

# **METROPOLITAN LIBRARY COMMISSION OF OKLAHOMA COUNTY**

## **ADMINISTRATIVE & PERSONNEL COMMITTEE AGENDA**

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

Tuesday, May 19, 2009 at 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 – Mrs. Carolyn Cornelius, Chair
- II. Discussion, Consideration, and Possible Action: Annual Review of Human Resources – Salaries and Benefits  
With Reports and Recommendations from Administration:
  - ❖ Compensation & Benefit Plans
- III. Discussion, Consideration, and Possible Action: Report and Recommendation from Administration ~ Revisions to Metropolitan Library System Policy and Procedure Manual

The Metropolitan Library System of Oklahoma County encourages participation from all patrons and citizens of Oklahoma County. If participation at any public meeting is not possible due to a disability, whether physical, hearing or speech related, please notify the office of the Executive Director (606-3726) at least forty-eight (48) hours prior to the scheduled public meeting to allow the Library to make necessary accommodations.

## **REPORT AND RECOMMENDATION FROM ADMINISTRATION**

### MLS SALARIES & BENEFITS FY 2009-10

#### **RECOMMENDATIONS FROM ADMINISTRATION:**

The Administration recommends the following:

#### **1. Compensation:**

- A.** a merit increase schedule of from 0% to 3%, effective July 1, 2009.
- B.** a market adjustment of 4% for all employees, effective with the beginning of the pay period that includes January 1, 2010.

#### **2. Benefits:**

- A.** acceptance of the following items for the self-funded Employee Benefit Plan:
  - renewal of Paid Stop Loss Insurance policy with HCC Life Insurance Company;
  - increase in the Specific Deductible level to \$55,000 per individual;
  - adoption of Medicare Mandatory Reporting Fee;
  - increase in the PPO network access fee;
  - renewal of the annual election to opt-out of HIPAA Title I requirements;
  - renewal of the fully-insured Organ Transplant policy with American General Life Companies; and
  - adoption of proposed Prescription Drug Plan changes.
- B.** acceptance of the offer for Group Term Life Insurance and Accidental Death and Dismemberment Insurance from Unum Life Insurance Company of America.
- C.** acceptance of a continuation in the current service provider and premium rates for the following benefit programs:
  - Group Long Term Disability insurance;
  - Group Long Term Care insurance; and
  - Employee Assistance Program.
- D.** acceptance of renewal offer for Vision Insurance from current carrier Vision Service Plan (VSP).

#### **ADMINISTRATIVE & PERSONNEL COMMITTEE ACTION:**

The Committee action would be to recommend that the Finance Committee incorporate the funds for the above recommendations into the FY 2009-10 budget and that the Commission, by approval of the estimate of needs, approve the plan changes in accordance with the funding level.

**METROPOLITAN LIBRARY SYSTEM**  
**ANNUAL REVIEW OF HUMAN RESOURCES - SALARIES AND BENEFITS**  
**May 2009**

The Library System provides a salary and benefits package intended to attract and retain the excellent quality of employees that our customers have come to expect and deserve. The salaries are reviewed annually using information from various sources. This year we reviewed information from the US Department of Labor's Bureau of Labor Statistics and information gathered by MLS Human Resources Office staff. Benefits are also reviewed annually by the Human Resources Office staff and compared with benefits information received through national publications and from other sources.

**SALARIES**

Each year, the library calculates the average salary and benefits' cost for full-time equivalent employees based on the salaries and benefits being received in that month.

Based on the December 2008 report, the average full-time employee made \$41,912.00, up 4.0% from the December 2007 average of \$40,268.80 annually. For comparison, the December 2007 report represented a 4.9 percent increase above December 2006. This average excludes the Executive Director and the Coordinator of the Friends (whose salaries are set by the Library Commission and the Friends' Board respectively). The 4.0 percent increase is for the average full-time and designated half-time, three-quarter's time, etc. employee's annual salary and gives the appearance of being incorrect because of the market adjustment and merit increase programs. The average percentage increase for performance was 2.42 in 2008. It is important to remember, however, that the average salary is effected by such things as the resignation or retirement of long-term employees being replaced by new employees starting at the beginning of the pay range (at a lower salary) and newly authorized positions with a beginning salary below the average. It is also important to note that 22% (65 FTEs) of the employees covered by the report are at the maximum of their salary grade range. Individuals at the maximum do not receive an hourly rate increase. Instead, they receive a one-time bonus equal to three-fourths of the applicable performance award increase percentage of annual base pay.

Through the classification plan all full-time positions (again excluding the Executive Director and the Coordinator of the Friends) are assigned to one of fourteen salary grades, each of which has a minimum salary and a maximum salary (the salary range). Assignment to the grade is by a point factoring analysis of each job (through the job description). Positions are reviewed and evaluated on specific factors.

Point factor job evaluation ensures that each position is fairly valued on each factor in relationship to the value of every other position. The end result of job position evaluation is the development of a "job worth hierarchy" that reflects the contributions and importance of all evaluated positions. This job worth hierarchy is one measure that is used together with competitive market data to establish internally fair and externally equitable pay levels.

With the classification plan in place using this method, the internally fair portion of the overall compensation plan is established. Traditionally, the externally equitable portion has been based on a comparison of a closely similar position in like organizations. For this, the library system has traditionally compared salaries for the position of librarian. Librarians generally have similar qualifications and duties in libraries of comparable size to our system.

Shown below are comparisons for Oklahoma Department of Libraries (ODL), Tulsa City-County Library System (TCCL), Pioneer Multi-County Library System (PMC) and Metropolitan Library System (MLS) and reflects information gathered during the last week of April 2009.

LIBRARIAN

Library	Salary Range	
	Minimum	Maximum
ODL (Lib. II)	30,920	51,534
TCCL	34,956	52,752
MLS	37,252	52,582
PMC	37,608	53,628

Because the minimum salary is the starting salary in the hiring process and, therefore, is the basis of the Library System's ability to attract new librarians, we believe that it is important to concentrate on that figure.

Since the Administrative & Personnel Committee meeting of May 5, 1994, the Library System has stated, as a goal, that it was desirable to be the leader in-state among the four major public library employers and to be 4% to 5% above the regional average. After being slightly behind Pioneer for seven years, last year (April 2008) MLS achieved the position of being slightly ahead of Pioneer by \$10.00 annually; however, with the adoption of their FY08-09 budget, PMC again took the lead. They increased salaries by 5% while MLS increased library salaries in January by 4%.

**2008 SALARY TRENDS:**

The Employment Cost Index – March 2009 was released by the US Department of Labor's Bureau of Labor Statistics in April 2009 and indicated for the year ended March 2009, total compensation costs for state and local government workers rose 3.1 percent compared to 3.6 percent a year ago. The 12-month gain in wages and salaries was 3.0 percent. Last year, the gain was 3.5 percent. For benefits, costs increased 3.4 percent compared to 4.1 percent for the previous year.

	State and local government	
	March 2008	March 2009
Compensation costs	3.6	3.1
Wages and salaries	3.5	3.0
Benefit costs	4.1	3.4

As published in the IPMA-HR *Bulletin* of February 27, 2009, according to the Mercer group (formerly known as Mercer Human Resource Consulting, a subsidiary of Marsh & McLennan Companies, Inc.), companies making or considering a base salary increase in 2009 are budgeting 3.2 percent overall, down almost one-half percent from mid-October 2008 projections of 3.6%

According to the Bureau of Economic Analysis, a branch of the U. S. Department of Commerce and published in March 2009, Oklahoma's personal income grew 6.4 percent in 2008 compared with 8 percent in 2007. Nationally, personal income grew 2.9 percent, which didn't keep pace with inflation, which grew 3.3 percent.

For the library system, average personal income (salary) grew by 4 percent in 2008 which, while keeping pace with inflation, fell below the Oklahoma growth rate of 6.4 percent.

### **SALARIES FOR FY 2009-10**

Based on the survey data, the predicted trends and the library's financial situation, the administration has included in the estimate of needs (preliminary budget) for FY 2009-10 a market adjustment of 4 percent for all employees (full and part time) effective with the start of the pay period that includes January 1, 2010, and a merit increase schedule ranging from 0 to 3 percent beginning July 1, 2009.

### **BENEFITS**

The following chart indicates the direct cost benefits available to full-time employees and those available to part-time (less than full-time) employees.

