

METROPOLITAN LIBRARY COMMISSION OF OKLAHOMA COUNTY

ADMINISTRATIVE & PERSONNEL COMMITTEE AGENDA

REVISED

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

Tuesday, December 1, 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: Revisions to MLS Policy and Procedure Manual
 - SH 220 Employment Leave
 - SH 310 Employment of Closely Related Persons to Commission and Staff
 - SH 511 Complaint Resolution
 - SH 520 Grievance Policy
 - SH 530 Due Process Hearing in Certain Employment Actions

- III. Discussion, Consideration, and Possible Action: Executive Session to review Employment Agreement for Executive Director

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

- IV. Discussion, Consideration, and Possible Action: Return to Open Meeting

- V. Discussion, Consideration, and Possible Action: Recommendation from Executive Session

- VI. Discussion, Consideration, and Possible Action: Request to Roll Over Unused AVL for Executive Director

SH 200 Benefits

SH 220 Employee Leave

Revised: 12/02, 7/06, 1/09, 6/09, 7/11, 12/11, PROPOSED 12/15

Policy

The Employee Leave policy ensures that the Metropolitan Library System has established a set of rules, procedures and guidelines 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.

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 commonly known as a full-time (1.0 FTE) staff member.
- 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.
- Category 3 Employee –Does NOT occupy a budget-authorized position but, instead, is hired within a part-time hour allotment budgeted for each library agency or department, 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

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supervisors' needs.

- 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 to leave among the general rules are:

- a) All leave requests should be submitted in advance and approved by the employee's supervisor
 - For scheduled leave such as Annual Vacation Leave the employee should apply for the leave -as far in advance as possible to help ensure adequate staffing. (Relief or substitute help is not ordinarily provided during vacation periods.)
 - For unscheduled leave such as emergencies, including illness, the employee must notify his/her supervisor as soon as possible 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. (Leave is "rounded" to the nearest quarter hour: .25 for 15 minutes, .50 for 30 minutes and .75 for 45 minutes.)
- c) If an employee is off work on approved 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.

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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 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: none
- ii) Earn Rate: 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
11-15 years	13 hours & 20 minutes	160 hours
16+ years	16 hours & 40 minutes	200 hours

iii) Explanatory Notes:

- (1) During the first 6 months of employment employees may only use accrued AVL.
- (2) 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

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Leave Types Defined (alphabetically arranged)

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 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.

- (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 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) Re-hired employees may be credited with prior service in the Metropolitan Library System 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 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) Supervisors are not to approve requests for AVL periods over three weeks in length without the prior approval from the appropriate Administrative Team member.

b) Category 2 Employees

- i) Eligibility Period: none
- ii) Earn Rate: The earn rate figures are translated to the pro-rata allotments, depending on the budget authorized full-time equivalency. For example, a half-time Category 2 employee will earn AVL at a rate of 4 hours per month

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Leave Types Defined (alphabetically arranged)

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.

- 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 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:

- (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) 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 appropriate Administrative Team member and prior reporting of the approval to the Director of Human Resources. Any excess carryover not authorized will be lost as of January 1 if not used by then.
- (5) Category 3 employees are not eligible for Sick Leave; therefore, no AVL

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Leave Types Defined (alphabetically arranged)

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
- 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 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.

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Leave Types Defined (alphabetically arranged)

4) 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~~ hours as determined annually by the Commission (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
 - New employees hired on or after July 1 are eligible for ~~one~~ floating holiday hours for that calendar year as determined by the annual Holiday Calendar, 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

iii)

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Leave Types Defined (alphabetically arranged)

5) Jury/Court Leave

Definition - 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 not be compensated by the library system.
- 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 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.
 - (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.

6) 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:

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Leave Types Defined (alphabetically arranged)

- (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: upon employment
- ii) Earn Rate: NA
- 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.

7) **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 employee's 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.
 - (2) Must be approved in advance by supervisor
 - (3) Procedures for requesting approval of, and reimbursement for, travel and

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Leave Types Defined (alphabetically arranged)

other expenses are detailed in Policy SF 600 Travel Expense Reimbursement

- (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.
- (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.

