

METROPOLITAN LIBRARY COMMISSION OF OKLAHOMA COUNTY

ADMINISTRATIVE & PERSONNEL COMMITTEE

AGENDA

Members: Carolyn Cornelius
Margaret Graham
Cynthia Mitas
Mukesh Patel
Alexandra Vera

Wednesday, November 5, 2008
3:30 p.m.
Downtown Library
300 Park Avenue
Oklahoma City, OK 73102
Telephone: (405) 231-8650

NOTE: Comments from the general public will be limited to 15 minutes with time prorated among speakers. Preference will be given to residents of Oklahoma County. Persons signing up to address the committee must list their residential address and personally sign a speaker form.

- I. Call to Order and Establishment of Quorum
- II. Discussion, Consideration, and Possible Action: Selection of Committee Chair
- III. Discussion, Consideration, and Possible Action: Revisions to the MLS Policy and Procedure Manual
 - SH 510 Discrimination & Harassment
 - SH 512 Firearms/Weapons & Workplace Violence Policy
- IV. Discussion, Consideration, and Possible Action: Executive Session

To discuss the employment, hiring, appointment, promotion, etc., of the Executive Director pursuant to the Oklahoma Open Meeting Act, Title 25, Oklahoma Statutes § 307, (B)(1)

REPORT AND RECOMMENDATION FROM ADMINISTRATION

Revisions to Metropolitan Library System Policy and Procedure Manual

MLS policies contained in the Policy and Procedure Manual, periodically require updating as a result of decisions or recommendations from the Library Commission, changes in federal and state laws and regulations, and the necessity to operate the library system in a more efficient, effective manner.

The administration recommends for your consideration, a revision to SH 510 Civil Rights Policy and one new policy for your review.

SH 510 Civil Rights Policy–revisions recap

P&P Changes to the policy at the request of the A&P Committee:

Added specific definitions and examples for each prohibited action of harassment and discrimination.

Other Changes:

Removed the Firearms and Violence in the Workplace sections in SH510 to create a separate policy for it: SH 512 Firearms/Weapons & Workplace Violence Policy

SH 512 Firearms/Weapons & Workplace Violence Policy – recap New Policy

This is a new policy that was created by removing the Firearms and Violence sections from SH512 and expanding it to create a separate policy.

- Defines what constitutes possession and the exceptions of Firearms/Illegal Weapons/Illegal Substances
- Defines Weapons & Searches
- Defines Workplace Violence

ADMINISTRATIVE RECOMMENDATION FOR COMMISSION ACTION:

To approve the recommendations from Administration for adoption to the Metropolitan Library System Policy & Procedure Manual revisions to, SH 510 Civil Rights Policy and SH512 Firearms/Weapons & Workplace Violence Policy

SH 500 Rights of Employees

SH 510 Discrimination & Harassment

Revised: 3/97, 2/03, 9/07, Draft 10/08

Policy

The Discrimination and Harassment policy ensures that the Metropolitan Library System creates and maintains a work environment of mutual respect and dignity for all employees, applicants and volunteers, where unlawful discrimination and/or harassment is strictly prohibited and will not be tolerated.

Regulations

- 1) This policy applies to conduct in and/or related to the workplace and applies to all employees and volunteers of the library system, customers, vendors, and contractors in the workplace.
- 2) Each employee and volunteer of the Metropolitan Library System is responsible for creating and maintaining a work environment of mutual respect and dignity.
- 3) Library employees who violate this policy are subject to disciplinary action, up to and including termination of employment.
- 4) The Metropolitan Library System will take measures to ensure that:
 - a) All employees are aware and understand the goals of equal employment opportunity and freedom from illegal harassment. This communication is crucial to the System's success in achieving its goals. Employment policies will be communicated to all agency managers and supervisors who are involved with appointment, transfer and promotion of the System's personnel. This policy will be furnished to each new employee of the System. Policies on illegal harassment will be communicated to volunteers, customers, vendors, and contractors as needed.
 - b) Processing of complaints of discrimination or harassment will be done fairly and impartially and free from reprisal and retaliation. Additionally, any employee who feels that he or she has not been afforded equal opportunity for promotion or transfer or other terms or conditions of employment because of prohibited discriminatory factors or subjected to illegal harassment of any form may submit a complaint as provided in SH 510.1 Civil Rights Complaint Resolution Procedures.
 - c) No action will be taken against an employee for making a complaint in good faith, even if any facts alleged in the complaint are not confirmed by subsequent investigation.
 - d) Any employee who feels that s/he has been or are actively being discriminated against or harassed because of any of the Discrimination and Harassment types covered under the Title VII of the Civil Rights Act of 1964 by another employee needs to immediately follow the complaint resolution procedure contained in SH 510.1. Complaints of discrimination or harassment by a customer or vendor should be submitted using the procedure for reporting unusual incidents.
- 5) The library system will not fire, demote, harass or otherwise "retaliate" against an individual for filing a charge of discrimination, participating in a discrimination proceeding, or otherwise opposing discrimination.

