

METROPOLITAN LIBRARY COMMISSION OF OKLAHOMA COUNTY

ADMINISTRATIVE & PERSONNEL COMMITTEE AGENDA

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

Wednesday, November 2, 2016 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 120 Hours: Overtime; Breaks; Meal Periods
 - SH 220 Employee Leave
 - SH 550 Health Information Privacy Policy
- III. Discussion, Consideration and Possible Action: Fair Labor Standards Act Implementation Plan
- IV. Discussion, Consideration and Possible Action: Executive Director Evaluation Process
- V. Discussion, Consideration and Possible Action: Report from Executive Director

REPORT AND RECOMMENDATIONS FROM ADMINISTRATION

REVISIONS TO THE METROPOLITAN LIBRARY SYSTEM POLICY AND PROCEDURE MANUAL

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

The Library's administration recommends for your consideration revisions to SH 120 Hours: Overtime; Breaks; Meal Periods; SH 220 Employee Leave; and SH 550 HIPAA.

SH 120 Hours: Overtime; Breaks; Meal Periods—Revisions Recap: References to specific budget account numbers have been removed. The definition of part-time employees has been simplified.

SH 220 Employee Leave—Revisions Recap: Category 3 employees have been redefined. Language related to unauthorized absences has been added, and language related to organizational structure has been updated. Leave accrual rates and correlating tables have been adjusted to reflect leave earned per pay period, as hours are earned. Leave rollover, previously limited to 25% per calendar year, has been eliminated and replaced with a uniform leave accrual limit of 240 hours for all employees. Professional short-term leave has been eliminated, now to be documented as regular working hours. All employees will now be required to provide a doctor's statement excusing more than three consecutive missed shifts (previously 20 hours for category 2 employees and 40 hours for category 1 employees).

SH 550 Health Information Privacy Policy (HIPPA)—Revisions Recap: This policy has been re-written; contextual background information has been removed from policy language and definitions have been expanded. The most recent commission review of this policy was in 2006, so overall policy language has been updated and simplified.

RECOMMENDATION FOR COMMITTEE ACTION

To approve the recommendations from Administration for adoption to the Metropolitan Library System Policy & Procedure Manual revisions to SH 120 Hours: Overtime; Breaks; Meal Periods; SH 220 Employee Leave; and SH 550 Health Information Privacy Policy (HIPPA).

SH 100 Wages and Hours

SH 120 Hours: Overtime; Breaks; Meal Periods

Adopted: 6/85, Revised: 7/88, 8/91, 10/95, 2/03, 6/09, 11/16

Policy

In accordance with the Fair Labor Standards Act (FLSA), the Metropolitan Library System will ensure that all non-exempt employees receive compensation for all time worked. Overtime pay for hours worked in excess of 40 hours per workweek will be paid at a rate of 1.5 times their regular rate of pay. The Act does not require overtime pay for work on Saturdays, Sundays, holidays, or on-call duty.

Definitions

Full-time employees are expected to work 40 hours per week unless on authorized leave ~~and are budgeted in Account 101.~~

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

Part-time employees ~~do not~~ occupy an authorized budgeted positions and are hired on an as-needed hourly basis ~~not generally to exceed 32 hours less than 40 hours~~ per week and which may or may not vary from one week to the next based on library system need. There is no guarantee of fixed or designated number of hours. ~~Part-time hours are not designated by fractions of full-time employees (FTEs) for budget purposes; but are instead included in the overall total number of part-time hours available in Account 102.~~

Temporary employees have a term of employment for whatever reason that is expected to last less than a total of 960 hours in both any calendar and fiscal year. A temporary employee can work on a 40 hour per week or less basis, thereby being full-time, designated part-time or part-time in status. Temporary employees include seasonal employees hired to provide services during a period of seasonal activity such as the summer.

Exempt status is the recognized FLSA standing of those employees who meet the criteria as defined by the FLSA and identified by the library system's executive director ~~(See SH 120.1 for exempt status positions).~~

