmissions on **Library's** systems, electronic mail or transmissions, or internet access or usage by an employee by any electronic device or system, including but not limited to the use of a computer, telephone, wire, radio or electromagnetic, photoelectric or photo-optical systems may be subject to monitoring by the **Library** at any and all times and by any lawful means.

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Signature and Date

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Print Name

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# **ADDITIONAL INFORMATION**

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# **HANDBOOK ADDENDUM**

## PANDEMIC RESPONSE PLAN

### PURPOSE

The Perry Public Library has adopted this Pandemic Response Plan in compliance with New York State Labor Law §27-c to implement operational plans in the event of certain declared public health emergencies including, but not limited to, novel coronavirus (COVID-19) or other communicable disease or pandemic illness.

The primary goals of the Perry Public Library's Pandemic Response Plan are to establish:

- The roles and responsibilities during all phases of a public health emergency
- Preparedness activities and response protocols
- Coordination and decision making for the continuation of operations

The Pandemic Response Plan is designed to ensure precautionary, response, and recovery measures to a public health emergency involving a communicable disease threatening to impact or immediately impacting the library's staff, trustees, volunteers, and/or community members.

### ADMINISTRATION

The library Director as authorized by the Board of Trustees administers the Pandemic Response Plan. This includes activating the plan, establishing an internal communications network, and coordinating all response and recovery activities. If, for any reason, the Director is unable or unavailable to administer the plan, administrative authority shall be passed to the Youth Services Librarian.

### DEFINITIONS

The following terms are hereby defined for the purposes of this policy:

- **Personal Protective Equipment (PPE):** Equipment worn to minimize exposure to communicable disease or pandemic illness as mandated by local, state, or federal law and/or any Executive Orders related to the public health emergency or mandates issued by federal agencies including the Center for Disease Control (CDC) and the Occupational Safety and Health Administration (OSHA).
- **Employee:** Any person employed by the Perry Public Library regardless of job classification or title.
- **Contractor:** Any individual performing paid services for the library but not an employee of the Perry Public Library.
- **Essential:** Designation made to an employee or contractor whose duties require them to be physically present at the Perry Public Library to perform their job, OR tasks that are vital or necessary to the safety or operational needs of the library.
- **Non-essential:** Designation made to an employee whose duties do not require them to be physically present at the Perry Public Library, OR tasks that are not vital or necessary to the safety or operational needs of the library.

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- **Communicable disease:** Illness caused by an infectious agent that occurs through the direct or indirect transmission of the infectious agent or its byproducts or via inanimate environment or object to a susceptible person or persons.
- **Retaliatory Action:** The discharge, suspension, demotion, penalization, discrimination, or other adverse employment action taken against any employee.

## **ESSENTIAL EMPLOYEES OR DUTIES**

In the event of a state-ordered reduction of in-person workforce, the library Director shall be designated as an Essential Employee and is permitted to be physically present at the Perry Public Library to perform tasks essential to their job or the operations of the library including, but not limited to, maintenance to the facilities that could otherwise threaten or pose a risk to the library's facilities if not performed; bookkeeping such as accounts payable, accounts receiving, and processing payroll; and/or accepting, sorting, and opening postal mail or packages.

These essential tasks may be delegated to a specific employee or contractor at the discretion of the Director. This employee or contractor is permitted to be physically present at the Perry Public Library to perform only the designated essential tasks as assigned.

## **TELECOMMUTE/WORK FROM HOME**

In the event of a state-ordered reduction of in-person workforce, the Perry Public Library's Working Remotely Policy will be implemented.

All employees whose duties and routine tasks require the use of a computer and/or internet access, will be provided library-issued equipment necessary to perform those duties and tasks.

The Director will provide instructions for downloading/installing any software for employees to perform their duties remotely. The Director will also provide instructions for transferring office phone lines to personal cell phones as applicable to the employee's job description.

## **IN-PERSON REPORTING**

The Director will coordinate the schedule for employees and contractors reporting to the library in-person to perform essential tasks so that the Perry Public Library remains in compliance with the state-ordered reduction of in-person workforce. No employee or contractor is permitted to report to the Perry Public Library without authorization from the Director.

## **PERSONAL PROTECTIVE EQUIPMENT**

PPE as required by local, state or federal laws or Executive Orders will be provided by the Perry Public Library. As per OSHA guidelines, employees are not financially responsible for mandated PPE. Employees may provide their own PPE if they desire and if it is in compliance with all local, state, or federal laws or Executive Orders and CDC and OSHA regulations.

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The Perry Public Library will provide any necessary training for mandated PPE including proper use and disposal.