<b><u>Benefit</u></b>	<b><u>Full Time</u></b>	<b><u>Part Time</u></b>	<b><u>Library Pays</u></b>	<b><u>Employee Pays</u></b>
Social Security	X	X	6.2%	6.2% of salary
Medicare	X	X	1.45%	1.45% of salary
Retirement	X		10%	4% of salary
Medical/Dental Insurance	X			
Employee Only			90%	10% of premium
Dependents			70%	30% of premium
Opt-Outs			\$55 / mo. Cash in lieu of insurance	
Life and AD&D Ins	X		100% of premium	
Long-Term Disability Ins	X		100% of premium	
Vision Ins	X		100% of premium	
Dependents	X			100% of premium
Short-Term Disability Ins	X			100% of premium
Workers' Compensation Ins	X	X	100% of premium	
Unemployment	X	X	100% of premium	
Employee Assistance (EAP)	X	X	100% of premium	

The Library System's cost of benefits for the average employee in December 2008 was \$15,873.07 and excludes the Executive Director and Coordinator of the Friends.

This average cost of benefits to the Library System is broken down as shown below.

<b><u>Benefit</u></b>	<b><u>Annual Cost (Avg. per Employee)</u></b>	<b><u>Percentage of Total</u></b>	<b><u>Item % Prior Year</u></b>
Social Security	\$2598.54	16.37%	17.00%
Medicare	607.72	3.83%	3.97%
Retirement	4191.20	26.40%	27.41%
Med/Dent Ins & Opt-outs	7372.10	40.96%	44.26%
Life and AD&D Ins	153.60	0.97%	1.00%
Long Term Disability Ins	285.00	1.80%	2.63%
Long Term Care Ins	101.40	0.62%	n/a*
Vision Ins	130.82	0.82%	0.92%
Dependents	-0-		
Short-term Disability Ins	-0-		
Workers' Compensation Ins	354.21	2.23%	2.23%
Unemployment Ins	54.48	0.34%	0.44%
Employee Assistance (EAP)	24.00	0.15%	0.16%
<b>TOTAL</b>	<b>\$15,873.07</b>		

\*Long Term Care added to achieve reduction for Long Term Disability

Social Security, Medicare, workers' compensation insurance and unemployment are governmentally mandated benefits. These four items represent \$3,614.95 of the total benefits cost or 22.77 percent.

### **Medical/Dental and Prescription Drug Plan (Employee Benefit Plan)**

#### **Plan Performance:**

The Employee Benefit Plan has sustained a decrease in claim costs during the past 10 months. There has been one participant that has exceeded the \$50,000 specific deductible level (the first \$50,000 of an individual claim is paid from the Employee Benefit Plan fund; amounts above \$50,000 are reimbursed by the Stop Loss carrier). To date, the Plan has received \$48,568 in reimbursements from the incumbent Stop Loss carrier, HCC Life Insurance Company. The percentage decrease in total claims paid out over the prior Plan Year, excluding Stop Loss reimbursements, is projected at 14.43%.

#### **Stop Loss Coverage:**

There were seven carriers this year that provided quotes for the Library System's Stop Loss business; four of the offers were competitive. The Library requested that the carriers' provide alternate quotes for both \$55,000 and \$60,000 individual Specific Deductible levels. According to the Library's claims experience, total plan costs and the ratio of premium savings to added exposure, a \$55,000 Specific Deductible level was deemed appropriate.

After applying the evaluation criteria to each carrier, comparing proposed limitations and valuing the additional coverage provided by a Paid contract, HCC Life Insurance Company provided the best offer with a premium increase for MLS and the Plan membership of 1.67%.

#### **Employee Benefit Cost Trends:**

Calendar Year 2009 will mark the sixth consecutive year of lower projected cost trends for medical and prescription drug plans. Price inflation for services and supplies continues to be the biggest

element of overall medical plan trend. Utilization trends are expected to decrease again in 2009, with the largest slowdown projected for prescription drugs. However, health plan cost trends continue to remain above general inflation rates and outpace increases in labor costs.

### **Recommendations for Changes To the Self-funded Employee Benefit Plan:**

1. Effective July 1, 2009, to comply with Section 111 of the Medicare, Medicaid and SCHIP Extension Act of 2007 (MMSEA), all Group Health Plans will be required to submit detailed quarterly reports dealing with Medicare-eligible claimants to the Centers for Medicare and Medicaid Services. The Library's Third Party Administrator (TPA) is offering a per employee per month (PEPM) fee of \$0.50 to fulfill the Act's requirements, including electronic file development, error correction, monitoring of primary/secondary coverage through Medicare query files, quarterly reporting, performing all functions required of the Responsible Reporting Entity (RRE) on behalf of MLS and additional file programming, as needed. Note: entities that fail to comply with the reporting requirements risk civil penalties of \$1,000 for each day of non-compliance and for each individual whose reported information is omitted and or/incomplete.

Recommendation – accept the \$0.50 PEPM Medicare Mandatory Reporting fee proposed by the current TPA (approximate annual cost \$1,146).

2. Currently, the Library's Preferred Provider Option (PPO) Network, First Health, charges an access fee of \$3.10 PEPM. The network is proposing a \$0.90 PEPM increase. Note: the increase was postponed last year, as the network failed to provide proper notification of the fee change.

Recommendation – accept the proposed fee increase for the forthcoming Plan Year.

3. Annually, the Library System, a self-funded non-federal governmental plan, elects to file for an exemption from Title I requirements of the Health Insurance Portability and Accountability Act of 1996 (HIPAA). The opt-out election is provided for in Title XXVII of the Public Health Service Act.

Recommendation – elect to renew the exemption from HIPAA Title I requirements for the forthcoming Plan Year.

### **Transplant Policy:**

Currently, one member of the Plan has a diagnosis that could result in a future transplant situation. At this time, the member is stable and not in the evaluation process. There were two quotes for fully-insured transplant policies. The current carrier, American General Life Companies, had the most competitive offer with a 7.54% premium increase for the coverage.

### **Prescription Drug Plan:**

Nationally, prescription drug trend rates are projected to be lower in 2009 than in 2008. However, the Library System membership continues to utilize a higher number of medications than the average health plan, with a lower generic drug dispensing rate.

To keep pace with continued increases in trend and encourage members to further utilize available generic equivalent drugs, the following plan changes are recommended:

1. Increase the current Retail Pharmacy minimum brand name drug copayment to \$25 (current copayment - \$20);
2. Increase the current Retail/Specialty Pharmacy maximum copayment to \$125 (current copayment - \$100); and
3. Increase the Mail Order brand name drug copayment to \$60 (current copayment - \$50)

The *estimated* costs savings for the changes is \$7,500.

**Flexible Benefits Plan:**

The Library System currently self-administers the Flexible Benefits Plan, including the Medical Expense Reimbursement Plan and Dependent Care Plan. The Summary Plan Description and Plan Documents for the program were last updated in 1999. Currently, all plan materials are being reviewed for compliance updates by the Library's legal counsel. The anticipated restatement date for the documents is July 1, 2009.

**Life/Accidental Death & Dismemberment Insurance:**

There were four carriers that provided quotes for the Group Term Life Insurance and Accidental Death & Dismemberment Insurance. Sun Life Assurance Company, the incumbent, is proposing a substantial increase in the Group Term Life Insurance amount. Two of the carrier's are proposing a \$0.02 decrease in the current rate.

After evaluating the carrier's and comparing the proposed benefits, Unum Life Insurance Company of America provided the best offer with a Life/AD&D rate of \$.18 per \$1,000 of coverage (current rate - \$0.20 per \$1,000), guaranteed for two years.

**Long Term Disability Insurance:**

Unum, the insurance carrier for the Library System's Group Long Term Disability program, is proposing a rate continuation for Plan Year 07/01/09 – 06/30/10.

**Long Term Care Insurance:**

The Group Long Term Care coverage, effective for fiscal year 2008-2009, included an option for employee's to purchase additional insurance for themselves and family members. The "buy-up" opportunity resulted in 25% of the eligible membership purchasing supplemental coverage.

Unum, the insurance carrier for the Library System's Group Long Term Care program, is proposing a rate continuation for Plan Year 07/01/09 – 06/30/10.

**Vision Insurance:**

The current vendor for vision insurance, Vision Service Plan (VSP), has proposed an overall plan rate increase of 3.6%, which equates to an additional \$0.40 per employee per month (PEPM). The proposal includes a change in the allowance for frames and contact lenses from \$120.00 to \$130.00 every twelve months.

VSP is offering a two year rate guarantee for the forthcoming renewal period (07/01/09 – 06/30/2011).



**Employee Assistance Program (EAP):**

The employee utilization of the EAP has been consistent over the last three contract periods. The current vendor, Integris Corporate Assistance Program (CAP), is proposing no change in services or rates for the forthcoming year.