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

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

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

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

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

Regulations

1. No employee is compensated at a rate less than the minimum wage established by law.
2. Non-exempt employees while assigned to on-call duty will receive the hourly minimum wage as defined by FLSA. Exempt employees are not eligible for compensation for on-call duty pay.
3. All non-exempt employees are compensated at a rate of 1.5 times their regular hourly rate for any time worked in excess of 40 hours per week. On-call duty is not counted as time worked towards 40 hours workweek.
4. All employees, for the purpose of public accountability, are charged applicable paid leave for being off work at times normally required to be on the job.
5. The established workweek for the library system is from 12:01 a.m. on Monday through 12:00 midnight on Sunday of each week.
6. Time sheets indicating hours and days worked will be completed by all employees except those specifically excluded by the executive director and otherwise exempt under the law.
7. Any employee scheduled to work in excess of four continuous hours in any one day is permitted a rest break of 15 minutes duration for each four-hour work period. Rest breaks should be taken as closely to the midpoint of the scheduled work hours as is practical given staffing considerations. This rest break time is "on the clock" and considered as paid time. Employees are expected to remain at the work site and are subject to interruption and recall to work duties during paid rest breaks when required by staffing levels and/or unusual conditions. Rest break time is not cumulative within a workday or between workdays nor can it be used to allow for late arrival or early departure or to extend meal breaks.
8. Any employee scheduled to work in excess of six continuous hours (including rest break time) in any one day will take a break of no less than 30 minutes. This meal break is "off the clock" and not considered to be paid work time. The employee is to be released from all work duties during this meal break and not permitted to do work for the benefit of the library system.

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

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

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

SH 200 Benefits

SH 220 Employee Leave

Revised: 12/02, 7/06, 1/09, 6/09, 7/11, 12/11, 12/15, 12/16

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~~ occupies 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 – which is compensated~~ at an hourly rate. Some ~~part-time~~ Category 3 employees work a regular schedule; others work a varying schedule from day-to-day or week-to-week, depending on supervisors' needs.
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- 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.

1) Administrative Leave with Pay

Definition – The executive director or his/her designee ~~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 employees earn per the following table: 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 of AVL Earned per Pay Period
1-5 years	3.69
6-10 years	4.62
11-15 years	6.15
16+ years	7.69

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 eligible by the end of the calendar year. Supervisors may approve no more than 40 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~~ Leadership 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 accrue up to 240 hours of AVL. No additional AVL will be accrued until an employee drops below 240 hours of AVL. ~~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 ~~Leadership Team~~ ~~Administrative Team~~ member.

b) Category 2 Employees

- i) Eligibility Period: none
- ii) Earn Rate: The earn rate figures ~~listed on the table above are~~ will be 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 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 4 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 per Pay Period
Three/fourths-time (.75 FTE)	2.77 hours
Half-time (.50 FTE)	1.85 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 accrue up to 240 hours of AVL. No additional AVL will be accrued until an employee drops below 240 hours of AVL. ~~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 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.

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: 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 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

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:
 - (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 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.

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~~ 3.69 per pay period
- 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 ~~three consecutive shifts~~ 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~~ must use accrued, but not advanced, Annual Vacation Leave or Floating Holiday time. If s/he has no other accrued paid leave, time off past accrued Sick Leave will be an absence without approved leave. The library makes no guarantee of continued employment, outside of the Family and Medical Leave Act, or the continuation of benefits other than through COBRA.
 - (4) Leave available is the "current balance" at the beginning of the sick leave. Leave that is accrued during an absence (sick, AVL, etc.) is available only after the employee has returned to work.
 - (5) Illness during a period of other paid leave, such as Annual Vacation Leave, counts as that type of leave and is not considered Sick Leave.
 - (6) An employee can accrue (be credited with) no more than 960 hours of Sick Leave.
 - (7) There is no compensation for unused Sick Leave.
 - (8) Accrued Sick Leave in a previous term of service is not considered in a subsequent term of service. In this respect, a re-hired employee is considered a new employee.

b) Category 2 Employees –

- i) Eligibility Period: same as Category 1 employees.
- ii) Earn Rate: Earn Rate: are translated to the pro-rata allotments. Example: a half-time Category 2 employee is credited with 1.85 hours of sick leave, not 3.69 per pay

period; a three-fourths-time Category 2 employee is credited with 2.77 hours of sick leave, not 3.69 per pay period.

- iii) Explanatory Notes: Category 2 employees are subject to the same call-in provisions as stated in Explanatory Notes for Category 1 employees. 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 **three consecutive shifts 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.

10) **Voting 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 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 500 Rights of Employees~~

~~SH 550 Health Information Privacy Policy~~

Adopted: 4/04-7/06

Background and Purpose

~~In 1996, the United States Congress passed the Health Insurance Portability and Accountability Act that required the U.S. Department of Health and Human Services, Office of Civil Rights Compliance to adopt Privacy Rules regarding the use of Personal Health Information. These rules became effective upon small employers, medical providers and medical plans, like the Library System's, on April 14, 2004.~~

~~The primary purpose of the Privacy Rules is to protect all "individually identifiable health information" held or transmitted by a covered entity or its business associates, in any form or media, whether electronic, paper, or oral. The library falls under the "covered entity" definition because of the self-funded medical/dental plan and the flexible benefits plan and to a lesser extent because of the vision insurance plan and the Employee Assistance Program. These four plans make up the "organized health care arrangement" of the Library System.~~