The Perry Public Library will keep a supply of PPE in storage in the event a public health emergency is immediately declared. All employees will be aware of the storage location of PPE. The Director will monitor PPE supply levels and replenish the supply as needed in accordance with the library's Procurement Policy.

Failure to comply with PPE mandates may result in disciplinary action.

## **EXPOSURE TO COMMUNICABLE DISEASE**

If required by local, state or federal laws or Executive Orders, mandatory, continuous health screening practices will be implemented for all employees.

In the event an employee is exposed to a known case of the communicable disease that is the subject of the public health emergency, exhibits symptoms of such disease, or tests positive for such disease, the following procedures will be immediately implemented:

- The employee must not report to the library or they must leave the premises immediately, if already at work, and notify the Director.
- The Director will notify both local and state health departments and will follow guidance specific to workplaces with a suspected or positive case.
- The Director and the employee will determine which other staff members were in close contact and possibly exposed to the communicable disease.
- The Director and the employee will determine which areas of the library are now considered "contaminated" and need to be immediately closed.

## **Cleaning Contaminated Areas**

- The library will immediately close off contaminated area(s).
- The area(s) will be quarantined for a length of time determined by local or state health departments.
- The air conditioning will be temporarily turned off the area so that particles will not circulate throughout the facility.
- After the determined length of time, the area(s) used by the employee will be cleaned, vacuumed, and disinfected including bathrooms, common areas, shared electronic equipment like computers, tablets, keyboards, and other office supplies.
- Once the areas have been appropriately disinfected, they can be opened for use.
- The library will continue routine cleaning and disinfecting and logging these activities as recommended.

## **Contact Tracing**

The Director will adhere to local and state guidance regarding Contact Tracing which may include reporting or contacting other employees, contractors, visitors, and patrons who voluntarily supplied their information for the purpose of Contact Tracing who may have

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been in close contact with the employee suspected or confirmed to have the communicable disease.

The Director will keep the health status of employees confidential.

## **Compensation**

The Perry Public Library will adhere to all local, state, or federal laws or Executive Orders regarding sick leave or expanded family and medical leave for specified reasons related to this communicable disease.

## **Returning to Work**

- If an employee is exposed to the communicable disease or exhibits symptoms of the communicable disease, they must follow all local and state health department directives which may include being tested for that communicable disease and/or quarantining for a specified amount of time at home.
- If an employee has a suspected or confirmed case they must not report back to work until they have met all of the following criteria in consultation with a healthcare provider and in accordance with local, state, and/or federal criteria specific to the communicable disease.
- All other employees will be provided instructions for returning to work dependent on the determination of risk of exposure by the local or state health department during Contact Tracing.

## **Mitigating Risk**

Reporting to work following a known-exposure to the communicable disease, having symptoms consistent with the communicable disease, or following a positive test without being medically cleared to return to work as defined above will be considered a violation of library policy and may result in disciplinary action.

The Perry Public Library will not take any retaliatory action for employees not reporting to work due to a suspected or confirmed case of the communicable disease. Employees must follow the established protocols outlined in the Personnel Policy for reporting an absence.

## **CONTINUATION OF OPERATIONS**

In the event of a declared public health emergency involving a communicable disease, the Director will address operations according to the following outline. Some circumstances will require deviation from this sequence in order to best serve the safety and health of the library staff and community.

- Assess the emergency declaration as it relates to the library's facilities, materials, staff, or community.
- Notify the appropriate persons including employees and the Board of Trustees.
- Determine the next steps, with the information available, regarding:
  - Services or service points

- Hours of operation
- Personnel
- Draft a press release or statement to the public
- Document in detail the sequence or timeline of events before, during, and after the declared public health emergency.
- Prepare for recovery.

## **COMMUNICATION**

Once approved by the Board of Trustees, this Pandemic Response Plan will be published in a clear and conspicuous location at the Perry Public Library and on the library's website. A copy will be provided to all employees.

## **ONGOING USE EVALUATION**

This Pandemic Response Plan was as required by law with the health and safety of the library's employees and community as the top priority.

The Pandemic Response Plan will be evaluated annually by the Director and Board of Trustees and updated as needed.

Questions or concerns regarding Perry Public Library's Pandemic Response Plan should be directed to the Director.

## **Addendum B: Notice of Policy on The Rights of Employees To Express Breast Milk in the Workplace**

### **Introduction and Purpose**

Section 206-c of the New York State Labor Law gives all employees in New York the right to express breast milk in the workplace. This law applies to all public and private employers in New York State, regardless of size or the nature of their business.