**Workers' Compensation:**

Current Workers' Compensation Carrier	CompSource Oklahoma
Current Policy Period	10/01/2008 – 09/30/2009
Current Experience Modification Factor	<b>.95</b> (prior year 1.00)

**RECOMMENDATIONS**

The administration requests that the Administrative and Personnel Committee recommend to the Finance Committee for inclusion in the FY 2009-10 Budget the following:

1. A merit increase schedule of from 0% to 3%, effective July 1, 2009.
2. A market adjustment of 4% for all employees, effective with the beginning of the pay period that includes January 1, 2010.
3. Acceptance of the Stop Loss coverage for the Employee Benefit Plan through HCC Life Insurance Company on a Paid contract basis with a \$55,000 individual Specific Deductible level, resulting in an overall rate increase to the Library and members of 1.67%.
4. Acceptance of the \$0.50 PEPM Medicare Mandatory Reporting Fee, payable to the Third Party Administrator.
5. Acceptance of a \$0.90 PEPM increase in the PPO access fee for First Health PPO Network.
6. Renewal of HIPAA Title I exemption for non-federal governmental entities.
7. Acceptance of a 7.54% premium increase for the fully-insured Organ Transplant policy through American General Life Companies.
8. Acceptance of the plan change recommendations for the Prescription Drug Plan copayments.
9. Acceptance of the following Employee Benefit Plan premium costs reflecting a 1.67% increase\* to the Library System and membership after applying a portion of the available fund balance. (No change in the current cost sharing formula.)

\* Quoted rates are contingent upon signed, updated disclosure of all ongoing claimants at the time of acceptance.

<u>Library's Share of Monthly Premiums</u>			
(approximately 90% of single coverage & 70% of additional cost for dependents)			
	<u>FY 08-09</u>	<u>FY 09-10</u>	<u>Change</u>
Single Coverage	\$541.07	\$551.10	\$ 10.03
Dependent Coverage	<u>336.53</u>	<u>342.15</u>	<u>5 .62</u>
Total Cost for Both	\$877.60	\$893.25	\$15.65

<u>Employee's Share of Monthly Premiums</u>			
(approximately 10% of single coverage & 30% of additional cost for dependents)			
	<u>FY 08-09</u>	<u>FY 09-10</u>	<u>Change</u>
Single Coverage	\$ 60.23	\$61.23	\$ 1.00
Dependent Coverage	<u>144.20</u>	<u>146.62</u>	<u>2.42</u>
Total Cost for Both	\$204.43	\$207.85	\$ 3.42

<u>Total Monthly Premiums</u>			
	<u>FY 08-09</u>	<u>FY 09-10</u>	<u>Change</u>
Single Coverage	\$601.30	\$612.33	\$ 11.03
Dependent Coverage	<u>480.73</u>	<u>488.77</u>	<u>8.04</u>
Total Cost for Both	\$1,082.03	\$1,101.10	\$19.07

10. Acceptance of the offer from Unum Life Insurance Companies for Group Term Life Insurance/AD&D coverage at a rate of \$0.18 per \$1,000; rates guaranteed through June 30, 2011.
11. Continue with Unum, the current carrier for Group Long Term Disability insurance.
12. Continue with Unum, the current carrier for the Group Long Term Care insurance.

13. Acceptance of the 3.6% overall plan rate increase and additional allowance for frames and contact lenses from the current vendor for vision insurance, Vision Service Plan (VSP); rates guaranteed through June 30, 2011.
14. Continue with Integris Corporate Assistance Program (CAP), the current vendor for the Employee Assistance Program, with no change in services; fee guaranteed through June 30, 2010.

## **MLS WELLNESS INITIATIVES**

Attached is a document that lists wellness benefits provided to employees of the Metropolitan Library System.

This document is for informational purposes and is in response to questions raised during last year's annual review of salaries and benefits.

No commission action is required

## **MLS WELLNESS INITIATIVES**

The Metropolitan Library System of Oklahoma County provides the following wellness benefits:

**Employee Benefit Plan** (available to covered full-time employees and dependents)

- A \$500 per Calendar Year maximum benefit, paid at 100%, for the following routine, preventive care medical services (eligible charges in excess of the maximum are subject to the Plan's applicable deductible and coinsurance level):
  - Routine physicals and related tests and x-rays;
  - Pap tests and related exam;
  - Prostate exam and related lab test;
  - Well Baby/Child exams;
  - Immunizations;
  - Mammograms;
  - Bone Density Scans;
  - Colorectal Screenings; and
  - Office visit costs related to these items.

**Dental Expense Plan** (available to participants of the Employee Benefit Plan)

- The following Class I Diagnostic and Preventive Care Treatments are payable at 100%, subject to the \$2,000 Calendar Year maximum benefit:
  - two oral examinations and cleanings per Calendar Year;
  - fluoride applications and sealants for covered dependent children; and
  - x-ray services (subject to Plan limitations).

**Vision Insurance Plan** (available to full-time eligible employees)

- The following routine vision care services, provided by network physicians, are available once every 12 months:
  - Routine eye examination, subject to a \$10 exam copayment;
  - Prescription Glasses, subject to a \$20 materials copayment (frame allowance of \$130; balance paid by member); or
  - Contact Lenses, subject to a \$130 allowance for fitting and evaluation.

**Benefits Fair** (available to all full-time employees)

- The Benefits Fair provides the following cost free screenings to participants:
  - Blood Pressure Screening;
  - Hearing Testing; and
  - Vision Testing.

**FOCUS** (available to all full-time employees and other staff upon request)

- The following screenings are provided to participants at no cost:
  - Glucose Screening;
  - Cholesterol Screening; and
  - Flu Shot

**Employee Assistance Program (EAP)** (available to all MLS employees and their families)

- The EAP provides the following cost free services (either in-house or by referral):
  - Parenting/Family Concerns;
  - Emotional Stress;
  - Alcohol and Drug Problems;
  - Job Related Issues; and
  - Other Problems.

**Wellness Newsletter** (available to all MLS employees and their families)

- Quarterly Hope Health Newsletter mailed to each employee's residence address.

**Safety Program** (available to all MLS employees)

- The following informational services and vaccinations are available through the MLS Safety Program:
  - Bloodborne Pathogens Training;
  - Safety Materials pertaining to:
    - Stress Management;
    - Heart Health;
    - Diabetes Health;
    - Nutrition;
    - Stretching Exercises;
    - Safe Lifting and Back Injury Prevention;
    - Driving Safety;
    - Storm Safety;
    - Heat Stress Prevention; and
  - Hepatitis A & B Vaccinations.

**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.

In June of 2004, the library commission approved the reorganization of the P&P manual, which separated policies from procedures. The commission agreed that minor housekeeping policy changes would be presented in the form of an information item without the need for committee or commission action. However, any changes in policy intent or purpose would continue to be brought by administration recommendation to the committee or commission.

The administration recommends for your consideration and approval two revised policies and one new policy.

- I. SH 120 – Hours: Overtime; Breaks; Meal Periods (revised)
  - a. *Updated definitions to include on-call duty*
  - b. *Minor housekeeping type changes*
- II. SH 220 – Employee Leave (revised)
  - a. *Alphabetically arranged the leave types*
  - b. *Removed the Family & Medical Leave portion to create the separate policy SH 221*
  - c. *Minor housekeeping type changes*
- III. SH 221 – Family and Medical Leave (new number)
  - a. *Originally this was in SH 220 but is now a separate policy*

For your information, we have made minor housekeeping revisions to the following:

- I. SH 110 – Salary Administration
- II. SH 400 – Performance Appraisal

**ADMINISTRATIVE RECOMMENDATION FOR COMMISSION ACTION:**

To approve the recommendations from Administration for adoption to the Metropolitan Library System Policy & Procedure Manual revisions to, SH 120 Hours: Overtime; Breaks; Meal Periods; SH 220 Employee Leave; SH 221 Family and Medical Leave.

# SH 100 Wages and Hours

## SH 120 Hours: Overtime; Breaks; Meal Periods

Adopted: 6/85, Revised: 7/88, 8/91, 10/95, 2/03, *draft 11/08*

### **Background and Purpose Policy**

~~In 1976, the United States Supreme Court declared state and local governmental entities exempt from the provisions of accordance with the Fair Labor Standards Act (FLSA), as amended in 1974. In February 1985, the Court reversed itself and declared that state and local government units are under the regulations of the FLSA by virtue of the "commerce clause" of the United States Constitution. In November 1985, the Act was amended providing certain relief to local governmental agencies the Metropolitan Library System will ensure that all non-exempt employees receive compensation for all time worked.~~

~~Among other provisions, the FLSA requires covered employees to Overtime pay for hours worked in excess of 40 hours per workweek will be paid at a rate of 1.5 times their regular rate of pay for hours worked over 40 in a defined workweek or compensated by 1.5 hours off for each hour worked over 40. The Act does not require overtime pay for work on Saturdays, Sundays, holidays, or on-call duty.~~

~~This document incorporates details on break times, etc., to amplify all earlier policy statements adopted by the Metropolitan Library Commission.~~

### **Definitions**

~~Full-time employees is are an employee of the system who can regularly expected to work 40 hours of work per week and who in turn is expected to work a full 40 hours per week unless on authorized leave and are . Full-time employees are~~ budgeted in Account 101.

