

**Town of Ballston Community Library
Board of Trustees Meeting
December 22, 2021**

Agenda

- 1) Call to order
- 2) Minutes of December 15, 2021 Meeting
- 3) Old Business
 - a) Library Reopening Plan
 - b) Motion to approve the Employee Handbook as prepared by Public Sector HR Consultants LLC for the Town of Ballston Community Library effective 1/1/2022.
 - c) Library/Town Transition Update
- 4) New Business
 - a) Motion to hire Laura Heinrich in the position of Library Clerk at a salary of \$13.34 per hour beginning January 2, 2022.
 - b) Motion to approve Shelter Point New York State Disability Policy including Paid Family Leave benefits for 1/1/2022 through 12/31/2022.
- 5) Executive Session: Discuss Legal Matters
- 6) Adjournment

**Town of Ballston Community Library
Board of Trustees Meeting Minutes
December 15, 2021**

Call to order: The meeting was called to order at 7:04 p.m. by President Steve Zarelli.

Present via Zoom: [x]Rebecca Darling, Director; [x]Jenn Richard, Adult Services Librarian, [x]Alyssa Harvey, Youth Services Librarian.

Trustees: [x]Steve Burchett, [x]Michelle Hernandez, [x]Tom Shaginaw, [x]Carolyn Speenburgh, [x]Julia Stone, [x]Sue Tomlinson, [x]Steve Zarelli

Town of Ballston Representative – []John Antoski

Town of Charlton Representative – []Doug Ranaletto

Minutes of December 8, 2021 meeting: On a motion by Julia Stone, seconded by Carolyn Speenburgh, trustees unanimously approved the minutes of the December 8, 2021 meeting as corrected.

Old Business:

Reopening Plan: No change

Long Range Plan: On a motion by Steve Burchett with second from Tom Shaginaw, trustees unanimously approved the 2021-2025 Long Range Plan.

Personnel Policy Update: Trustees are asked to review and give feedback regarding the proposed Personnel Policy in preparation for a motion to approve at next week's meeting.

Insurance: Motion to accept the proposal from Utica National Insurance for the Commercial Insurance package for the Town of Ballston Community Library including the Property, General Liability, Legal Liability, Employment Practices, Cyber, Abuse & Molestation, Workers Compensation, and Umbrella coverage for 1/1/2022-12/31/2022, not to exceed \$11,500. Motion made by Steve Burchett, seconded by Julia Stone, and passed with all in favor.

New Business:

Structure of resolutions: Beginning in 2022, non-procedural motions will be issued a resolution number and approved by a roll call vote.

Motion to approve the rolling of 21 hours of paid vacation leave for Jennifer Richard from 2021 to 2022. Motion was made by Sue Tomlinson, seconded by Carolyn Speenburgh, and passed unanimously.

Motion to approve the rolling of 35 hours of paid vacation leave for Alyssa Harvey from 2021 to 2022. Motion was made by Julia Stone, seconded by Carolyn Speenburgh, and passed unanimously.

Executive session: At 7:41 p.m. on a motion by Julia Stone, seconded by Tom Shaginaw, trustees voted unanimously to enter executive session to discuss legal and personnel matters. At 8:25, Carolyn Speenburgh made a motion, which was seconded by Michelle Hernandez and passed unanimously, to exit executive session, where no votes were taken.

While in executive session, a discussion of the progress of the Library's transition took place which should have occurred in open session. A chart of the items discussed is attached below the minutes.

Monthly Update to the Town

At a Meeting of the Board of Trustees of the Town of Ballston Community Library, New York, on December 15, 2021 there were:

	Present	Absent	Aye	Nay	Abstain
Steve Zarelli	X		X		
Michelle Hernandez	X		X		
Steve Burchett	X		X		
Sue Tomlinson	X		X		
Julia Stone	X		X		
Carolyn Speenburgh	X		X		
Tom Shaginaw	X		X		
Total			7	0	0

I, Trustee Steve Burchett offer the following resolution and move its adoption:

To issue a monthly update to the Town of Ballston during the transition period.

BE IT RESOLVED: that the Board of Trustees of the Town of Ballston Community Library does hereby approve sending a monthly update to the Town of Ballston regarding transition status and any other items of interest, for the sake of transparency and open communication, during the transition period.

Seconded by Trustee Michelle Hernandez, offered for discussion and duly put to a vote, the results of which appear above.

Adjournment: At 8:29, on a motion by Carolyn Speenburgh, with second from Sue Tomlinson, trustees voted unanimously to adjourn the meeting.

Minutes respectfully submitted by: Susan Tomlinson, Secretary

Library transition status:

Reference	Service	Status	Comments
A	Payroll	In work.	Rebecca working with ADP.
B	Bill Paying	In place.	Last action is letter to suppliers informing them of process change. (Rebecca & Terry - Jan 2022)
C	Bank Accounts	In place.	Critical next step is transfer of 2022 Tax Funds in two parts - 3 Jan 2022 and then collected receipts in February 2022. (Steve B)
D	Annual Budgeting Process	In work. Part of Legislation change.	Ties to Trustee election. (Steve Z, Julia, Tom)
E	Trustee Appointment	In work. Part of Legislation change.	Ties to budget approval. (Steve Z, Julia, Tom)
F	Employee Medical Benefits/WC/Disability	Employee Med in place. Workers Comp & Disability are in work.	Rebecca working with Tim.
G	HR Administration	In work. Personnel handbook in final revision.	Will need to implement 2022 HR Plan.
H	Insurance Coverage (Building, D&O)	In work. Tim Newall chasing details.	Feedback? Actions for us?
I	Building Maintenance	In place.	
J	Building Ownership	Actions not yet underway.	Will be worked in 2022.
K	Land Ownership	Actions not yet underway.	Will be worked in 2022.
L	Sidewalk Clearance/Landscaping	In place.	
M	Parking Lot Snow Plowing/ Lawn Mowing	In place.	
N	Governance/ Compliance Guidance	In work. Transition work nearly competed.	Need 2022 Contract with UHY.
O	On-going Legal Support	In place.	
P	Policies	In work.	Carolyn reviewing.

DRAFT
(12/14/21)

**TOWN OF
BALLSTON
COMMUNITY
LIBRARY**

EMPLOYEE HANDBOOK

Adopted by Resolution of the Library Board of Trustees on _____



Prepared by:
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TOWN OF BALLSTON COMMUNITY LIBRARY

EMPLOYEE HANDBOOK

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This employee handbook is copyrighted material and is intended only for the internal use of the Town of Ballston Community Library. The Town of Ballston Community Library may copy this employee handbook for distribution to its employees. The contents of this employee handbook may not be copied or reproduced in any form or by any means for any other individual or organization without the prior written permission of *Public Sector HR Consultants LLC*.

Town of Ballston Community Library Employee Handbook

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100 INTRODUCTION

101 *Welcome Message*

We would like to welcome you and congratulate you on your appointment to a position with the Town of Ballston Community Library. As a part of our team, you take on an extremely important role, that of serving the members of our community. Together, our mission is to provide cost-effective services that conform to the highest standards of quality.

The Employee Handbook is designed to familiarize you with your employment and to help ensure government compliance, foster positive employee relationships, and contribute to the overall success of the Library, in delivering services to the public effectively and efficiently.

We trust that you will find service with the Town of Ballston Community Library rewarding both personally and professionally.

102 *Definitions*

Town of Ballston Community Library – For purposes of this Employee Handbook, the Town of Ballston Community Library may be referred to as the “Library”.

Board of Trustees – For purposes of this Employee Handbook, “Board of Trustees” will mean the Board of Trustees of the Town of Ballston Community Library.

Library Director – For purposes of this Employee Handbook, “Library Director” will mean the Library Director of the Town of Ballston Community Library. When referenced in this Employee Handbook, Library Director shall also mean an individual acting with the Library Director’s properly designated authority.

Supervisor – For purposes of this Employee Handbook, “supervisor” will mean an individual so designated by the Library Director to direct and manage the performance of employees.

Employee – For the purposes of this Employee Handbook, “employee” will mean a person employed by the Library, including, but not limited to, an appointed member of a board, managerial employee, supervisory employee, provisional employee, probationary employee, temporary employee, seasonal employee, trainee, or student intern, but not an independent contractor.

Civil Service Law – For purposes of this Employee Handbook, “Civil Service Law” shall mean the New York State Civil Service Law and shall include the *Rules for the Administration of the Civil Service Law in the County of Saratoga*.

103 **Employee Classifications**

For purposes of this Employee Handbook, the following terms shall be defined as indicated. The definition provided for each of these terms applies only within the context of this Employee Handbook. The meaning and use of these terms or similar terms may be different in the context of Civil Service Rules.

Full-Time Employees – For purposes of this Employee Handbook, the term “full-time employee” will mean an employee who is regularly scheduled to work a minimum of thirty-five hours per week.

Part-Time Employees – For purposes of this Employee Handbook, the term “part-time employee” will mean an employee who is scheduled on a regular and on-going basis to work seventeen and a half or less hours per week.

Temporary Employees – For purposes of this Employee Handbook, the term “temporary employee” will mean an employee who is employed on an interim or sporadic basis, or who is employed to work on a special, emergency, or on-call basis for a specified period, consistent with the Civil Service Law as applicable.

Seasonal Employees – For purposes of this Employee Handbook, the term “seasonal employee” will mean an employee who is employed to work for a given season or portion thereof.

FLSA Non-Exempt Employees – For purposes of this Employee Handbook, the term “FLSA non-exempt employee” will mean a covered employee who is subject to the minimum wage and overtime provisions of the Fair Labor Standards Act.

FLSA Exempt Employees – For purposes of this Employee Handbook, “FLSA exempt employee” will mean a covered employee who qualifies for an exemption from the minimum wage and overtime provisions of the Fair Labor Standards Act (FLSA), or an employee who is not covered under the FLSA.

104 The Purpose of this Employee Handbook

Statement of Purpose – The purpose of this Employee Handbook is to communicate the Library’s personnel policies and practices to all employees. It is extremely important that each employee understand the policies that relate to rules, regulations, procedures, practices, work standards, employment classifications, compensation, and benefits. **This Employee Handbook is not a contract of employment, express or implied, and should not be construed as such.** That is, employment can be terminated at any time at the will of either the employer or the employee, subject only to such procedural requirements as may be specified pursuant to New York State Civil Service Law, or any other applicable law, rule, or regulation. The provisions and policies contained in this Employee Handbook are intended to supersede any and all prior manuals, guidelines or related policies issued by the Town of Ballston Community Library.

Unless otherwise required by law, the provisions of this Employee Handbook are for Library use only and do not apply in any criminal or civil proceeding. The Employee Handbook provisions shall not be construed as a creation of higher legal standard of safety or care. Notwithstanding the above, a violation of a Handbook provision may form the basis for administrative action by the Board of Trustees and any subsequent judicial or administrative proceeding.

Plan Documents – Some of the subjects described in this Employee Handbook are covered in greater detail in benefit plan documents or applicable laws governing the benefit. This handbook only briefly summarizes those benefits. The terms of written insurance policies, benefit plans, and applicable laws and regulations control in all cases.

Superseding Agreements – In the event an expressed and explicit provision set forth in a separate written agreement between the Board of Trustees and an employee should conflict with any employee benefit, personnel policy, personnel procedure, or other provision set forth in this Employee Handbook, the expressed and explicit provision of that agreement will control. Otherwise, unless expressly excluded herein, this Employee Handbook will be applicable to all employees.

Questions – Any questions regarding any topic covered in this Employee Handbook should be directed to the Library Director.

105 Changes or Modifications

Rights of the Board of Trustees – The Board of Trustees reserves the right to interpret, change, modify, or eliminate any provision contained in this Employee Handbook.

Governmental Actions – This Employee Handbook is subject to alteration by resolutions of the Board of Trustees, changes in Library rules, or changes in federal, state or local statutes, rules, or regulations. (This is not meant to be a comprehensive list).

Statutes, Laws and Ordinances – In the event a federal or state statute or a local law or ordinance should conflict with any provision contained in this Employee Handbook, then such statute, law or ordinance will prevail.

200 THE CIVIL SERVICE SYSTEM

201 *The Unclassified and Classified Services*

Unclassified Service – In accordance with Civil Service Law and for purposes of this Employee Handbook, the term “Unclassified Service” will include all individuals who are Elected Officials and/or members of boards or commissions.

Classified Service – In accordance with Civil Service Law and for purposes of this Employee Handbook, the term “Classified Service” as defined by the Civil Service Law and the *Rules for the Administration of the Civil Service Law in the County of Saratoga* will include all Library employees who are subject to the *Rules for the Administration of the Civil Service Law in the County of Saratoga*. The Classified Service is divided into four jurisdictional classes:

- **Exempt** – those positions, other than unskilled labor positions, for which competitive or non-competitive examinations or other qualification requirements are not practicable (Civil Service Law, Section 41);
- **Competitive** – those positions for which it is practicable to determine merit and fitness by competitive examination;
- **Non-Competitive** – those positions not in the exempt class or the labor class for which it is not practicable to determine merit and fitness by competitive examination, but rather by a review of training and experience; and,
- **Labor** – unskilled labor positions, except those positions which can be examined for competitively.

202 *Civil Service Appointments*

Competitive Class – In accordance with Civil Service Law, the following types of appointments may be made to positions in the Competitive Class:

- **Permanent** – an appointment to a vacant position in the Competitive Class from an eligible list established as a result of examination, following successful completion of a probationary term;
- **Provisional** – an appointment to a vacant position in the Competitive Class when there is not an appropriate eligible list. A provisional appointee must take an examination whenever it is scheduled. Thereafter, a permanent appointment will be made on the basis of the eligible list resulting from the examination; or
- **Temporary** – an appointment to a position in the Competitive Class for reasons including, but not limited to: emergency work projects; planned termination of the position after a limited time; to replace an employee who is on a leave of absence; to fill a position funded through a temporary grant; or to fill a position vacated by the

promotion of another employee until the employee who has been promoted receives permanent status.

203 Examinations and Promotions

Examinations – In accordance with Civil Service Law, in the event there is a vacancy in a new or existing position in the Competitive Class which the Library intends to maintain, the Library will fill the vacancy by selection from the eligible list certified by the Saratoga County Human Resources Department of persons who have taken the appropriate Civil Service examination. The Saratoga County Human Resources Department will test and rank each candidate according to the individual's performance on the examination. In accordance with Civil Service Law Section 61, the Library will select one of the top three eligible candidates on the list willing to fill the position.

Promotions – The Library will offer opportunities for advancement for those employees who qualify. In the event the position is in the Competitive Class, a qualified employee must normally take a promotional examination and the above "one of three" rule will apply. An employee who wants to be promoted should become knowledgeable about the employee's present position and be aware of higher-level positions for which the employee may be qualified.

204 Veteran's Credits

Summary – An employee who is a veteran as defined by the Civil Service Law may be eligible to apply for veteran's credits on a Civil Service examination. An employee who is a veteran should contact the Saratoga County Human Resources Department for details concerning these credits.

300 EMPLOYMENT MATTERS

301 *Procedure for Filling Vacancies*

Statement of Compliance – The Town of Ballston Community Library is an Equal Opportunity Employer. The Library complies with all applicable federal, state and local laws, rules, and regulations throughout the employee selection process, including, but not limited to, Public Officers Law, Civil Service Law, Title VII, Human Rights Law, the Age Discrimination in Employment Act, and the Americans with Disabilities Act.

Notification of Vacancies – In the event there is a vacancy in a new or existing position which the Library intends to maintain, the vacancy may be advertised and/or posted and qualified individuals interviewed. The Library reserves the right to fill a position either internally or with an external candidate.

Employment Applications – The Library relies upon the accuracy of information contained in the employment application, as well as the accuracy of other data presented throughout the hiring process. Any misrepresentations, falsifications, or material omissions in any of this information or data may result in the Library's exclusion of the individual from further consideration for employment or disqualification if the conduct is discovered after employment commences.

Employment Reference and Background Checks – To ensure that individuals who join the Library are well qualified and have a strong potential to be productive and successful, it is the policy of the Library to check the employment references of final applicants. In addition, final applicants will be required to complete a hold harmless statement and release in order for the Library to conduct appropriate background checks.

302 Employment of Relatives

Policy Statement – A member of an employee’s immediate family may be considered for employment by the Library if the applicant possesses all of the qualifications for employment. An immediate family member may not be hired, however, if the employment would create either a direct or indirect supervisory/subordinate relationship with the family member; or create either an actual conflict of interest or the appearance of a conflict of interest. These criteria will also be considered when assigning, transferring or promoting an employee.

Definition of Immediate Family – For purposes of this policy, “immediate family” includes the employee’s spouse, brother, sister, parents, children, step-children, father-in-law, mother-in-law, sister-in-law, brother-in-law, daughter-in-law, son-in-law, and any other member of the employee’s household.

Marriage – Employees who marry or become members of the same household may continue employment as long as there is not a direct or indirect supervisor/subordinate relationship between the employees, or an actual conflict of interest or the appearance of a conflict of interest. Should one of the above situations occur, the Library will attempt to find a suitable position with the Library to which one of the affected employees may be appointed. Such appointment must be in accordance with applicable state and local statutes, including Civil Service Law and related rules and regulations. If accommodations of this nature are not feasible, the employees will be permitted to determine which one of them will resign.