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- 6) The same laws that prohibit discrimination based on race, color, sex, religion, national origin, age, and disability, as well as wage differences between men and women performing substantially equal work, also prohibit retaliation against individuals who oppose unlawful discrimination or participate in an employment discrimination proceeding.
- 7) If the persons responsible for personnel actions or employees in their personal actions do not abide by the spirit as well as the letter of these policies and procedures, they are subject to disciplinary action up to and including termination of employment.
- 8) Discrimination and Harassment covered under Title VII of the Civil Rights Act of 1964 and Amendments, the Pregnancy Discrimination Act, the Uniformed Service Employment and Reemployment Rights Act, the American Disabilities Act and similar federal and state legislation are strictly prohibited.

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Prohibited Action	Definition and Examples
Gender Discrimination	<p>Definition: Gender discrimination is any adverse employment action against another person that would not have occurred had the person been of another sex.</p> <p>Examples: Gender or Sexual Discrimination can arise in different contexts. For instance, an employee or applicant may be discriminated against by being asked discriminatory questions during a job interview; or because an employer did not hire, promote or wrongfully discharged an employee based on his or her gender; or an employer pay unequally based on gender.</p>
Sexual Harassment	<p>Definition: The Equal Employment Opportunity Commission (EEOC) defines sexual harassment as: "Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when submission to or rejection of this conduct explicitly or implicitly affects an individual's employment, unreasonably interferes with an individual's work performance or creates an intimidating, hostile, or offensive work environment. It can occur between a man and woman or between members of the same sex and is just as unacceptable if it is done by a co-worker as if it is done by a supervisor, or even a non-employee, such as in the case of a contractor or customer. The conduct will be prohibited regardless of whether or not the employee suffers any economic injury or is fired."</p> <p>Examples: Prohibited conduct includes repeated unwelcome physical contact such as touching, kissing, advances, and blocking passage. Other examples of prohibited conduct include, but are not necessarily limited to, repeated unwelcome discussion of sexual activities, prolonged staring (leering), display of sexually explicit pictures or drawings, use of sexually suggestive gestures, sexual propositions, slurs, insults, jokes, and/or sexual remarks about physical attributes. This includes all electronic forms of communication and distribution.</p>
Racial /Color Discrimination	<p>Definition: Racial/color discrimination is the denial of equal employment opportunity to any person because of his/her racial group or perceived racial group, his/her race-linked characteristics (e.g., hair texture, color, facial features), or because of his/her marriage to or association with someone of a particular race or color; and/or employment decisions based on stereotypes and assumptions about abilities, traits, or the performance of individuals of certain racial groups. Title VII's prohibitions apply regardless of whether the discrimination is directed at Whites, Blacks, Asians, Latinos, Arabs, Native Americans, Native Hawaiians and Pacific Islanders, multi-racial individuals, or persons of any other race, color, or ethnicity.</p>

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Prohibited Action	Definition and Examples
	<p>Examples: Racial/color classification of employees such that employees of particular races or skin colors are isolated from other employees, from customer contact, or relegated to certain jobs or positions, or assignment of employees of a particular race or color to particular establishments or geographic areas.</p>
Racial /Color Harassment	<p>Definition: Racial/color harassment is the making of comments, gestures, or other actions that explicitly or implicitly affect an individual's work performance or creates an intimidating, hostile, or offensive work environment. It can occur between a person of one race and a person of another race and between members of the same race and is just as unacceptable if it is done by a co-worker as if it is done by a supervisor, or even a non-employee, such as in the case of a contractor or customer.</p> <p>Examples: Offensive comments, jokes, or other statements or conduct such as displaying racially offensive signs or items, based on race or color which creates an intimidating, hostile or offensive work environment, or interferes with the employee's work performance.</p>
National/ Ethnic Origin Discrimination	<p>Definition: National/ethnic origin discrimination is any adverse employment action against another person that occurs because of the individual's national or ethnic origin or because of marriage or other association with someone of a particular nationality.</p> <p>Examples: The treatment of someone less favorably because he or she comes from a particular place, because of his or her ethnicity or accent, or because it is perceived that he or she has a particular ethnic background or the treatment of someone less favorably at work because of marriage or other association with someone of a particular nationality.</p>
National/ Ethnic Origin Harassment	<p>Definition: National/ethnic origin harassment is the making of comments or other actions that explicitly or implicitly affect an individual's work performance or creates an intimidating, hostile, or offensive work environment. It can occur between a person of one nationality or ethnic group and a person of another and between members of the same nationality or ethnic group and is just as unacceptable if it is done by a co-worker as if it is done by a supervisor, or even a non-employee as in the case of a contractor or customer.</p> <p>Examples: Offensive comments, jokes, or other statements or conduct based on nationality or ethnicity.</p>

