

METROPOLITAN LIBRARY COMMISSION OF OKLAHOMA COUNTY

ADMINISTRATIVE & PERSONNEL COMMITTEE

AGENDA

Members: Hugh Rice
Bose` Akadiri
Ralph Bullard
Margaret Graham
Cynthia Friedemann
Judy Smith
Mukesh Patel

Thursday, November 4, 2010
3:00 p.m.

Downtown Library
300 Park Avenue
Oklahoma City, OK 73102
Telephone: (405) 231-8650

- I. Call to Order and Establishment of Quorum – Hugh Rice, Chair
- II. Discussion, Consideration, and Possible Action: Executive Session
To discuss the employment, hiring, appointment, promotion, demotion, disciplining or resignation of any individual salaried public officer or employee, pursuant to the Oklahoma Open Meeting Act, Title 25, Oklahoma Statutes § 307, (B)(1)
 - A. Discuss and consider subsequent correspondence from grievant, Manager of Library Operations I – Ralph Ellison Library, regarding decision of Administrative and Personnel Committee on August 17, 2010
 - B. Executive Director Annual Evaluation
- III. Discussion, Consideration, and Possible Action: Return to Open Meeting
- IV. Discussion, Consideration, and Possible Action: Decision regarding Grievance of Manager of Library Operations I – Ralph Ellison Library
- V. Discussion, Consideration, and Possible Action: Recommendation regarding Executive Director Annual Evaluation
- VI. Discussion, Consideration, and Possible Action: Report and Recommendation from Administration ~ Revisions to Metropolitan Library System Policy and Procedure Manual
 - A. SH 520.1 Grievance Procedures
 - B. SH 540 On-the-Job Injuries Workers' Compensation
 - C. SH 540.1 On-the-Job Injuries Workers' Compensation Administrative Procedures

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, changes in the Commission adopted policies for the one policy listed below. Two procedures are also attached which do not need commission approval per policy (commission approval is not required for procedures). The grievance procedure has been revised as requested by the A & P committee in August; thus your review is needed. The other procedure is a companion piece to the policy that does need commission approval. These policies/procedures are in section SH – Stewardship of Human Resources.

1. SH520.1 – Grievance Procedures
2. SH540 – On-the-Job Injuries Workers' Compensation (policy)
3. SH540.1 – On-the-Job Injuries Workers' Compensation Administrative Procedures

ADMINISTRATIVE RECOMMENDATION FOR COMMISSION ACTION:

To approve the recommendation from Administration for adoption to the Metropolitan Library System Policy & Procedure Manual a revision to policy SH540 On-the-Job Injuries Workers' Compensation.

SH 500 Rights of Employees

SH 520.1 Grievance Procedures

Adopted: 2/81, Revised 12/02, 9/07, Draft 10/10

Procedures

The Grievance Procedures detail the steps that must be taken when an employee has a complaint that falls into the categories that may be grieved as identified in the SH 520 Grievance Policy.

Step 1:

An employee ~~shall~~must first discuss a grievance with his/her immediate supervisor in an attempt to reach a reasonable conclusion. If the grievance involves an improper action by a direct supervisor, the employee may go directly to a Human Resources representative or the next level supervisor who will then counsel the employee on the appropriate plan of action.

Such discussion ~~shall~~must be initiated within five (5) working days from the date of the incident complained of, or within five (5) working days from the date the employee became aware of the incident, whichever is later.

In this step, it is not mandatory to have the grievance in writing. This step is for employees to discuss problems with their supervisor to foster better understanding. In every instance, the supervisor and employee are encouraged to settle the matter between them.

The supervisor's decision ~~shall~~must be given to the employee within five (5) working days. *

Step 2:

A grievance not resolved at Step 1 must then be presented in writing by the grievant within five (5) working days* to the next level supervisor, who will review the grievance, discuss it with all concerned, and render a decision in writing within five (5) working days* to the employee, with a copy to the supervisor. If the next level supervisor in Step 2 is the Executive Director, ~~Step 3 & 4 are not applicable.~~the employee must put the grievance in writing and proceed to Step 3.

Step 3:

If not ~~satisfied~~resolved with by the decision ~~in at the previous~~step-2, a grievant has five (5) working days* from the point of receiving the decision in which to appeal, in writing, to the Director of Human Resources or to a person designated by the Executive Director to act in the Director of Human Resources' absence, who will conduct a review of the matter. This review ~~might~~will include gathering all documentation, facts, or and conducting interview~~ing of involved parties and other~~ appropriate parties as needed. The Human Resources representative will present all the findings documentation to the Executive Director within ten (10) working days after the conclusion of the review. The Executive Director will make a decision within fifteen (15) working days and notify all parties.