~~Provisions to accomplish this purpose are far reaching and impose strict standards with considerable violation penalties.~~

Definitions

~~Individually identifiable health information is information, including demographic data that relates to:~~

- ~~• the individual's past, present or future physical or mental health or condition,~~
- ~~• the provision of health care to the individual, or~~
- ~~• the past, present, or future payment for the provision of health care to the individual, and that identifies the individual or for which there is a reasonable basis to believe can be used to identify the individual. Individually identifiable health information includes many common identifiers (e.g., name, address, birth date, Social Security Number, etc.).~~

Policies

- ~~1. Employees, volunteers, business associates and the Library System are prohibited from knowingly or intentionally releasing any individually identifiable health information about another employee, employee's dependent or volunteer, except under circumstances authorized in the Privacy Rules.~~
- ~~2. Any employee who does so will be subject to disciplinary action ranging from significant incident documentation up to and including termination of employment. Any volunteer who does so will be subject to sanctions up to and including discontinuance of their volunteer service. Any business associate who does so will be subject to sanctions up to and including the termination of their services or non-renewal of their service contracts or agreements.~~

- ~~3. Protected health information cannot be used by the Library System, its managers and/or supervisors to impact the hiring of applicants or the promotion or termination of employees.~~
 - ~~4. When reporting an absence for sickness or for a doctor or dental appointment, an employee is not required to identify the nature of their illness, injury or physical or mental condition to their supervisor. The supervisor can only request the anticipated duration of the absence and, upon the employee's return to work, if there are any restrictions or limitations.~~
 - ~~5. If information is provided to the supervisor or to another employee for the purpose of relaying the information to the supervisor, the information must be treated as confidential unless the employee provides prior written consent on a case-by-case basis. A spouse, family member, etc. cannot give consent for the employee and an employee cannot give consent to release information on a spouse, or other relative, except for a minor child.~~
 - ~~6. In instances when an employee believes that the absence is protected under the Family and Medical Leave Act (FMLA), the employee should call the Human Resources Office to have a determination made and to obtain information as to what documentation will be required. When such documentation is obtained, it should be only shared with individuals in the Human Resources Office.~~
 - ~~7. Workers' compensation illnesses and injuries, limited public health issues, and employment records held by the Library System in its role as employer are not subject to the full scope of the Privacy Rules.~~
 - ~~8. All notices, procedures, practices, actions, records and/or forms required by the Privacy Rules will be developed, implemented and incorporated into a compliance/operating manual which will be updated as required.~~
 - ~~9. The library commission, will designate a HIPPA Privacy Compliance Officer, (Benefits Manager) HIPAA Security Officer-Electronic Media (Deputy Executive Director for Information Technology), and HIPPA Security Officer—Physical Property (Director of Human Resources).~~
- ~~In any circumstance in which this policy and the Privacy Rules of the Health Insurance Portability and Accountability Act are in conflict, the Act pre-empt this policy.~~

SH 500 Rights of Employees

SH 550 Health Information Privacy Policy

Adopted: 04/04

Revised: 07/06, 11/16

Purpose

The Metropolitan Library System of Oklahoma County ("Library System") is committed to complying with all applicable provisions of the Health Insurance Portability and Accountability Act ("HIPAA") Standards for Privacy of Individually Identifiable Health Information ("the Privacy Rule"). As such, the Library System has adopted a policy that is intended to protect the privacy and confidentiality of Protected Health Information ("PHI") whenever the use or disclosure of PHI is necessary in order for the Library System to carry out its obligations as a Covered Entity. The private and confidential use of such information will be the responsibility of all individuals with job duties requiring access to PHI in the course of their jobs.

The Library System is a "Covered Entity" only to the extent it creates, transmits or receives PHI in connection with the Library System's self-funded Employee Benefits Plan, Flexible Benefits Plan, Medical Expense Reimbursement Plan and Employee Assistance Program (the "Plans"). These Plans, as sponsored by the Library System, comprise an organized health care arrangement ("OHCA").

Provisions to accomplish this purpose are far reaching and impose strict standards with considerable violation penalties.

Definitions

Business Associate is a person or organization, other than a member of a covered entity's workforce, that performs certain functions or activities on behalf of, or provides certain services to, a covered entity that involve the use or disclosure of individually identifiable health information.

Individually identifiable health information is information, including demographic data, that relates to:

- the individual's past, present or future physical or mental health or condition,
- the provision of health care to the individual, or
- the past, present, or future payment for the provision of health care to the individual, and that identifies the individual or for which there is a reasonable basis to believe can be used to identify the individual. Individually identifiable health information includes, without limitation, many common identifiers (e.g., name, address, birth date, Social Security Number, etc.).