8) 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 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.
 - (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.

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Leave Types Defined (alphabetically arranged)

b) Category 3 Employees

- i) Eligibility: 36 months (three years) of current, unbroken, continuous service 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

9) **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.) Sick leave may be used for an employee's own doctor/dental appointment and when possible these are to be scheduled in advance. Leave used to take an immediate family member to a doctor/dental appointment is Sick Leave, Annual Vacation Leave, or Floating Holiday.

a) Category 1 Employees

- i) Eligibility Period: upon employment
- ii) Earn rate: 8 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

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Leave Types Defined (alphabetically arranged)

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 –

- 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.
- 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.
 - (2) A doctor's statement is required for Category 3 employees after they have missed three consecutive shifts.

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Revised: 12/02, 7/06, 1/09, 6/09, 7/11, 12/11, PROPOSED 12/15

Leave Types Defined (alphabetically arranged)

10) **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. 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

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Leave Types Defined (alphabetically arranged)

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 300 Employment

~~SH 310 Prohibiting Future Hiring of, or Contracting to Hire, Close Relatives~~ Employment of Closely Related Persons of to Commission or and Staff

Adopted: 6/86, Revised: 3/97, 2/03, PROPOSED 7/12/15

The Metropolitan Library System acknowledges that decisions concerning the employment, evaluation, promotion, and compensation of personnel should be based in every instance on considerations of individual merit. In addition, favoritism based on family or personal relationships between employees derogates from the merit principle of employment, and the risk of occurrence of such favoritism can be avoided most effectively by the advance establishment of general restrictions against the creation of situations where such favoritism could be operative. Therefore, the Metropolitan Library Commission establishes the following common policy concerning the employment of related persons, applicable to personnel practices at all constituent libraries of the Metropolitan Library System.

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Relatives of Metropolitan Library System Staff

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Consistent with the principle that the Metropolitan Library System employees and prospective employees shall be evaluated on the basis of individual merit, without reference to considerations of race, sex, sexual orientation, gender identity, age, religion, disability, national origin, any other characteristic protected by federal, state, or local law, or any other factors not involving personal professional qualifications and performance, the following restrictions, designed to avoid the possibility of favoritism based on family or personal relationship, shall be observed with respect to Library personnel:

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1. Closely related persons shall not serve concurrently within the Library in any case where one such closely related person would occupy a position having responsibility for the direct supervision of the other closely related person;

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2. With respect to proposed employment decisions which would result in the concurrent service of closely related persons within the same Library department (or other comparable subdivision of employment), a person closely related to an incumbent employee may not be employed if the professional qualifications of other candidates for the available position are demonstrably superior to those of the closely related person.

3. With respect to the concurrent service of closely related persons within the same Library department (or other comparable subdivision of employment), neither closely related person shall be permitted, either individually or as a member of a department, team, or as a member of a committee, to be employed in the same Library department (or other comparable subdivision), be supervised by the same supervisor, or to participate in the evaluation of the other closely related person.

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SH 300 Employment

~~SH 310 Prohibiting Future Hiring of, or Contracting to Hire, Close Relatives~~ Employment of Closely Related Persons of to Commission or and Staff

*Adopted: 6/86, Revised: 3/97, 2/03, **PROPOSED 7/12/15***

4. Closely related persons to members of the Metropolitan Library Commission or staff of the following departments: Human Resources, Director, or Information Technology will not be eligible for employment as an employee;

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5. Definition of Closely Related Persons: The following relationships are sufficiently immediate to invoke the prohibitions against concurrent service of closely related persons:

- a. Spouse;
- b. Parent, grandparent, or great-grandparent, including step-family members;
- c. Parent, grandparent or great-grandparent of spouse, including spouse's step-family members;
- d. Uncle or aunt;
- e. Uncle or aunt of spouse;
- f. Brother or sister, including step-brother or step-sister;
- g. Son or daughter, including step-son or step-daughter;
- h. Son-in-law or daughter-in-law, including step-family members;
- i. Grandson or granddaughter or their spouse; and
- j. Great-grandson or great-granddaughter or their spouse.

