



## **OHIO COUNTY PUBLIC LIBRARY WHEELING, WV**

### **PERSONNEL POLICIES**

The Ohio County Public Library operates under the governance of the Ohio County Public Library Board of Trustees.

The following policies have been established and approved by that board and are intended to provide answers to many frequently asked questions and to serve as a guide for all employees of the Ohio County Public Library. These policies are not to be considered an employer/employee contract or a part of your job description. Rather, they are intended to serve as a guide in the performance of your assigned duties while employed at the library.

Furthermore, any amendment to the employee policy which is adopted and approved by the Board of Trustees shall be provided to each employee after the library board meeting in which it was approved. It is important that employees understand that the Employee Handbook is not intended to create any contractual rights in favor of them or the Ohio County Public Library. Nor does the Employee Handbook serve to alter the "at will" nature of the employment relationship between the library and its employees.

It is important that all concerned familiarize themselves with the contents of the Handbook and keep it for future reference. Any more specific questions an employee may have should be directed to the Library Director. The library and its employees will benefit if all are kept accurately informed.

## **PART 1-----DEFINITIONS**

“Permanent full-time professional librarians” means employees holding a Masters Degree in Library and Information Science. “Paraprofessional library assistants” means employees holding a Bachelor’s Degree. “Permanent full-time maintenance staff” means employees performing maintenance and janitorial services. These three classes of employees work 40 hours per week. All other permanent full-time employees work 35 hours per week. Permanent full-time employees receive full benefits.

“Permanent part-time employees” means employees who work less than 35 hours per week and are not eligible for health care benefits.

“Temporary full-time” and “temporary part-time employees” are employees who are hired for a specified period of six months or less. Temporary employees are not entitled to any Ohio County Public Library employee fringe benefits which are not required by law.

*-This section adopted and approved November 17, 2010.*

## **PART 2-----LEAVE**

### ***SECTION 1.-----VACATIONS***

The vacation period for each employee is the calendar year beginning with an employee’s first day of employment with the Ohio County Public Library and ending with the day prior to the beginning day of employment in the following calendar year. As used in this policy, "month end" and "year end" mean full calendar periods. The term "service" refers to regular full-time and permanent part-time employment, thus excluding temporary workers.

Vacation time is accrued on a monthly basis throughout the year. Vacation time may not be taken until six months of satisfactory service has been completed. Employees may not choose to forego their vacation and elect to receive additional pay instead of the time off. If vacation time is not used within eighteen months of being earned, it will be forfeited.

Vacations may be scheduled throughout the year at the discretion of the Library Director, who will consider adequate staffing levels at times of peak demand. Every effort will be made to accommodate the request of the employee. However, the operation of the library and its efficient service to the public take precedence over vacation requests. If two or more employees request the same vacation time and this presents a conflict with work demands, the Library Director will consider length of service of notice provided by the requesting employees as well as length of employment service to the library by those employees in determining the apportionment of vacation time among those employees who have applied for the same period.

Paid holidays which occur during an employee's vacation will not count as a vacation day. Illness during a vacation will not extend the scheduled period or convert the absence to sick leave, except if the employee is hospitalized or becomes disabled for an extended period of time.

For purposes of vacation time accrual, an employee will continue to earn vacation time while on sick leave.

The amount of paid vacation time to which an employee is entitled each year depends on the number of hours worked per week, the number of years of service, and whether he or she is a professional Librarian with a Masters of Library Science degree. The ratio of vacation time accrues as follows:

Professional Librarians with a Masters of Library Science	Employees with 0 – 4 years of service	Employees with 5 – 9 years of service	Employees with 10 or more years of service
20 days annually, or 4 weeks	10 days annually, or 2 weeks	15 days annually, or 3 weeks	20 days annually, or 4 weeks

The formula for determining vacation hours earned per month is:

$$(\text{No. of hrs. worked per week} \times \text{No. of weeks of vacation earned per year due to longevity}) \div 12 = \text{monthly rate}$$

In the event of the death of a staff member who has earned vacation days remaining to his credit, payment for these days shall be made to his heirs or estate. This earned vacation time shall also include any carry-over into the six months before the next anniversary day of employment.