Protected Health Information ("PHI") refers to individually identifiable health information created or received by the Library System's OHCA plans or received by a health care provider, health plan or health care clearinghouse that relates to the past or present health of an individual or to payment of health care claims. PHI information includes medical conditions, health status, claims

experience, medical histories, physical examinations, genetic information and evidence of disability. The Library System has designated the Benefits Manager as HIPAA Compliance Officer ("HCO"). Any questions or issues regarding PHI should be presented to the HCO for resolution. The HCO is also charged with the responsibility for:

- Issuing procedural guidelines for access to PHI
- Developing a matrix for personnel who will need access to PHI
- Developing guidelines for describing how and when PHI will be maintained, used, transferred, or transmitted

Policy

Annually, or more frequently as necessary, the Library System performs enrollment, changes in enrollment and payroll deductions; provides assistance in claims problem resolution and explanation of benefits issues; and assists in coordination of benefits with other providers. Some or all of these activities may require the use or disclosure of PHI. All PHI generated, transmitted or received in connection with these processes will be maintained in confidence and employees will not disclose PHI from these processes for employment-related actions, except as provided by administrative procedures approved by the HCO. General rules follow:

- Examples of permissible uses or disclosures of PHI include:
 - Disclosure of PHI to the individual employee to whom the PHI belongs.
 - Requests by health care providers for access to PHI for treatment or payment purposes.
 - Disclosures made to third parties where such disclosure is authorized in writing by the employee to whom the PHI belongs.
 - Disclosures to workers' compensation providers and those authorized by the workers' compensation providers.
- For claims processing purposes, Information regarding whether or not an individual is covered by a plan is a permitted disclosure of PHI.

Disclosures of PHI made in any form or media, whether electronic, paper or oral, will be maintained for a period of six years as required by federal and/or state law. Records that have been maintained for the maximum interval will be destroyed in a manner that ensures such data is not compromised in the future.

Any Library System employee, volunteer, workforce member or Business Associate who knowingly or intentionally uses or discloses PHI in a manner not permitted by the Privacy Rules will be subject to disciplinary action up to and including: termination of employment, discontinuance of volunteer service or termination of their services/ non-renewal of service contracts or agreements.

REPORT AND RECOMMENDATIONS FROM ADMINISTRATION

FAIR LABOR STANDARDS ACT IMPLEMENTATION PLAN

In 2014, the Department of Labor (DOL) was directed to update and modernize the regulations governing the exemption of some employees from the minimum wage and overtime pay protections of the Fair Labor Standards Act (FLSA). The final rule, published May 18, 2016, set the standard salary level for full-time, exempt workers to \$47,476 per year, effective December 1, 2016. The updated regulations also included a mechanism for the DOL to update the salary and compensation levels every three years.

Based on current data, 19 exempt employees fall below the minimum salary threshold established by the DOL, requiring the Library to increase their pay or substantially change their duties and/or work hours. Moving each of the 19 individuals to the minimum FLSA salary will result in an aggregate payout of \$16,910 through the end of the fiscal year.

Additionally, since the 2011 Classification and Compensation Study, Library Administration has created a number of new positions, while also reclassifying and shifting others into different pay grades. These changes – along with the proposed FLSA change described above – have created compression within the overall salary schedule. The Administration plans to address these issues in two parts.

1. Library Administration proposes that the Commission increases the salaries of all exempt employees receiving below the minimum annual salary required by FLSA to the new annual standard level (\$47,476). The salary changes will be made in conjunction with the December 8, 2016 payroll date. (This action requires Commission authorization, as current policy does not provide Library Administration with a mechanism to increase an individual's salary except as related to an employee's appraisal or a change in duties or responsibility.)
2. Library Administration will hire a consultant to perform a Classification and Compensation Study of all positions within the Library prior to the end of the fiscal year. In addition to fulfilling a directive set by the Commission in 2011, this process will also result in addressing the issues related to salary compression and market assessment/adjustment for specific positions, while providing the Library with the necessary training and framework for responding to staffing needs (i.e., creating new positions) in the future. Funding for this initiative was included in the FY2016-17 budget, and staff have already begun identifying and interviewing consultants to complete the work. (This project requires no Commission action at this time.)

RECOMMENDATION FOR COMMITTEE ACTION

That the A&P Committee approve the recommendation of staff to increase the salaries of all exempt employees receiving below the minimum annual salary required by the new FLSA to the annual standard level, \$47,476, effective on December 1, 2016.