

# **METROPOLITAN LIBRARY COMMISSION OF OKLAHOMA COUNTY**

## **ADMINISTRATIVE & PERSONNEL COMMITTEE AGENDA**

Members:    Hugh Rice, Chair  
                 Ralph Bullard  
                 Cynthia Friedemann  
                 Helene Harpman  
                 Brian Maughan  
                 Mukesh Patel  
                 Sharon Voorhees

Wednesday, May 13, 2015 at 3:30 p.m.  
Downtown Library  
300 Park Avenue  
Oklahoma City, OK 73102  
Telephone: (405) 231-8650

- I.      Call to Order and Establishment of Quorum – Mr. Hugh Rice, 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: Revisions to MLS Policy and Procedure Manual
  - SH 510      Civil Rights Policy
  - SH 511      Complaint Resolution Policy
  - SH 520      Grievance Policy
  - SH 530      Due Process in Certain Employment Actions
  
  - SH 510.1    Civil Rights Complaint Resolution Procedures
  - SH 511.1    Complaint Resolution Procedures
  - SH 520.1    Grievance Policy Procedures
  - SH 530.1    Administrative Procedures for Due Process Hearing in Certain Employment Actions

## **REPORT AND RECOMMENDATION FROM ADMINISTRATION**

### MLS SALARIES & BENEFITS FY 2015-16

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

The Administration recommends the following:

**1. Compensation:**

- A. A continuation of the performance based merit increase schedule ranging from 0-3%
- B. Depending on pending tax revenue, a possible market adjustment for all employees effective the first pay period in January, 2016.

**2. Benefits:**

- A. Acceptance of the Stop Loss coverage renewal for the Employee Benefit Plan through Sun Life and Health Insurance Company on a Paid contract basis with an increase in the Specific Deductible level to \$85,000 per individual.
- B. Acceptance of the plan change recommendations for the self-funded Employee Benefit Plan.
- C. Acceptance of the Employee Benefit Plan premium costs reflecting a 1.00% increase to the Library System and participants after applying a portion of the available fund balance.

#### **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 2015-16 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 2015

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. Salaries, economic outlook, and benefits are reviewed annually using information from various sources such as the US Department of Labor's Bureau of Labor Statistics, surrounding library systems, national and local library and human resource associations, and national publications and surveys.

### SALARIES

The Library System has stated, as a goal, that it is desirable to be the leader in-state among the major public library employers. The library system has traditionally compared salaries for the position of librarian since qualifications and duties in libraries of comparable size are similar. Shown below are the current comparisons:

Source	Min	Max
Tulsa City-County Library System*	41,340	62,400
Pioneer Multi-County Library System	38,700	63,468
Allen County Public Library (2013 survey)	42,583	65,455
Wichita Public Library	38,069	67,687
Dallas Public Library	40,281	68,419
<i>Metropolitan Library System</i>	<i>44,762</i>	<i>67,122</i>

### EMPLOYER OUTLOOK:

The Employment Cost Index, released in April 2015, showed the compensation costs for state and local government workers for the 12-month period ending March 2015 as follows:

	2015	2014
Compensation	2.1%	1.9%
Wages & Salaries	1.8%	1.2%
Benefits	2.8%	3.0%

The Consumer Price Index (CPI), released in April 2015, showed a decrease for all items during the 12-month period for the year ended in March 2015 as follows:

US City Average – All Items:	-0.1%
Southern Region – All Items:	-0.3%
Dallas-Fort Worth – All Items:	-0.6%

The Federal Register reported a 1.70% cost of living increase in Social Security benefits effective January 2015.

US Employers are predicted to increase base salaries on average of 3.00% and continue performance based increases averaging between 0.90 to 4.53%.

The average MLS employee merit increase for FY14-15 was 2.37%. There are currently 62 employees at the maximum of their salary range.

### RECOMMENDATIONS for FY15-16

Based on all information available, the proposed changes in the health/dental plan, and the library's financial situation, administration recommends the continuation of the current performance based merit increase schedule ranging from 0-3%, beginning July 1, 2015. The preliminary budget currently reflects a 0% market adjustment due to the still uncertain ad valorem tax revenue. Upon receiving the final numbers from the County, administration may bring a recommendation to the commission at final budget approval for a possible market adjustment to be effective January 1, 2016.