Competitive Class Positions – This policy is not intended to supersede civil service regulations pertaining to appointments made to competitive class positions. Therefore, this policy cannot be used as a basis for denying the appointment of an individual to a competitive class position even if such appointment would constitute the employment of a relative as defined by this policy.

303 Probationary Period

The *Rules for the Administration of the Civil Service Law in the County of Saratoga* provide for the following, which is applicable to employees appointed, promoted or transferred pursuant to the Civil Service laws. Additional provisions may also apply in accordance with those rules.

Purpose of Probationary Period – The purpose of the probationary period is for an employee to become familiar with the specific duties and responsibilities of the employee's new position. The probationary period also provides the Library Director with an opportunity to evaluate the employee's job performance and potential for development in the position.

Length of Probationary Period – Except as otherwise provided in the *Rules for the Administration of the Civil Service Law in the County of Saratoga*, every permanent appointment from an open-competitive list and every permanent appointment to a position in the non-competitive, exempt or labor class shall be for a probationary term of not less than eight (8) weeks nor more than fifty-two (52) weeks. The length of the probationary period may be extended in accordance with the *Rules for the Administration of the Civil Service Law in the County of Saratoga*.

Successful Completion of Probationary Period – An employee's appointment will become permanent upon written notice that the probationary period has been successfully completed following the minimum period of service required. Or, the employee's appointment will become permanent upon the retention of the employee after completion of the maximum period of service required. **Except as otherwise provided by law, completion of the probationary period does not necessarily confer rights or privileges in the position.**

Employment Status During Probationary Period – During the probationary period (at any time after the completion of the minimum probationary period and before completion of the maximum probationary period), an employee will be subject to demotion, suspension, or discharge at the Library's sole discretion. If the performance or conduct of an employee serving a probationary period who has been promoted or transferred from a permanent appointment (as defined by civil service regulations) is not satisfactory, the employee shall be returned to the employee's former permanent position prior to the end of the probationary period.

304 *New Employee Orientation*

Procedure – The purpose of the new employee orientation is to welcome new employees and to familiarize them with the Library and their job. The orientation process generally consists of, but is not limited to, a tour of Library, distribution and review of this employee handbook, and enrollment in benefit plans, if applicable. In addition, the employee's supervisor is responsible for introducing the employee to co-workers, scheduling on-the-job training, and reviewing the performance requirements of the position.

305 *Performance Appraisal*

Statement of Purpose – The purpose of performance appraisal is to evaluate employee performance. The performance appraisal will take into consideration the employee's work quality, job knowledge, initiative, attendance, teamwork, conduct, communication skills and such other criteria that properly reflects the employee's performance. The employee's performance appraisal may be considered in determining a pay increase and as a factor in promotion and disciplinary action.

New Employee – A new employee will be formally evaluated by their supervisor at the end of six months of employment, and again prior to the completion of the probationary period. The evaluation will be forwarded to the Library Director and the Board of Trustees. The Librarians will be evaluated by the Library Director and the Library Director will be evaluated by the Board of Trustees.

Frequency – An employee will be formally evaluated at least once each year. All evaluations will be completed in the month of March, each year. Informal evaluations will occur on an as needed basis throughout the performance cycle.

Post-evaluation Conference – After an evaluation, the evaluator will meet with the employee to review the employee's performance appraisal report.

Deficiencies – Should deficiencies be recorded in the performance of the employee, the employee will receive specific, reasonable, written recommendations for improvement.

Employee Reply – An employee's written reply, if any, will be attached to the performance appraisal report.

306 **Corrective Action and Discipline**

Policy Statement – It is the policy of the Town of Ballston Community Library that certain rules and regulations regarding employee behavior are necessary for the benefit and safety of all employees, the efficient operation of the Library, and the delivery of services to patrons of the Library. Any conduct that interferes with operations or that discredits the Library will not be tolerated. Each employee must conduct oneself in a positive manner so as to promote the best interests of the Library. Corrective action is necessary when an employee has demonstrated performance deficiencies, or has violated a policy, rule, regulation, or procedure. Corrective action may include counseling or initiating formal disciplinary action against an employee.

Communication – Open and candid communications with all employees is an important aspect of the Town of Ballston Community Library's on-going employee relations. When a rule, policy, or procedure is violated, the Library Director, or other designated supervisor, will review the specific nature of the violation with the employee. The employee's input is extremely important to ensure that all of the facts have been considered.

Counseling – Counseling employees, as opposed to initiating formal disciplinary action, may be the appropriate first step in addressing performance deficiencies or misconduct. The purpose of counseling is to inform the employee of such deficiencies or misconduct, discourage its recurrence, and inform the employee of the consequences if the behavior is repeated. When performance deficiencies are the issue, the performance standards of the job should be reviewed, along with specific examples of how the employee is not meeting those standards. Where appropriate, goals for improvement may be established, along with a time frame for achieving them. The counseling will be documented in writing and the employee will be required to acknowledge receipt by signing the memorandum. Any employee who fails to follow a supervisor's directive to sign the counseling memorandum to acknowledge receipt will be subject to disciplinary action.

Discipline – The purpose of disciplinary action is to impose penalties for performance deficiencies or misconduct. In **normal circumstances**, the Library endorses a policy of progressive discipline which includes, but may not be limited to, documented verbal reprimand, letters of reprimand, suspension without pay, or termination of employment, depending on the circumstances. The Library retains the right to discipline employees without engaging in progressive discipline or prior counseling if the situation so warrants and retains the right to discipline employees in any manner it sees fit.

Investigations – Where appropriate, an investigation will be conducted by the proper supervisor or other designated individual(s) in order to gather all pertinent information and to ensure that all the facts are considered. The investigation may include, among other things, interviews with the employee and any witnesses or other involved parties, and review of documents and materials. Employees who are participants in an investigation are not allowed to disclose the content or particulars of the investigation unless otherwise authorized. All employees who are called upon to participate in an investigation are required to fully cooperate in the process and respond truthfully to all questions posed. Failure to do so will subject the employee to appropriate corrective action. The Library reserves the right to suspend an employee while an investigation is conducted.

Procedures – Employees covered by **Civil Service Law Section 75** shall be disciplined in accordance with the procedures contained therein. (Refer to Section 307 of this Employee Handbook).

Prohibited Conduct – Any employee who, after investigation, is found to have committed any of the actions listed below will be subject to corrective action, up to and including termination of employment. This list is illustrative only and does not limit the Library's right to impose discipline in other appropriate cases.

- Willful violation of Library's rules, policies, and procedures.
- Harassing (including sexual harassment), intimidating, coercing, threatening, assaulting, or creating a hostile environment against another employee, supplier, visitor of the Library, or any other person, whether on or off Library premises.
- Engaging in any action that is in violation of the Library's Workplace Violence Prevention Policy.
- Possession of any weapon or dangerous instrument (including knives with over a three inch blade, firearms, and explosives) on Library property.
- Any act of retaliation in response to a complaint that has been made in good faith (see Section 804 – Prohibition against Retaliation).
- Possession, use, distribution/sale, or being under the influence of alcohol or controlled substances during hours of work or while on Library property.
- Willful or deliberate abuse, destruction, defacement, or misuse of Library property or the property of another employee, resident, supplier, visitor, or any other person.
- Theft or unauthorized possession, use, or removal of Library property or the property of another employee, resident, supplier, visitor, or any other person.
- Falsification or alteration of any records or reports including but not limited to employment applications, time records, work records, medical reports, absence reports, work-related injury reports, and claims for benefits provided by the Library.
- Preparation or manipulation of another employee's time record.
- Acts of sabotage, including the work of another employee.
- Making false statements about another employee, member of the Board of Trustees, supplier, visitor, or any other person. This includes knowingly making false accusations against another individual as to allegations of discrimination, sexual harassment or other harassment which is in violation of Library policy or applicable law.
- Insubordination or willful refusal to comply with the lawful order or instruction of a supervisor or the Library Director.
- Improper performance of job duties or repeated failure to perform assigned duties and responsibilities.
- Offensive or unprofessional behavior that is contrary to the Library's best interest, or any conduct that does not warrant public trust.

- Committing any violation of the law either on or off duty or on or off the work site that compromises or adversely affects the employee's fitness or ability to perform assigned job duties.
- Unauthorized expenditure of Library funds.
- Illegal gambling while on duty.
- Willful work slow-down, work stoppage, or interfering with or restricting the performance of another employee or in any other way interfering with Library operations.
- Careless or negligent use or operation of Library-owned property.
- Unauthorized absences or failure to give proper notice of an absence or tardiness.
- Excessive tardiness and/or absences except those absences covered by state and/or federal statutes.
- Leaving work area without permission, as defined by the Library Director.
- Failure to adhere to the personal appearance/dress code policy.
- Sleeping on the job.
- Personal activity during paid work time without the express permission of the Library Director.
- Use of personal listening devices (e.g. cellphones with headphones / earbuds) during paid work time without the expressed permission of the Library Director. (Note: use of such devices is permitted during meal breaks and authorized rest breaks.)
- Disruptive, loud, or boisterous behavior or horseplay in the workplace.
- Abusive language in the workplace, including racial slurs and epithets.
- Posting, removing, or defacing of notices, signs, or other written material without prior approval.

This list is not intended to be comprehensive and does not limit the Library's right to impose discipline in other appropriate cases.

307 **Civil Service Law Section 75**

Summary – New York State Civil Service Law Section 75 establishes disciplinary procedures for covered employees. Section 75 affords a covered employee the opportunity for a hearing when charges of incompetence or misconduct have been made against the employee by the Library.

Covered Employees – In accordance with Civil Service Law, the following employees are generally covered under Section 75:

- A newly hired employee who has not completed the minimum probationary period as specified in the *Rules for the Administration of the Civil Service Law in the County of Saratoga*;
- An employee holding a position by permanent appointment in the **Competitive Class** of the classified Civil Service;
- An employee holding a position in the **Non-Competitive** or **Labor Class** other than a position designated in the *Rules for the Administration of the Civil Service Law in the County of Saratoga* as confidential or requiring the performance of functions influencing policy, who since the employee's last entry into service has completed at least five years of continuous service in the Non-Competitive or Labor Class in a position or positions not so designated in the rules as confidential or requiring the performance of functions influencing policy;
- An employee holding a position by permanent appointment or employment in the Exempt, Competitive, Non-Competitive, or Labor Class who is a qualified veteran as defined by the Civil Service Law, or exempt volunteer firefighter, as defined by the General Municipal Law, except when such an employee holds the position of private secretary, cashier, or deputy of any official or department. Specifically, the employee must have been honorably discharged or released under honorable circumstances from the armed forces of the United States having served therein as such member in time of war as defined in Section 85 of the New York State Civil Service Law, or the employee must be an exempt volunteer firefighter as defined in the General Municipal Law.

Disciplinary Procedure – The following disciplinary procedure shall apply to employees covered by Civil Service Law Section 75:

- **Notice of Discipline** – An employee subject to discipline will be provided with a written Notice of Discipline (NOD) which will contain all charges and specifications.
- **Employee Answer** – The employee will have eight calendar days to respond to the charges. The employee's response must be in writing.
- **Disciplinary Hearing** – Unless there is a stipulation of settlement between the Library and the employee, the employee is afforded the right to a hearing in accordance with provisions established by Civil Service Law Section 75. The hearing upon such charges shall be held by the officer or body having the power to remove the person against whom such charges are preferred, or by a deputy or other person designated by such officer or body in writing for that purpose. The Appointing Authority will

designate a hearing officer in accordance with Civil Service Law Section 75. The designation must be in writing. The hearing officer will set the time and place for the hearing. The hearing officer will make a record of the hearing which will be submitted to the Appointing Authority, with the hearing officer's recommendations, for review and decision.

Right to Representation – The employee may have representation by counsel at the hearing and may summon witnesses on the employee's behalf.

Suspension Without Pay Pending Determination of Charges – Pending the hearing and determination of charges, the employee may be suspended without pay for a period not to exceed thirty calendar days.

Penalties – In the event the employee is found to be guilty of the charges, the penalty may consist of one of the following:

- Reprimand;
- Fine not to exceed one-hundred dollars which will be deducted from the employee's pay;
- Suspension without pay not to exceed two months;
- Demotion in grade and title; or
- Termination from Library employment.

Finding of Not-Guilty – In the event the employee is found to be not guilty of all charges and specifications, the employee will be restored to the employee's position with full pay for the period of suspension less the amount of any unemployment insurance benefits that the employee may have received during such period.

Limitations – Notwithstanding any other provision of law, no removal or disciplinary proceeding will be commenced more than eighteen months after the occurrence of the alleged incompetence or misconduct complained of and described in the charges. Such limitation will not apply where the incompetence or misconduct complained of and described in the charges would, if proved in a court of appropriate jurisdiction, constitute a crime.

Filing Requirements – In the event the employee is found to be guilty, a copy of the charges, the employee's written answer, a transcript of the hearing, and the determination will be maintained within the employee's personnel file. A copy will also be filed with the Saratoga County Human Resources Department.

308 **Personnel Records**

Policy Statement – It is the policy of the Library to balance its need to obtain, use, and retain employment information with a concern for each employee’s privacy. To this end, the Library will endeavor to maintain only that personnel information necessary for the conduct of the Library’s business or required by federal, state, or local law. Personnel records will be maintained for current and past employees in order to document employment-related decisions and comply with government record-keeping and reporting requirements.

Content – The records maintained by the Library include, but are not limited to, Employment Applications, Report of Personnel Change Forms, copies of job-required licenses and certificates, Federal and State Withholding Tax Forms, Retirement Enrollment/Waiver Forms, Health Insurance Enrollment/Waiver Forms, disciplinary notices, letters of acclamation, and probationary reports.

Location of Files – All original personnel records for current employees will be kept in the Library Director’s office and will be maintained and controlled by the Library Director.

Employment Eligibility Verification (I-9) Forms – All Employment Eligibility Verification (I-9) Forms will be kept in a separate file apart from the employee’s personnel file.

Medical Records – All employee medical records will be kept in a separate file apart from the employee’s personnel file in the Library Director’s office and will be maintained and safeguarded by the Library Director. ***For security purposes, these files will be locked at all times.***

Change in Status – An employee must immediately notify the Library Director of a change of name, address, telephone number, personal status, number and age of dependents, beneficiary designations, and individuals to notify in case of emergency.

Employee Access – An employee may review and copy the contents of the employee’s own personnel file. The employee must make an appointment with the Library Director. The employee may not remove or place any material in the file without the approval of the Library Director. Copies of records contained in an employee’s personnel file may not be released to a third party without the written consent of the employee, unless federal, state or local laws require otherwise.

309 Separation from Employment

Notice of Resignation (Employees) – An employee who intends to resign from employment must submit a written resignation to either their direct supervisor or the Library Director at least two weeks before the date of resignation is to be effective. All resignations shall be addressed to the Library Director, who will provide a copy of the letter of resignation to the Board of Trustees.

Notice of Resignation (Library Director) – The Library Director, if they intend to resign or retire from employment must submit a written resignation to the Board of Trustees at least two weeks prior to the date of resignation or retirement.

Completion of Notice Period – When a resignation notice is provided by an employee, the Library reserves the right to waive some or all of the notice period.

Exit Interviews – Exit interviews are normally conducted by the Library Director and/or a member of the Board of Trustees. The exit interview provides an opportunity to discuss a number of items including employee benefits, COBRA eligibility, changing of computer passwords, and return of Library property. During the exit interview, employees are encouraged to give suggestions, concerns and constructive recommendations.

Final Paycheck – Employees receive their final paycheck on the next regularly scheduled payday. The final paycheck includes payment for accumulated vacation benefits, if applicable.

400 OPERATIONAL POLICIES

401 *Library Hours*

Normal Hours of Operation – The Library’s normal hours of operation are established by the Board of Trustees. The Library Director will establish the employee’s work schedule and communicate it to all employees and supervisors.

Scheduling – A minimum of three employees (not including Pages) must be in the Library at all times. Salaried employees must work a minimum of seventy hours over the bi-weekly pay period. Hourly employees work a set schedule, to be determined by the Library Director. An employee may have the ability to begin and/or end a given workday at a time that deviates from their normal work hours, with the approval of the Library Director and/or their direct supervisor. Any such non-standard work schedule requires prior approval.

All employees must work one Saturday per month, on a rotating basis. Employees will have the opportunity to select the Saturday that they will work in the given month.

Arriving at Work Before or Leaving After Scheduled Work Hours – Arriving at work before the scheduled starting time or leaving work after the scheduled ending time for an employee’s own convenience is permitted but is not to be included in working time. No work may be performed for the Library outside of the employee’s regular work schedule unless prior approval has been obtained from the Library Director (i.e. unauthorized overtime is prohibited). Violations of this policy will result in appropriate corrective action. (This provision applies only to FLSA non-exempt employees.)

402 Meal and Rest Breaks and Breaks for Nursing Mothers

Meal Breaks – An employee who works more than six hours in a given day will receive an unpaid, duty-free meal break not to exceed thirty minutes.