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Prohibited Action	Definition and Examples
Religious Discrimination	<p>Definition: Religious discrimination is discrimination against individuals because of their religious beliefs in hiring, firing, and other terms and conditions of employment. The library system will not treat employees or applicants any more or less favorably because of their religious beliefs or practices - except to the extent a religious accommodation is warranted. Employees cannot be forced to participate -- or not participate -- in a religious activity as a condition of employment. The library system will make every effort to reasonably accommodate employees' sincerely held religious practices unless doing so would impose an undue hardship. A reasonable religious accommodation may be any adjustment to the work environment or schedule that will accommodate the religious practices of the employee.</p> <p>Examples: Religious Discrimination can arise in different contexts. For instance, an employee or applicant may be discriminated against by being asked discriminatory questions during a job interview; or because an employer did not hire, promote or wrongfully discharged an employee based on his or her membership and/or participation in one religion or another or attendance at religion-based activities.</p>
Religious Harassment	<p>Definition: Religious harassment is the making of comments or other actions that explicitly or implicitly affect an individual's work performance or creates an intimidating, hostile, or offensive work environment. It can occur between a person of one religion or absence thereof and a person of another and between members of the same religion or sect, denomination or faction and is just as unacceptable if it is done by a co-worker as if it is done by a supervisor, or even a non-employee as in the case of a contractor or customer.</p> <p>Examples: Offensive comments, jokes, or other statements or conduct based on a religious belief or practice or the lack of participation in any religion and would include religious celebrations.</p>
Discrimination based on pregnancy, childbirth, or related medical condition	<p>Definition: Discrimination on the basis of pregnancy or related medical conditions is the failure to treat women who are pregnant or affected by related conditions in the same manner as other applicants or employees with similar abilities or limitations.</p> <p>Examples: Not hiring or promoting an individual, who otherwise is the most qualified applicant, because she is pregnant or suffering from medical side effects of pregnancy such as morning sickness or gestational diabetes regardless of the fact that the person may soon need to be off work for the birth of the child.</p>

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Prohibited Action	Definition and Examples
Harassment based on pregnancy, childbirth, or related medical condition	<p>Definition: Harassment on the basis of pregnancy or related medical conditions is the making of comments or other actions that explicitly or implicitly affect an individual's work performance or creates an intimidating, hostile, or offensive work environment. It can occur between a person who is not pregnant and a person who is and between individuals both of which are pregnant or both of which are not pregnant and is just as unacceptable if it is done by a co-worker as if it is done by a supervisor, or even a non-employee as in the case of a contractor or customer.</p> <p>Examples: Offensive comments, jokes, or other statements or conduct directed towards or made in the presence of a pregnant employee having to do with childbirth</p>
Discrimination based on age	<p>Definition: Discrimination based on a person's age is discrimination against any employee, or applicant, because of his/her age with respect to any term, condition, or privilege of employment, including hiring, firing, promotion, layoff, compensation, benefits, job assignments, and training, except in certain cases where state or federal law places minimum age requirements for work in certain types of employment, the number of hours an individual of a certain age may work, and the time of day an individual of a certain age may work. The Age Discrimination in Employment Act (ADEA) protects individuals who are 40 years of age or older from employment discrimination based on age and applies to both employees and job applicants.</p> <p>Examples: The asking of age related questions, such as date of birth, on employment applications or during interviews; except for valid employment reasons such as completion of criminal records checks. The asking of the date of graduation from high school since most individuals do so at about age 18 and the date of graduation from college since most individuals do so in their twenties. Age at graduation does vary, but is generally a question to be avoided.</p>
Harassment based on age	<p>Definition: Harassment based on a person's age is the making of age-related comments or other actions that explicitly or implicitly affect an individual's work performance or creates an intimidating, hostile, or offensive work environment. It can occur between a person of a generation under age 40 and a person over age 40 and between members of the same generation and is just as unacceptable if it is done by a co-worker as if it is done by a supervisor, or a non-employee as in the case of a contractor or customer.</p> <p>Examples: Offensive comments, jokes, or other statements or conduct directed towards or made in the presence of an older employee having to do with age.</p>