~~Designated less than full-time equivalent employees is an employee of the system who~~ can regularly expect a designated number of hours, normally 20 or 30 (designated half-time or three-quarter-time), and who ~~in turn is are~~ expected to work the designated number of hours per week unless on authorized leave. Designated full-time equivalent (FTE) employees are normally budgeted in Account 101.

~~Part-time employees is an employee of the system who is do not occupy an authorized budgeted position and are~~ hired on an as needed hourly basis not ~~generally~~ to exceed 32 hours per week and which may or may not vary from one week to the next based on ~~library~~ system need. ~~Accordingly, a part-time employee should not have a reasonable expectation of a fixed number of hours. Hours may be indicated as "generally so many per week" but There is no~~ guarantee of fixed or designated number of hours. ~~is intended or implied.~~ Part-time hours are not designated by fractions of full-time employees (FTEs) for budget purposes; but are instead included in the overall total number of part-time hours available in Account 102.

~~Temporary employees is an employee of the system whose have a~~ term of employment for whatever reason ~~that~~ is expected to last less than a total of 960 hours in both any calendar and fiscal year. A temporary employee can work on a



# SH 100 Wages and Hours

## SH 120 Hours: Overtime; Breaks; Meal Periods

Adopted: 6/85, Revised: 7/88, 8/91, 10/95, 2/03, *draft 11/08*

40 hour per week or less basis, thereby being full-time, designated part-time or part-time in status. Temporary employees include seasonal employees hired to provide services during a period of seasonal activity such as the summer.

Exempt status is the recognized FLSA standing of those employees ~~of the system~~ who meet the criteria ~~of executive, administrative or professional categories~~ as defined by the ~~Secretary of Labor~~ FLSA and identified by the library system's Executive Director (*See SH 120.1 for exempt status positions*).

Covered Non-exempt status is the recognized FLSA standing of those employees of the system who do not meet the criteria for exemption as defined by ~~the Secretary of Labor~~ FLSA, or those who do but who the library system opts not to exempt.

Minimum wage is the hourly rate of compensation as established by the FLSA.

Time and one half is the employee's regular hourly rate multiplied by 1.5 for purposes of overtime compensation (Unless defined otherwise by the FLSA).

On-call duty time is when an employee is *waiting to be engaged, although is still able to use his/her time freely and is not performing a specific task for the library system, but is available by mobile device if needed.*

*Work schedule adjustment is the practice of the supervisor adjusting an employee's work schedule within the same workweek to: 1) avoid or reduce overtime, or 2) make-up missed hours.*

## **Policies-Regulations**

1. No employee is compensated at a rate less than the minimum wage established by law.
2. *Non-exempt employees while assigned to on-call duty will receive the hourly minimum wage as defined by FLSA. Exempt employees are not eligible for compensation for on-call duty pay.*
- 2.3. All ~~FLSA-covered~~ *non-exempt* employees are compensated at a rate of ~~time-and-one-half~~ *1.5 times their regular hourly rate* for any time worked in excess of 40 hours per week. *On-call duty is not counted as time worked towards 40 hours workweek.*
- 3.4. All employees, for the purpose of public accountability, are charged applicable paid leave ~~or leave without pay~~ for being off work at times normally required to be on the job.
- 4.5. The established workweek for the library system is from 12:01 a.m. on Monday through 12 midnight on Sunday of each week.
- 5.6. Time sheets indicating hours and days worked will be completed by all employees except those specifically excluded by the Executive Director and otherwise exempt under the law.

# SH 100 Wages and Hours

## SH 120 Hours: Overtime; Breaks; Meal Periods

Adopted: 6/85, Revised: 7/88, 8/91, 10/95, 2/03, *draft 11/08*

**6.7.** Any employee scheduled to work in excess of four continuous hours in any one day is ~~entitled-permitted to~~ a rest break of 15 minutes duration for each four-hour work period. *Rest breaks should be taken, granted* as closely to the midpoint of the scheduled work hours as is practical given staffing considerations. This rest break time is "on the clock" and considered as paid time. Employees are expected to remain at the work site and are subject to interruption and recall to work duties during paid rest breaks when required by staffing levels and/or unusual conditions. Rest break time is not cumulative within a workday or between workdays nor can it be used to allow for late arrival or early departure or to extend meal breaks.

**7.8.** Any employee scheduled to work in excess of six continuous hours (including rest break time) in any one day will take a break of no less than 30 minutes. This meal break is "off the clock" and not considered to be paid work time. The employee is to be released from all work duties during this meal break and not permitted to do work for the benefit of the library system.

In preparing work schedules, supervisors may determine, based on staffing levels and hours of operation, the length of meal breaks to be scheduled for employees. During a meal break period, an employee is free to leave the work site or to remain on-site provided he/she does not engage in work benefiting the library system. An employee who is interrupted during a meal break of 30 minutes and required or allowed to return to work prior to the expiration of the scheduled meal break will be compensated for the entire period as though he/she was on the job for the entire period. An employee who is interrupted during a meal break of more than 30 minutes and required to or allowed to return to work after the expiration of at least 30 minutes will be compensated for the amount of time actually worked. The supervisor is required to monitor precisely and adjust the employee's schedule so as to avoid an overtime situation. A minor (i.e., under the age of 16) is to be scheduled for a one-hour meal break and is expected to take this full amount of time on any day when scheduled to work eight hours (including rest break time).

**8.9.** All such records as required by the FLSA are prepared and maintained to comply with its provisions.

**Note:** In any circumstances in which this policy and the Fair Labor Standards Act are in conflict, the Act pre-empts this policy.

# SH 200 Benefits

## SH 220 Employee Leave

Revised: 12/02, 7/06, 1/09, Draft 5/09

### Policy Statement

*The Employee Leave policy ensures that the Metropolitan Library System has established This policy consists of a set of rules, procedures and guidelines established by the Metropolitan Library System in accordance with applicable federal and local laws, which govern the process, timeframes and reporting procedures for time taken off work.*

### Regulations

#### 1. Eligibility

Library system employees become eligible for certain leave benefits following eligibility rules described in this Policy.

~~All leave benefits are potentially available to certain employees (defined below). Some leave programs are not available to other employees (defined below) or are provided at lesser (pro-rata) allocations.~~

Variables *that may affect eligibility* include payroll/budget status; number of hours regularly worked in a pay period and length of service.

*See the appropriate section of this document for details on which leave benefits are granted to which categories of employees, waiting periods, etc.*

#### 2. Definitions

- Workweek – A seven-day period, beginning on a Monday and ending on a Sunday, during which a full-time employee must account for 40 hours.
- Pay period – Two consecutive workweeks based on pay schedules, during which a full-time employee must account for 80 hours.
- Budget-authorized position – As used here, any positions, generally full-time (but may be half time or other fraction), listed in terms of Full-Time Equivalents (FTE's) in the annual budget, ordinarily under Account 101-Salaries.
- Category 1 Employee – Generally, one who normally works a 40-hour week and an 80-hour pay period in a budget-authorized position *and is. A Category 1 employee, more* commonly known as a full-time (1.0 FTE) staff member, ~~becomes eligible for all leave benefits some types of leave upon employment and other types after waiting six months.~~
- Category 2 Employee – ~~A Category 2 employee~~ fills a budget-authorized position on a regular reduced work schedule of a fixed number of hours such as 20 or 30 hours per work week – 40 or 60 hours per pay period – and is more commonly known as a designated FTE, but in any case has budget-designated hours normally funded in account 101.