## **BENEFITS**

### MEDICAL/DENTAL & PRESCRIPTION DRUG PLAN (EMPLOYEE BENEFIT PLAN)

The following is a brief summation of the current Plan performance:

- Medical claims increased 8.20%.
- Prescription drug claims increased 11.10%.
- Paid dental claims are on track to be 4.00% higher than last year.
- The Total Plan Expenses were allocated as follows:
  - Stop Loss Coverage: 17.57%
  - Administration: 1.87%
  - Claims: 78.58%
  - Ancillary Coverage (Group Term Life/AD&D): 1.25%
- The average membership age is 39.6.
- The Plan currently covers 421 members.
- The Provider networks and Lab Card program discounts saved the Plan 56.58% on billed charges.
- To date this year, there are three individuals with claims in excess of \$80,000 (Specific Stop Loss Deductible). The stop loss carrier has reimbursed \$157,332 to date

### RECOMMENDATIONS for CHANGE:

#### *Affordable Care Act Mandated Changes:*

1. All eligible pharmacy coinsurance and copay expenses must apply to the medical out-of-pocket limitation.
2. All employees who average 30 hours per week over a ten month period (July 2014 – April 2015) must be offered medical, dental, and prescription drug coverage. There are approximately 17 employees who will qualify to be offered the health plan effective July 1, 2015.

#### *Other Recommendations:*

1. Participation in the SmartChoice program offered by HealthSmart. The SmartChoice program is a program designed to reduce Outpatient facility cost. Outpatient facility charges comprise 27.94% of claims costs. In 2014, the Plan would have saved approximately \$123,804 with the program. The annual cost of the program with the current number of lives would be \$5,304 if adopted in FY 2016.
2. Increase the out-of-pocket expense from \$3,000/\$7,500 (individual/family in network) and \$4,000/\$10,000 (individual/family out of network) to \$5,000/\$10,000 (individual/family in network) and \$6,600/\$13,200 (individual/family out of network). The \$6,600/\$13,200 out-of-pocket limitation is in accordance with ACA guidelines for health plans.

This change will compensate for the increased expense of the pharmacy related ACA mandate. In 2014, if the pharmacy mandate were in place, it would have cost the plan an additional \$47,527.

3. Implement step therapy for cholesterol drugs to obtain better savings. Estimated annual savings: \$9,032.
4. Implement Prior Authorization program for higher cost drugs.
5. Increase Mail Order copayments for Preferred Brand from \$125 to \$150 and Non-Preferred Brand from \$175 to \$200.

**ANTICIPATED PREMIUMS for FY 16:**

	Monthly Premiums*					
	Library's Share		Employee's Share		TOTAL	
	<i>Increase:</i>	<i>FY 14-15</i>	<i>Increase:</i>	<i>FY 14-15</i>	<i>Increase:</i>	<i>FY 14-15</i>
Single Coverage	\$ 31.67	\$ 793.58	\$ 4.35	\$ 89.00	\$ 36.02	\$ 882.58
Dependent Coverage	\$ 19.46	\$ 487.68	\$ 8.34	\$ 209.00	\$ 27.80	\$ 696.68
<i>Total Cost for Both</i>	\$ 51.13	\$ 1,281.26	\$ 12.69	\$ 298.00	\$ 63.82	\$ 1,579.26

\* The Library shares approximately 90% of single coverage cost and 70% of additional cost for dependents.  
 The Employee shares approximately 10% of single coverage cost and 30% of additional cost for dependents.

**WELLNESS PROGRAM**

The Wellness Works Program's fifth annual A Healthy Me Challenge resulted in the following outcomes: 203 comprehensive biometric screenings and 142 Health Risk Assessments completed. Seven employees had at least one critical laboratory value identified as part of their biometric screening, compared to 14 employees in 2013. Personalized Prevention estimates a potential medical cost avoidance of \$105,587 resulting from early identification and intervention with these individuals.

Throughout the last year there have been customer service concerns with our current vendor. There have also been numerous employee complaints about the Wellness portal and its reliability. Changing wellness vendors would create a renewal of interest in the Wellness program.  
 Moving to an outcome based incentive structure will also increase our return on investment.