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Prohibited Action	Definition and Examples
Discrimination based on veteran / USERRA status	<p>Definition: Discrimination based on veteran or USERRA status is the denial of initial employment, reemployment, retention in employment, promotion, or any benefit of employment by an employer on the basis of armed forces membership, application for membership, performance of service, application for service, or obligation. The Uniformed Service Employment and Reemployment Rights Act (USERRA) protects all persons who are in any manner connected to the armed forces. This means someone who is</p> <ul style="list-style-type: none"> • is a member of, • applies to be a member of, • performs, or has performed, • applies to perform, • or has an obligation to perform service in a uniformed service. <p>The library system does not provide veterans' preference.</p> <p>Examples: The asking of veteran or military status related questions, such as membership in reserve or guard units, military retirement or re-call chances, or intentions to enlist in military service.</p>
Harassment based on veteran / USERRA status	<p>Definition: Harassment based on veteran or USERRA status is the making of comments or other actions that explicitly or implicitly affect an individual's work performance or creates an intimidating, hostile, or offensive work environment. It can occur between a person who has not served or is not serving in a branch of the uniformed services and a person who is or has and between individuals both of which are or have served or which are not or have not served and is just as unacceptable if it is done by a co-worker as if it is done by a supervisor, or even a non-employee as in the case of a contractor or customer.</p> <p>Examples: Offensive comments, jokes, or other statements or conduct directed towards or made in the presence of an employee having to do with active or past service.</p>
Discrimination based on physical or mental disability	<p>Definition: Discrimination based on a person's physical or mental disability is defined by the Americans with Disabilities Act which prohibits employers from discriminating against qualified individuals with disabilities in job application procedures, hiring, firing, advancement, compensation, job training, and other terms, conditions, and privileges of employment except where physical or mental ability is a bonafide occupational qualification or reasonable accommodation cannot be made. An individual with a disability is a person who:</p> <ul style="list-style-type: none"> • Has a physical or mental impairment that substantially limits one or more major life activities;

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Prohibited Action	Definition and Examples
	<ul style="list-style-type: none"> • Has a record of such an impairment; or • Is regarded as having such an impairment <p>A qualified employee or applicant with a disability is an individual who, with or without reasonable accommodation, can perform the essential functions of the job in question. Reasonable accommodation may include, but is not limited to:</p> <ul style="list-style-type: none"> • Making existing facilities used by employees readily accessible to and usable by persons with disabilities. • Job restructuring, modifying work schedules, reassignment to a vacant position; • Acquiring or modifying equipment or devices, adjusting or modifying examinations, training materials, or policies, and providing qualified readers or interpreters. <p>As an employer, we will make a reasonable accommodation to the known disability of a qualified applicant or employee if it would not impose an "undue hardship" on the operation of the library system. Undue hardship is defined as an action requiring significant difficulty or expense when considered in light of factors such as an employer's size, financial resources, and the nature and structure of its operation. The library system is not required to lower quality or performance standards to make an accommodation; nor are we obligated to provide personal use items such as glasses or hearing aids.</p> <p>Examples: Not hiring or promoting an individual, who is otherwise the most qualified applicant because he or she has disclosed a disability or give the impression of having a disability or is observed to have a disability during the application or interview process. The failure or refusal by a supervisor to meet with an individual to discuss possible accommodation(s) after the employee has disclosed a disability and provided medical documentation of one. Terminating an employee because of the disclosure of a disability for which reasonable accommodation could be made, including both physical and mental disabilities.</p>
Harassment based on physical or mental disability	<p>Harassment based on a person's physical or mental disability is the making of comments or other actions that explicitly or implicitly affect an individual's work performance or creates an intimidating, hostile, or offensive work environment. It can occur between a person with a disability and a person without and between two individuals with or without disabilities and is just as unacceptable if it is done by a co-worker as if it is done by a supervisor, or even a non-employee as in the case of a contractor or customer.</p>

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Prohibited Action	Definition and Examples
	Examples: Offensive comments, jokes, or other statements or conduct directed towards or made in the presence of an employee having to do with the presence of, a perceived or disclosed of physical or mental disability.