# SH 200 Benefits

## SH 220 Employee Leave

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- Category 3 Employee — ~~A Category 3 employee d~~ Does NOT occupy a budget-authorized position but, instead, is hired within a part-time hour allotment budgeted for each library agency or department; ~~a Category 3~~, is more commonly known as a part-time employee and is ordinarily compensated from budget account 102 - Part-time Wages --- at an hourly rate. Some part-time employees work a regular schedule; others work a varying schedule from day-to-day or week-to-week, depending on supervisors' needs. ~~Category 3 employees who regularly work between 40 and 59 hours per pay period are eligible, after three years of continuous credited service, for half (.5) leave benefits. Those who work 60 or more hours per pay period are eligible, after three years of continuous credited service, for three/quarter (.75) leave benefits; however,~~
- Immediate family is defined as
  - spouse
  - employee's and/or spouse's natural, adopted, step or foster: children, siblings, parents, grandparents or grandchildren
  - wards or guardians

### 3. Leave Use

Certain rules are universal; ~~i.e., they apply~~ to leave ~~of absence with pay or without pay taken during working hours~~; among the general rules are:

- a) All leave requests ~~must should~~ be ~~requested submitted in advance and approved by the employee's submitted to one's supervisor ahead of scheduled leave and immediately after returning to work following unscheduled leave.~~
  - ~~For S~~ scheduled leave, ~~e.g., such as~~ Annual Vacation Leave, doctor/dental appointments and the like, ~~the employee~~ should ~~be applied apply for the leave for~~ as far in advance as possible to help ensure adequate staffing. (Relief or substitute help is not ordinarily provided during vacation periods.)
  - ~~Except For Unscheduled leave such as for~~ emergencies, including illness, ~~leave should the employee must notify his/her supervisor as soon as possible be requested ahead of time and submit the paperwork for approval immediately after the employee returns to work.~~

**Note:** Unauthorized absences are grounds for dismissal.

- b) When entering leave, the requester must enter the exact amount, in hours, and, if a portion of an hour is involved, to the nearest 15 minutes, taken or expected to be taken. (~~Annual Vacation Leave, among other types of leave,~~ is "rounded" to the nearest quarter hour: ~~.25 for 15 minutes, .50 for~~

# SH 200 Benefits

## SH 220 Employee Leave

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*30 minutes and .75 for 45 minutes.)*

- c) If an employee is off work on ~~Annual Vacation~~*approved Leave*, ~~Sick Leave or other leave~~, and his or her library building (work place) is unexpectedly closed due to weather conditions or the like, the leave will still be charged to the employee.

# SH 200 Benefits

## SH 220 Employee Leave

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### Leave Types Defined (alphabetically arranged)

#### 1) Administrative Leave with Pay

Definition – The Executive Director, or the designated Deputy Executive Director in the director's absence, may place an employee on an Administrative Leave with pay when ~~the need is for such is as result of deemed appropriate.~~ *Examples:*

- a need to conduct an investigation of possible wrong doing on the part of the employee, or
- A need in the Due Process Procedure for the absence of the employee pending a due process hearing under the policy established for the same within the adopted Policies of the Metropolitan Library Commission.

##### a) Category 1, 2 & 3 Employees

i) Eligibility Period: NA

ii) Earn Rate: NA

iii) Explanatory Notes:

- (1) In no case, shall such Administrative Leave with Pay exceed thirty (30) workdays.

#### 2) Annual Vacation Leave (AVL)

*Definition – Annual Vacation Leave is paid time off from work.*

##### a) Category 1 Employees

i) Eligibility Period: 6 months

- (1) The eligibility period is not applicable to individuals moving from category 2 or 3 who have *met the eligibility requirements for those categories. and it is waived for non-leave earning Category 3 part-time employees who have five or more years of continuous service with the library system.* At that point, the employee is credited with 48 hours ~~(6 working days)~~ of AVL, based on an earn rate of 8 hours per month. This earn rate, which equals 96 hours per year, continues until the employee has completed 5 years of service.

- ii) *Earn Rate: During the eligibility period, the Category 1 employee earns 8 hours of AVL each month for a total of 48 hours. The earn rate increases each additional five years of employment until it reaches the maximum.*

Years of Employment	Hours/Minutes of AVL Earned per Month	Hours of AVL Earned per Year
1-5 years	8 hours	96 hours
6-10 years	10 hours	120 hours

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### Leave Types Defined (alphabetically arranged)

Years of Employment	Hours/Minutes of AVL Earned per Month	Hours of AVL Earned per Year
11-15 years	13 hours & 20 minutes	160 hours
16+ years	16 hours & 40 minutes	200 hours

#### ii)iii) Explanatory Notes:

- (1) Because vacations must be taken in advance to help ensure efficient operation, there may be occasions upon which an employee takes AVL in excess of what s/he has accrued but for which s/he would have been eligible by the end of the calendar year. Supervisors may approve no more than forty hours of requested AVL in excess of that which a Category 1 employee has earned at a given point (and a lesser, pro-rata maximum for Category 2 employees). Approval of projected leave beyond those limits must be authorized by the ~~Executive Director, the Director of Human Resources, or the~~ appropriate Administrative Team member. If the employee then terminates employment after taking such projected (but unearned) leave his/her final paycheck will have deducted from it any such unearned leave.
- (2) A new hire whose employment terminates before the end of six months receives no AVL or compensation for same.
- (3) An employee whose employment terminates after six months of employment is compensated for earned-but-unused AVL.
- (4) An employee may carry over no more than 25% of his/her AVL from one calendar year to the next ~~without prior approval from the. Exceptions may be granted only by the Executive Director, Director of Human Resources, or the~~ appropriate Administrative Team member ~~and prior reporting of the approval to the Director of Human Resources.~~ Any excess carryover not authorized will be lost on January 1 if not used by then.
- (5) ~~New or r~~Re-hired employees ~~with relevant experience~~ may be credited with prior service in the Metropolitan Library System ~~or other library (or governmental agency)~~ to establish their AVL rate, with the approval of the Executive Director.
- (6) Additional AVL hours, known as "Bonus Hours," are awarded at the end of each calendar year to be taken in the following year, as follows:
  - (a) 16 bonus AVL hours next year for using no more than 24 hours of Sick Leave this year; or
  - (b) 8 bonus AVL hours next year for using over 24 but 48 hours or less of Sick Leave this year.
  - (c) A new employee who worked less than a full year may be awarded



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### Leave Types Defined (alphabetically arranged)

bonus hours on a pro-rata basis; i.e., a fraction of the above bonus hours equal to the fraction of the year worked. Example: a new employee works the last six months of the calendar year, during which time s/he used no more than 12 hours of Sick Leave. S/he earns 8 bonus AVL hours for the new calendar year.

- (7) ~~Ordinarily, s~~Supervisors are ~~advised~~ not to approve requests for AVL periods over three weeks in length ~~without the prior. Exceptions must be approved in advance by the Executive Director, the Director of Human Resources or from~~ the appropriate Administrative Team member.

#### b) Category 2 Employees

- i) Eligibility Period: ~~same as for Category 1 employees~~ 6 months
- ii) Earn Rate: The earn rate figures are translated to the pro-rata allotments, depending on the budget authorized ~~work schedule~~ full-time equivalency. *For example, during the eligibility period, a half-time Category 2 employee will earn AVL at a rate of 4 hours per month giving them a total of 24 hours at the end of the eligibility period. The earn rate increases each additional five years to the prorated maximum shown for Category 1 employees. -Example: after six months of successful employment, a half-time Category 2 employee is credited with (24) hours of AVL, not 48; a three/quarters-time Category 2 employee is credited with 36 hours, not 48, etc.*
- iii) Explanatory Notes: same as for Category 1 employees *except on a prorated basis*

#### c) Category 3 Employees

- i) Eligibility Period: 36 months (three years) of current, unbroken, continuous service, ~~whether in a full-time or part-time or capacity or combination of same~~ and consistently works a minimum of 40 hours per pay period.
- ii) Earn Rate: After completing the eligibility period *and consistent hours requirement*, the Category 3 employee begins to earn AVL credits from that point onward at a fixed annual rate; that is, the AVL Category 3 allotment does not change with additional years of service. The earn rate chart below illustrates this fixed rate.

Earn rate of AVL for Category 3 Employees

Part-Time Fractional Status of Employee	Hours of AVL Earned per Month	Hours of AVL per Year
Three-fourths-time	6 hours	72 hours
Half-time	4 hours	48 hours

- iii) Explanatory Notes:



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### Leave Types Defined (alphabetically arranged)

- (1) Because the Category 3 employee does not begin to accumulate AVL until after completing three years of service, described above, there is no paid time off or compensation for AVL if the employee terminates before completing the eligibility period.
- (2) Failure to work his or her usual schedule (i.e., no less than 60 hours for a three/quarter-time employee, no less than 40 hours for a half-time employee, in a pay period) during four pay periods in a calendar year will result in a reduction or outright loss of the AVL benefit.
- (3) Supervisors are not authorized to project AVL benefits for Category 3 employees; i.e., the employee may only take the exact amount of AVL earned to date. Any excess taken will result in a dock in pay and may be grounds for termination.
- (4) ~~Category 3~~ *An employees* may carry over no more than 25 ~~percent~~ % of ~~their his/her accumulated~~ AVL from one calendar year to the next *without prior approval from the appropriate Administrative Team member and prior reporting of the approval to the Director of Human Resources*. Any ~~amount in excess~~ *carryover not authorized of the 25 percent* will be lost as of January 1 ~~in the new calendar year if not used by then~~.
- (5) Category 3 employees are not eligible for Sick Leave; therefore, no AVL bonus hours are awarded to them.
- (6) See "General Rules Governing the Use of Leave" for other guidelines and procedures on requesting and using this benefit.