**RECOMMENDATIONS FOR CHANGE:**

1. Change wellness vendor to facilitate an outcome based approach and improve employee engagement.

**WORKERS' COMPENSATION**

Current Workers' Compensation Carrier: *CompSource Oklahoma*  
 Current Policy Period: *10/01/2014 – 09/30/2015*  
 Current Experience Modification Factor: *.92 (prior year 1.02)*

*No changes recommended for other benefits programs.*

## **REPORT AND RECOMMENDATION FROM ADMINISTRATION**

### **REVISIONS TO THE METROPOLITAN LIBRARY SYSTEM POLICY AND PROCEDURE MANUAL**

As the Commission has discussed at various times in the past, the Library's official policies are normally adopted by the Commission and followed to the letter, while organizational procedures are written by staff to manage the decisions and actions governed by those policies. In other words, the procedures – which may change dependent upon organization priorities, technological advances, and other contextual issues -- provide staff with a management framework consistent with policies set by the Commission.

At the September 2007 meeting of the Metropolitan Library Commission, the group approved changes to several Administrative Policies including:

SH 510	Civil Rights Policy
SH 511	Complaint Resolution Policy
SH 520	Grievance Policy
SH 530	Due Process in Certain Employment Actions

In addition, the Commission approved the following procedures associated with the above policies:

SH 510.1*	Civil Rights Complaint Resolution Procedures
SH 511.1*	Complaint Resolution Procedures
SH 520.1*	Grievance Policy Procedure
SH 530.1*	Administrative Procedures for Due Process Hearing in Certain Employment Actions

Unlike other procedures, because SH 510.1, SH 511.1, SH 520.1, and SH 530.1 were included in the motion to approve the policy, they were established as formal "policy" and not a procedure. This was likely an unintentional action, as the briefing sheet for a revision of SH 520 at the November 4, 2010 A & P Committee meeting stated that, "Two procedures are also attached which do not need commission approval per policy (commission approval is not required for procedures)." Additional supporting evidence that the adoption of the procedures as policies was unintentional comes from the minutes of the same November 4, 2010 A & P Committee meeting in which it was stated that, "There is no action required for the revision of the Grievance Procedures." Because the procedures were adopted as policy by the Commission, only that body – at the recommendation of the Administrative and Personnel Committee – may remove them from policy. Per organizational protocol, once they are repealed from the policy, Library Administration will adopt them as procedure.

### **RECOMMENDATION FOR COMMITTEE ACTION**

To approve the recommendation from the executive director to repeal SH 510.1 Civil Rights Complaint Resolution Procedures; SH 511.1 Complaint Resolution Procedures; SH 520.1 Grievance Policy Procedure; SH 530.1 Administrative Procedures for Due Process Hearing in Certain Employment Actions from Metropolitan Library System Policy.

# **SH 500 Rights of Employees**

## **SH 510 Discrimination & Harassment**

*Revised: 3/97, 2/03, 9/07, 11/08*

### **Policy**

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

### **Regulations**

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

# **SH 500 Rights of Employees**

## **SH 510 Discrimination & Harassment**

*Revised: 3/97, 2/03, 9/07, 11/08*

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



# SH 500 Rights of Employees

## SH 510 Discrimination & Harassment

*Revised: 3/97, 2/03, 9/07, 11/08*

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

# SH 500 Rights of Employees

## SH 510 Discrimination & Harassment

*Revised: 3/97, 2/03, 9/07, 11/08*

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

# SH 500 Rights of Employees

## SH 510 Discrimination & Harassment

*Revised: 3/97, 2/03, 9/07, 11/08*

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

# SH 500 Rights of Employees

## SH 510 Discrimination & Harassment

*Revised: 3/97, 2/03, 9/07, 11/08*

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

# SH 500 Rights of Employees

## SH 510 Discrimination & Harassment

*Revised: 3/97, 2/03, 9/07, 11/08*

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

# SH 500 Rights of Employees

## SH 510 Discrimination & Harassment

*Revised: 3/97, 2/03, 9/07, 11/08*

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

# **SH 500 Rights of Employees**

## **SH 510 Discrimination & Harassment**

*Revised: 3/97, 2/03, 9/07, 11/08*

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

# **SH 500 Rights of Employees**

## **SH 511 Complaint Resolution**

*Adopted: 9/07*

### **Policy**

The Complaint Resolution policy provides the mechanism for employee or volunteer complaints regarding conditions of work, interpretation of policies and procedures, or any other complaint that is not specifically covered by the grievance or civil rights policies and assures employees or volunteers who present a complaint in good faith will be free from restraint, reprisal or retaliation.