Cash payment for accrued unused vacation time shall be made to the employee upon termination of employment.

***-Revised and Adopted: December 14, 1999, September 14, 2011, February 8, 2012, January 13, 2016***

***SECTION 2.-----SICK LEAVE***

Sick leave is provided by the Ohio County Public Library only for, and is intended to be used only for, short term absences from scheduled work due to personal illness or injury which is not a result of or related to work activities. Sick leave benefits are not to be used for purposes of engaging in various forms of leisure, social or personal time, nor is it to be used as a way to extend holidays, vacation periods, or weekends. The library's sick leave policy is established to help employees cope with the financial burden of lost income incurred due to personal illness. This policy should not be abused. Employees accrue sick leave at the rate of one and one-half days per month based upon the number of hours worked per week according to this formula:

$$(\text{No. of hrs. worked per week} \div 5 \text{ days per week}) \times 1.5 = \text{No. of hours of sick leave earned per month}$$

There is unlimited accumulation of sick leave.

An employee eligible to retire at the time of separation from employment may use unused sick leave to acquire additional credited service in the state retirement system under the guidelines established by the Consolidated Public Retirement Board. The library does not provide cash payment for unused accrued sick leave at the time of separation from employment, whether through retirement or for other reasons.

An employee must work eleven days per month in order to accrue a full month's sick leave for that month. Sick leave will accrue during vacation time, but does not accrue during sick leave absence.

When the services of an employee have been terminated, all sick leave credited shall be canceled as of the last working day with the library. No pay shall be granted for accrued sick leave.

Sick leave is to be used only under the following conditions:

- (a) When the employee is unable to perform his/her duties because of illness or injury which is not incurred/suffered in the course of and resulting from employment covered by the Worker's Compensation laws.
- (b) When a doctor requires the employee to absent himself/herself from work because of exposure to a contagious disease that would jeopardize the health of other employees through his/her presence, which disease was not incurred/developed in the course of and resulting from employment covered by the Worker's Compensation laws.
- (c) An incapacity due to pregnancy shall be charged to sick leave under the same conditions applying to any illness.

Injury or illness must be reported as early as possible on the first day of absence on sick leave to the Library Director. For an absence in excess of three working days or for lesser periods when determined necessary by the Library Director, a medical certificate stating that the employee was not able to work or other evidence of the reason for the absence may be required. In the absence of such evidence, vacation leave shall be charged for the entire period. An employee who abuses the privilege of paid sick leave shall be subject to disciplinary action, up to and including dismissal.

Sick leave may be authorized for illness of the employee or his/her spouse, child or parent. Sick leave may also be authorized for the employee's personal appointments with a recognized health practitioner (physician, dentist, psychologist, etc.) and, in special circumstances, with the approval of the Library Director, the appointments of his/her spouse, child or parent.

In maternity cases, the employee may utilize her sick leave for physician appointments and during the period of confinement in the hospital. Upon release from the hospital, a maximum of ten days sick leave may be used. Additional days of sick leave beyond the approved ten days will be handled the same as any other illness in accordance with the Library's Sick Leave Policy. In addition, the Library complies with the Family Medical Leave Act as stated in Section 4 of the Library's Personnel Policies.

The Library Director, in special circumstances, may advance sick leave for an employee; however, if an employee has not accrued sufficient sick leave to cover advanced leave prior to his/her termination of service, the value of such advanced sick leave shall be deducted from the employee's final pay.

***-Revised and adopted: November 14, 2007; Revised and adopted: January 13, 2016***

### ***SECTION 3.----FUNERAL LEAVE***

Funeral leave, not to exceed three days, will be authorized as paid leave in the case of the death of an employee's relative or related person. These "related persons" include an employee's spouse, child, parent, grandparent, or sibling, as well as the in-law or step persons of the same relation as the preceding list. This three day period may be extended in unusual circumstances, however, with the approval of the Library Director.