### 3) Bereavement Leave

*Definition – Bereavement leave is paid leave that an employee may receive at the time of a death in his/her immediate family as defined at the beginning of this policy.*

#### a) Category 1 Employees

- i) Eligibility Period: upon employment
- ii) Earn Rate: NA
- iii) Explanatory Notes:

- (1) A Category 1 employee may take up to five days (40 hours) of Bereavement Leave at the time of a death in the immediate family. This time is not deducted from Sick Leave, Annual Vacation Leave or Floating Holiday time, and does not affect bonus AVL.
- (2) Additional time desired for bereavement must be taken from other accrued leave the employee may have.

#### b) Category 2 Employees

- i) Eligibility Period: *upon employment*

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### Leave Types Defined (alphabetically arranged)

ii) Earn Rate: NA

iii) Explanatory Notes: same as Category 1 employees except:

- (1) The 40-hour maximum leave limit is translated to the pro-rata allotments. Examples: a half-time Category 2 employee is eligible for up to 20 hours of Bereavement Leave; a three/fourths-time employee is eligible for up to 30 hours.

#### c) Category 3 Employees

i) Eligibility Period: 36 months (three years) of current, unbroken, continuous service, ~~whether in a full-time or part-time capacity or combination of same~~ *and consistently works a minimum of 40 hours per pay period.*

ii) Earn Rate: NA

iii) Explanatory Notes: same as Category 1 employees except:

- (1) The 40-hour maximum leave limit is translated to the pro-rata allotments, either 50 percent or 75 percent, depending on whether the work schedule is half-time or three/fourths-time: a half-time Category 3 employee is eligible for up to 20 hours of Bereavement Leave; a three/fourths-time employee is eligible for up to 30 hours.

#### 4) **Doctor/Dental Leave**

*Definition – an employee is allowed up to three hours of paid time for his/her doctor or dentist appointment.*

##### a) Category 1 Employees

i) Eligibility Period: upon employment

ii) Earn Rate: NA

iii) Explanatory Notes:

- (1) This is not deducted from accrued leave time unless the doctor/dentist appointment spans more than three hours in which case all of the time off will be charged to Sick Leave, Annual Vacation Leave or Floating Holiday as available and chosen by the employee.
- (2) When the doctor/dentist appointment occurs on a day when the employee also wishes or needs to take Sick Leave, Annual Vacation Leave or Floating Holiday time, doctor/dental leave may be taken only if the employee actually works a minimum of one hour between the time used for the doctor/dental leave and any other form of leave; otherwise the entire amount must be charged against the Sick Leave, Annual Vacation Leave or Floating Holiday accrual, as appropriate.

Examples including one hour for lunch:

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## SH 220 Employee Leave

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### Leave Types Defined (alphabetically arranged)

- doctor/dental leave from 8 a.m. to 10 a.m., works from 10 a.m. to 11 a.m., and take AVL from 11 a.m. to 5 p.m.
- doctor/dental from 8 a.m. to 10 a.m., work 10 a.m. to 3 p.m., and doctor/dental from 3 p.m. to 5 p.m. Each example includes one hour for lunch.)

(3) Doctor/Dental Leave applies only to appointments for the employee. Leave used to take an immediate family member to such an appointment is Sick Leave, Annual Vacation Leave, or Floating Holiday.

#### b) Category 2 Employees

- i) Eligibility Period: same as for Category 1 employees
- ii) Earn Rate: NA
- iii) Explanatory Notes: same as for Category 1 employees except,
  - (1) The time allotment for Doctor/Dental Leave is not prorated for Category 2 employees.

#### c) Category 3 Employees

- i) *Eligibility: NA*
- ii) *Earn rate: NA*
- iii) *Explanatory Notes: NA*

### 5) **Floating Holiday Leave**

Definition – Floating Holiday leave is paid time off scheduled at the employee's convenience, subject to supervisor's approval, when the libraries are open. It supplements the system's annual Holiday Calendar, which lists legal holidays when libraries are closed.

#### a) **Category 1 Employees**

- i) Eligibility Period: after completing 30 calendar days of employment
- ii) Earn Rate: 16 hours per calendar year maximum (See limitations below)
- iii) Explanatory Notes:
  - (1) Is not considered Annual Vacation Leave (AVL); however, it must be requested in the same manner as AVL and approved by the supervisor.
  - (2) Employees may not schedule less than 15 minutes of Floating Holiday time per occurrence.
  - (3) May be taken in conjunction with Annual Vacation Leave, Sick Leave or legal holidays or independently.
  - (4) Limitations

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## SH 220 Employee Leave

Revised: 12/02, 7/06, 1/09, Draft 5/7/09

### Leave Types Defined (alphabetically arranged)

- New employees hired on or after July 1 are eligible for one floating holiday for that calendar year, except new employees hired on or after December 1 are not eligible for this benefit in that calendar year.
- No carryover privilege from one calendar year to the next
- Employees will not be compensated for unused Floating Holiday time

#### b) Category 2 Employees

- i) Eligibility Period: after completing 30 calendar days of employment
- ii) Earn Rate: pro rata basis
- iii) Explanatory Notes: same as Category 1 employees

#### c) Category 3 Employees

- i) Eligibility Period: after 36 months (three years) of current, unbroken, continuous service *and consistently works minimum of 40 hours per pay period.*
- ii) Earn Rate: pro rata basis
- iii) Explanatory Notes: same as Category 1 employees

#### 6) **Public Business Jury/Court Leave**

Definition - **Public Business Jury/Court** Leave is for any trial, hearing or public meeting at which "The People's Business" is conducted; i.e., any event in which the participant helps to serve the public interest and to which s/he is summoned to appear as one of the following:

- Grand juror
- Trial juror
- Witness and/or victim
- Expert or specialist in a field or area involved in a court's or legislative body's effort to determine truth, administer justice, write legislation, etc.

#### a) Category 1, 2 and 3 Employees

- i) Eligibility Period: upon employment
- ii) Earn Rate: Category 1 employees at full benefit, Category 2 and 3 employees at pro-rated benefit. Those employees not eligible for paid leave will *receive not be compensated by the library system pay or benefit.*
- iii) Explanatory Notes:
  - (1) The employee must present to his/her supervisor an official, written summons (subpoena, court order, letter of request, etc.) to assist in conducting public business.

*(2) Any fees received for performing this public business need not be given*

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### Leave Types Defined (alphabetically arranged)

to the Library System unless paid as a direct result of the employee's having represented the Library System on library time.

*(3) Does not include a civil or criminal event or proceeding in which the employee has a private interest.*

*(2)(4) Any employee absent from work because of personal business will be charged Annual Vacation Leave or Floating Holiday leave; any absence from work for which sufficient accumulated leave is not available will be deducted from pay.*

#### 7) Military Leave

Definition – Reserve or National Guard members, when ordered to active duty, are entitled to leave with pay and will be granted in accordance with Federal and State Laws and such rights and privileges as it provides.

##### a) Category 1 Employees

i) Eligibility Period: upon employment

ii) Earn Rate: NA

iii) Explanatory Notes:

(1) Reserve or National Guard members, when ordered to active duty, are entitled to leave with pay for the first thirty (30) calendar days per each federal fiscal year of the tour of active duty.

(2) The employee must notify his or her supervisor verbally or in writing as far in advance as possible of the call-up or orders. It is preferred, but not required, that a copy of the Reservist's or National Guard member's orders be forwarded to the Human Resources Office in advance.

(3) For Military Exigency and Military Caregiver provisions of the Family and Medical Leave Act, see the **SH 221** Family and Medical Leave policy.

##### b) Category 2 Employees

i) Eligibility Period: upon employment

ii) Earn Rate: NA

iii) Explanatory Notes: same as for Category 1 employees except,

*(1) Category 2 employees are entitled to leave with pay on a prorated basis.*

##### c) Category 3 Employees

i) Eligibility Period: ~~36 months (three years) of current, unbroken, continuous service, whether in a full-time or part-time capacity or combination of same upon employment~~

ii) Earn Rate: NA

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## SH 220 Employee Leave

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### Leave Types Defined (alphabetically arranged)

iii) Explanatory Notes: same as for Category 1 employees except,

*(1) Any part-time employee will be granted Military Leave for Reserve or National Guard service in accordance with Oklahoma State Law and compensated for the average number of hours scheduled by the supervisor to work.*

#### 8) Professional Short Term Leave

Definition – Professional Short Term leave is authorized leave with pay to attend professional meetings or conferences, workshops, or other approved work-related training at the ~~if~~ *employee's own* or at the library system's expense.

##### a) Category 1, 2 and 3 Employees

i) Eligibility Period: upon employment

ii) Earn Rate: NA

iii) Explanatory Notes:

*(1) Used to document absences from normal work site for a period of a full work day or longer.*

~~(1)~~(2) Must be approved *in advance* by supervisor

~~(2)~~(3) Procedures for requesting approval of, and reimbursement for, travel and other expenses are detailed in Policy SF 600 Travel Expense Reimbursement

~~(3)~~(4) Compensation of non-exempt employees while attending or traveling to professional, qualifying activities for the library's benefit will be governed by the Fair Labor Standards Act.