Step 4:

SH 500 Rights of Employees

SH 520.1 Grievance Procedures

Adopted: 2/81, Revised 12/02, 9/07, Draft 10/10

- A. For grievances involving demotion, suspension or termination of employment: Either party may appeal the decision of the Executive Director by requesting a review, in writing and within five (5) working days*, by the Administrative and Personnel Committee of the Library Commission. The Committee may review all previous testimony and evidence, conduct an investigation or interview affected parties if it deems necessary, and render the final decision, to be implemented by the Executive Director. The appeal by a party under this section to the Committee shall be deemed an exhaustion of that party's administrative remedies.
- B. A decision of the Executive Director involving all other grievances may be appealed at the election of either party by requesting a review of that decision of the Executive Director in writing within five (5) working days by mediation. Costs of the mediation will be paid by the Metropolitan Library System. The mediator may review all previous testimony and evidence; conduct an investigation or interview affected parties if deemed necessary and either effect an agreed settlement between the parties or in lieu thereof, render a final decision. Any settlement or final decision shall be implemented by the executive director. The appeal by a party under this section for mediation shall be deemed an exhaustion of that parties administrative remedies.

~~Either party may appeal the decision of the Executive Director by requesting a review, in writing and within five (5) working days*, by the Administrative and Personnel Committee of the Library Commission. The Committee may review all previous testimony and evidence, conduct an investigation or interview affected parties if it deems necessary, and render the final decision, to be implemented by the Executive Director.~~

** **Note:** The Executive Director may extend deadlines due to extenuating circumstances.*

SH 500 Rights of Employees

SH 540 On-the-Job Injuries Workers' Compensation

Revised: 9/98; 2/03; Draft 10/10

Policy

The On-the-Job Injuries Workers' Compensation policy ensures that~~As prescribed by State Law~~, the Metropolitan Library System provides Workers' Compensation Insurance to cover medical expenses resulting from on-the-job injuries as prescribed by state law and ~~to reimburse~~ s the amount stipulated by State Law for income lost because of such injuries.

Note: The term, "on-the-job injuries," used in the above policy statement and in the following ~~specific regulations policies and procedures~~, means ANY WORK-RELATED INJURIES OR ILLNESSES COVERED BY WORKERS' COMPENSATION INSURANCE. All employees, full-time or part-time, are covered immediately by ~~W~~workers' ~~C~~compensation ~~i~~insurance for on-the-job injuries and occupational illnesses.

Specific Policies Regulations

1. ~~Covered medical expenses; physicians and medical facilities~~Compliance Requirements for Injured Workers

- ~~a) In the case of an emergency life or limb threatening injury, the employee should be taken or go to the nearest medical facility for treatment. (call 911)~~
- a) In the case of a work-related injury, the injured worker will seek care through the Certified Workplace Medical Plan selected by the library system.
- ~~b) If the injury is not of an emergency nature, contact the doctor selected by the employee at the original sign-up for workers' compensation or any of the doctors on the workers' comp provider list that is available at each location.~~
- ~~In both emergency and non-emergency cases, supervisors or individuals in charge need to notify the certified workplace medical plan provider.~~
- e)b) The injured worker is expected to comply with requests from the library system to provide necessary injury report data and physicians statements; also, to be examined by additional physicians/-clinicians (other than the employee's choice) designated by the library system and/or representatives of the library for workers' compensation.

2. Income reimbursement for time lost because of injury on-the-job.

- a) A worker will not be docked or charged leave for time off due to a certified disability from injury if the time off is so brief that it is not covered by Workers' Compensation Insurance; however, all worker's' compensation absences will be considered FaMLA leave, if FaMLA qualifying.
- b) As soon as it is determined that the certified disability lasts longer than the workers' compensation insurance waiting period for coverage, the injured worker who has no accrued leave will be removed from the library system's payroll; the injured worker who has available leave will be given the following options:

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SH 540 On-the-Job Injuries Workers' Compensation