### **Regulations**

1. Any employee or volunteer may present a complaint.
2. A complaint regarding an immediate supervisor or an administrative team member may be presented to the next level supervisor.
3. Employees and volunteers must complete the procedures outlined in SH 511.1 – Complaint Resolution Procedures.
4. No action will be taken against an employee for filing a complaint in good faith, even if any facts alleged in the complaint are not confirmed by subsequent investigation.



# **SH 500 Rights of Employees**

## **SH 520 Grievance Policy**

***Adopted: 2/81, Revised 12/02, 7/06, 9/07***

### **Policy**

The Grievance Policy serves to assure employees that their grievance issues will be considered fairly and without undue delay, and that any employee who presents a complaint in good faith shall be free from restraint or reprisal.

### **Regulations**

1. A grievance can be filed for the following work related issues:
  - a. pay increases
  - b. promotions and/or demotions
  - c. performance evaluations
  - d. suspensions
  - e. terminations
  - f. written or oral reprimands
2. All full-time and designated part-time FTE (i.e., one-half time, three-fourths-time, four-fifths-time, etc. and budgeted in Account 101) employees with at least six months' service in the system shall have the right to appeal through the proper grievance channels on matters which directly affect them. Employees must follow procedures outlined on SH 520.1 Grievance Policy-Procedures.
3. If the grievance concerns a termination, the affected individual's employment status with the library system will be terminated. However, if the final decision in the grievance procedure is rendered in favor of the grievant, the individual shall be reinstated with no loss of salary, fringe benefits or seniority to that employee as follows:
  - a. The individual opted for continuation of coverage under COBRA, made timely premium payments as required by COBRA, and returns to "actively at work" status within the eighteen (18) months of COBRA eligibility, the individual will be reinstated to the Employee Benefit Plan and other such insurance plans as may be provided by the library system. The library's share of insurance premiums will be reimbursed to the individual only if the final decision favors reinstatement of the grievant.
  - b. If the individual opted not to have COBRA continuation of coverage, for whatever reason, or failed to make timely premium payments as required by COBRA, the reinstated employee will be treated as a new hire and subject to all provision of the Employee Benefit Plan for new employees.

# **SH 500 Rights of Employees**

## **SH 520 Grievance Policy**

***Adopted: 2/81, Revised 12/02, 7/06, 9/07***

4. No action will be taken against an employee for filing a grievance in good faith, even if any facts alleged in the grievance are not confirmed by subsequent investigation.

# SH 500 Rights of Employees

## SH 530 Due Process Hearing in Certain Employment Actions

*Adopted: 6/85, Revised: 4/90, 2/03, 9/07, 12/11*

### Policy

The Due Process Hearing in Certain Employment Actions policy ensures the procedural due process of law as required by the Fourteenth Amendment to the United States Constitution. The United States Supreme Court has declared that before any action can be taken against an employee of a governmental entity, who has a reasonable expectation of continued employment, which would result in the loss of liberty or property rights, that employee must be given the opportunity to have a meaningful pre-action hearing to determine whether there are reasonable grounds to believe that the charges against the employee are true and support the proposed action.

To comply with this decision, the Metropolitan Library Commission hereby adopts the following definitions:

Liberty rights as defined by the court protect the individual from action, which would damage the employee's reputation, good name, standing in the community or curtailment of opportunities for future employment.

Property rights as defined by the court protect the individual's continued expectation of employment and include actions, which would result in suspension, demotion or termination of employment.

### Regulations

1. Before an action can be taken by the library against an employee who has a reasonable expectation of continued employment that would result in suspension, termination or demotion, the employee will be given the opportunity to have a meaningful pre-action hearing to determine whether there are reasonable grounds to believe that the charges against the employee are true and support the proposed action.
2. The employee is to be given either oral or written notice of the charges, an explanation of the evidence and an opportunity to respond to the charges.
3. When the proposed action involves termination of employment, the employee may be placed on suspension with or without pay pending a decision in the pre-action hearing or may be directed to continue working regularly scheduled hours.
4. This pre-action hearing does not preclude an eligible employee from any right to appeal the action after it has been implemented through the proper grievance procedure.
5. Nothing in this policy prohibits the library from terminating employees as a result of reductions in force, reorganizations, or lay-offs for economic or budgetary reasons.