Scheduling of Meal Breaks – Scheduling of meal breaks must be approved by the employee's direct supervisor and/or the Library Director in accordance with the needs and requirements of the Library. Meal breaks must normally be taken in the middle of the employee's workday. Unless otherwise directed by the direct supervisor or Library Director, an employee may leave the Library during the meal break.

Observance of Meal Breaks – In accordance with New York State regulations, an employee who works more than six hours in a given day is required to take the scheduled meal break. An employee is not allowed to work through the meal break to make up lost work time or to leave work early. In addition, the meal break may not be taken at the end of an employee's workday in order to leave work before the normal quitting time.

Rest Breaks – An employee who works four hours or more in a given workday will receive a duty-free rest break of up to fifteen minutes. An employee who chooses not to take a rest break will not be entitled to leave before the normal quitting time and will not receive extra pay for the time worked.

Approval of Rest Breaks – Rest breaks must be approved by a supervisor in accordance with the needs and requirements of the Library. Unless otherwise specified by Library rules, all rest breaks must be taken at the Library and may not exceed the time allowed.

Breaks for Nursing Mothers to Express Breast Milk – Employees who are nursing mothers shall be allowed to use a reasonable break (generally between twenty to thirty minutes) in addition to the employee's meal and rest breaks to express milk for a nursing child. The Library will provide this break at least once every three hours if requested by the employee. This provision applies to nursing mothers for up to three years following childbirth. The Library will make a reasonable effort to provide a room or location other than the restroom or toilet stall, within walking distance to the employee's workspace, or other location in close proximity to work so that nursing mothers can express in private. An employee wishing to avail herself of this break is required to give the Library advance notice, preferably prior to the employee's return to work following the birth of her child, to allow the Library an opportunity to establish a location and to schedule leave time for multiple employees, if needed.

403 **Emergency Situations**

Closing Procedures – In the event that extraordinary weather conditions or other emergencies develop prior to the beginning of the workday, the Library Director may authorize the closing of non-emergency operations, or, if extraordinary weather conditions or other emergencies develop during a workday, the Library may direct that certain employees who perform non-essential services leave work. Upon closing, the Library Director will notify the Chairperson of the Board of Trustees that the Library has been closed.

Payment of Wages – During an emergency closure, an employee's pay will be affected as follows:

- **During Work** – An employee who is directed by the Library Director to leave work due to an emergency closing will be paid for the remainder of the employee's normal workday at the employee's regular rate of pay.
- **Prior to Reporting to Work** – If a determination is made to close operations prior to the start of a workday, the Library Director will initiate notification to all affected employees. A full-time employee who is directed not to report to work due to an emergency closing will be paid for the employee's normal workday at the employee's regular rate of pay. A part-time employee who is directed not to report to work will not be paid for the workday. Such employee may choose to make up the time at a later date if agreed to by their direct supervisor and/or the Library Director.

Inclement Weather – Employees are expected to report to work and remain at the Library during inclement weather conditions unless otherwise notified by the Library Director. Employees should use their own discretion in determining whether they can commute safely to work due to inclement weather. When the Library Director has not officially shut down operations, an employee who does not report to work or requests to arrive at work late or leave work early due to inclement weather must obtain authorization from the Library Director prior to doing so. The employee must use paid vacation or personal leave, if available, or take the time off without pay. If an FLSA exempt employee has no paid leave benefits available, the employee will only be docked if a full workday is taken.

404 Time Records

Policy Statement – All employees are required to complete an individual time record showing the daily hours worked.

Procedures – An employee must comply with the following procedures:

- Time records must be completed by the close of each workday.
- All time worked, including the beginning and ending time, must be recorded.
- All paid and unpaid leaves of absence must be recorded.
- Employees must complete their own time record.
- The time record must be submitted to the Account Clerk at the time specified.
- The time record must be verified and signed by the Library Director.

Correction of Errors – An employee must immediately bring errors in time records to the attention of the Library Director who will investigate the matter and make and initial the correction once the error has been verified.

Falsification of Time Records – An employee who, after investigation, is found to have falsified or altered a time record, or the time record of another employee, or completed a time record for another employee, will be subject to disciplinary action. In extenuating circumstances where an employee is not able to complete the employee's own time record, the Library Director may complete the time record on behalf of the employee.

405 Expense Reimbursement

Policy Statement – Upon proper authorization of the Board of Trustees, an employee will be reimbursed for expenses associated with carrying out Library business, including, but not limited to, meals, lodging, mileage, parking, highway tolls, and training and membership fees. A voucher with all required documentation and corresponding receipts must be submitted to the Board of Trustees in order for the reimbursement to be processed.

Expense Approval – Each employee is expected to exercise reasonable judgment when incurring charges that will be submitted for reimbursement. Prior approval from the Library Director and/or Board of Trustees will be required for significant or non-standard expenditures. The Board of Trustees reserves the right to reject reimbursement requests that are deemed unreasonable or inappropriate. Under no circumstances will expenses for alcohol be reimbursed by the Library.

Mileage – An employee who is authorized by the Library Director or their direct supervisor to use the employee's own vehicle to conduct Library business will be reimbursed at the mileage rate established by the Internal Revenue Service (IRS).

Education and Training – Upon proper authorization of the Board of Trustees, an employee will be reimbursed for training courses that are directly related to the employee's present job. Employees must first seek approval from the Library Director before the request is presented to the Board of Trustees.

Out-of-State Travel – Employees who are either authorized or directed to attend a training, meeting or conference that is held out of State will be reimbursed by the Library for all eligible expenses (food, lodging, etc.), including taxes that are incurred during their travel.

Required Membership Fees – Upon proper authorization of the Board of Trustees, an employee required to hold membership in a professional organization as part of the employee's job will be reimbursed for any required dues and/or fees.

406 Telephone / Cell Phone / Electronic Device Usage

Guidelines – Use of Library-owned telephones must adhere to the following guidelines:

- An employee must answer promptly and speak in a clear, friendly and courteous tone.
- An employee must give the name of the Library and one's own name. If the call is not for the employee who answers, the employee must transfer the caller to the correct party or take a message recording all pertinent information.
- If the call must be placed on hold, the employee who answered the call must return to the line frequently to confirm that the call is being transferred.
- An employee may not make personal telephone calls except in an emergency or to check briefly on family matters.
- The use of a cell phone while driving on Library business must be in compliance with all applicable laws.

Personal Cell Phone / Electronic Device Usage – Employees are permitted to carry personal cell phones during working hours but must adhere to the guidelines shown below. Where the term cell phone is used in these guidelines, it shall be considered to include all types of portable electronic devices (e.g. iPads, Kindles, netbooks, etc.)

- Cell phones may not be used for personal purposes (including text messaging) during working hours except in an emergency or to check briefly on family matters, unless the employee is on an authorized break or has permission from a supervisor or the Library Director.
- Web browsing, music, movies, games, or similar personal uses of cell phones is not allowed during working hours, except on authorized break periods.
- Personal cell phones that are broken, damaged or lost during working hours will not be replaced or paid for by the Library.

407 Use of Communication Systems and Equipment

Policy Statement – The purpose of this policy is to provide the following requirements for the use of Library-owned communication systems and equipment. Communication systems and equipment include but are not limited to computer systems, internet services, hardware, software, laptops, smart phones, cell phones, land-line phones, printers, facsimile machines, copiers, and scanning devices.

Property – All communication systems, equipment and files are the property of the Library. This includes the messages created, transmitted, and stored on such systems and equipment.

Usage – All communication systems and equipment are provided to an employee for the purpose of aiding that employee in the performance of the employee's job functions. All hardware and software used is to be supplied by the Library. No unauthorized or unlicensed hardware or software may be used or installed on any Library-owned computer. Any hardware or software necessary to perform job duties should be requested of the Library Director.

Library's Right to Monitor Communication Systems and Equipment – There is no guarantee of privacy when using Library-owned communication systems and equipment. The Library reserves the right to enter, search, and monitor employee communication systems, equipment, and files, with or without advance notice, at any time in the normal course of business. Library Directors have the authority to inspect the contents of any Library communication systems, equipment, data/files, or electronic messages of their subordinates in the normal course of their supervisory responsibilities. In addition, the data/files of Library Directors and supervisors may be inspected by the Library Director in the normal course of duty. This applies to all information, messages, and files that are created, transmitted, downloaded, received, stored, or deleted on such systems, including items that are password protected. Additionally, the Library has the authority to monitor and record each web site, chat room, and newsgroup visited on the Internet, and every electronic message and file transfer into and out of the Library's network or communication service. The Library may also monitor each employee's Internet activity and usage patterns to ensure that the Library's resources are being utilized for appropriate business purposes. Usernames and passwords are the property of the Town of Ballston Community Library. An employee may be required to disclose their username and password to their direct supervisor or the Library Director at any time.

Personal Use – Employees are prohibited from using the Library's communication systems for personal use, excepting the use of a phone or cell phone to check briefly on family matters or in the event of an emergency.

Prohibited Uses – In addition to the requirements set forth above, the following uses of Library-owned communication systems and equipment are prohibited. This list is meant to be illustrative, and not exhaustive.

- Any illegal activity;
- Threats or harassment;
- Slander or defamation;

- Transferring, viewing, displaying, storing, distributing, editing, archiving, or recording of any discriminatory message, image, or material, or any obscene, graphic, or suggestive message, image, or material;
- Activity that is in violation of any provisions set forth elsewhere in this Employee Handbook;
- Any unauthorized commercial activity;
- Accessing or attempting to access the data/files of another person, unless otherwise authorized as necessary in the course of performing Library business;
- Using or aiding in the unauthorized use of another person's password;
- Harming or destroying data/files (other than editing or deleting information in the normal course of one's job duties);
- Use of non-business software;
- Gambling;
- Use of entertainment software, such as games and puzzles;
- Installation or use of any hardware or software, not authorized by the Library;
- Installation or use of Library-owned hardware or software for any use that is not Library related business;
- Installation or use of any unauthorized or unlicensed hardware or software; and
- Installation of any software containing viruses.

Internet / Electronic Messaging Requirements

Eligibility – Internet / electronic messaging service may be provided to employees who can demonstrate a work-related reason to have access. Electronic messages (e-messages) include but are not limited to e-mails, text messages, blogs, instant messages and postings to social networking or other sites. Approval must be given by the Library Director.

Proper Usage – In addition to the prohibitions set forth in the above paragraphs, any activities prohibited for any other general computer user are also prohibited with respect to Internet / e-messaging service usage. Employees are expected to communicate in a manner that will reflect positively on both themselves and the Library. Additionally, it is the responsibility of the employee to adhere to the following requirements:

- E-messaging must be used in a professional manner;
- Messages must not be threatening, insulting, obscene, abusive, or derogatory;
- Messages must not include content that constitutes workplace harassment including sexual harassment;
- E-messaging may not be used to transmit chain letters;
- Employees are responsible for saving any e-messages that they want to keep permanently;
- E-messages must not involve personal sales or solicitation or be associated with any for-profit outside business activity;
- E-messages must not involve personal not-for-profit solicitations;
- E-messages must not potentially embarrass the Library;
- Passwords should not be given to anyone other than the Library Director;
- Internet must not be used for the propagation of computer viruses;
- Internet must not be used for personal recreational activities (e.g. online games);
- Participation in non-business Internet chat groups, blogging or instant messaging is prohibited;

- As a security precaution, a workstation must not be left signed onto E-mail or the Internet while unattended for a long period of time (or overnight). Each employee must log off the network when not in use and power down at the end of the day;
- Employee Internet usage and e-messaging may be subject to filtering and may be monitored;
- Employees should be aware that deletion of any E-mail message or file does not truly eliminate that message or file from the system. All E-mail messages are stored on a central back-up system in the normal course of data management;
- Employees should ensure that no personal correspondence appears to be an official communication of the Library; and
- Employees may not use the Library's address for transmitting or receiving personal mail or use the Library's e-mail address for transmitting or receiving personal e-messages.

Disclosure of Information – Employees must bear in mind that e-messages are not private and its source is clearly identifiable. E-messages may remain part of the Library's business records long after they are deleted. Electronic records, including e-messages, are public records subject to state Freedom of Information Law and will be disclosed upon request unless an exemption to disclose is found to apply. In general, e-messages are subject to discovery in civil lawsuits.

Reliability – Users should be aware that because the internet is a collection of computer networks with no single central authority over information consistency, data is subject to inaccuracies. The Library is not responsible for loss or damage to a user's data or for the reliability of information that is obtained via the Internet service. Also, this information must be used in accordance with applicable copyright laws.

Reporting of Violations – Anyone with information as to a violation of this policy is to report said information to the Library Director. Once the Library Director is informed of the violation, a formal process, consistent with this Employee Handbook and/or applicable law, will begin.

Disciplinary Action – Any employee who violates this policy will be subject to disciplinary action up to and including termination of employment.

408 **Social Media**

Policy Statement – The purpose of the policy is to provide the framework for employee usage of Social Media, both inside and outside of the workplace. Social Media in general refers to internet-based applications that allow for the creation and exchange of user generated content. Examples of Social Media include, but are not limited to: Facebook, Twitter, TikTok, LinkedIn, Instagram, Pinterest, Reddit, Snapchat, YouTube, web blogs, and web based wikis whereby users can add, modify, or delete its content via a web browser.

Usage During Working Hours – Unless the use of Social Media is pertinent to Library business or authorized by the Library Director, employees are prohibited from using Social Media during working hours. This applies regardless of whether or not such usage occurs on Library-owned computers or communication equipment, or a device personally owned by the employee.

Usage During Meal and Rest Breaks – Employees may use social media from their personal devices during meal and rest breaks.

Posting Content on Social Media (regardless of point of access) – The following uses of Social Media are prohibited. These terms pertain to content posted from computers or communication systems that are not Library owned, as well as those that are Library property.

This list is meant to be illustrative, and not exhaustive.

- Disclosing confidential or proprietary information pertaining to matters of the Library that is not otherwise deemed accessible to the general public under the Freedom of Information Law (Public Officers Law Article 6, §§84-90).
- Matters which will imperil the public safety if disclosed.
- Promoting or endorsing any illegal activities.
- Threatening, promoting, or endorsing violence.
- Directing comments or sharing images that are discriminatory or insensitive to any individual or group based on race, religion, gender, disability, sexual orientation, national origin, or any other characteristic protected by law.
- Knowingly making false or misleading statements about the Library, or its employees, services, the Library's Elected Officials.
- Posting, uploading, or sharing images that have been taken while performing duties as an employee of the Library, the only exception to this rule is when it is directly pertinent to Library business and such posting, uploading, or sharing of images is authorized in advance by the Library Director.
- Representing that an opinion or statement is the policy or view of the Library, or of any individual acting in their capacity as a Library employee or otherwise on behalf of the Library, when that is not the case.
- Posting anything in the name of the Library or in a manner that could reasonably be attributed to the Library without prior written authorization from the Library Director.
- Using the name of the Library or a Library e-mail address in conjunction with a personal blog or Social Media account.

An employee's Social Media usage must comply with Library policies pertaining to but not limited to Non-Discrimination and Harassment, Confidentiality, Violence in the Workplace, and Substance Abuse. Any harassment, bullying, discrimination, or retaliation that would not be permissible in the workplace is not permissible between co-workers online, even if it is done after hours, outside of the workplace, using computers or communication systems that are not Library-owned.

Notwithstanding the above, nothing in this policy is designed to interfere with, restrain, or prevent employee communications regarding wages, hours, or other terms and conditions of employment. Nor is it meant to imply any restriction or diminishment of an employee's right to appropriately engage in protected concerted activity under law, including but not limited to NLRA Section 7 protected communications on non-work time. Library employees have the right to engage in or refrain from such activities as they choose.

Reporting of Violations – Anyone with information as to a violation of this policy is obligated to report said information to the Library Director. Once the Library Director is informed of the violation, a formal process, consistent with this Employee Handbook and/or applicable law, will begin.

Disciplinary Action – An employee who violates this policy will be subject to disciplinary action up to and including termination of employment.

409 *Personal Appearance*

Policy Statement – It is the policy of the Library that each employee's dress, grooming and personal hygiene should be appropriate to the work situation.

Standards – An employee must maintain a personal appearance in a manner that reflects a good image to the public. Acceptable personal appearance is an ongoing requirement of employment with the Library. Radical departures from conventional dress or personal grooming and hygiene standards are not permitted. Employees should not wear suggestive attire, athletic clothing, shorts, tank tops, novelty buttons, and similar items of casual attire since this clothing does not present a businesslike appearance. The Library Director and/or employee's direct supervisor reserves the right to deem what is, and what is not appropriate attire for the workplace.

410 *Solicitations/Distributions*

Policy Statement – It is the policy of the Library to prohibit solicitation and distribution on its premises by non-employees and to permit solicitation and distribution by employees only as outlined below.

During Working Hours – An employee may not distribute literature or solicit other employees during working hours without approval from the Library Director.