***-Revised and adopted: March 12, 2008***

### ***SECTION 4.----FAMILY MEDICAL LEAVE***

In accordance with the Family and Medical Leave Act of 1993 (FMLA), employees may be granted up to twelve weeks of unpaid leave for the following reasons:

- (a). The birth of a child.
- (b). The placement of a child with the employee for adoption or foster care.
- (c). The care of a spouse, son or daughter under 18 years of age, parent or dependent of the employee with a serious health condition or the child of the employee 18 years of age or older and incapable of self-care because of a mental or physical disability.
- (d). The employee's own serious health condition which makes him/her unable to perform the functions of his/her job.

A "serious health condition" is defined as an illness, injury, impairment, or physical and/or medical condition requiring 1) inpatient care in a hospital, hospice, or residential care facility, or 2) continuing treatment by a health care provider and prohibiting the individual from attending school or carrying out normal daily activities.

The Library allows employees to use 80 hours of accrued sick leave for dependent care prior to beginning unpaid leave under the Family and Medical leave Act of 1993.

When possible, the employee desiring to take a leave that is in accordance with the reasons outlined in the FMLA shall provide the Library Director with a two-week prior notice of such expected leave. If a leave under this act is foreseeable because of planned medical treatment or supervision, the employee shall make a reasonable effort to schedule the treatment or supervision so as not to disrupt unduly the operations of the employer, subject to the approval of the health care provider of the employee's son, daughter, parent, or dependent and shall provide the employer with a two-week written notice of the treatment or supervision.

The Library Director may require the employee to provide certification by a health care provider that the child, dependent, parent or employee himself/herself has a serious health condition, the date the condition commenced, its probable duration, and other pertinent medical facts regarding the serious health condition. All such leaves as outlined in the preceding paragraphs will be granted by the Ohio County Public Library in compliance with the regulations and guidelines of the FMLA.

*-Revised and adopted: March 12, 2008*

### ***SECTION 5.----LEAVE WITHOUT PAY***

The following will apply to leave without pay for reasons other than those covered by the FMLA:

- (a). A leave of absence without pay may be granted at the discretion of the Library Director to permit an employee to be absent from his/her job for a specified period of time (generally, after accumulated sick leave, vacation, holiday and compensatory time have been used for this purpose).
- (b). Sick leave and vacation time do not accrue to an employee while the employee is on leave of absence for 30 calendar days or more. Medical and life insurance coverage may, if the employee chooses, be maintained during leave without pay for a period of 30 calendar days or more by his/her remitting the full premium amount(s) to the Ohio County Public Library. An employee will continue to receive fringe benefits, as usual, during leaves of absence of less than 30 calendar days.

### ***SECTION 6.----WORKER'S COMPENSATION***

All library employees are insured through Workmen's Compensation. This means that, should an employee be injured while on the job or contract an occupational disease, benefits will be received depending on the seriousness of the injury or illness and upon eligibility determination by the insurance carrier. An employee must notify the Library Director as soon as possible in the event of a work related accident. In no event should the employee delay notification longer than twenty-four hours. Further detailed information regarding Workers' Compensation may be obtained from the library office. Worker's Compensation forms shall be co-signed by the Library Director and the Chairperson of the Ohio County Library Board of Trustees and filed with the library for administrative purposes.

Where the illness or injury is covered by the Worker's Compensation laws, but the period of absence from work is **less than** the minimum period of time provided by Workers' Compensation laws for receipt of wage benefits, employees shall have the option of electing to take sick leave for the period of absence. Charges against sick leave time shall be on an hourly basis.

If an employee does not wish to exercise his option to elect to take sick leave for a period of absence less than the minimum statutory period of time provided by the Worker's Compensation laws for receipt of wage benefits but the illness/injury is covered by the Workers'

Compensation laws, the employee must **notify the Library Director** by signing a sick leave waiver form within seven days of the employee's initial absence.

Where the illness or injury is covered by the Workers' Compensation laws and the employee receives Workers' Compensation wage benefits for the period of absence related to the illness or injury, the employee shall have the option to elect to take sick leave to make up any difference between the Workers' Compensation wage benefits and the employee's normal sick leave pay. Minimum charges against sick leave time shall be on an hourly basis where sick leave is taken by the employee to make up the difference between Workers' Compensation wage benefits and the employee's normal sick leave pay.