The New York State Department of Labor has developed the official policy on breast milk expression in the workplace as required by the law, ensuring that all employees know their rights and all employers understand their responsibilities. This policy is the minimum required standard, but employers are encouraged to include additional accommodations tailored to their workplace.

With the information provided below, employees will learn how much time they are allowed for breast milk expression, the kind of space employers are required to provide for breast milk expression, how to notify employers about the need to express breast milk in the workplace, and how to notify the Department of Labor if these rights are not honored.

Employers are required to provide this policy in writing to all employees when they are hired and again every year after. Employers are also required to provide the policy to employees as soon as they return to work following the birth of a child.

### **Using Break Time for Breast Milk Expression**

Employers must provide reasonable unpaid break time for their employees to express breast milk. In addition, employees must also be permitted to use their paid break time or meal time to express breast milk. This time must be provided for up to three years following childbirth. Employers must provide unpaid break time at least every three hours if requested by the employee. However, the number of unpaid breaks an employee will need to express breast milk is unique to each employee and employers must provide reasonable break times based on the individual. Employers are prohibited from discriminating in any way against an employee who chooses to express breast milk in the workplace.

An employee must be permitted to work before or after their normal shift to make up any time used as unpaid break time to express breast milk, as long as this time falls within the employer's normal work hours. However, an employee is not required to make up their unpaid break time.

While an employer cannot require that an employee works while expressing breast milk, nothing in Labor Law 206-c prevents an employee from voluntarily choosing to do so. Time working while expressing breast milk must be compensated.

Unpaid breaks provided for the expression of breast milk must be at least twenty minutes. However, if the designated lactation room where such break will be taken is

not close to an employee's work station, the provided break must be at least thirty minutes. An employee must be allowed to take a longer unpaid break if needed. Employees may also opt to take shorter unpaid breaks.

Employees who work remotely have the same rights to unpaid time off for the purpose of expressing breast milk, as all other employees who perform their work in-person.

## Making A Request to Express Breast Milk at Work

If an employee wants to express breast milk at work, they need to give employers reasonable advance notice, generally before returning to the workplace if the employee is on leave. This advance notice is to allow employers the time to find an appropriate location and adjust schedules if needed.

Employees wishing to request a room or other location to express breast milk in the workplace should do so by submitting a written request to their direct supervisor or individual designated by their employer for processing requests. Employers must respond to this request for a room or other location to express breast milk in writing within five days.

Employers must notify all employees in writing through email or printed memo when a room or other location has been designated for breast milk expression.

## Lactation Room Requirements

In addition to providing the necessary time during the workday, employers must provide a private room or alternative location for the purpose of breast milk expression. The space provided for breast milk expression cannot be a restroom or toilet stall.

The room or other location must:

- Be close to an employee's work area
- Provide good natural or artificial light
- Be private – both shielded from view and free from intrusion
- Have accessible, clean running water nearby
- Have an electrical outlet (if the workplace is supplied with electricity)
- Include a chair
- Provide a desk, small table, desk, counter or other flat surface

There does not need to be a separate space for every nursing employee. An employer may dedicate a single room or other location for breast milk expression. Should there be more than one employee at a time needing access to a lactation room, an employer may dedicate a centralized location to be used by all employees.

Any space provided for breast milk expression must be close to the work area of the employee(s) using the space. The space must be in walking distance, and the distance to the location should not significantly extend an employee's needed break time.

Employers located in shared work areas, such as office buildings, malls and similar spaces may work together to establish and maintain a dedicated lactation room, as long

as such space(s) are a reasonable distance from the employees using the room. Each employer utilizing this common space is individually responsible for making sure the room meets the needs of their employees.

If there is not a separate room or space available for lactation, an employer may use a vacant office or other available room on a temporary basis. This room must not be accessible to the public or other employees while an employee is using it for breast milk expression.

As a last resort, an available cubicle may be used for breast milk expression. A cubicle can only be used if it is fully enclosed with a partition and is not otherwise accessible to the public or other employees while being used for breast milk expression. The cubicle walls must be at least seven feet tall to insure the employee's privacy.

To ensure privacy, if the lactation room has a window, it must be covered with a curtain, blind or other covering. In addition, the lactation space should have a door equipped with a functional lock. If this is not possible (such as in the case of a fully enclosed cubicle), as a last resort, an employer must utilize a sign advising the space is in use and not accessible to other employees or the public.

If the workplace has a refrigerator, employers must allow employees to use it to store breast milk. However, employers are not responsible for ensuring the safekeeping of expressed milk stored in any refrigerator in the workplace. Employees are required to store all expressed milk in closed containers and bring milk home each evening.