# **SH 500 Rights of Employees**

## **SH 510.1 Discrimination & Harassment Complaint Resolution Procedures**

*Revised: 3/97, 2/03, 9/07, 11/08, 3/09*

### **Procedures**

The library takes very seriously every complaint of discrimination, harassment, or complaints of unlawful adverse employment action relating to filing a discrimination/harassment complaint. The Executive Director will ensure that all such complaints be investigated promptly and completely.

- 1) The employee may, if he/she desires, notify the alleged harasser(s) of the unwelcome conduct and request that the behavior stop immediately, but this is not required if the employee is uncomfortable doing so. No further action is required if the behavior stops.
- 2) As an alternative, or if the harassment does not stop after direct notification, an employee who believes s/he has been discriminated against or harassed by anyone, including a supervisor, co-worker, customer must fill out the Discrimination/Harassment Complaint Form and report the conduct within 10\* days of the last alleged occurrence to one of the following:
  - i) the employee's immediate supervisor;
  - ii) any other supervisor in the employee's chain of command;
  - iii) any administrative team member; or
  - iv) Director of Human Resources, or his/her designee.
- 3) Staff members aware of any complaint of harassment or discrimination involving a volunteer, contractor, vendor or customer should report it by submitting an Unusual Incident form.
- 4) Preserving a workplace free of unlawful harassment is the responsibility of all employees. If an employee observes or is otherwise made aware of possible sexual or other unlawful harassment of another employee, citizen, vendor, or anyone else in the workplace, he/she is to report this immediately to his/her supervisor, administrative team member, or Human Resources Office.
- 5) If a report or complaint is made to anyone other than the Director of Human Resources, or his/her designee, the Director of Human Resources must immediately be advised of the allegation. If the report or complaint is made to the Director of Human Resources, or his/her designee, the appropriate manager(s) and administrative team member(s) will be immediately notified.
- 6) No Retaliation or Reprisal
  - No reprisal, retaliation, or other adverse action will be taken against any employee for making in good faith a report or complaint of unlawful harassment, or for assisting in good faith the investigation of any such report or complaint. Supervisors will inform individuals affected by a complaint that retaliation will not be tolerated by anyone involved. Any suspected retaliation or intimidation must be reported immediately to the Director of Human Resources.
- 7) Investigations

All complaints of discrimination or harassment prohibited by this policy shall be investigated by the Director of Human Resources, or his/her designee. This investigation might include gathering facts or interviewing appropriate parties. The Human Resources representative will

# **SH 500 Rights of Employees**

## **SH 510.1 Discrimination & Harassment Complaint Resolution Procedures**

*Revised: 3/97, 2/03, 9/07, 11/08, 3/09*

present the findings to the Executive Director within ten (10) working days after the conclusion of the investigation. The Executive Director will make a decision within fifteen (15) working days and notify all parties

- All employees having knowledge of the harassment or discrimination complaint shall cooperate in the investigation of the alleged harassment or discrimination.
  - To the extent practicable, all complaints of harassment or discrimination shall remain confidential. It may be necessary, however, to disclose the nature or origin of the complaint to investigate it properly or to take corrective action.
- 8) If, after the investigation, it is determined that action needs to be taken, the Director of Human Resources, or his/her designee, will work in conjunction with the employee's supervisor and/or manager to reasonably ensure that the discrimination or harassment is stopped and does not reoccur. When the investigation substantiates that there has been a violation of this policy, appropriate corrective measures and/or discipline will be taken up to and including termination. Any action taken that falls under SH 520 Grievance Policy may be appealed by the employee through the grievance procedure.
- 9) Deliberate falsified reports or complaints are also violations of this policy. Therefore, appropriate corrective and/or disciplinary action will be taken if an investigation shows that deliberately untruthful or accusations in bad faith have been made. Any action taken that falls under SH 520 Grievance Policy may be appealed by the employee through the grievance procedure.
- 10) Any questions about this policy and procedure may be addressed to the Director of Human Resources by phone or by email or to his designee.
- 11) Through this policy, the Metropolitan Library System endeavors to provide a process for resolving complaints in these matters. Therefore, an employee or volunteer alleging illegal discrimination or harassment is expected to complete these administrative complaint resolution procedures before presenting the matter to the Oklahoma Human Rights Commission, the U.S. Equal Employment Opportunity Commission or the courts.