If an employee does not wish to exercise his option to elect to take sick leave for an illness/injury which is covered by the Workers' Compensation laws and for which he receives Workers' Compensation wage benefits, he must **notify the Library Director** and sign the sick leave waiver form within seven days of the employee's initial day off due to the illness/injury. Unless the employee signs and submits the sick leave waiver form within seven days of the employee's initial absence, the employee's sick leave will automatically be applied to the term of absence to make up the difference between Workers' Compensation wage benefits and an employee's normal sick leave benefits. Minimum charges against sick leave time shall be one-half day where the employee fails to sign and submit the sick leave waiver form within seven days of the employee's initial absence.

An employee on Workers' Compensation will not accrue annual or sick leave.

### ***SECTION 7.----CIVIL LEAVE***

Civil leave with pay will be granted to any full-time employee without loss of pay when performing jury duty, appearing in court as witness in answer to subpoena, or in an official capacity in connection with the library or as an expert witness either because of professional or observed knowledge.

Civil leave with pay will be granted to any full-time employee to perform emergency civilian duty in connection with National Defense and for the purpose of voting when the polls are not open at least two hours before or after the employee's scheduled hours of work.

Civil leave without pay will be granted to any full-time employee if he/she is involved in a personal case either as a defendant or as a plaintiff in a suit not resulting from his/her duties with the library. The employee may utilize any available vacation leave for this purpose as well.

### ***SECTION 8.----MILITARY LEAVE***

Military leave will be granted to full-time employees who are members of the U. S. Armed Forces reserve components, including the National Guard, to attend required annual training or other duty required by the services. Employees volunteering for service in the active duty forces will not be eligible for military leave.

Each military leave of absence will be granted for the duration of the employee's active service in the Armed Forces up to the limit set by law, and the employee will be eligible for employment in accordance with the applicable Federal laws.

Any library employee called to serve for a domestic emergency or to attend a summer camp, for a period not to exceed thirty calendar days, will receive his/her regular pay. Benefits shall not be applicable when individuals are ordered or called to active duty by the President. (West Virginia Code Section 15-1F-1).

### ***SECTION 9.----HOLIDAYS***

The following dates are designated as annual approved holidays by the Ohio County Public Library Board of Trustees:

New Year's Eve	Independence Day
New Year's Day	Labor Day
Martin Luther King's Birthday	Thanksgiving Day
President's Day	Christmas Eve
Memorial Day	Christmas Day
West Virginia Day	

In addition to these full-day holidays, the library closes at 5 p.m. on Thanksgiving Eve Day. When a holiday falls on a Sunday, the following Monday shall be observed as the official holiday.

When a holiday falls on a day which is a regular day off for an employee, the employee may take equivalent time off at a **later** date. For members of religious groups that have special observances on days other than legal holidays observed by the library, the Library Director, upon proper advance notification (two weeks minimum) by the employee, will permit the employee time off. This time off may be charged against the employees vacation leave or taken as time without pay.

Full-time employees are entitled to holidays with pay. Permanent part-time employees receive holiday time off with pay that is equivalent to their regular pay for any hours that they were scheduled to work on the holiday. If they were not scheduled to work on the day when the holiday occurred, they are not paid for the holiday.

***-Revised version of this section approved and adopted -- March 10, 1998, July 11, 2000, January 14, 2003.***

## **PART 3.----CHANGES IN POSITION**

### ***SECTION 1. ---- APPOINTMENTS***

Selection of employees is based solely on the requirements of the position, with due attention to appropriate educational, technical, and personal qualifications for the position, combined with prior work experience and references. As an Equal Opportunity Employer, the Ohio County Public Library does not discriminate in regards to age, race, sex, marital status, political or religious beliefs.

Appointment of members of the immediate families of board members or current staff members is prohibited.

*-This section adopted and approved May 12, 1998.*

## ***SECTION 2.----PROMOTIONS & RETIREMENT***

Promotions of current employees of the Ohio County Public Library will be based solely on an applicant's qualifications for the position. Vacant positions may be advertised in local newspapers and the local job service office. Open positions will also be advertised to the library staff by announcing the opening in the Staff Meeting Minutes. Any current library employees may express interest in any vacant position by stating such in writing to the Library Director.