~~(4)~~(5) A Category 1 employee, with her/his supervisor's approval, may be authorized to attend classes, short courses or summer sessions of an undergraduate or graduate school. The employee taking such leave may be required to make up the time, depending on library needs.

#### 9) Sabbatical Leave

Definition – Sabbatical Leave is a suspension of employment for up to 12 months to attend a library school for the purpose of acquiring a master's degree in library science

##### a) Category 1 & 2 Employees

i) Eligibility Period: one year of employment

ii) Earn rate: *NA*

iii) Explanatory Notes:

(1) This leave must be applied for at least three months in advance, in

# SH 200 Benefits

## SH 220 Employee Leave

Revised: 12/02, 7/06, 1/09, Draft 5/7/09

### Leave Types Defined (alphabetically arranged)

writing, and approved by the Executive Director.

- (2) The employee on Sabbatical Leave receives no pay; however, benefits will be provided in accordance with the individual plan documents.
- (3) The employee on Sabbatical Leave does not lose accrued Sick Leave and Annual Vacation Leave; nor does s/he lose any accredited service insofar as the retirement pension plan is concerned; however, no Sick Leave or Annual Vacation Leave is accrued by the employee during the Sabbatical Leave.
- (4) Upon returning to work, the employee is guaranteed a position paying no less than the salary received prior to the Sabbatical Leave.
- (5) To assure proper planning and staffing, the employee on Sabbatical Leave is asked to inform the Director of Human Resources of her/his intentions, either to return to work or to resign, no later than two weeks (14 calendar days) prior to the end of the Sabbatical Leave.
- (5)(6) *By accepting Sabbatical Leave, the employee agrees to work for the library system for a period of 12 months at the conclusion of the sabbatical or to reimburse the library system all premium costs contributed by the library system on the employee's behalf for any benefits continued during the sabbatical.*

#### b) Category 3 Employees

- i) Eligibility: 36 months (three years) of current, unbroken, continuous service; ~~whether in a full-time or part-time capacity or combination of same and consistently works a minimum of 40 hours per pay period.~~
- ii) Earn Rate: NA
- iii) Explanatory Notes:
  - (1) Same as for Category 1 employees; ~~however, the provisions for continued participation in the retirement pension plan or insurance plans are not applicable to Category 3 employees because they are not eligible for these plans.~~

#### 10) Sick Leave

*Definition – Sick Leave is only granted for the illness of an employee, for situations requiring the employee's care of a member of her/his immediate family as defined at the beginning of this document or for other Family and Medical Leave Act qualifying situations. Qualifying family under the Family and Medical Leave Act differs from the definition of "immediate family" in this document and is the controlling definition in FMLA situations. (See policy SH 221 Family and Medical Leave.)*

#### a) Category 1 Employees



# SH 200 Benefits

## SH 220 Employee Leave

*Revised: 12/02, 7/06, 1/09, Draft 5/7/09*

### Leave Types Defined (alphabetically arranged)

- i) Eligibility Period: upon employment
- ii) Earn rate: 10 hours per month
- iii) Explanatory Notes:
  - (1) When an employee is unable to report for work because of illness or other allowable Sick Leave usage, the employee, or someone on his/her behalf, must call the immediate supervisor or person-in-charge at his/her work site or agency, if possible, at least thirty (30) minutes prior to the employee's scheduled start of work. If the employee believes the absence is or may be Family and Medical Leave qualifying, the employee needs to notify the supervisor or person-in-charge at that time. If the employee fails to indicate this possibility, the person receiving the message is to make the inquiry.
  - (2) A Category 1 employee on Sick Leave more than 40 consecutive working hours must provide a doctor's statement upon returning to work.
  - (3) If an employee's sick period lasts longer than accrued Sick Leave, the employee may use accrued, but not advanced, Annual Vacation Leave or Floating Holiday time. If s/he has no other accrued paid leave, time off past accrued Sick Leave will be an absence without approved leave. The library makes no guarantee of continued employment, outside of the Family and Medical Leave Act, or the continuation of benefits other than through COBRA.
  - (4) Leave available is the "current balance" at the beginning of the sick leave. Leave that is accrued during an absence (sick, AVL, etc.) is available only after the employee has returned to work.
  - (5) Illness during a period of other paid leave, such as Annual Vacation Leave, counts as that type of leave and is not considered Sick Leave.
  - (6) An employee can accrue (be credited with) no more than 960 hours of Sick Leave.
  - (7) There is no compensation for unused Sick Leave.
  - (8) Accrued Sick Leave in a previous term of service is not considered in a subsequent term of service. In this respect, a re-hired employee is considered a new employee.

#### b) Category 2 Employees – ~~See the "sick leave" for category 1 employees~~

- i) Eligibility Period: same as Category 1 employees.
- ii) Earn Rate: are translated to the pro-rata allotments. Example: a half-time Category 2 employee is credited with 5 hours of Sick Leave, not 10 per month; a three-fourths-time Category 2 employee is credited with 7.5 hours, not 10.



# SH 200 Benefits

## SH 220 Employee Leave

Revised: 12/02, 7/06, 1/09, Draft 5/7/09

### Leave Types Defined (alphabetically arranged)

#### iii) Explanatory Notes

- (1) Category 2 employees are subject to the same call-in provisions as stated in Explanatory Notes for Category 1 employees.
- (2) The number of hours of sick leave absence before requiring a doctor's statement for return to work should be translated to the pro-rate amounts depending on the normal hours per week of the employee. Example: a half-time Category 2 employee would be required to have a doctor's statement after an absence of 20 hours.

#### c) Category 3 Employees

- i) Eligibility: NA
- ii) Earn Rate: N/A
- iii) Explanatory Notes:

- (1) Category 3 employees are subject to the same call-in provisions as stated in Explanatory Notes for Category 1 employees.

### 11) **Vote Leave**

Definition - Oklahoma law specifies that employees who are registered voters and whose work schedule hampers their ability to vote in a public election may have time off with pay to vote.

#### a) Category 1, 2, and 3 Employees

- i) Eligibility Period: upon employment
- ii) Earn Rate: **NA**
- iii) Explanatory Notes:

##### **(1) Must meet the eligibility criteria:**

- (a) Must be a registered voter
- (b) Must be scheduled to work on Election Day within three hours after the polls open and three hours before the polls close. Examples with the polls open 7 a.m. to 7 p.m.:
  - Employee is scheduled to work from 8 a.m. to 5 p.m. Employee may request up to two hours of paid leave to vote.
  - Employee is scheduled to work from 8:30 a.m. to 5:30 p.m. Employee may request up to two hours of paid leave to vote.
  - Employee is scheduled to work from 12:30 p.m. to 9 p.m. Employee is not eligible for leave to vote.
  - Employee is scheduled to work from 7:30 a.m. to 4:00 p.m.

# SH 200 Benefits

## SH 220 Employee Leave

*Revised: 12/02, 7/06, 1/09, Draft 5/7/09*

### Leave Types Defined (alphabetically arranged)

Employee is not eligible for leave to vote.

- (2) Registered voters not eligible for such paid leave are those employees, normally part-time, hourly workers, whose work schedule can be arranged to allow them sufficient free time (three hours) before or after work to vote.
- (3) Anyone who is otherwise eligible and who is the only employee normally on duty in a particular work unit during the above time frame may request leave to vote; upon such a request, the supervisor should arrange for a substitute if it is necessary for the work unit to be open during the regular employee's absence.
- (4) A registered voter eligible for, and needing, paid time off to vote must ask the supervisor for such leave no later than one working day before the election.
- (5) The supervisor has the authority to set the time period for the employee to take the leave so as to assure the most efficient staffing for the work unit. In a case where two or more eligible employees request the same time period, the supervisor may "stagger" the time off on the basis of who asked for the leave first.
- (6) Leave to vote must be reported on the employee's time sheet
- (7) If an employee is off work on leave of any kind, leave to vote will not be authorized—the assumption being that the employee is either too sick to visit the polls or has sufficient time while on leave or Floating Holiday to vote.

# SH 200 Benefits

## SH 221 Family and Medical Leave

Revised: 12/02, 7/06, 1/09, Draft 5/09

### **Policy**

*The Family and Medical Leave policy ensures that the Metropolitan Library System has established a set of rules, procedures and guidelines in accordance with federal law and regulations governing Family and Medical Leave.*

### **Regulations**

#### **1. Family and Medical Leave**

Definitions – All definitions and terms used in reference to Family and Medical Leave are established by federal law and regulations and, in case of disagreement with those elsewhere in the leave policy, are governing for FMLA. For non-FMLA applications, the definitions elsewhere in this policy are governing.