*Revised: 9/98; 2/03; **Draft 10/10***

- i. Remain on the payroll and use available leave to make up the difference between Workers' Compensation and regular library pay, or,
 - ii. Go off the payroll
 - c) The option of remaining on the payroll ends when the available leave balances reach zero.
 - d) The library system will cease all library contributions for the injured employee's group medical insurance and other benefits after the FaMLA coverage period is exhausted or after the employee goes off the payroll, which ever is the longer period. (FaMLA leave and paid leave run concurrently.)
 - e) The worker receiving Workers' Compensation and no library pay after the FaMLA coverage period is exhausted may arrange to continue paying for benefits previously paid by the library system and/or paid by payroll deductions, such as ~~dependent's~~ medical insurance under COBRA, credit union deposits, supplemental life ~~other~~ insurance, in accordance with the time limitations of individual plans or to discontinue such payments and benefits. Note: an injured worker that does not elect COBRA will be required to reapply for coverage upon returning to work; approval is subject to satisfactory evidence of good health.
3. Job retention rights of injured employee
- a) The library system may not discharge ~~_, or, except for non-payment of premiums, terminate any group health insurance of~~ any employee because the employee has in good faith:
 - i. Filed a claim;
 - ii. Retained a lawyer for representation regarding a claim;
 - iii. Instituted or caused to be instituted, any proceeding under the provision of the state workers' compensation code;
 - iv. Elected to participate or not to participate in a certified workplace medical plan.
 - b) The library system may not discharge any employee during a period of temporary total disability solely on the basis of absence from work.
 - c) After an employee's period of temporary total disability has ended, the library system is not required to rehire or retain any employee who is determined to be physically unable to perform his or her assigned duties.
4. Return to work
- a) Leave of absence for twelve weeks or less
- An injured employee who returns to work within the FaMLA coverage period after being removed from the payroll is eligible to return to the same or equivalent position with the library system. Annual leave and sick leave accumulated to that point will be credited to the employee.

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*Revised: 9/98; 2/03; **Draft 10/10***

b) Long-term* leave of absence

If an injured employee is unable to return to work within the FaMLA coverage period or balance of accrued leave, whichever is greater, the library system cannot and will not assure a return in the same or a position equivalent to that which the employee held at the time of the on-the job injury; however, the library system will consider placement of the employee in a similar or lower grade position for which the employee is qualified if the employee is given a medical release to return to work. Annual leave and sick leave accrued from the time of the disabling injury through the FaMLA coverage period will be credited to the employee.

*"Long-term" is defined here as a period exceeding the FaMLA coverage period. "Temporary (total and partial) disability" can be declared for periods up to 150 weeks by state courts; however, an employer has the right to seek a ruling declaring an injured worker's disability "permanent and stationary" instead of "temporary" at any given point.

c) Resignation

The failure to report to work within two weeks (14 calendar days) following a valid medical release to return to work shall be treated as a resignation and a termination of all rights of employment. The refusal to accept an offer of re-employment in a similar or reasonably comparable position shall also be treated as a resignation.

SH 540 On-the-Job Injuries Workers' Compensation

SH 540.1 On-the-Job Injuries Workers' Compensation

Administrative Procedures

Revised: 2/03; 4/06; 10/10

Procedures

1. When a person is injured while on duty for the library system, and requests professional medical attention or is judged by a supervisor or other responsible library employee to need professional medical attention, the injured person will be sent immediately to a medical facility; depending on circumstances--
 - a. ***In life or limb cases:***
 - ◆ To the nearest appropriate emergency facility, or,
 - b. ***In lesser cases:***
 - ◆ ~~To the pre-designated physician chosen by the employee, or,~~
 - ◆ To one of the physicians or medical facilities from the certified workplace medical plan's First Injury Provider List ~~in the network of the certified workplace medical plan that the library has chosen.~~

In ~~life or limb~~ cases, ~~after arranging for transport to the appropriate emergency facility,~~ the supervisor, or person-in-charge, must fax an "Authorization to Treat" form to contact CompChoice, the library system's certified workplace medical plan provider at (405) 841-9344848-3595. ~~In lesser cases, CompChoice must be contacted prior to referral for treatment.~~
2. Within 48 hours, even if the injured worker did not seek medical attention, the injured employee's supervisor will must submit a completed ~~MLS Form,~~ "Injured -Employee / Supervisor's First Report of Injury" form. The original report should be sent to the Human Resources Office with a copy retained by the site supervisor. ~~Complete this form and submit a copy to your administrative team member and a copy to the Human Resources Office regardless of whether or not the employee had to leave the library workstation because of the injury.~~
3. The system's Human Resource Office will be responsible for submitting all official forms required by the Workers' Compensation Insurance carrier and the worker's' compensation court.
4. The injured employee will report to his or her supervisor by telephone at least once a week or make other arrangements with the supervisor, who may waive this reporting requirement.