All full-time and part-time employees of the library who work in excess of twenty hour per week are members of the West Virginia Employees Retirement System. The library contributes ten and a half percent toward the pension fund, while the employee contributes four and a half percent. The percentage of contribution is subject to change by the WVPERS. If an employee leaves the employment of the library, he/she is entitled to withdraw the employee portion contribution towards the West Virginia Pubic Employees System.

## ***SECTION 3.----SEPARATIONS, RESIGNATIONS, AND DISMISSALS***

When employment with the Ohio County Public Library ends, the employee will be issued a final paycheck. This final check will be calculated incorporating any time worked or owed to the employee (including accumulated leave or compensatory time) minus any leave, unexcused absences, or other obligations owed to the Library by the employee.

Employees choosing to resign who hold professional library/information science degrees are expected to provide a thirty-day written advance notice of their intention to resign to the Library Director. Additionally, the Library Director is expected to provide such advanced written notice to the Library Board of Trustees. Employees not holding professional library/information science degrees are expected to provide a 15 day advance notice of their intention to resign to the Library Director.

Unless, by action of the Library Director or the Board of Trustees, the provision of providing an advanced resignation notice is waived (for special circumstances), failure to provide such notice will exclude the employee from any future employment with the Library.

Employees may be involuntarily terminated from employment with the library for budgetary reasons, for an important deficiency in work performance, and because of personal conduct detrimental to the library as determined by the Library Director and/or the Library Board of Trustees. "Budgetary reasons" includes budget constraints, work load requirements and other reasons requiring a reduction in force of library employees. Should a reduction in force prove necessary, such employees will receive a two week notice or two week termination pay as conditions warrant. For six months thereafter, a list will be kept of the names of those laid off to be notified, in writing , of subsequent job openings with the library. Upon indication of interest

in any openings, the laid-off employee will be considered and interviewed for any positions for which he/she meets the qualifications.

Dismissals of library employees will be made when the Library Director determines that an important deficiency in work performance exists. If an existing condition or deficiency is of such a serious nature that the Library Director believes that immediate suspension of the employee is necessary for the continued effectiveness of library operations, the employee may be suspended with or without pay and/or fringe benefits. This suspension will take effect immediately upon written notification of the employee. Suspensions may be permanent or may be for a specified period of time ranging from one to three weeks as outlined in the written notification of suspension.

No employee will be suspended, terminated nor laid off because of race, religion, sex, physical handicap, age national origin or ancestry. Furthermore, all employees have the right to utilize the library's grievance procedure if they believe such a violation has occurred.

*-Revised version of this section approved and adopted --- January 11, 2000*

#### ***SECTION 4.----DISCIPLINARY ACTION/CAUSES AND PROCEDURES***

The Ohio County Public Library's rules of conduct apply to all employees. These rules are necessary to assure a safe, efficient library operation; to assure compliance with State and Federal laws; and to protect the well-being and rights of all employees. Though all breaches of proper conduct by employees of the library are unacceptable, varying degrees of seriousness exist. The following list of offenses by an employee of the library will result in the disciplinary steps being taken by the Library Director toward the offending employee.

1. Unauthorized or excessive absence, tardiness or early quitting.
2. Unauthorized time away from work station.
3. Failure to notify Library Director promptly of completion of tasks directly assigned to the employee by the Library Director.
4. Failure to meet assigned housekeeping responsibilities.
5. Failure to perform or lack of attention to all assigned duties and job responsibilities.
6. Failure to follow prescribed work procedures.
7. Failure to notify the Library Director of absences.
8. Absence without approved leave.
9. Negligent handling of library property.
10. Violation of safety rules and procedures.
11. Unauthorized use of library materials or equipment.
12. Unsatisfactory interpersonal relations and communications with patrons, other library staff, or others.