During Meal and Rest Breaks – With permission from the Library Director, an employee may distribute literature and solicit other employees during meal and rest breaks provided it does not interfere with the normal operations of the Library, reduce employee efficiency, annoy fellow employees, or pose a threat to the Library's security.

411 Disclosure of Information

Policy Statement – The Town of Ballston Community Library promotes open government and complies with all requirements regarding public access to information. However, the Library recognizes that certain documents, records, and other information pertaining to Library operations and activities contain sensitive and confidential information about Library patrons and others who do business with or on behalf of the Library and/or its patrons. Such information cannot be photocopied, duplicated, discussed, or otherwise disclosed to any outside party except in accordance with the Freedom of Information Law or any other applicable laws and regulations. An employee is also prohibited from sharing or otherwise disclosing such information with other Library employees, family members or friends who do not have a Library business reason to have such information. This includes posting of such information in any public forum (computer or otherwise) or on computer social networking sites (Facebook, etc.).

Responsibility for Security of Confidential Information – Employees are responsible for maintaining the security of documents, records and other information that fall within Library operations. Any request from outside parties for disclosure of information under the Freedom of Information Law or any other applicable laws or regulations must be submitted to the Library Director.

Employee Personal Information – An employee should never provide a caller or visitor with confidential information regarding employees, including home addresses and personal telephone numbers. An employee should take the person's name and telephone number and inform the caller/visitor that a message will be forwarded to the employee.

412 Visitors

Policy Statement – Personal visitors are allowed for brief visits during an employee's workday provided such visit does not interfere with Library operations or interrupt other employees who are working.

413 Purchasing

Policy Statement – The Board of Trustees has established an official procurement policy that must be followed without exception. No employee shall make purchases for the Library, or use the Library's name to make purchases, unless so authorized by the Board of Trustees and in adherence to the procedures set forth in the procurement policy.

414 Maintenance of Work Area

Policy Statement – It is the policy of the Library that work areas must be kept safe, clean and orderly at all times.

Employee Responsibility – Employees are responsible for maintaining their work area in a safe and orderly fashion. As such, each employee should, at a minimum, do the following:

- Place coats, boots, umbrellas and other items of clothing in designated areas so that work areas are not unnecessarily cluttered;
- Consume food or beverages only in designated areas so that work areas are kept free of food and related litter;
- An employee must report any existing or potential workplace hazards and safety violations to a supervisor or the Library Director;
- Abide by the smoking policy as specified in this Employee Handbook;
- Clean and store all tools and equipment and properly store any items, papers or confidential information in a manner prescribed by the Library Director.

Supervisory Responsibility – Supervisors are responsible for having their employees maintain their work areas according to the requirements of this policy. Each supervisor should:

- Make sure that aisles, floors and walls are free from debris and other unnecessary items;
- Monitor the facilities and equipment and issue maintenance requests where appropriate;
- Arrange for the removal of any items from the workplace that are not needed for the flow of business or the enhancement of employee comfort;
- Abide by and enforce the Library's smoking policy;
- Ensure the proper disposal of all trash and waste.

415 Personal Property

Policy Statement – It is the policy of the Library to ask each employee to refrain from bringing unnecessary or inappropriate personal property to work. The Library recognizes that an employee may need to bring certain items to work. However, employees should take care to ensure that personal property brought to the workplace does not disrupt work or pose a safety risk to other employees.

Personal Liability – An employee is expected to exercise reasonable care to safeguard personal items brought to work. The Library will not repair, replace, or reimburse an employee for the damage or loss of the employee's personal property. An employee bringing personal property to the workplace does so at one's own risk.

Storing Personal Belongings on Library Premises – An employee is prohibited from storing personal belongings on Library premises. The Library reserves the right to have any such items removed at the owner's expense.

Security Inspections – Desks and other storage devices may be provided for the convenience of employees but remain the sole property of the Library. Accordingly, such storage devices, as well as any articles found within them, can be inspected by any agent or representative of the Library at any time, with or without notice. The inspection may or may not be made in the presence of the employee. The Library is not responsible for loss or damage to personal property placed in such storage devices.

416 Library Property

Employee Responsibility – An employee will be responsible for any item issued by the Library which is in the employee's possession and/or control, such as, but not limited to the following:

- Equipment
- Keys
- Laptop computers and peripherals
- Books or other Reference Materials, including this Employee Handbook

Return of Property – All Library property must be returned to the Library before the employee's last day of work.

417 Unauthorized Work

Policy Statement – An employee may not perform work for any entity other than the Library during the employee's authorized work hours or claim that Library work was done when such is not the case. Employees must devote their full scheduled shift to Library business, as assigned.

418 **Outside Employment**

Policy Statement – It is the policy of the Library that an employee may engage in outside work as long as such outside work does not interfere with the employee’s performance standards, pose an actual or potential conflict of interest, or compromise the interests of the Library.

Guidelines – The following guidelines have been established for an employee who engages in outside work.

- An employee will be judged by the same performance standards and will be subject to the Library’s scheduling demands, regardless of any existing outside work requirements.
- If the Library determines that an employee’s outside work interferes with the performance or the ability to meet the requirements of the Library as they are modified from time to time, the employee may be required to terminate the outside employment if the employee wishes to remain employed by the Library.
- No Library equipment, supplies, or other material may be used by an employee for the conduct of outside work.
- Outside employment that does or may constitute a conflict of interest is prohibited. An employee may not receive any income or material gain from any entity outside of the Library for materials produced or services rendered while performing the employee’s Library job.
- An employee may not work on outside employment during any period which the employee is regularly scheduled to work for and is paid by the Library.
- A Library employee who engages in outside work must notify the person for whom the work is being performed that such work is being done on the employee’s own time and that the employee is not representing the Library while performing such work.

Employee Responsibility – A Library employee who wishes to engage in outside work is responsible for ensuring that the above guidelines are maintained. Questions should be directed to the Library Director.

500 ABSENCE POLICIES

501 Attendance

Tardiness – An employee must be ready and able to work at the time the employee is scheduled to begin work. In the event an employee is unable to report to work at the scheduled time, the employee must notify a supervisor via phone prior to the employee's scheduled starting time. The reason for tardiness and the expected time of arrival must be indicated to the supervisor.

Daily Notification – In the event an employee is unable to report to work, the employee must notify a supervisor each day of the absence and state the reason for the absence. In the event the absence was pre-authorized, this requirement will be adjusted according to circumstances.

Scheduled Absences – Requests for scheduled time off, such as the use of vacation leave and personal leave, must be approved by a supervisor or the Library Director in advance. All requests for time off are subject to approval by Library Director on a case-by-case basis. Refer to Section 802, Vacation Leave, and Section 804, Personal Leave, for further details.

Unscheduled Absences – An employee who is unable to report to work must personally contact a supervisor via phone prior to the employee's scheduled starting time. The employee must speak directly with a supervisor, indicating the reason for the absence and when the employee expects to return to work. Asking another person to call in on the employee's behalf is not permitted. Leaving a message on an answering device is permitted, provided that the message is left with a supervisor. Notification requirements may be waived in cases of emergency.

Unexcused Absences – Notification of an absence to a supervisor does not automatically mean the absence is authorized. Any time off from work that is without approval of a supervisor is considered an unexcused absence. An unexcused absence is without pay and may result in disciplinary action, up to and including termination.

Early Departure – In the event an employee must leave work during the workday, the employee must seek permission from a supervisor prior to leaving.

Leaving the Premises – An employee must obtain prior approval from a supervisor to leave an assigned worksite during working hours due to a non-work related reason. An employee who leaves an assigned worksite during the workday due to business reasons must notify the employee's supervisor in accordance with Library policy.

Documentation of Absences – An employee may be required to provide appropriate documentation in justification of any absence. Documentation may include medical verification.

502 Jury Duty Leave

Jury Leave – In the event a full-time or part-time employee is required to perform jury duty on a day the employee is scheduled to work, the employee will receive paid jury duty leave. Such leave will not be subtracted from any of the employee's leave credits. An employee is obligated to notify the Commissioner of Jurors that the Library is paying the employee's full pay during jury duty. If the employee receives a jury stipend from the courts, such amount must be reimbursed to the Library. An employee can collect and keep any mileage or parking expense reimbursement that may be issued by the court system for performing jury duty.

The Library shall pay a temporary or seasonal employee up to \$40 of the employee's wages for the first three days the employee serves jury duty if on those days the employee is scheduled to work for the Library. After the first three days, the employee may be eligible for a stipend issued by the court system if the employee continues to serve on jury duty.

Notification of Jury Duty – When an employee receives notice to report for jury duty, the employee must immediately submit a copy of the notice to the Library Director.

Return to Duty – In the event the employee is released from jury duty on a given day and there are two or more hours remaining in the employee's scheduled workday, the employee must report to work. The employee will be allotted time to return home and prepare for work.

Accrual of Benefits – The Library will continue to provide health insurance benefits for an eligible employee during the jury leave. Vacation leave, sick leave and holiday benefits will continue to accrue during jury duty leave.

503 Military Leave and Military Leave of Absence

Military Leave (New York State Law) – This section refers only to a paid leave for military service under New York State Law and does not affect an employee’s entitlement to leave needed for military service under federal statute. The Town of Ballston Community Library recognizes the importance of the Military Reserve and National Guard, and will permit any employee the use of military leave to perform ordered military duty or required training. The Library will grant such leave with pay for up to twenty-two workdays or thirty calendar days in a calendar year, whichever is greater. Such military leave beyond the twenty-two workdays or thirty calendar days in a calendar year will be unpaid, however accumulated vacation leave may, at the employee’s option, be used at any time during the leave. In accordance with applicable New York State law, the employee may keep all pay received for military service.

Military Leave of Absence (Federal Law) – An unpaid leave of absence for a period of up to the federal statutory limits will be granted to an employee to serve in any of the Armed Forces of the United States. The employee’s accumulated vacation leave may, at the employee’s option, be used at any time during such leave of absence.

Leave For Military Spouses (New York State Law) – In accordance with NYS Labor Law §202-i, the Library will grant an unpaid leave of absence of up to ten days to an employee (who works an average of twenty hours per week) whose spouse is a member of the armed forces of the United States, National Guard, or reserves who has been deployed during a period of military conflict, to a combat theater or combat zone of operations. This leave shall only be used when the employee’s spouse is on leave from such deployment. This does not preclude the employee’s option to use available paid leave upon approval of the Library Director.

504 Leave for Cancer Screening

Policy Statement – The Town of Ballston Community Library complies with New York State Civil Service Law §159-b which entitles all Library employees (full-time, part-time or substitute employees) to paid leave to undertake screening for cancer. This leave will not be charged against any available sick, vacation, personal, compensatory or other leave accruals. This does not preclude an employee’s option to use other available paid leave for this same purpose.

Allowance – An employee will be allowed four hours of paid leave per year for the purpose of undergoing a screening procedure for cancer. Such paid leave will be accrued as of January 1 each year. If the employee does not exercise his/her rights to the leave, those hours are not carried forward to the next year. The allowed leave time may include the travel time to and from the appointment and any subsequent follow up consultation visits. In addition, the allowed leave may be staggered throughout the year until the maximum allowance has been reached.

Scheduling – An employee must receive prior approval from their director supervisor and/or the Library Director to take leave for this purpose. The request for leave should be submitted to the supervisor in writing a minimum of two days in advance. The Library Director will have total discretion in the approval of this leave but will not unreasonably deny such request.

Documentation Requirements – If an employee applies for paid leave for a cancer screening procedure under this policy, documentation must be provided to their director supervisor and/or the Library Director from the health care provider verifying that the absence from the workplace was for cancer screening. If an employee uses any other available leave for a cancer screening procedure, the provisions of the applicable leave policy (e.g. sick, personal, vacation) will apply; there is no requirement in such a case to provide specific documentation regarding cancer screening.

505 Leave for Blood and/or Bone Marrow Donations

Policy Statement – The Town of Ballston Community Library complies with New York State Labor Law §§202-a and 202-j which entitle Library employees who work an average of twenty hours or more per week to time off from work to donate blood and/or to undergo a medical procedure to donate bone marrow. This leave of absence will not be charged against any available sick, vacation, personal or other leave accruals. The leave allowed under this policy is unpaid, however, this does not preclude an employee's option to use available paid leave for these purposes.

Blood Donation Allowance – An employee will be allowed a leave of absence of up to three hours per year under this policy. Such leave will be accrued as of January 1 each year. If the employee does not exercise his/her rights to this leave, those hours are not carried forward to the next year. The allowed leave may include the travel time to and from the appointment. The Library may require the employee to provide proof of blood donation.

Bone Marrow Donation Allowance – An employee may take leave in order to donate bone marrow as well as to recover from the procedure and for resulting medical care. The employee's physician will determine the amount of leave required by the employee. However, the leave need not exceed twenty-four work hours unless additional leave is agreed to by the Library Director. There is no limitation on how frequently an employee may take such leave. The Library may require the employee to provide proof of bone marrow donation.

Scheduling – An employee must receive prior approval from their direct supervisor and/or the Library Director to take leave for this purpose. The request for leave should be submitted to the supervisor in writing a minimum of two days in advance. The Library Director will have total discretion in the approval of this leave but will not unreasonably deny such request.

506 **Bereavement Leave**

Eligibility – In the event of a death of a full-time employee’s immediate family member, the employee may take a paid leave for up to five days from the employee’s regularly scheduled work. Such leave will not be subtracted from any of the employee’s leave credits. A part-time, temporary, or seasonal employee is not eligible for paid bereavement leave but may be allowed to take time-off without pay provided the employee has prior approval from their direct supervisor or the Library Director.

Definition of Immediate Family – For purpose of bereavement leave, “immediate family member” will mean the following, and will include such relatives in a step-family relationship:

- Spouse
- Parent
- Mother-in-law
- Daughter-in-law
- Grandparent
- The employee's same-sex committed partner* or the child, parent or other relative (categorized above) of the committed partner
- Child
- Sibling
- Father-in-law
- Son-in-law
- Grandchild

**Defined under NYS Civil Rights Law §79-n, same-sex committed partners are those who are financially and emotionally interdependent in a manner commonly presumed of spouses*

Extended Bereavement Leave – With authorization from the employee’s direct supervisor and/or the Library Director, an employee may use vacation leave credits and/or personal leave credits to extend a bereavement leave. The supervisor will have total discretion in the approval of an employee’s extended bereavement leave, based upon the needs of the Library.

Funeral Leave (Extended Family) – In the event of a death of a full-time employee’s family member who is a relative not included in the definition of immediate family, the employee may take a paid leave of absence for one day from the employee’s regularly scheduled work to attend the funeral. Such leave will not be subtracted from any of the employee’s leave credits.

507 ***Volunteer Firefighters / Emergency Responders***

Policy – In the event an employee is called upon to perform volunteer duties as a firefighter or emergency responder on a day the employee is scheduled to work, the employee will receive unpaid leave to perform such duties if so authorized. The employee may not leave the workplace until it has been approved by the appropriate supervisor. The employee is required to return to the worksite upon completion of the emergency call, unless such call ends after the end of the employee’s scheduled work shift.

An employee that has been designated as the “person-in-charge,” may not leave the Library to respond to an emergency call.

Documentation Requirements – The employee must account for all time spent responding to emergency calls on the employee’s time sheet, including the time the employee left and returned to the worksite. The employee may be required to submit verification of the employee’s attendance at such call.

508 ***Family and Medical Leave Policy***

Policy Statement – It is the policy of the Town of Ballston Community Library to grant a full-time employee a maximum of twelve workweeks (defined by the employee's normal workweek) of unpaid leave in any twelve month period for certain family and medical reasons. The twelve-month period is calculated as the twelve-month period measured forward from the date of the employee’s first leave usage.

Granting of Leave of Absence – The granting and duration of each leave of absence will be determined by the Board of Trustees in conjunction with applicable federal and state laws, including Civil Service Law Sections 71, 72 and 73, as applicable, and the *Rules for the Administration of the Civil Service Law in the County of Saratoga*. If and when any employee meets the eligibility requirements under the *Family and Medical Leave Act*, the provisions of that Act will then take precedence over this policy.

Types of Leave – The following types of leaves of absence will be considered:

- **Sick Leave of Absence** – Employees who are unable to work because of a serious health condition or disability may be granted a sick leave of absence. This type of leave includes disabilities caused by pregnancy, childbirth, or other related medical conditions. The Library requires certification of an employee’s need for sick leave, both before the leave begins and on a periodic basis thereafter, by the employee’s health care provider.

In addition to leave provided under this policy, employees may be eligible for a leave of absence pursuant to Civil Service Law Section 71. Section 71 provides that **covered** employees shall be entitled to a leave of absence for at least one cumulative year (unless found to be permanently disabled) when disabled due to an occupational injury or disease as defined in the Workers’ Compensation Law. This leave runs concurrently with the designated Family and Medical Leave. Employees should consult with their supervisor and/or the Library Director for further details regarding this provision.

- **Parental Leave of Absence** – Female employees, when not disabled by pregnancy or childbirth (see above), and male employees may be granted a parental leave of absence to care for a child upon birth or upon placement for adoption or foster care.
- **Family Care Leave of Absence** – Employees may be granted a family care leave of absence for the purpose of caring for a child, spouse or parent who has a serious health condition. The Library requires certification of the family member’s serious health condition, both before the leave begins and on a periodic basis, by the family member’s health care provider.