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Future employment applications will require applicants or prospective contractors for employment to attest that they are not a closely related person to any current library employee or Commission member; willful misrepresentation of such relationship to obtain employment will be grounds for immediate termination of employment.

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Unrelated employees working for the same supervisor or in the same library department (or comparable subdivision), and who marry or become in-laws while so employed become subject to this policy, and as such must submit to one of the following options:

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1. One or the other of the newly related persons will be subject to transfer to a suitable position (determined by the executive director or his or her designee) under a different supervisor or in a new location;
2. If no transfer opportunity is available within the Library, the employment of one of the two will be terminated at the discretion of the executive director or his or her designee, subject to due process and grievance procedures when applicable.

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While the Commission cannot legally prevent the appointment of new library commissioners who are closely related to library employees, the Commission strongly suggests that officials and bodies with appointive power avoid such practice.

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SH 300 Employment

~~SH 310 Prohibiting Future Hiring of, or Contracting to Hire, Close Relatives~~ Employment of Closely Related Persons of to Commission or and Staff

Adopted: 6/86, Revised: 3/97, 2/03, PROPOSED 7/12/15

In cases where a new Commission member is appointed who is closely related to a library employee, the employee will be required to immediately resign, subject to due process and grievance procedures when applicable.

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Definition of "close relative:"

~~Spouse or child, parent, grandparent, grandchild, brother or sister of any current library employee and Commission member and their spouse's child, parent, grandparent, grandchild, brother or sister including relationships created by marriage such as a father-in-law, daughter-in-law, etc. A stepchild, legally adopted or foster child, stepparent, half-brother and half-sister are also considered a "close relative."~~

Policies

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- ~~1. Effective June 19, 1986, the Metropolitan Library System will not knowingly hire or contract with anyone for employment who is a close relative of any current library employee or Commission member.~~
- ~~2. Policy #1 does not apply to those closely related persons currently working for the system as employees or contractors as of that date; i.e., employed and related before this policy took effect.~~
- ~~3. Future employment applications or proposals to contract for employment will require applicants or prospective contractors for employment to attest that they are not a close relative of any current library employee or Commission member; willful misrepresentation of such relationship to obtain employment will be grounds for immediate termination of employment.~~
- ~~4. Unrelated employees or contractors working for the same supervisor or in the same library agency or office and who marry or become in-laws while so employed become subject to this policy.
 - ~~1. One or the other of the newly related under those circumstances will be subject to transfer to a suitable position (determined by the system) under a different supervisor or in a new location.~~
 - ~~2. The newly related couple will have the option of choosing who will transfer, if that option is in the best interests of the library system.~~~~

SH 300 Employment

~~SH 310 Prohibiting Future Hiring of, or Contracting to Hire, Close Relatives~~ Employment of Closely Related Persons of to Commission or and Staff

Adopted: 6/86, Revised: 3/97, 2/03, PROPOSED 7/12/15

~~3. If the newly related couple is unable to reach agreement as to who will transfer, the library system will decide on the basis of least seniority in the system.~~

~~4. If no transfer opportunity arises that is mutually agreeable to the system and the employee within six (6) months following notification of the need for the transfer, the library system may terminate the employment of the one with least seniority~~

~~in the library system, subject to due process and grievance procedures when applicable.~~

~~5. While the Commission cannot legally prevent the appointment of new library commissioners who are closely related to library employees, the Commission strongly suggests that officials and bodies with appointive power avoid such practice.~~

~~6. In cases where a new Commission member is appointed who is closely related to a library employee, the latter will retain his or her employment status.~~

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SH 500 Rights of Employees

SH 511 Complaint Resolution

Adopted: 9/07; PROPOSED 12/15

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, PROPOSED 12/15

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. a. promotions and/or demotions~~

~~e. b. suspensions~~

~~f. c. terminations~~

~~f.~~

~~g. written or oral reprimands~~

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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"~~ active employment 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, PROPOSED 12/15

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, PROPOSED 12/15

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.~~

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~~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.~~

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~~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

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~~1. Before an action can be taken that would result in suspension, termination, or demotion of by the library against a non-probationary 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.~~

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~~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.~~