- Benefits – all programs such as group life insurance, health insurance, disability insurance, sick leave, annual leave, retirement pension, educational benefit regardless of whether the benefits are provided by a practice or written policy of the library system or through an employee benefit plan.
- Health care provider – ~~doctor of medicine or osteopathy and~~ anyone else designated by the U.S. Secretary of Labor to be capable of providing health care services.
- Parent – biological parent or person charged with the duties and responsibilities of a parent excluding parent-in-law.
- Son or daughter – a biological, adopted or foster child, a stepchild, a legal ward or a child of a person standing in loco parentis, any one of whom is younger than 18 years old, or is 18 years old or older and incapable of self-care because of a mental or physical disability. Military exigency leave and military caregiver leave under the FMLA have no age limit for the child.
- Spouse – husband or wife as recognized by Oklahoma law for marriage.
- Serious health condition – an illness, injury, impairment or physical or mental condition that involves: 1) inpatient care in a hospital, hospice or residential medical facility or 2) continuing treatment by a health care provider *as defined in the act.*

#### **a) Category 1 Employees**

- i) Eligibility Period: a total of one year of employment and at least 1250 hours worked or on approved paid leave during the previous 12 months before the request for leave.
- ii) Earn Rate: NA

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## SH 221 Family and Medical Leave

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### iii) Explanatory Notes:

(1) An eligible employee may take up to 12 weeks (480 hours if taken *intermittently*) of leave during any 12 month period\* for:

- the birth of a child
- the placement of a child with the employee for adoption or foster care
- to care for a spouse, son, daughter or parent with a serious health condition
- Because of the employee's own serious health condition.

**Note:** *\*Any 12 month period is interpreted as 12 months following the end of the last twelve weeks of Family and Medical Leave, whether continuous or intermittent.*

(2) Leave for adoption, foster care, or birth of a child generally may not be taken intermittently or on a reduced schedule unless the supervisor and the employee agree to such an arrangement. An intermittent or reduced leave schedule may be taken for leave related to serious health conditions, if such an arrangement is medically necessary. If an employee requests this intermittent or reduced leave, based on planned medical treatment, the library system may require that the employee transfer temporarily to another job with equivalent pay and benefits that better accommodate the employee's need for recurring periods of leave.

(3) As a part of the 12-week, any accumulated annual sick leave and any accumulated annual vacation leave must be used by the employee.

(4) When both husband and wife work for the library system, the full amount of leave is limited to an aggregate of 12 weeks when the leave is for the birth, adoption or foster care of a child or to care for a sick parent. However, if the reason is the illness of a child or either spouse, each spouse is entitled to 12 weeks of leave.

(5) The request for leave must be supported by a health care provider's certification of the medical condition of the person affected. Employees must provide this certification within 15 calendar days, unless it is not practicable to do so under the circumstances. The certification should be in a format acceptable to the Human Resources Office and contain sufficient information to meet the requirements or on the U.S. Department of Labor form.

The benefits section of the Human Resources Office will review the certification. A written approval/non approval response will be sent within five business days to the employee by the Human Resources Office. If the form is incomplete, a request will be sent to the employee who is then given seven calendar days to provide the completed form.

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If the Director of Human Resources has reason to doubt the validity of the original certification, the library system may require a second opinion – paid for by the library system – from a health care provider who is designated or approved by the library system.

The employee may obtain a third opinion--at the library system's expense – when the second opinion differs from the first. The health care provider for the third opinion must be someone designated or approved by the library system. This third opinion is considered final and binding on both the library system and the employee.

- (6) An employee returning from FMLA qualifying personal illness or injury leave may be required to provide a fitness for duty certification (as allowed and described in the Act) from the medical care provider treating the employee.
- (7) The employee, on return from leave, is entitled to his or her former position, or an equivalent position, with equivalent employment benefits, pay and other terms and conditions of employment.
- (8) An employee on family and medical leave will not lose any benefits that accrued before the leave began; however, an employee will not be eligible to use any leave accrued during the absence until the employee has returned to work.
- (9) Group health/dental insurance plan coverage will be continued during the leave at the same level and conditions of coverage that would have been provided had the employee not taken leave. The Library System will continue to contribute the library's share of premiums during the leave. The library system may recover its share of premiums for the employee during unpaid leave when the employee does not return from leave for reasons other than a continuation, recurrence or onset of a serious health condition.

### b) Category 2 Employees

- i) Eligibility Period: same as for Category 1 employees and supersede other provisions for establishing categories.
- ii) Earn Rate: NA
- iii) Explanatory Notes: Benefits not otherwise provided to Category 2 Employees are not granted by provisions of this leave program

### c) Category 3 Employees

- i) Eligibility Period: same as for Category 1 employees and supersede other provisions for establishing categories.
- ii) Earn Rate: NA

# SH 200 Benefits

## SH 221 Family and Medical Leave

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- iii) Explanatory Notes: Benefits not otherwise provided to Category 3 Employees are not granted by provisions of this leave program

### **2. Military Family Leave Entitlements under Family and Medical Leave**

Definition – Exigency Leave may occur when a qualifying exigency (emergency) arises out of the fact that a spouse, son or daughter, or parent is on active duty or call to active duty status in support of a contingency operation as a member of the National Guard or Reserves. Qualifying Exigency includes one or more of the following:

- Short notice (seven days or less) deployment
- Military events and related activities
- Alternative childcare arrangement
- School activities (excluding sporting events)
- Financial and legal arrangements
- Counseling provided the need for counseling arises from the active duty or call to active duty status
- Rest and recuperation up to five days
- Post-deployment activities conducted within 90 days of the termination of active duty status
- Additional activities resulting from the active duty or call to active duty status that the employer or employee have agreed upon.

#### **a) Category 1 Employees**

- i) Eligibility Period: a total of one year of employment and at least 1250 hours worked or on approved paid leave during the previous 12 months before the request for leave.
- ii) Earn Rate: NA
- iii) Explanatory Notes:
- (1) An eligible employee may take up to 12 weeks (480 hours if taken intermittently) of leave during any 12 month period. Any 12 month period is interpreted as 12 months following the end of the last twelve weeks of Family and Medical Leave, whether continuous or intermittent.
- (2) For qualifying military exigency leave, annual leave and floating holiday time, but not sick leave, may be used to prevent loss of pay.

#### **b) Category 2 Employees**

- i) Eligibility Period: same as for Category 1 employees and supersede other provisions for establishing categories.

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- ii) Earn Rate: NA
  - iii) Explanatory Notes: Benefits not otherwise provided to Category 2 Employees are not granted by provisions of this leave program
- c) Category 3 Employees
- i) Eligibility Period: same as for Category 1 employees and supersede other provisions for establishing categories.
  - ii) Earn Rate: NA
  - iii) Explanatory Notes: Benefits not otherwise provided to Category 3 Employees are not granted by provisions of this leave program

### **3. Military Caregiver Leave under Family and Medical Leave**

Definition – **Military** Caregiver Leave for the care of a spouse, son or daughter, parent, or next-of-kin (as defined in the act) of a covered service member, or for a qualifying service member on a temporary disability retired list who has incurred a serious illness in the line of duty on active duty.

- a) Category 1 Employees
- i) Eligibility Period: a total of one year of employment and at least 1250 hours worked or on approved paid leave during the previous 12 months before the request for leave.
  - ii) Earn Rate: NA
  - iii) Explanatory Notes:
    - (1) The caregiver leave applies on a per-covered service member, per-injury basis so that an eligible employee may be entitled to take more than one period of 26 weeks of leave if the leave is to care for different covered service members or to care for the same member with a subsequent (different) serious injury or illness.
    - (2) An eligible employee is entitled to a combined total of 26 weeks of leave for any FMLA qualifying reason during the 12 month period. If 12 weeks of FMLA qualifying leave is taken by the employee for other than military caregiver purposes, only 14 weeks remain available for military caregiver purposes. However, if only 12 weeks of military caregiver leave is taken, the employee is eligible for no more than 12 weeks of non caregiver purposes.
    - (3) If an employee does not take all of his or her 26 weeks of Military Caregiver leave to care for a covered service member during the single 12-month period (as defined by the act), the remaining part of his or her 26 weeks is forfeited.
- b) Category 2 Employees

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- i) Eligibility Period: same as for Category 1 employees and supersede other provisions for establishing categories.
  - ii) Earn Rate: NA
  - iii) Explanatory Notes: Benefits not otherwise provided to Category 2 Employees are not granted by provisions of this leave program
- c) Category 3 Employees
- i) Eligibility Period: same as for Category 1 employees and supersede other provisions for establishing categories.
  - ii) Earn Rate: NA
  - iii) Explanatory Notes: Benefits not otherwise provided to Category 3 Employees are not granted by provisions of this leave program