Eligibility – To be eligible, an employee must meet the following requirements:

- The employee must have completed at least one year of full-time, continuous service during the previous twelve months prior to the date leave commences.
- Spouses who both work for the Library are allowed a combined maximum of twelve workweeks of leave for the birth or care of a newborn child, adoption or foster care of a child and to care for such newly placed child, or the serious health condition of a child, spouse or parent, during any twelve month period.

Definitions – For the purpose of this policy, the following definitions will apply:

- **Serious Health Condition** will mean and refer to an illness, injury, impairment, or physical or mental condition that involves inpatient care in a hospital, hospice, or residential medical care facility, or any subsequent treatment in connection with such inpatient care; or continuing treatment by a health care provider, including, but not limited to:
 - * A period of incapacity of more than three consecutive calendar days and any subsequent treatment or period of incapacity that also involves continuing treatment by a health care provider;
 - * A period of incapacity due to pregnancy or prenatal care;
 - * A period of incapacity or treatment for such incapacity due to a chronic serious health condition;
 - * A period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective; or
 - * A period of absence to receive multiple treatments, including any period of recovery, by a health care provider, or by a provider of health care services under orders of or on referral by a health care provider, for restorative surgery after an accident or other injury or for a condition that would likely result in a period of incapacity of more than three consecutive calendar days in the absence of medical intervention or treatment.
- **Health Care Provider** will mean and refer to a doctor of medicine or osteopathy who is authorized to practice medicine or surgery by the State in which the doctor practices; or any other person defined in the FMLA regulations capable of providing health care services.

- **Family Member** will mean and refer to:
 - * **Spouse** – means husband or wife. For purposes of this definition, husband or wife refers to the other person with whom an individual entered into marriage as defined or recognized under state law for purposes of marriage in the State in which the marriage was entered into or, in the case of a marriage entered into outside of any State, if the marriage is valid in the place where entered into and could have been entered into in at least one State. This definition includes an individual in a same-sex or common law marriage that either: (1) was entered into in a State that recognizes such marriages; or (2) if entered into outside of any State, is valid in the place where entered into and could have been entered into in at least one State.
 - * **Parent** – biological parent or an individual who stands or stood in *loco parentis* to an employee when the employee was a child as defined directly below. This term does not include an employee's parents "in law".
 - * **Child** – biological, adopted or foster child, a stepchild, a legal ward, or a child of a person standing in *loco parentis*, who is either under age eighteen, or age eighteen or older and "incapable of self-care because of a mental or physical disability". Persons who are "*in loco parentis*" include those with day-to-day responsibilities to care for and financially support a child or, in the case of an employee, who had such responsibility for the employee when the employee was a child. A biological or legal relationship is not necessary.

Notification Requirements – If the need for leave is foreseeable, the employee must give notice to the Library Director at least thirty calendar days prior to the commencement date of the unpaid leave. This notice may be written or verbal, however, additional medical certification may be required for final approval of the absence as qualifying under this policy. The employee and the Library Director must complete the Leave of Absence Request Form and forward the completed form to the Board of Trustees for review. The failure of an employee to give thirty days' notice of foreseeable leave with no reasonable excuse for the delay may result in the delay of the employee taking the leave until thirty days from the date of notice. When the need for leave is unforeseeable, notification must be provided as soon as possible and practical.

Status Reports – The employee must periodically update the Library Director as to the employee's status and intent to return to work.

Medical Certification – The employee may be required to produce a medical certification issued by a health care provider which supports the need for a leave under this policy. When required, the employee must provide a copy before the leave begins, or if the leave was unforeseeable, no later than fifteen calendar days from the date the certification was requested. Failure to submit medical certification may jeopardize the employee's eligibility for an unpaid leave of absence and/or the ability to return to work. The medical certification must include:

- The date the medical condition began;
- The probable duration of the medical condition;

- Pertinent medical facts; and,
- An assertion that the employee is unable to perform the employee's essential job functions or that the employee is needed to care for a family member for a specified period of time.

The Town of Ballston Community Library reserves the right to request a second opinion by another health care provider. The Library will pay for the second opinion. In the event a conflict occurs between the first and second opinion, the Library may, again at its own expense, obtain a third opinion from a health care provider approved jointly by the Library and the employee. This third opinion will be final and binding.

Leave for the Birth, Adoption or Foster Care Placement of a Child – Leave for the birth of a child or the placement of a child for adoption or foster care must conclude within twelve months from the date of the birth or placement.

Certification for Adoption/Foster Care – An employee must produce proper certification from the appropriate agency for an unpaid leave for the adoption or foster care of a child.

Employment Restrictions During Leave of Absence – While on a leave of absence, an employee may not be employed by another employer during the same hours that the employee was normally scheduled to work for the Library.

Benefits During a Leave of Absence – For the purpose of this policy, the following will apply:

- **Accrual of Paid Leave Credits** – An employee will continue to accrue vacation and sick leave and receive holiday pay during the portion of the leave that is paid. **Paid leave is defined as leave during which the employee continues to use accumulated paid vacation and sick leave.** After all such paid leave is exhausted, the remaining leave of absence is unpaid. An employee will not earn paid vacation or sick leave or receive holiday pay for any holidays that may occur during an unpaid leave of absence.
- **Medical Insurance** – During the period of authorized leave under this policy, up to a maximum of twelve weeks, an employee's eligibility status for medical insurance coverage will not change. All employee contributions (if any) must be paid on a timely basis in order to maintain the continuous coverage of benefits. Contributions will be at the same level as if the employee was working. Coverage will cease if payments are not made within a thirty-calendar day grace period of the due date. Premium payments or policy coverage are subject to change. In the event the employee fails to return to work after the maximum twelve week period of leave under this policy has been exhausted, the employee may continue coverage with responsibility for payment of the full premium amount under COBRA provisions (see Section 709.) In addition, the Library may recover the premium that it paid for maintaining the coverage during any period of the unpaid leave except for the following circumstances:
 - * The continuation, recurrence, or onset of a serious health condition of the employee or the employee's eligible family member with proper medical certification; or,

- * Circumstances beyond the employee's control, such as: parent chooses to stay home with a newborn child who has a serious health condition; employee's spouse is unexpectedly transferred to a job location more than 75 miles from the employee's work-site; the employee is laid off while on leave.

Return to Work – The following conditions for returning to work will apply:

- **Job Restoration** – At the conclusion of the leave of absence, (except for leaves beyond a one-year period) the employee, provided that the employee returns to work immediately following such leave, will be restored to the position the employee held when the leave began, or an equivalent position with equivalent benefits, pay and working conditions. For an authorized leave of absence beyond the one-year period, job restoration will be dependent upon job availability, in accordance with Civil Service Law Sections 71, 72 and 73, as applicable, and the *Rules for the Administration of the Civil Service Law in the County of Saratoga*.
- **Medical Statement** – Before resuming employment, an employee must submit a statement from the employee's health care provider indicating that the employee is able to return to work either with or without restrictions. The Library reserves the right to have the employee examined by a physician selected and paid for by the Library to determine the employee's fitness to return to work either with or without restrictions. Failure to return to work when required may be considered a voluntary termination.
- **Early Return** – An employee who intends to return to work earlier than anticipated must notify the Library Director at least five business days prior to the date the employee is able to return. The Library Director shall in turn notify the Board of Trustees.
- **Extension of Unpaid Leave of Absence** – An employee who wants an extension of the leave previously requested must notify the Library Director at least two business days from the date the change occurred which necessitates the change in leave time. The Board of Trustees reserves the right to approve all leave extensions.

Statement of Compliance – The Town of Ballston Community Library complies with the provisions of the Family and Medical Leave Act (FMLA). **The Town of Ballston Community Library does not regularly employ fifty or more employees. Under that circumstance, Library employees are not eligible for leave under the FMLA.** If at some point the Library should employ fifty or more employees, eligible employees will be afforded leave in compliance with FMLA.

600 COMPENSATION

601 *Wage and Salary*

Rate of Pay – An employee’s rate of pay will be established by the Board of Trustees.

Longevity Recognition – After a full-time, or part-time employee has completed the number of years of service listed below, the employee may receive the corresponding longevity payment:

Years of Service:	Longevity Increase:
After 5 years of service	2% over base pay*
After 10 years of service	1% over base pay (3% total)
After 15 years of service	1% over base pay (4% total)
After 20 years of service	1% over base pay (5% total)
After 25 years of service	1% over base pay (6% total)
After 30 years of service	2% over base pay (8% total)

602 *Equivalent Time Off*

Policy – In accordance with the Fair Labor Standards Act, a full-time employee will not be paid for overtime nor receive “compensatory time” for any hours worked in excess of the employee’s normal workday or workweek. However, an employee who is mandated to work extra hours beyond the normal workweek may be granted “equivalent time off.” Use of “equivalent time off” must be pre-approved by the Library Director. Unless otherwise authorized by the Board of Trustees, an employee may not accumulate more than thirty-five hours of “equivalent time off.” In no case will “equivalent time off” ever be converted to a cash value to be paid to the employee.

Credit for Paid Leave – Sick leave, personal leave, vacation leave, and holidays will be included as time worked for the purpose of reaching the threshold for earning equivalent time off.

603 *Pay Period and Check Distribution*

Payroll Period – Employees are paid on a bi-weekly basis. An employee's paycheck will be based on the amount earned during the preceding payroll period.

Payday – Under normal circumstances, paychecks will be issued on a Friday. In the event the payday is a designated holiday, paychecks will be distributed on the previous workday.

Distribution – The Account Clerk will put an employee's paycheck and/or paystub in the employee's mailbox.

Direct Deposit – The Library provides a direct deposit option for employees. If elected, the paycheck will be deposited directly into the employee's account at the designated financial institution. The employee must submit a signed, written authorization for direct deposit to the Account Clerk.

604 *Payroll Deductions*

Statutory Deductions – The required portion of an employee's pay for federal and state taxes, and any other deduction required by law, will be deducted from the employee's paycheck. Such deductions will be noted on the paycheck.

Voluntary Deductions – Payroll deductions provided through the Library's payroll system will be made from an employee's paycheck when authorized by the employee. Such deductions will be noted on the paycheck.

605 *Deferred Compensation Plan*

Summary – The Town of Ballston Community Library has established a Deferred Compensation Plan whereby a portion of an employee's salary may be voluntarily withheld and invested. The money saved is paid out to the employee at a later date, generally during retirement years. Neither the deferred amount nor earnings on investments are subject to current Federal and State Income Taxes. Taxes become payable when the deferred income plus earnings are distributed to the employee, presumably at retirement when the tax bracket may be lower. A description of the plan may be obtained from the Account Clerk.

700 EMPLOYEE BENEFITS

701 *Holidays*

Designated Holidays – Fourteen paid holidays are recognized by the Town of Ballston Community Library. The Board of Trustees will decide which fourteen holidays will be observed by the Library on an annual basis. A full-time employee is eligible for holiday pay at the employee's regular rate of pay. A part-time, temporary, or seasonal employee is not eligible for holiday pay.

Holiday Observance – In the event a designated holiday occurs on a Sunday, the holiday will be observed on the following Monday.

702 *Vacation Leave*

Eligibility – A full-time employee is eligible for paid vacation leave in accordance with this policy. A part-time, temporary, or seasonal employee is not eligible for paid vacation leave but may be allowed to take time-off without pay provided the employee has prior approval from their supervisor or the Library Director.

Allowance – A full-time employee will be credited with paid vacation leave in accordance with the vacation schedule below. Vacation leave is based on the average number of hours an employee is normally scheduled to work each week. An employee may take vacation leave only after it has been credited. The employee will be credited on January 1 for the vacation leave earned during the previous year.

New Employees – A newly hired full-time employee will receive one week of vacation leave credits upon hire and another week of vacation leave after six months of continuous employment to be credited on the six-month anniversary date. After one year of continuous employment, the employee will receive an additional two and one-half days of vacation leave to be credited on the employee's one-year anniversary date. The following January 1, the employee will be credited with ten days of vacation leave. After that date, the employee will follow the schedule below.

Amount of Service:	Weeks of Vacation Leave
1 to 2 years	2 weeks
3 to 9 years	3 weeks
10 to 19 years	4 weeks
20+ years	5 weeks

Continuous Service – Continuous Service shall mean uninterrupted service. An authorized leave of absence without pay, or a resignation followed by reinstatement within one year following such resignation, shall not constitute an interruption of continuous service. However, the duration of the absence from work without pay will be excluded from the computation of length of continuous service. Vacation is earned only for monthly pay periods during which an employee is in full pay status for at least fifteen working days during such monthly pay period.

Scheduling – An employee must receive prior approval from the employee's direct supervisor to take vacation leave. Vacation leave credits may not be used in increments of less than fifteen minutes. The Library Director will have total discretion in the approval of vacation leave.

Accumulation – Employees are encouraged to use their vacation leave during the calendar year. An employee may carry-over one week of vacation leave credits into the following calendar year. Any additional vacation leave credits remaining unused at the end of the last business day of the calendar year shall be cancelled, unless the employee applies for and is approved to carry-over vacation leave credits into the following year by the Board of Trustees.

Holiday During Scheduled Vacation – In the event a designated holiday occurs on an employee's normal workday and the employee is on paid vacation, the employee will receive holiday pay for the day and the employee's vacation leave credits will not be charged for that day.

Separation of Employment – An employee who resigns, retires or is laid off will receive cash payment for unused vacation leave to which the employee is properly entitled at the employee's then current rate of pay. To be eligible to receive this payment, an employee who is to resign or retire must give written notice at least two weeks in advance of the last day of employment. In the event an employee leaves employment due to disciplinary action, the employee will not receive a settlement for unused vacation leave. In cases of death of an employee, the Library will pay an employee's designated beneficiary for any unused vacation leave.

703 Sick Leave

Eligibility – A full-time employee is eligible for paid sick leave in accordance with this policy. A part-time, temporary, or seasonal employee is not eligible for paid sick leave.

Allowance – A full-time employee will be credited with seven days of paid sick leave each year. The employee will be credited on January 1st after the sick leave has been earned. Sick leave is based on the average number of hours an employee is normally scheduled to work each week.

New Employee – A new employee will be credited with six (6) days of paid sick leave if the date of hire is in the first quarter, four (4) days of paid sick leave if the date of hire is in the second quarter, two (2) days of paid sick leave if the date of hire is in the third quarter, and one (1) day of paid sick leave if the date of hire is in the fourth quarter. Thereafter, the employee will be credited with seven (7) days of paid sick leave on each subsequent January 1st.

Accrual During Leaves of Absence – An employee will be credited with sick leave credits while on a paid leave of absence, but not while on an unpaid leave of absence.

Notification of Sick Leave – In the event an employee must take sick leave, the employee must notify a supervisor via phone prior to the employee's scheduled reporting time. The notification must be made personally to the supervisor. Unless an extended sick leave absence has been authorized, the employee must notify a supervisor each day of the absence. These procedures must be followed to receive paid sick leave.

Proper Use of Sick Leave – Sick leave is provided to protect an employee against financial hardship during an illness, injury, or medical procedure. An employee may use sick leave credits for a personal illness, injury, or medical/dental appointment that inhibits the employee’s ability to work. Sick leave credits may not be used in increments of less than fifteen minutes. An employee may take sick leave only after it has been credited.

Family Sick Leave – An employee may use up to seven of their accumulated days of sick leave credits annually for family illness or injury if the employee must provide direct care to an immediate family member. Such leave will be subtracted from the employee’s accumulated sick leave credits. For purpose of family sick leave, “immediate family member” will mean the employee’s parent, spouse or child, including step-child and foster child.

Accumulation – An employee may accumulate sick leave credits to a maximum of one hundred days. It is important to recognize that paid sick leave can provide income protection and continued medical insurance coverage in the event the employee is unable to work for a long period of time due to illness or injury. Therefore, each employee should take care to manage the use of sick leave to ensure adequate time is available should such a need arise.

Medical Verification – The Library may require medical verification of an employee’s absence if the Library perceives the employee is intentionally misusing sick leave, or has used an excess amount of sick leave, or when an employee is absent for more than three consecutive workdays due to an illness or injury. The Library reserves the right to require medical verification of an employee’s ability to resume work duties, with or without restrictions, following an absence due to an injury or illness resulting in physical impairment(s).

Misuse of Sick Leave – An employee who, after investigation, is found to have intentionally misused their sick leave or has falsified supporting documentation, will be subject to disciplinary action.

Separation of Employment – An employee whose employment with the Library is terminated due to a resignation, lay-off, or disciplinary discharge will not receive cash payment for unused sick leave. An employee who retires from the Library will receive a cash payment for up to 1/3 of their accumulated sick leave credits.

704 **Personal Leave**

Eligibility – A full-time employee is eligible for paid personal leave in accordance with this policy. A part-time, temporary, or seasonal employee is not eligible for paid personal leave.

Allowance – A full-time employee will be credited with four days of paid personal leave on an annual basis. The employee will be credited on January 1 of each year. Personal leave is based on the average number of hours an employee is normally scheduled to work each week. An employee may take personal leave only after it has been credited.