The space designated for expressing breast milk must be maintained and clean at all times.

If an employer can demonstrate undue hardship in providing a space with the above requirements, the employer must still provide a room or other location - other than a restroom or toilet stall - that is in close proximity to the work area where an employee can express breast milk in privacy, that meets as many of the requirements as possible. Undue hardship is defined in the statute as "causing significant difficulty or expense when considered in relation to the size, financial resources, nature, or structure of the employer's business." However, an employer may not deny an employee the right to express breast milk in the workplace due to difficulty in finding a location.

## New York State Department of Labor Resources

If an employee believes that they are experiencing retaliation for expressing breast milk in the workplace, or that their employer is in violation of this policy, they should contact the New York State Department of Labor's Division of Labor Standards. Call us at 1-888-52-LABOR, email us at [LSAsk@labor.ny.gov](mailto:LSAsk@labor.ny.gov), or visit our website at [dol.ny.gov/breast-milkexpression-workplace](http://dol.ny.gov/breast-milkexpression-workplace) to file a complaint.

A list of our offices is available at [dol.ny.gov/location/contact-division-labor-standards](http://dol.ny.gov/location/contact-division-labor-standards). Complaints are confidential.

## Federal Resources

The federal PUMP Act went into effect in 2023, expanding protections for almost all employees expressing breast milk at work. Under the PUMP Act, any covered workers not provided with breaks and adequate space for up to a year after the birth of a child are able to file a complaint with the U.S. Department of Labor or file a lawsuit against their employers. For more information, please visit [dol.gov/agencies/whd/pump-at-work](https://dol.gov/agencies/whd/pump-at-work).

## Additional Information

This notice has been adapted from the NY DOL notice titled Policy on the Rights of Employees to Express Breast Milk in the Workplace found at [https://dol.ny.gov/system/files/documents/2023/12/p705-policy-on-the-rights-of-employees-to-express-breast-milk-in-the-workplace\\_12-2023\\_0.pdf](https://dol.ny.gov/system/files/documents/2023/12/p705-policy-on-the-rights-of-employees-to-express-breast-milk-in-the-workplace_12-2023_0.pdf).

Please see the Perry Public Library's policies on Pregnancy Accommodations (New York) and Lactation Accommodation (New York) for more details.

## Harassment Complaint Form

New York State Labor Law requires all employers to adopt a sexual harassment prevention policy that includes a complaint form for employees to report alleged incidents of sexual harassment.

If you believe that you have been subjected to sexual or other forms of workplace harassment, you are encouraged to complete this form and submit it to **[insert contact information for individual(s) responsible for complaints (name and/or job title, phone number, email address and/or physical Library address)]**. Once you submit this form, **Perry Public Library** will follow its Non-Harassment/Non-Discrimination policy and investigate any claims, as outlined in the Library's policy. You will not be retaliated against for filing a complaint.

If you are more comfortable reporting orally or in another manner, the Library will still follow its Non-Harassment/Non-Discrimination policy and investigate the claim.

### Complainant Information

Name: \_\_\_\_\_ Date: \_\_\_\_\_

Position/Department: \_\_\_\_\_ Manager Name: \_\_\_\_\_

Phone Number \_\_\_\_\_ Email Address \_\_\_\_\_

Name of Accused: \_\_\_\_\_ Accused's Position/Department: \_\_\_\_\_

Accused's Relationship to you:  Supervisor  Subordinate  Co-Worker  Other

### Complaint Information

1. Please describe what happened and how it is affecting your work. Please use additional sheets of paper if necessary and attach any relevant documents or evidence.

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2. Date(s) incident(s) occurred: \_\_\_\_\_

3. Is the conduct still continuing?  Yes  No



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4. Please list the name(s) and contact information of any witness(es) or individual(s) that may have information related to your complaint.

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***The next question is optional but may help the investigation.***

5. Have you previously complained or provided information (verbal or written) about harassment at **Perry Public Library**? If yes, when and to whom did you file the complaint or provide information?

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***If you have retained legal counsel and would like us to work with them, please provide their contact information below.***

Attorney's Name: \_\_\_\_\_

Attorney's Phone Number: \_\_\_\_\_

Attorney's Email Address: \_\_\_\_\_

**I acknowledge that all information provided above is true, complete, and accurate to the best of my knowledge.**

Completed By: \_\_\_\_\_  
Employee Name (printed)

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Library Representative Receiving Complaint

\_\_\_\_\_  
Date

\_\_\_\_\_  
Title