Behavior of such a serious nature that a first occurrence can be just cause for discharge without prior notice or warning includes, but is not limited to, the following offenses:

1. Intentional falsification of personnel records, time records, or any other library documents and records.
2. Fighting during work time and on library premises. This includes verbal as well as

- physical aggression.
3. Use of alcohol or illegal drugs during work time or on library property, or bringing alcohol or illegal drugs on library property.
  4. Refusal to comply with the specific instructions of a supervisor or the Library Director in the context of an assigned job duty, otherwise known as insubordination.
  5. Sexual harassment of fellow employees or library patrons.
  6. Deliberately damaging, defacing, or misusing library property or the property of co-workers.
  7. Theft, misappropriation, embezzlement, unauthorized possession or removal of library property or the property of co-workers.
  8. Immoral or indecent conduct which occurs on library property or premises and interferes with the performance of an employee's duties which said behavior reflects negatively upon the professional atmosphere of the library and is inappropriate to the work place.
  9. Sleeping during work hours.
  10. Unauthorized or illegal possession of explosives, firearms, or other dangerous weapons on library premises.
  11. Three incidents of failure to report an absence, either consecutively or on three separate occasions without a satisfactory explanation.
  12. Threatening, intimidating, coercing, or interfering with employees or supervisors in the performance of their duties.
  13. Conviction of a felony.
  14. Acts of hate.
  15. Violating any confidentiality requirements which may be established by the Library Director or the Library Board of Trustees.
  16. Continued unsatisfactory job performance.

Disciplinary steps will be carried out in the following manner. When the Library Director determines that an important deficiency in work performance exists, she/he will meet with the employee and outline in writing the deficiency(ies) that exist and the corrective steps and actions needed to be taken by the employee to eliminate such deficiency(ies). If the employee fails to comply with the corrective steps and actions outlined in writing, a second meeting will occur between the Library Director, the Assistant Director, and the employee and a second warning will be issued by the Library Director to the employee. This written notification will detail the specific failures in compliance by the employee and will outline the corrective steps to be taken immediately by the employee. If the employee does not comply with these corrective steps and actions after the second written notification and warning, the employee may be dismissed by the Library Director without further notice.

Written warning notices become part of an employee's record and will be considered when evaluating an employee for promotion, transfer, training, or additional discipline. It is the responsibility of the Library Director and any other supervisory library personnel he/she designates to review the employee's work performance and conduct within six months of any written warnings and instructions to assure that the outlined corrective steps and actions are being followed or have been completed. Written documentation of this review meeting shall be made a part of the employee's record.

***-Revised version of this section approved and adopted – June 12, 2006.***

## **PART 4---- GRIEVANCE PROCEDURES.**

### ***SECTION 1.----GRIEVANCE PROCEDURES***

If an employee of the Ohio County Public Library has a grievance concerning his or her working conditions or environment, the employee shall request in writing within ten working days of the date on which the event became known to the employee; or of the most recent occurrence of a continuing practice giving rise to the grievance that a conference be scheduled with the Library Director and the employee to discuss the nature of the grievance and the action or remedy sought. The conference must be held within three working days of the date of the employee's request. The Library Director shall respond within two days following the date on which the conference was held.

If the employee is not satisfied with the response, the employee may within ten days of the receipt of the Library Director's response, file a written grievance with the Library Director. The Library Director shall then provide the employee a written decision on the filed grievance within five days of the date the written grievance was delivered.

If the employee is not satisfied after reviewing the Library Director's written decision, he/she may appeal to the Ohio County Public Library Board of Trustees by presenting a written request for a hearing to the Chairperson of the Library Board. The written request for a hearing shall include all written documentation from all the earlier stages of the grievance/complaint procedure. Copies of this request and of all documentation shall also be sent to individual members of the library board and to the Library Director. The Library Board of Trustees will then schedule a hearing within fifteen days, unless otherwise extended by agreement or because of illness, of the written request. The employee, the Library Director, and any other pertinent employees of the library shall attend the hearing with the Library Board of Trustees.

The decision of the Ohio County Public Library Board of Trustees shall be issued to all involved parties within five working days of the hearing.

***-Revised and Adopted June 10, 1997, March 10, 1998, June 1, 2000***