New Employee – A new employee will be credited with four (4) days of paid personal leave if the date of hire is in the first quarter, three (3) days of paid personal leave if the date of hire is in the second quarter, two (2) day of paid personal leave if the date of hire is in the third quarter, one (1) day of personal leave if the date of hire is in the fourth quarter. Thereafter, the employee will be credited with four (4) days of paid personal leave on each subsequent January 1st.

Proper Use of Personal Leave – An employee may use personal leave credits to conduct personal business which cannot be conducted outside of normal working hours, non-emergency medical and dental appointments, and for personal emergencies. In no event may personal leave credits be used on the scheduled workday immediately prior to or following a holiday or vacation; in lieu of sick leave or other leaves of absences, except to extend bereavement leave. Personal leave credits may not be used in increments of less than fifteen minutes.

Scheduling – An employee must receive prior approval from the employee's direct supervisor and/or the Library Director to take personal leave. The supervisor/Library Director will have total discretion in the approval of personal leave.

Accumulation – An employee may not accumulate personal leave credits. Any personal leave credits remaining unused at close of business on the last day of the calendar year will be canceled.

Separation of Employment – An employee whose employment with the Library is terminated for any reason, including retirement, will not receive cash payment for unused personal leave.

705 **Disclosure of Insurance Benefits**

Summary – The following is a brief description of the insurance benefits currently offered by the Library to eligible employees. Eligibility for benefits is dependent upon a variety of factors, including employment classification and length of service. The description of the benefits provided is only an overview. The plan documents or specific government regulation provide a full description of the specific benefit.

Plan Administrator – The Library Director serves as the Administrator of the Library's benefits plans. The Administrator is responsible for all communications and disclosures concerning Library benefits and is available to answer questions concerning the benefit plans. A description of each of the plans may be obtained from the Library Director.

Plan Documents – Benefits are administered according to applicable government regulation, benefit plan documents, insurance carrier master policy, or Library policy. Should there be a discrepancy between the information presented in this Employee Handbook and the benefit plan document, the Board of Trustees has the discretionary authority to determine eligibility for benefits and to interpret the plan's terms. The Board of Trustees is responsible for compliance with all applicable laws and regulations. The Board of Trustees may, at its discretion, change carriers and/or offer alternative insurance plans.

Changes in Benefits – Any benefit offered by the Library to employees is subject to change or discontinuance by resolution of the Board of Trustees.

Waiver of Benefits – An employee who is eligible to participate in any of the available insurance plans but who elects not to participate must sign an appropriate waiver of enrollment form.

Enrollment Information – The Library Director will provide the employee with the enrollment forms and assist with the administrative and operational aspects of the various insurance plans. Enrollment in a benefit plan is not automatic. Employees must complete the appropriate enrollment forms and applicable payroll deduction authorizations in order to receive benefits.

Changes in Status – Employees whose status changes from full-time to part-time are notified of the changes to their Library benefits. This notification contains all legally mandated information regarding applicable benefits, including COBRA health insurance continuation. An employee must immediately notify the Library Director in the event that the employee has a change in marital or family status that may affect coverage, such as marriage, divorce, legal separation, death of a spouse or dependent, acquiring or losing a dependent, changes in address.

Beneficiary – Under some of the Library's benefit plans, each employee must designate a beneficiary for the employee's death benefits. This designation must be made in writing and on the form provided by the plan Administrator.

706 Medical and Dental Insurance

Eligibility – The Library will make available medical and dental insurance coverage to each full-time employee and their eligible family members. A part-time, temporary, or seasonal employee is not eligible for medical insurance coverage.

When Coverage Begins – Coverage will begin on the employee's first day of employment provided all eligibility requirements of the insurance plan are met.

When Coverage Ends – Coverage ends on the last day of the month in which the employee separates from employment. Coverage may continue for such eligible employees in accordance with COBRA regulations. Coverage will continue for eligible retirees in accordance with Library policy and plan documents.

Premium Payment – The Library will contribute the below amounts to the cost of the premium payment for an eligible employee:

	Major Medical	Dental	HSA Matching Program for HDHP Enrollees
Full-Time Employees:			
Hired before 7/14/2020	85%	85%	\$1,000 base plus up to an additional \$1,275 matching contribution, up to an additional \$1,775 for those over age 55
Hired after 7/14/2020	75%	75%	\$1,000 base plus up to an additional \$1,275 matching contribution, up to an additional \$1,775 for those over age 55

Unless otherwise specified in the table above, medical and dental insurance benefits will be extended to the employee's immediately family members, as well.

Health Savings Account (HSA) – All full-time employees who has an activated health saving account through the Library will have their HSA contribution made on an annual basis. The Library will contribute the amounts contained in the table above to an eligible employee's HSA.

Continuous Service – Continuous Service shall mean uninterrupted service. An authorized leave of absence without pay shall not constitute an interruption of continuous service. However, the duration of the absence from work without pay will be excluded from the computation of length of continuous service. If an employee has an interruption in service, their prior service will not be counted toward their placement in the table above.

Pre-Tax Insurance Premiums – The employee's contribution towards the health insurance premium will be paid with pre-tax dollars. Deductions are taken from the employee's paycheck before federal, state, and social security taxes are calculated. This reduces the employee's taxable income and increases net take-home pay.

Changes in Premium Contributions – The portion of the insurance premium an employee is required to contribute is subject to change by resolution of the Board of Trustees. The Board of Trustees will provide a two-month written notice of such change.

707 Medical Insurance Buy-out

Eligibility – A full-time employee who is eligible for medical insurance coverage made available through the Library may receive a cash buy-out in lieu of receiving medical insurance benefits. To be eligible for the medical insurance buy-out, the employee must provide documentation of comparable medical insurance coverage in a manner and form to be determined by the Library and sign an appropriate waiver of medical insurance coverage and waiver of liability to the Library.

Amount of Buy-out – An employee who is eligible for the medical insurance buy-out will receive \$150 per month.

Method and Form of Payment – Payment of the buy-out will be made in monthly payments in the first pay period of each month. This payment is in addition to the compensation and/or salary to which the employee is otherwise entitled and will be treated as part of the employee's gross income and will be subject to the appropriate withholding for income and payroll tax purposes. Payments made to an employee under the provisions of this buy-out option are excluded from NYS Retirement System earnings calculations.

An employee that is on a designated unpaid leave of absence will not receive their medical insurance buy-out during their period of unpaid leave.

Reinstatement – In the event the employee loses coverage under the alternate insurance plan, coverage may be resumed under one of the medical insurance plans made available through the Library. Coverage will begin on the first of the month immediately following the employee giving notice, provided the employee gives such notice at least five business days prior to the first of the month and meets all eligibility requirements of the insurance plan.

Changes – This policy may be changed or eliminated at any time by resolution of the Board of Trustees.

708 Medical Insurance for Retirees

Coverage – The Library currently offers medical insurance coverage to an eligible full-time employee who retires from the Library. Coverage is also currently available for eligible dependents (includes spouse) if they were covered under the Library’s medical insurance plan at the employee’s date of retirement. In the event the retiree predeceases the dependents, the dependents may continue medical insurance coverage provided they pay the full cost of the premium. Coverage of a dependent at the time of divorce or legal separation is in accordance with plan documents and COBRA requirements.

Eligibility – To be eligible for coverage, the retiree must have 1) been employed continuously for at least fifteen years as an employee of the Library; 2) retired directly from the Library; and 3) have been granted a retirement benefit from the New York State Employees’ Retirement System.

Notwithstanding the above, an employee who leaves employment due to disciplinary action is not eligible for medical insurance or prescription drug coverage for retirees. These eligibility requirements are subject to change by resolution of the Board of Trustees.

Plan – The Board of Trustees may, at its discretion, change the medical insurance plan at any time, including, but not limited to, type of coverage, retiree contributions, and type of carrier.

Health Reimbursement Account & Health Savings Account – Retiree medical and dental insurance benefits do not include a health reimbursement account (HRA) or a health savings account (HSA).

Premium Payment – The Library will contribute the below amounts based on the retiree’s years of service with the Town of Ballston Community Library:

Full-Time Employees:	Retired at or after 15 YRS but before 25 YRS of employment	Retired at or after 25 YRS of employment	Medicare Premium Reimbursement	Medicare Advantage Plan Premiums
Hired before 1/1/2015	Contribution rate paid on behalf of employee immediately preceding retirement	Contribution rate paid on behalf of employee immediately preceding retirement	0%	Same percentage as Major Medical Premiums
Hired after 1/1/2015	25%	50%	0%	Same percentage as Major Medical Premiums

Changes in Premium Contributions – The portion of the insurance premium a retiree or retiree’s spouse is required to contribute is subject to change by resolution of the Board of Trustees. The Board of Trustees will provide a two-month written notice of such change.

Remittance of Premium Payment – All premium payments must be paid in full by the retiree on a monthly basis, and should be submitted to the Library’s appointed benefits administrator. If the premium payment is not received within forty-five days of the designated due date, the retiree’s coverage will be terminated immediately.

709 Continuation of Health Insurance Benefits (COBRA/NYS Continuation Coverage)

Summary – The federal Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA) offers “qualified beneficiaries” the right to continue existing health insurance coverage, completely at their own expense, under certain qualifying conditions. **All required premiums and administrative fees must be paid in a timely manner in order for coverage to continue.**

NYS Continuation Coverage – For purposes of this policy, references to COBRA will be considered to incorporate the requirements for “Continuation Coverage” set forth in NYS Insurance Law, which provides enhancements over and above the provisions of COBRA.

Eligibility – An individual is a “qualified beneficiary” if the individual is covered under a group health plan on the day before a qualifying event as either a covered employee, the spouse of a covered employee, or a dependent child of a covered employee. A child who is either born to or who is placed for adoption with the covered employee during a period of COBRA coverage is also a “qualified beneficiary” entitled to COBRA coverage.

Period of Coverage – COBRA coverage is in effect for a period of up to **thirty-six months**, following any qualifying event. The COBRA requirements do not put any limit on the number of times a qualified beneficiary may be entitled to COBRA continuation coverage.

Qualifying Events – If a qualified beneficiary loses coverage under a group health plan as a result of a “qualifying event,” the qualified beneficiary is entitled by COBRA to the continuation of group health insurance coverage at the qualified beneficiary’s own expense. Any of the following circumstances are considered to be qualifying events:

- Termination of the covered employee’s employment for any reason except gross misconduct, or the covered employee’s loss of eligibility to participate due to reduced work hours.
- When a covered employee is on a leave of absence due to military service obligations.
- Death of a covered employee.
- Divorce or legal separation from a covered employee.
- A covered dependent ceases to be a “dependent child” under the health insurance plan.
- A covered dependent child’s loss of eligibility to participate in the insurance plan due to the covered employee becoming covered by Medicare as a result of total disability or choosing Medicare in place of the insurance plan at age sixty-five.

Change in Beneficiary Status – An employee must notify the Library Director within sixty calendar days of a legal separation or divorce or when a dependent is no longer eligible for insurance due to the age limitations or educational status requirements established by the insurance plan. The Library will not be responsible for any loss of coverage resulting from failure by the employee to give notification of such an event.

Enrollment Information – The Library Director will provide the employee with the enrollment forms and assist with the administrative and operational aspects of COBRA. **Enrollment is not automatic. The employee must complete the necessary enrollment forms and return all COBRA forms to the Library Director within the time indicated.** If the required forms or premium payments are not received at the time specified, medical insurance coverage will cease.

710 Short-Term Disability Benefits

Eligibility – A full-time employee is currently provided with short-term disability coverage in accordance with this policy. A part-time, temporary, or seasonal employee is not eligible for paid short-term disability coverage. This benefit is to supplement loss of time from work due to a qualified non-job related illness or injury.

Summary – The Library currently offers a short-term disability plan for non-job-related injuries or illnesses that meets the minimum requirements of New York State Disability Insurance. The insurance company makes the determination of whether an employee is eligible for short-term disability benefits. Disability payments will be in accordance with the terms of the policy. The duration of disability benefits is dependent upon a physician's certification and consistent with the terms of the policy. Benefits may continue up to a maximum of twenty-six weeks. An employee generally receives 50% of the employee's average weekly wages based on the previous eight weeks of employment, up to a maximum of \$170 per week. There is no coverage for medical care.

Waiting Period – There is a 7-day waiting period for which no benefits are paid. Benefits start on the eighth consecutive day of disability.

When Coverage Begins – Coverage will begin on the employee's first day of employment, provided the employee meets all eligibility requirements.

Disability Payments – Disability payments will be in accordance with the terms of the policy. The duration of disability benefits is dependent upon a physician's certification and consistent with the terms of the policy. There may be a waiting period before an employee can become eligible for disability payments. Full details regarding the policy currently in effect are available from the Library Director.

Premium Payment – The Library will pay the full premium for short-term disability coverage for each eligible employee.

Reporting of Illness or Injury – The employee must submit a written report of the illness or injury on the proper application form to the Library Director as soon as possible upon becoming aware of the need to apply for short-term disability benefits. The Library Director will provide the employee with the necessary forms. Proper medical certification will be required and must be submitted with the application form.

Use of Sick Leave Credits – An employee may draw from the employee's sick leave credits in conjunction with disability payments to equal, but not exceed, the employee's regular daily rate of pay.

Medical Insurance Coverage – The Library will continue medical insurance coverage for the employee in accordance with the provisions of the Family and Medical Leave Policy in this Employee Handbook.

711 Workers' Compensation Benefits

Coverage – The Library will make available Workers' Compensation benefits, including payment of medical costs and replacement of lost wages up to the regulated maximum, to each eligible employee who suffers a job related injury. Eligibility for coverage is determined by applicable Workers' Compensation regulations.

When Coverage Begins – Coverage will begin on the employee's first day of employment, provided the employee meets all eligibility requirements.

Premium Payment – The Library will pay the full premium for Workers' Compensation coverage for each eligible employee.

Reporting of Injury – The employee must submit a written report of the injury to the Library Director within twenty-four hours of the occurrence in order to ensure prompt coverage of the claim. The Library Director will provide the employee with the necessary forms. In the event the employee is unable to complete the forms due to the injury or illness, the Library Director will complete and submit the required forms on behalf of the employee.

Use of Sick Leave Credits – An employee may draw from the employee's sick leave credits in conjunction with Workers' Compensation payments to equal, but not exceed, the employee's regular daily rate of pay.

712 Unemployment Benefits

Coverage – The Library will make available unemployment benefits to each eligible Library employee ruled eligible for benefits by the State Department of Labor.

713 Social Security

Summary – Social Security benefits are available for retirement, survivor's benefits, and medical costs under qualifying conditions, as determined by the Federal Social Security Administration Office. Employee contributions to Social Security (FICA) are matched by the Library.

714 *The New York State Employees' Retirement System*

Summary – The Library will make available the New York State Employees' Retirement System pension plan to each eligible Library employee. An employee is eligible for service retirement benefits as per the eligibility rules of the employee's Tier as assigned by the NYS Retirement System.

Mandatory Membership – A full-time employee who began employment with the State of New York or with a participating employer, on or after July 27, 1976, must join the Retirement System. An employee who is appointed to a permanent, full-time position on a probationary basis must join the Retirement System on the effective date of the probationary appointment. Employment is considered full-time unless:

- The employee works less than thirty hours per week, or less than the standard number of hours for full-time employment as established by the employer for this position; or
- The annual compensation for the position is less than the State's minimum wage multiplied by 2,000 hours; or
- Duration of employment for less than one year or employment on less than a 12 month per year basis; or
- The position is either provisional or temporary under Civil Service Law.

Optional Membership – An employee who is not mandated to join may join the Retirement System. Such employee will be informed, in writing, that the employee may join the Retirement System and will acknowledge receipt of such notice by signing a copy thereof and returning it to the Library Director. If the employee elects to join the Retirement System, the employee must complete the application form and return it to the Library Director.

Waiver of Enrollment – An employee who is not mandated to join the Retirement System, and who chooses not to join, must complete a waiver of enrollment form.

800 COMPLIANCE POLICIES

801 *The Americans with Disabilities Act*

Policy Statement – It is the policy of the Town of Ballston Community Library to comply fully with the provisions and spirit of the Americans with Disabilities Act and ensure equal employment opportunity for all qualified persons with disabilities. All employment practices, such as recruitment, hiring, promotion, demotion, layoff and return from layoff, compensation, job assignments, job classifications, paid or unpaid leave, fringe benefits, training, employer-sponsored activities, including recreational or social programs, will be conducted so as not to discriminate unlawfully against persons with disabilities. This also extends to prohibit unlawful discrimination based on a person's relationship or association with a disabled individual. Qualified individuals with disabilities are entitled to equal pay and other forms of compensation (or changes in compensation) along with work assignments, classifications, seniority, leave, and all other forms of employment compensation or advantage.

Reasonable Accommodation – Reasonable accommodation is available to all qualified employees and applicants with disabilities, unless it imposes an undue hardship on the Library and/or operations of a program. The Library may require medical documentation or other information necessary to verify the existence of the disability and the need for accommodation. Following receipt of an accommodation request, the Library will meet with the requestor to discuss and identify the precise limitations resulting from the disability and the potential accommodation(s) that the Library might make to help overcome those limitations.