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

# SH 500 Rights of Employees

## SH 510.1 Discrimination & Harassment Complaint Resolution Procedures

*Revised: 3/97, 2/03, 9/07, 11/08, 3/09*

### Discrimination/Harassment Complaint Form

The purpose of this form is to assist you in filing a complaint of alleged Civil Rights Discrimination.

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

Work Phone: \_\_\_\_\_ Home Phone: \_\_\_\_\_

Work Location: \_\_\_\_\_ Supervisor: \_\_\_\_\_

Please indicate the basis of the harassment or discrimination  
(e.g., "Race: African American" or "Sex: Female").

<input type="checkbox"/>	Race/Color: _____
<input type="checkbox"/>	National Origin: _____
<input type="checkbox"/>	Sex: _____
<input type="checkbox"/>	Religion: _____
<input type="checkbox"/>	Age: _____
<input type="checkbox"/>	Disability: _____
<input type="checkbox"/>	Military Status: _____
<input type="checkbox"/>	Pregnancy Status: _____
<input type="checkbox"/>	Other: _____

Please indicate who you believe has violated this policy.

Current Employee Name(s):

Job Title: (if current employee)

Work Location:

If the accused harasser is a customer, volunteer, vendor or contractor fill out an Unusual Incident form.

Date(s) and time(s) of alleged discrimination/harassment:

# **SH 500 Rights of Employees**

## **SH 510.1 Discrimination & Harassment Complaint Resolution Procedures**

*Revised: 3/97, 2/03, 9/07, 11/08, 3/09*

Explain as clearly as possible what happened, why you believe it happened, and how you believe you are being harassed or discriminated against. (Please use additional sheets if necessary)

# SH 500 Rights of Employees

## SH 510.1 Discrimination & Harassment Complaint Resolution Procedures

*Revised: 3/97, 2/03, 9/07, 11/08, 3/09*

Please list below any persons (witnesses, fellow employees, supervisors, or others), if known, whom we may contact for additional information to support or clarify your complaint.

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Do you have any other information that you think is relevant to our investigation of your complaint?

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What remedy are you seeking for the alleged discrimination/harassment?

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**We cannot accept a complaint if it has not been signed. Please sign and date this complaint form below.**

\_\_\_\_\_  
SIGNATURE

\_\_\_\_\_  
DATE

Please feel free to add additional sheets to explain the present situation to us.

The Metropolitan Library System endeavors to resolve any complaint in these types of matters. Therefore, an employee or volunteer alleging illegal discrimination or harassment is expected to complete the steps outlined in SH500 Rights of Employees, SH510.1 Civil Rights Complaint Resolution Procedure before presenting the matter to the Oklahoma Human Rights Commission, the U.S. Equal Employment Opportunity Commission or the courts.



# **SH 500 Rights of Employees**

## **SH 510.1 Discrimination & Harassment Complaint Resolution Procedures**

*Revised: 3/97, 2/03, 9/07, 11/08, 3/09*

### **COMPLAINANT CONSENT/RELEASE FORM**

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

*Please read the information below, check the appropriate box, and sign this form.*

As a complainant, I understand that in the course of an investigation it may become necessary for my supervisor, or an investigative officer of the Metropolitan Library System, to reveal my identity to person(s) under investigation. I understand that as a complainant I am protected from intimidation or retaliation by my employer for having taken action or participated in action to secure rights protected by SH 500 Rights of Employees.

#### **CONSENT/RELEASE**

**I have read and understand the above information and authorize the Metropolitan Library System to reveal my identity to persons under investigation. If I deny it, I understand this is likely to impede the investigation of my complaint and may result in the closure of the investigation.**

☐ **CONSENT**

☐ **CONSENT DENIED**

**I hereby authorize the Metropolitan Library System to receive material and information about me that may include personal and medical records that are pertinent to the investigation. I understand that the material and information will be used for authorized civil rights compliance and enforcement activities. I further understand that I am not required to authorize this release, and do so voluntarily.**

☐ **CONSENT**

☐ **CONSENT DENIED**

\_\_\_\_\_  
SIGNATURE

\_\_\_\_\_  
DATE

# **SH 500 Rights of Employees**

## **SH 511.1 Complaint Resolution Procedures**

*Adopted: 9/07*

### **Procedures**

Complaint Resolution procedures list the appropriate steps for presenting employee or volunteer complaints regarding conditions of work, interpretation of policies and procedures, or any other complaint that is not specifically covered by the grievance or civil rights policies.