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SH 512 Firearms/Weapons & Workplace Violence Policy

Revised: 3/97, 2/03, 9/07, Draft 10/08

Policy

The Firearms/Weapons & Workplace Violence Policy ensures that the Metropolitan Library System provides a service and work environment that is free from unauthorized firearms, illegal weapons, and acts of physical violence or verbal abuse while engaged in library business. The policy applies to all library system employees, volunteers, customers, visitors, vendors or contract personnel on or in library property or vehicles.

Regulations:

1. Firearms / Illegal Weapons/Illegal Substances

The library strictly prohibits the possession or use of firearms or other illegal weapons of any kind on library or library controlled property regardless of whether the person is licensed to carry the weapon or not. Under current law, possession of a Self Defense Act Concealed Carry Permit is not sufficient licensing as all library facilities are owned or operated by a public agency for public services. Additionally, the library strictly prohibits the possession of illegal or legally obtainable chemicals or explosives on library or library controlled property.

Possession includes but is not limited to on one's self or in personal property, and storage in lockers, desks, cabinets, library system owned briefcases or any other container.

The exceptions to this policy are police officers, security guards, state or federally commissioned peace officers or other persons who have been given consent by the Executive Director, or Director of Human Resources, to carry a weapon on the property.

Weapons Defined

Prohibited weapons include any form of weapon or explosive restricted under local, state or federal regulation. This includes all firearms, illegal knives or other weapons covered by law. [Legal, chemical dispensing devices such as pepper sprays that are sold commercially for personal protection is not covered by this policy.] Questions about whether an item is covered by this policy should be referred to the Security Manager or the Director of Human Resources. Every person will be held responsible for confirming beforehand that any potentially covered item in his/her possession is not prohibited by this policy.

Searches

The library system reserves the right to conduct searches of items carried into library owned or operated property for weapons, legally obtained or illegal chemicals which may be explosive in nature, and other substances or materials the possession of which would be illegal or illegal when carried into a public library. Pursuant to this provision, the library system is authorized to search lockers, desks, files, storage and file cabinets and any other library owned or provided container in which illegal items may be hidden. Additionally, the library system may search a vehicle owned by it and

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used by the employee at any time. The policy is expressly giving notice that employees should not have an expectation of privacy.

Searches may be conducted by management or library security at the request of management. To the extent the search is to be conducted by or at the request of library management and the employee is present, the employee may refuse the search; provided, however, that such refusal can result in disciplinary actions including termination of employment for refusal to cooperate. The library system reserves the right to conduct searches on its property or authorize searches on its property without the employee being present.

Violations

Failure to abide by all terms and conditions of the policies described above, including the spirit as well as the letter of the law, may result in discipline including termination of employment. Further, carrying a weapon onto library property in violation of this policy may be considered an act of criminal trespass, may be grounds for immediate removal from the library property, and may result in prosecution.

2. Violence in the Workplace

The Metropolitan Library System is committed to promoting a safe and secure work environment that promotes the achievement of its mission. Violence, threats of violence, intimidation, harassment, coercion, or other threatening behavior towards people or property will not be tolerated.

Workplace Violence Defined

Workplace violence is any behavior that is violent, threatens violence, coerces, harasses or intimidates others, interferes with an individual's legal rights of movement or expression, disrupts the workplace, or the library systems ability to provide services to the public. Examples of workplace violence include, but are not limited to:

- Disruptive behavior intended to disturb, interfere with or prevent normal work activities (such as yelling, using profanity, verbally abusing others, or posturing of arms and fists in a combative fashion).
- Intentional physical contact for the purpose of causing harm (such as slapping, stabbing, punching, striking, shoving, or other physical attack).
- Menacing or threatening behavior (such as throwing objects, pounding on a desk or door, damaging property, stalking, or otherwise acting aggressively; or making oral or written statements specifically intended to frighten, coerce, or threaten) where a reasonable person would interpret such behavior as constituting evidence of intent to cause harm to individuals or property.

Violations:

Incidents of workplace violence, threats of workplace violence, or observations of workplace violence are not to be ignored by any staff member or volunteer of the library system.