The Library will determine the feasibility of the requested accommodation considering various factors, including, but not limited to the nature and cost of the accommodations(s), and the accommodation's impact on Library operations.

Pre-Employment Inquiries – Pre-employment inquiries are made only regarding an applicant's ability to perform the duties of the position and not any disabling condition. Pre-employment physical exams will only be requested when in compliance with the law. The Town of Ballston Community Library intends to base employment decisions on principles of equal employment opportunity and nondiscrimination, as defined by law.

Notification of Policy Violations – An employee should immediately report any perceived violation of this policy to the Library Director. In the event the employee is unable to discuss this matter with the Library Director, the complaint should be reported in writing to a member of the Board of Trustees. All complaints of possible violations will be investigated discreetly and promptly. An employee who reports a possible violation will not suffer adverse employment consequences as a result of making the complaint. This procedure is not intended to restrict an individual's rights to make a complaint to a federal or state agency.

Application of Policy – This policy is for Library use only and does not apply in any criminal or civil proceeding. This policy shall not be construed as a creation of higher legal standard of safety or care in an evidential sense with respect to third party claims. Violations of this policy will only form the basis for Library administrative action. Violations of law will form the basis for civil and criminal sanctions in a recognized judicial setting.

802 Non-Discrimination and Harassment (Including Sexual Harassment) in the Workplace

Policy Statement – It is the policy of the Town of Ballston Community Library to promote a productive work environment and to prohibit conduct by any Elected Official or employee (as defined in Section 102 of this Employee Handbook) that disrupts or interferes with another’s work performance or that creates an intimidating, offensive, or hostile work environment. In keeping with this goal, the Library is committed to educate Elected Officials and employees in the recognition and prevention of workplace discrimination and harassment, including sexual harassment, and to provide an effective means of eliminating such discrimination and harassment from the workplace. In short, the Library does not tolerate any form of discrimination or harassment, including sexual harassment, and will take all steps necessary to prevent and stop the occurrence of such activity in the workplace. The accompanying complaint procedure is intended to provide an effective mechanism for reporting, and resolving promptly, complaints of discrimination and harassment, including sexual harassment, without any risk of repercussion to any individual covered by this policy who, in good faith, files such complaint.

Applicability of Policy – This policy applies to all Elected Officials, employees, supervisors, and the Library Director, whether employed full or part-time, temporary or seasonal, paid or unpaid interns, volunteers, and those employed by companies contracting to provide services in the workplace. Depending on the extent of the Library’s exercise of control, this policy may be applied to the conduct of non-Library employees with respect to harassment of Library employees in the workplace.

Prohibited harassment (including sexual harassment) is not limited to the physical workplace itself. It can occur while Elected Officials, employees or other individuals covered by this policy are traveling for Library business or at Library sponsored events or parties. Calls, texts, emails, and social media usage by employees or other individuals covered by this policy can constitute workplace harassment, even if they occur away from the workplace premises, on personal devices, or during non-work hours.

Prohibited Activity – No Elected Official, employee or other individuals covered by this policy shall engage in any of the following:

- **Harassment:** Unwanted, unreasonable verbal or physical conduct directed toward or affecting another person that disturbs, frightens, insults, threatens, intimidates, demeans, or offends that other person, that continues or is repeated after a request to cease, and that: 1) has the purpose or effect of creating an intimidating, hostile, or offensive work environment; 2) has the purpose or effect of unreasonably interfering with an individual’s work performance; or 3) otherwise adversely affects an individual’s employment opportunities. Harassment includes offensive or inappropriate images or written materials or electronic communications (e.g. letters, e-mail, text messages, or graffiti) as well as bias-based harassment and sexual harassment (see below).
- **Bias-Based Harassment:** Harassment that denigrates, offends or shows hostility or aversion toward an individual on the basis of sex, (including gender identity and the status of being transgender), sexual orientation, race, color, national origin, religion, disability, pregnancy, age, marital status, veteran status, military status, arrest or conviction record, genetic information or predisposing characteristics, domestic violence victim status, or any other protected status. Bias-based harassment

includes, but is not limited to: epithets, slurs or negative stereotyping; threatening, intimidating, or hostile acts; denigrating jokes; and written, electronic, or graphic material that denigrates, ridicules, objectifies, or shows hostility, aversion or contempt toward an individual or group and that is placed on walls, bulletin boards, elsewhere on or in the Library's premises, or is circulated in the workplace, including through electronic means.

- **Discrimination:** The Town of Ballston Community Library is an Equal Opportunity Employer. The Library does not unlawfully discriminate on the basis of sex, (including gender identity and the status of being transgender), sexual orientation, race, color, national origin, religion, disability, pregnancy, age, marital status, veteran status, military status, arrest or conviction record, genetic information or predisposing characteristics, domestic violence victim status, or any other protected status. Unlawful discrimination based on membership in these categories is prohibited by applicable federal, state, or local laws. This policy applies to all terms and conditions of employment, including, but not limited to, hiring, placement, assignments, compensation, promotion, transfer, training, leave of absence, and termination.

Definition of Sexual Harassment – This policy places special attention on the prohibition of sexual harassment in the workplace.

Sexual harassment is a form of sex discrimination and is unlawful under federal, state, and (where applicable) local law. Sexual harassment includes harassment on the basis of sex, sexual orientation, self-identified or perceived sex, gender expression, gender identity and the status of being transgender.

Sexual harassment includes unwelcome conduct which is either of a sexual nature, or which is directed at an individual because of that individual's sex when:

- Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment, even if the reporting individual is not the intended target of the sexual harassment;
- Such conduct is made either explicitly or implicitly a term or condition of employment; or
- Submission to or rejection of such conduct is used as the basis for employment decisions affecting an individual's employment.

A sexually harassing hostile work environment includes, but is not limited to, words, signs, jokes, pranks, intimidation or physical violence which are of a sexual nature, or which are directed at an individual because of that individual's sex. Sexual harassment also consists of any unwanted verbal or physical advances, sexually explicit derogatory statements or sexually discriminatory remarks made by someone which are offensive or objectionable to the recipient, which cause the recipient discomfort or humiliation, or which interfere with the recipient's job performance.

Sexual harassment also occurs when a person in authority tries to trade job benefits for sexual favors. This can include hiring, promotion, continued employment or any other terms, conditions or privileges of employment. This is also called "quid pro quo" harassment.

Any employee who feels harassed should report so that any violation of this policy can be corrected promptly. Any harassing conduct, even a single incident, can be addressed under this policy.

Examples of Sexual Harassment - The following describes some of the types of acts that may be unlawful sexual harassment and that are strictly prohibited:

- Physical acts of a sexual nature, such as:
 - Touching, pinching, patting, kissing, hugging, grabbing, brushing against another employee's body or poking another employee's body;
 - Rape, sexual battery, molestation or attempts to commit these assaults.
- Unwanted sexual advances or propositions, such as:
 - Requests for sexual favors accompanied by implied or overt threats concerning the target's job performance evaluation, a promotion or other job benefits or detriments;
 - Subtle or obvious pressure for unwelcome sexual activities.
- Sexually oriented gestures, noises, remarks or jokes, or comments about a person's sexuality or sexual experience, which create a hostile work environment.
- Sex stereotyping occurs when conduct or personality traits are considered inappropriate simply because they may not conform to other people's ideas or perceptions about how individuals of a particular sex should act or look.
- Sexual or discriminatory displays or publications anywhere in the workplace, such as:
 - Displaying pictures, posters, calendars, graffiti, objects, promotional material, reading materials or other materials that are sexually demeaning or pornographic. This includes such sexual displays on workplace computers or cell phones and sharing such displays while in the workplace.
- Hostile actions taken against an individual because of that individual's sex, sexual orientation, gender identity and the status of being transgender, such as:
 - Interfering with, destroying or damaging a person's workstation, tools or equipment, or otherwise interfering with the individual's ability to perform the job;
 - Sabotaging an individual's work;
 - Bullying, yelling, name-calling.

Prohibition Against Retaliation – Unlawful retaliation can be any action that could discourage an employee from coming forward to make or support a claim of discrimination or harassment, including sexual harassment. Adverse action need not be job-related or occur in the workplace to constitute unlawful retaliation (e.g., threats of physical violence outside of work hours).

Unlawful retaliation against any employee who has engaged in "protected activity" is strictly prohibited by this policy as well as (where applicable) federal, state, and local law. Protected activity occurs when a person has:

- made a complaint of harassment or discrimination, either internally or with any anti-discrimination agency;

- opposed harassment or discrimination by making a verbal or informal complaint to management, or by simply informing a supervisor or management of harassment or discrimination;
- reported that another employee has been subjected to harassment or discrimination;
- encouraged a fellow employee to report harassment or discrimination;
- participated in a workplace investigation regarding harassment or discrimination;
- testified or assisted in a proceeding involving harassment or discrimination under the Human Rights Law or other anti-discrimination laws.

Even if the alleged discrimination or harassment does not turn out to rise to the level of a violation of law, the individual is protected from retaliation if the person had a good faith belief that the practices were unlawful. However, the retaliation provision is not intended to protect persons making intentionally false charges of discrimination or harassment.

Reporting of Discrimination and Harassment (including Sexual Harassment) –

Reports of alleged discrimination and/or harassment (including sexual harassment) or retaliation may be made verbally or in writing. A form for the submission of a written complaint is attached to this policy and individuals are encouraged to use this form. If an individual chooses to submit a verbal complaint, such complaint will be recorded by the receiver of this complaint on this form. Employees are encouraged to report incidents of discrimination, harassment (including sexual harassment), or retaliation to their supervisor and/or the Library Director as soon as possible after their occurrence. If the employee's supervisor is believed to be involved in the incident, or if the employee is not comfortable in addressing the incident with the supervisor, the report should be made directly to the Library Director. If the Library Director is believed to be involved in the incident or the employee is not comfortable reporting the incident to the Library Director, the employee should report the incident to a member of the Board of Trustees. Employees who believe they have been discriminated against or harassed and would like to obtain guidance as to how to proceed in filing a complaint, should contact their immediate supervisor, the Library Director, or any member of the Board of Trustees. Employees who work during off-hours are encouraged to contact their supervisor, the Library Director, or any member of the Board of Trustees at home if these individuals do not work during the employee's shift. Non-employees are encouraged to report incidents of alleged discrimination and harassment (including sexual harassment) to either the Library Director or a member of the Board of Trustees.

Supervisory Responsibility – Supervisory personnel must make every effort to ensure a work environment that is free from discrimination and harassment, including sexual harassment. Any supervisor who receives a complaint or information about suspected prohibited activity (as outlined above), observes behavior that may constitute prohibited activity, or for any reason suspects that prohibited activity is occurring, is required to report such suspected prohibited activity to the Library director, or any member of the Board of Trustees.

In addition to being subject to corrective action or discipline if they engaged in prohibited activity themselves, supervisory personnel will be subject to discipline for failing to report suspected prohibited activity or otherwise knowingly allowing prohibited activity to continue. Supervisory personnel will also be subject to corrective action or discipline for engaging in any form of retaliation prohibited by this policy.

Investigation of Complaint – The Library Director, in consultation with the Board of Trustees, will determine the appropriate individual(s) to conduct the investigation, unless the Library Director is the subject of the complaint. In the event that the Library Director is the subject of the complaint, the Board of Trustees will determine the appropriate individual(s) to conduct the investigation. All complaints pursuant to this policy, whether reported in verbal or written form, will be investigated promptly, thoroughly, and in as impartial a manner as possible. The investigation will normally include conferring with the parties involved and any named or apparent witnesses. All employees are required to cooperate in an investigation, if so directed. All persons involved, including complainants, witnesses and alleged perpetrators will be accorded due process to protect their rights to a fair and impartial investigation. All relevant materials, including all electronic communications, documents, emails or phone records that are relevant to the allegations will also be considered. A written report will be prepared documenting the results of the investigation. The individual who reported the complaint and the individual about whom the complaint was made will be notified of the final determination.

Confidentiality – Complaints of discrimination and harassment, including sexual harassment, will be handled and investigated promptly and in a manner that is as impartial and confidential as possible. In no event will information concerning a complaint be released by the Library to third parties or to anyone within Library employment who is not directly involved in the investigation or handling of the complaint unless otherwise required by law.

Corrective Action and Discipline – Any employee who is found to have violated any aspect of this policy will be subject to corrective or disciplinary action, up to and including termination of employment, as provided by Library operating procedures, including Civil Service Law Section 75. Any Elected Official who violates this policy will be subject to remedial action as provided for and/or allowed under NYS Public Officers Law, as well as any other applicable statutes. Any vendor, supplier, visitor, customer, or other non-employee who violates this policy will be subject to remedial action, to the extent that the Library is empowered to take such action.

Legal Protections and External Remedies – Nothing in this policy should be construed as in any way limiting employees' rights to file a formal complaint with the appropriate state or federal agencies responsible for administering anti-discrimination laws. Complainants should be aware that time restrictions may apply and need to be considered. Harassment (including sexual harassment) is not only prohibited by Library policy but is also prohibited by federal, state, and (where applicable) local law. Aside from the Library's internal process, employees may also choose to pursue legal remedies with the following governmental entities at any time.

New York State Division of Human Rights (DHR)

The Human Rights Law (HRL) applies to employers in New York State with regard to harassment and protects employees and non-employees regardless of immigration status. A complaint alleging violation of the Human Rights Law may be filed either with DHR or in New York State Supreme Court. Complaints with DHR may be filed any time within one year of the harassment. If an individual did not file at DHR, they can sue directly in state court under the HRL, within three years of the alleged discrimination. An individual may not file with DHR if they have already filed an HRL complaint in state court. Filing an internal complaint with the Library does not extend the time limits to file with DHR or in court. The one year or three years is counted from date of the most recent incident of harassment. An

attorney is not needed to file a complaint with DHR, and there is no cost to file with DHR. DHR will investigate the complaint and determine whether there is probable cause to believe that discrimination has occurred. Probable cause cases are forwarded to a public hearing before an administrative law judge. If discrimination is found after a hearing, DHR has the power to award relief, which varies but may include requiring the Library to take action to stop the harassment, or redress the damage caused, including paying monetary damages, attorney's fees and civil fines.

DHR's main office contact information is: NYS Division of Human Rights, One Fordham Plaza, Fourth Floor, Bronx, New York 10458, (718) 741-8400. Contact DHR at (888) 392-3644 or visit dhr.ny.gov/complaint for more information about filing a complaint. The website has a complaint form that can be downloaded, filled out, notarized and mailed to DHR. The website also contains contact information for DHR's regional offices across New York State.

United States Equal Employment Opportunity Commission (EEOC)

The EEOC enforces federal anti-discrimination laws, including Title VII of the 1964 federal Civil Rights Act (codified as 42 U.S.C. § 2000e et seq.). An individual can file a complaint with the EEOC anytime within 300 days from the harassment. There is no cost to file a complaint with the EEOC. The EEOC will investigate the complaint and determine whether there is reasonable cause to believe that discrimination has occurred, at which point the EEOC will issue a Right to Sue letter permitting the individual to file a complaint in federal court. The EEOC does not hold hearings or award relief but may take other action including pursuing cases in federal court on behalf of complaining parties. Federal courts may award remedies if discrimination is found to have occurred. If an employee believes that he/she has been discriminated against at work, he/she can file a "Charge of Discrimination." The EEOC has district, area, and field offices where complaints can be filed. Contact the EEOC by calling 1-800-669-4000 (1-800-669-6820 (TTY)), visiting their website at www.eeoc.gov or via email at info@eeoc.gov. If an individual filed an administrative complaint with DHR, DHR will file the complaint with the EEOC to preserve the right to proceed in federal court.

Local Protections

Many localities enforce laws protecting individuals from sexual harassment and discrimination. An individual should contact the county, city or town in which they live to find out if such a law exists.

Contact the Local Police Department

If the harassment involves physical touching, coerced physical confinement or coerced sex acts, the conduct may constitute a crime. Contact the local police department.

**TOWN OF BALLSTON COMMUNITY LIBRARY
COMPLAINT FORM**

**DISCRIMINATION AND HARASSMENT (INCLUDING SEXUAL
HARASSMENT)**

This form is to be used to document any complaint of alleged discrimination and/or harassment, including sexual harassment, as outlined in the policy. Once you complete this form, please submit it to the appropriate individual as outlined in the policy. If you are more comfortable reporting the allegations verbally or in another manner, refer to your policy for guidance. Once you submit this complaint, the Library will commence an investigation pursuant to its policy.

Name of Complainant:	Department:
Name(s) of individual engaging in alleged discrimination and/or harassment including sexual harassment:	Department:
Describe the specific incident of discrimination and/or harassment alleged. Describe each incident separately, including dates, times and locations. If you cannot remember exact dates, times or locations, provide approximations. Use additional pages if necessary.	
Are there others who may have witnessed this alleged discrimination and/or harassment? If so, provide their name(s).	

Are there others who may have experienced similar alleged discrimination and/or harassment by the individual named above? If so, provide their name(s).