1. Any employee or volunteer who feels that he or she has a complaint regarding work conditions or interpretation of policies or procedures must first communicate this with his or her immediate supervisor. The supervisor will then counsel the employee on the appropriate plan of action based on the complaint.
2. If the employee or volunteer has a complaint regarding the supervisor, the employee must request a meeting with the next level supervisor. The next level supervisor will then counsel the employee on the appropriate plan of action based on the complaint.
3. This plan of action may include requiring that the employee present the complaint in writing.

# **SH 500 Rights of Employees**

## **SH 520.1 Grievance Procedures**

*Adopted: 2/81, Revised 12/02, 9/07, 11/4/10*

### **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. Once the grievance process has begun no communication of the grievance should occur except as part of the review process.

#### **Step 1:**

An employee 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 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 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, the employee must put the grievance in writing and proceed to Step 3.

#### **Step 3:**

If not resolved by the decision at the previous step, 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 will include gathering all documentation, facts, and conducting interviews of involved parties and other appropriate parties as needed. The Human Resources representative will present all the 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.

# SH 500 Rights of Employees

## SH 520.1 Grievance Procedures

*Adopted: 2/81, Revised 12/02, 9/07, 11/4/10*

### Step 4:

- A. For grievances involving promotion, 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 will review all documentation and may 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 both parties' 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 will review documentation; may conduct an investigation or interview affected parties if deemed necessary and either effect an agreed resolution between the parties or in lieu thereof, render a final decision. Any resolution or final decision will be implemented by the Executive Director. The appeal by a party under this section for mediation shall be deemed an exhaustion of both parties' administrative remedies.

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

# SH 530 Due Process Hearing in Certain Employment Actions

## SH 530.1 Administrative Procedures Due Process Hearing in Certain Employment Actions

*Adopted: 6/85, Revised: 2/03; 9/07, 12/11*

These procedures implement the policy of the Metropolitan Library Commission ensuring procedural due process of law as required by the Fourteenth Amendment to the United States Constitution.

### **Procedure**

Before any action is taken that results in the suspension, demotion or termination of employment of a library employee who has a reasonable expectation of continued employment the following procedures will be followed:

1. When a supervisor believes that there is sufficient cause and evidence to discipline an employee through suspension, demotion or to terminate an employee, the supervisor will notify his/her own supervisor.
2. That reviewing supervisor must study the evidence and, if in agreement, notify the Director of Human Resources of the proposed action.
3. When the proposed action involves termination of employment, the employee may be placed on leave with or without pay, with the approval of the Executive Director, until a decision is reached. Otherwise, the employee will be expected to continue to work the scheduled hours.
4. The Director of Human Resources or other individual designated by the Director of Human Resources, serving as hearing officer, will establish a time, date and place for a pre-action hearing and will notify the affected employee, the supervisor and agency head of the hearing. At that time, the employee will be given notice of the charges and an explanation of the evidence. The employee may waive the right to a hearing or may request that the hearing go forward.
5. At the hearing, the charges will be summarized, the evidence will be recapped and the employee will be given the opportunity to respond orally, in writing or both.
6. The hearing officer will render an opinion within seventy-two (72) working hours of the close of the hearing and that opinion will be forwarded to the Executive Director. The hearing officer must determine the following:
  - a. whether or not there are reasonable grounds to believe that the charge(s) are true
  - b. whether or not the recommended action is appropriate for the charge(s)
7. The Executive Director has the following options:
  - a. When the decision indicates that there are reasonable grounds to believe that the charges are true the Executive Director may direct the implementation of the action or an alternate action.

# SH 530 Due Process Hearing in Certain Employment Actions

## SH 530.1 Administrative Procedures Due Process Hearing in Certain Employment Actions

*Adopted: 6/85, Revised: 2/03; 9/07, 12/11*

- b. When the decision indicates that there are not reasonable grounds to believe that the charges are true, the Executive Director may direct that there be no further action taken.

*Note:* This pre-action hearing does not preclude an eligible employee from any right to appeal the action after it has been implemented through the proper grievance procedure.