Did you tell anyone about your experience after the alleged incident(s)? If yes, provide their name(s).

Did you speak to the individual named in this report about the alleged discrimination and/or harassment? If yes, what was his or her response?

Complainant Signature*: _____

Date: _____

Print Name: _____

Job Title: _____

*I understand that the Town of Ballston Community Library prohibits any individual from retaliating against me for filing a complaint and that I am to report such retaliation pursuant to the Library's policy.

Signature of Person Receiving Complaint: _____

Date: _____

Print Name: _____

Job Title: _____

803 Reproductive Health Decision Making

Policy Statement – The Town of Ballston Community Library complies with NYS Labor Law Section 203-e which prohibits discrimination or retaliation against employees based on an "employee's or a dependent's reproductive health decision making," including, but not limited to, the decision to use or access a particular drug, device or medical service related to reproductive health.

Prohibited Conduct – The Library will not:

- Access an employee's personal information regarding the employee's or the employee's dependent's reproductive health decision making, including but not limited to the decision to use or access a particular drug, device or medical service, without the employee's prior informed affirmative written consent.
- Discriminate or retaliate against an employee with respect to compensation, terms, conditions or privileges of employment based on the employee's or the employee's dependent's reproductive health decision making, including but not limited to a decision to use or access a particular drug, device or medical service.
- Require an employee to sign a waiver or other document that denies the employee the right to make the employee's own reproductive health care decisions.

Employee Rights and Remedies – The law gives an employee the right to bring a civil action in any court of competent jurisdiction against an employer alleged to have violated the law. Available remedies include: (a) damages, including, but not limited to, back pay, benefits and reasonable attorneys' fees and costs; (b) injunctive relief; (c) reinstatement; and (d) liquidated damages equal to 100 percent of the award for damages, unless an employer provides a good faith basis to believe that its alleged violations were in compliance with the law.

804 Workplace Violence Prevention Policy and Incident Reporting

Policy Statement – The Town of Ballston Community Library is committed to providing its employees with a work environment that is safe, secure, and free from violence. The Library also considers the safety of its vendors, contractors, and the general public (collectively referred to as “visitors or patrons”) to be of paramount importance and strives to provide them the same type of protections while on Library property.

Prohibited Conduct – The Library has zero tolerance for violence of any kind in the workplace, including but not limited to, physical assault (e.g., hitting, pushing), threatening, intimidating, or aggressive behavior, or verbal abuse or harassment. In addition, employees and visitors are prohibited from possessing firearms or weapons (e.g., guns, knives, explosives, and other items with the intention to inflict harm) in the workplace, even if licensed to carry the weapon. The only exceptions are law enforcement and authorized security personnel. An employee who has knowledge that a coworker or visitor possesses a weapon on Library property must report this to a supervisor or the Library Director immediately.

For the purpose of this program, the workplace is defined as any location away from an employee’s home, either permanent or temporary, where the employee performs any work-related duty in the course of employment. This includes, but is not limited to, the building and surrounding perimeters, parking lot, and traveling to and from work assignments.

Reporting Requirements – Any incident of workplace violence or imminent danger must be promptly reported to a supervisor, the Library Director or a member of the Board of Trustees.

Policy Violations – Violations of this policy will result in appropriate remedial, disciplinary, and/or legal action, according to the circumstances.

Prohibition Against Retaliation – An employee will not be subject to criticism, reprisal, retaliation, demotion, discrimination, disciplinary action, or other adverse employment action for making a good faith report of acts pursuant to this program.

805 ***Drug-Free Workplace / Drug Free Awareness Program***

Policy Statement – It is the policy of the Town of Ballston Community Library that the unlawful manufacture, distribution, dispensation, possession, or use of an illegal controlled substance as defined in the Federal Drug-Free Workplace Act, is prohibited on the job or at the workplace.

Coverage – This Drug-Free Workplace Policy pertains to all individuals who are employed by the Town of Ballston Community Library.

Compliance with Federal Drug-Free Workplace Act – The Federal Drug-Free Workplace Act of 1988 is applicable to all recipients of Federal grants. In order to receive federal funds, the Library must certify to the granting Federal agency that it will provide a drug-free workplace in accordance with the legislation. As a recipient of Federal grants, the Library hereby complies with the requirements of the Drug-Free Workplace Act by adopting this policy and drug-free awareness program:

Prohibited Conduct – No employee shall use, sell, distribute, dispense, possess, or manufacture any alcoholic beverage, marijuana product, illegal drugs, or any other intoxicating substance, nor be under the influence of such, while on duty, at any workplace, a vehicle leased for Library business, or a privately owned vehicle being used for Library business. An employee who, after investigation, is found to have violated this prohibition may be referred for counseling or rehabilitation and satisfactory treatment and will be subject to criminal, civil and disciplinary penalties, up to and including termination of employment.

Use of Prescription and Over-the-Counter Drugs – Prescription drugs must be in the possession of the individual to whom the prescription was written, taken in the dosage prescribed, and maintained in their original containers. Employees in public safety or safety-sensitive positions must inform their supervisors of any prescription or legal, nonprescription (i.e., over-the-counter) drugs they are currently taking that could in any way affect or impair the employee's ability to perform the job safely. The legal use of prescribed and over-the-counter drugs is permitted on the job only if it does not impair an employee's ability to perform the job safely and if it does not affect the safety or well being of other individuals in the workplace.

Non-Discrimination Policy – The Town of Ballston Community Library will not discriminate against an applicant or employee because of past substance abuse provided it can be demonstrated that the applicant/employee has received appropriate treatment and tests negative for controlled substance use. It is the current use of alcohol and controlled substances that will not be tolerated in the workplace.

Employee Assistance – It is the policy of the Library to work with an employee suffering from substance abuse so that the employee will receive assistance necessary to overcome dependency. An employee seeking such assistance is encouraged to contact the Library Director to discuss the situation before problems begin to surface in the workplace. Any disclosures made by an employee will be treated as strictly confidential to the greatest extent practicable. The employee's decision to seek assistance will not be used as the basis for disciplinary action nor used against the employee in any disciplinary proceeding.

Employee Responsibilities – As a condition of the Library receiving Federal grant monies, each employee must abide by this policy and notify the Library Director of any criminal drug statute conviction for a violation occurring in the workplace within five calendar days of the conviction.

Library Responsibilities – The Library will notify the granting federal agency within ten days after receiving notice from an employee of such a conviction or otherwise receiving actual notice of such conviction. In addition, within thirty calendar days of receiving notice of a conviction, the Library will take disciplinary action against the employee and/or require such employee to satisfactorily participate in a drug abuse assistance or rehabilitation program pursuant to Sections 702 and 703 of the Drug-Free Workplace Act.

Drug-Free Awareness Program – It is the policy of the Town of Ballston Community Library to maintain a drug-free workplace. In accordance with that policy, the Library is providing the following drug-free awareness information to raise employee awareness of the dangers associated with drug abuse in the workplace.

Dangers of Drug Abuse in the Workplace

Employees with chemical dependence problems have a major negative impact on productivity, staff morale, and labor/management relations. Their hidden illness is responsible for:

1. Declining Performance

- poor concentration
- confusion in following directions
- noticeable change in the quality of work
- inability to meet deadlines
- errors in judgment affecting the health and safety of others
- customer complaints and injuries

2. Increased Costs

- five times the average sick and accident benefits
- higher job turnover, replacement and training costs
- greater workers' compensation and health insurance payments
- 3 to 5 times more on-the-job accidents
- unemployment claims

3. Absenteeism and Tardiness

- double the normal rate
- repeatedly being late for work and often leaving early
- extended lunch hours
- frequent illness and accidents both on and off the job

4. Damaged Relationships

- emotional outbursts, over-reaction to criticism, mood swings, complaints from co-workers, associates and the public often leading to damaged relations

806 Smoking

Policy Statement – In accordance with the NYS Clean Indoor Air Act, it is the policy of the Library to prohibit smoking in the workplace, which includes the Library building and the surrounding Library property.

900 SAFETY

901 *Workplace Safety*

Policy Statement – Prevention of injury and illness in the workplace requires the cooperation of all employees in all safety and health matters. It is the policy of the Library to reduce the number of workplace injuries and illnesses to an absolute minimum. Accidents can be prevented through use of reasonable precautions and the practice of safe working habits.

Employee Responsibility – In an effort to protect all employees and to safeguard equipment and property, before an employee begins a given task, it is the employee's responsibility to understand the correct operation and possible hazards involved, safety procedures, and necessary safety equipment required to perform the job.

Safety Program – The Library's safety program includes, but is not limited to, the following:

- Providing mechanical and physical safeguards to the maximum extent possible;
- Conducting inspections to find and eliminate unsafe working conditions and practices, control health hazards, and comply with the safety and health standards for every job;
- Training all employees in safety and health practices;
- Providing necessary personal protective equipment and instructions for its use and care;
- Developing and enforcing safety and health rules and requiring that employees cooperate with these rules as a condition of employment;
- Investigating, promptly and thoroughly, every accident to find the cause and correct the problem to prevent future occurrences;
- Providing First Aid kits and fire extinguishers throughout the Library.

Accident Plan – In the event of an accident, an employee must immediately stop work and take the following steps:

- Provide aid to the injured person and summon for assistance;
- Eliminate the immediate cause of the accident;
- If the accident appears serious, call 911;
- Notify the Library Director or person-in-charge at the time of the accident immediately; and
- Take steps to prevent additional accidents.

Accident Reporting Procedures – In the event an accident occurs in the workplace or in the course of employment, the following procedures will apply:

- When an accident occurs which results either in the loss of an employee's work time, or in the provision of medical care to an employee, the employee must immediately notify a supervisor who will in turn notify the Library Director. The supervisor must complete an *Employer's Report of Injury Form (C-2F)* and submit according to operating procedures.
- When an accident occurs which does not result in the loss of an employee's work time, or in the provision of medical care to the employee, the employee must immediately notify a supervisor who will in turn notify the Library Director. The Account Clerk will maintain appropriate documentation of the incident.
- The Account Clerk will keep a log of the injury or illness for five years following the end of the calendar year to which it relates. A copy of this log, which includes totals and information for the year, must be posted in each department or areas where notices to employees are customarily posted.

1000 COMMUNICATION PROCEDURES

1001 Organizational Communications

Summary – The Board of Trustees is committed to assuring effective communications between the Board and employees. The success of the organization is dependent upon a set of common interests and goals that are achieved through teamwork, sharing of ideas, and effective communications of our short-term and long-term plans. From time to time, information and updates will be distributed to employees. All employees are encouraged to discuss this information with the Library Director should there be any questions.

Methods of Communication – Information will be communicated to employees in a variety of ways, including general meetings, e-mail distributions, memos and other written correspondence, notices distributed with paychecks, and posting of information. Employees should check bulletin boards frequently to keep informed on changes in employment matters and other items of interest. All material to be posted on bulletin boards, including memos and announcements, must have the prior approval of the Library Director.

1002 Adverse Communications

Policy Statement – An employee who receives any communication of a negative nature directed to the Library, or to any of its officers or employees in their official capacity, shall immediately notify and/or forward the communication to the Library Director. The term “communication” shall refer to both written and verbal communications, and includes, but is not limited to, memoranda, faxes, messages, letters, legal notices, e-mails, summonses and other communications.

1003 Suggestions

Policy Statement – Giving and receiving feedback is encouraged in order to promote a positive, productive, and cooperative atmosphere. Employees should notify their supervisor or Library Director of any suggestions which may be valuable to the Library’s productivity and success. All suggestions will be carefully reviewed and may be implemented if feasible.

1004 Public Relations

Policy Statement – The courteous, professional treatment of members of the public by all employees helps to build confidence among the citizens that the Library serves. The Library requires that all employees make every effort to represent the Library in a polite and professional manner.

1005 Reporting of Improper Activities

Policy Statement – Any employee who witnesses or becomes aware of an inappropriate action, improper financial circumstance, inappropriate use of Library funds or property, safety issue, or other matter that appears to be improper, should immediately make the Library Director or any Board of Trustees member aware of the issue. When an imminent and serious danger to public health or safety exists, an employee may see fit to immediately report violations to law enforcement or other applicable governing body. If an employee has doubt over what they have witnessed, the Library encourages the employee to report the incident.

Retaliation – Under Section 75-B of New York State Civil Service Law, New York State Public Sector Whistleblower Law, an employee, who in good faith, discloses to a governmental body information regarding a violation of law, a substantial and specific danger to the public health or safety, or an improper governmental action which the employee reasonably believes to be true, shall be protected from any adverse personnel action including, but not limited to: termination, disciplinary action, or changes in compensation. Any Library employee or officer who commits or condones any form of retaliation against anyone who in good faith reports alleged misconduct will be subject to discipline up to, and including, termination.

1100 DISPUTE RESOLUTION

1101 *Dispute Resolution Procedure*

Policy Statement – The Board of Trustees has established a set of procedures to provide for the orderly resolution of differences at the earliest possible stage and to promote a harmonious and cooperative relationship between employees, supervisors and members of the Board of Trustees which will enhance the overall operation of the Library. The Library will attempt to resolve all work-related complaints that are appropriate for handling under this policy.

Definition of Dispute – For the purpose of this Employee Handbook, a “dispute” will mean a claimed violation, misinterpretation or inequitable application of any of the provisions of this Employee Handbook. In addition, the term “dispute” shall not apply to any matter as to which the Library is without authority to act. A few examples of matters that may be considered appropriate disputes under this policy include:

- A belief that Library policies, practices, rules, regulations, or procedures have been applied in a manner detrimental to an employee;
- Improper or unfair administration of employee benefits or conditions of employment such as scheduling, vacations, fringe benefits, promotions, retirement, holidays, salary, or seniority.

Step One – An employee who claims to have a dispute may present the dispute to the Library Director. The dispute must be submitted, in writing, within seven working days following knowledge of the event(s) which caused the dispute or when the employee should have had knowledge. The dispute will specify the date of submission, the name of the aggrieved employee, the date the dispute arose, the nature of the dispute, the provision of the Employee Handbook that was allegedly violated and a statement of facts, times, dates, and the remedy sought.

Within seven working days after receiving the dispute, the Library Director will meet with the employee to discuss and attempt to resolve the matter.

Step Two – In the event the informal dispute is not resolved at Step One, or the employee reasonably believes that the employee cannot present the dispute to the Library Director, the employee may submit the matter to the Board of Trustees. The dispute must be submitted, in writing, within seven working days from receiving the Step One response, or when the response should have been received or if Step One is not utilized for the above reason, within seven working days following knowledge of the event(s) which caused the dispute or when the employee should have had knowledge.

Within seven working days after receiving the dispute, the Board of Trustees, or a designated member of the Board of Trustees, will meet with the employee to discuss and attempt to resolve the matter. Within seven working days from the meeting, the Board of Trustees will issue a written response.

The Board of Trustees will set the time and place for the meeting. All decisions rendered by the Board of Trustees will be final and binding.

Time Limits – The employee must adhere to the time limits set forth in this dispute procedure. In the event the employee does not advance the dispute to the next step within the established time limit, the dispute will be considered withdrawn and no further appeal will be accepted. The time limits may be extended by mutual agreement provided the extension is in writing, dated and signed by the employee and the person who is to receive the dispute.

Final Decisions – Final decisions on disputes will not be precedent-setting or binding on future disputes unless they are stated as official Library policy.

Proper Use of Dispute Resolution Procedure – Employees will not be penalized for proper use of the dispute resolution procedure. However, it is not considered proper use if an employee raises a dispute in bad faith or solely for the purposes of delay or harassment, or repeatedly raises meritless disputes. Implementation of the dispute procedure by an employee does not limit the right of the Library to proceed with any disciplinary action that is not in retaliation for the use of this procedure.

Refusal to Proceed with Dispute – The Board of Trustees may, at its discretion, refuse to proceed with any dispute it determines is improper or baseless under this policy.

1200 EMPLOYEE ACKNOWLEDGEMENT FORM

Detach and place in employee's personnel file.

TOWN OF BALLSTON COMMUNITY LIBRARY EMPLOYEE HANDBOOK ACKNOWLEDGMENT

I hereby acknowledge that I have received a copy of the ***Town of Ballston Community Library Employee Handbook*** outlining the rules, regulations, procedures, practices, work standards, employment classifications, compensation, and benefits of the Town of Ballston Community Library. I further acknowledge that I have read, or will read, the contents of the Employee Handbook and will contact my Library Director or the Library Director if I have any questions.

I understand that the Employee Handbook is not meant to create a contract of employment, nor should it be construed as creating a contract of employment and that the Board of Trustees of the Town of Ballston Community Library reserves the right to interpret, change or modify any section of the Employee Handbook at any time. Except as otherwise provided by law, I understand that I am an employee at will.

I agree to abide by the personnel policies, procedures, rules and regulations outlined in the Employee Handbook.

I understand that the Employee Handbook and the changes contained herein are intended to supersede all prior manuals and guidelines issued by the Town of Ballston Community Library, and may be changed from time to time, by the Town of Ballston Community Library.

Employee name (please print)

Employee Signature

Date of Signature