

**SAN JUAN ISLAND LIBRARY DISTRICT BOARD OF TRUSTEES**  
Special Meeting, Meeting Room, San Juan Island Library  
April 22, 2013

**Members Present:** Glenna Hall, Fred Henley, Barry Jacobson, Mark Madsen, Lynn Weber/Roochvarg

**Members Absent:** None

**Staff Present:** Laurie Orton, Carrie Lacher

**Guests Present:** James Wolf, Clarity Connections; Adina Cunningham, Library Attorney, by Skype

**Visitors:** none

**Call to Order:** President Barry Jacobson called the meeting to order at 10:00 a.m.

**Agenda Approval**

The purpose of the special meeting was for a work session regarding the Library's personnel policies. The Board accepted the agenda by acclamation.

**OLD BUSINESS**

Barry summarized that James had proposed some revisions to the Library's personnel policies. Adina also proposed some revisions and recommended splitting the Library's current policy manual into two with one manual for personnel policies and one for operations related policies.

Adina further explained that the working draft was provided to the Board as an introduction to the idea of having a new personnel policy manual. Adina also provided a draft Table of Contents and particularly focused on proposed discretionary policies. Adina noted that personnel policies are particularly helpful when there is a problem and when there is a question. Clear policies are good for both staff and the director and help to set firm expectations.

**Chapter 1 Purpose and Scope**

The Board considered this proposed new section. Adina explained that the culture of the employer is often reflected in this first section. The Board agreed they generally liked the content as well as the tone as drafted.

- Section 1.01 Introduction: Change "choices" in paragraph 3 to "chances."
- Section 1.02 Intent of Policies: Manual language was changed to reflect "for cause" rather than "at will." Questions were raised by the Board regarding the sentence "Unless specific rights are granted to you in employment contracts or elsewhere, employees of the Library may be terminated for just cause..." Adina suggested the Board seek a second opinion of applicability of "at will" vs. "just cause." Adina pointed out that a governmental entity, even if an "at will" environment, will almost

always be subject to a due process and further noted that more and more employers must prove “just cause” even for non-contracted, non-union employees. James raised a question about the use of “just cause” and Adina noted she would track the language throughout the manual to be consistent with RCW 27.12.210.

- Section 1.02, opening sentence: Fred expressed concern about the sentence “These policies are not intended to be a contract...” stating that this may imply an environment of instability and may not foster a sense of confidence. Fred further noted the current draft was board-friendly language and did not feel particularly employee friendly. James noted that this was common language in most business environments so his opinion was this language would not have a negative impact. The Board discussed the reality that the Board has a fiduciary responsibility to protect the interests of the Library. It was also noted that changing the language may make it less defensible from a legal standpoint. After discussion it was agreed that a phrase be added to Section 1.02 that would help give employees a sense of confidence that as the Board members and Directors change there would be equitability of policies and their application and that all employees would be treated fairly and equitably. Adina advised the Board that the phrase “these policies are not intended to be a contract...” needed to be in the manual and needed to be prominent to ensure it is read and understood by the employee but that it could be moved to a different section. It was agreed that while the new policy manual may appear to be more restrictive it would actually give greater protections to employees due to the move to a “just cause” from an “at will” environment.
- Section 1.02, closing sentence: Laurie raised a question about the sentence “Please understand that no supervisor...other than the Board...has the authority of entering into an agreement...” Adina explained this referred to the fact that only the Board can sign a more restrictive employment contract that specifies terms. Adina agreed to clarify this language with Laurie’s assistance.

## **Chapter 2 – General Policies and Practices**

### **Volunteers**

Adina recommended adding a policy regarding Library volunteers. The Board expressed concern about adding volunteers to an employee manual but Adina noted this should be okay as long as the policies make clear by definition that volunteers cannot be construed as staff. Discussion developed regarding the difference between FOL volunteers and Library volunteers. It was agreed that the section as written was a good start and that it was good to define “volunteers.” Laurie recommended adding “theft” to the section addressing “the Library will not be responsible to reimburse the volunteer for the damage...” It was also agreed to correct the statement on insurance coverage of Library volunteers to state the Library does provide “worker’s compensation insurance” on volunteers but no other types of insurance coverage. James has already drafted a release form for employees that could be modified to include volunteers.

### **Nepotism**

While this is a current policy of the Library, Adina noted it was good practice to review an older policy to make sure it is still relevant. Board agreed it was still relevant and should be included in the manual. Board agreed to the second proposed option to the

“change in circumstances” paragraph but asked to retain the phrase from option one: “unless the Board determines that the detriment to the Library caused by...”; Adina noted the focus should stay on “detriment” rather on “accommodation.” Because this policy was very broad and because of past issues, it was agreed that Adina would draft language clarifying that all circumstances should be brought to the Board by the Director for review and if waived, this waiver would be put into a written finding that is entered into the employee’s file. James also noted that “domestic partner” language needed to be updated in light of the recent change in Washington State law.

Laurie noted that the policy manual did not address the instance of staff and/or staff family members winning Library prizes. Adina suggested the Board consider adding this type of policy as well as adopting a code of ethics for Library employees. It was agreed that Adina would draft a policy on employee participation in Library events and a separate policy on gifts and prizes.

### **Workplace Bullying**

James explained that he recommended this policy as the issue of workplace bullying has come up lately in all sorts of workplace environments. The intent of this proposed policy was to specifically address the way employees treat one another. James explained that he tried to include language that did not necessarily go to the intent of the instigator but rather the impact of the behavior on the other employee. The Board suggested removing the specific examples and clarifying the “exclusion” behavior language. The Board also suggested adding that the behavior described in this section is subject to disciplinary action up to and including termination and subject to the disciplinary processes described elsewhere in the manual.

### **Chapter 3 – Recruiting and Hiring**

1. Adina explained that the Library was in need of a policy regarding temporary employees and substitute staff. Library substitutes are generally hired to be on a call list but with no definite hours worked, similar to substitute teachers. Adina will draft a policy for temporary employees and another policy for substitute staff.
2. Trial period: James recommended no trial period for new employees for various reasons including lack of legal protections for the Library regarding discriminatory suits and unemployment claims. Rather than a formal trial period, James recommended the Library have a policy that new employees receive 3- and/or 6-month evaluations. Adina explained that a trial period is a policy decision about how to manage new hires. In a “cause” environment, it can be a good tool as it puts the employee on notice that he or she is going to be evaluated more closely and could even be let go. With a trial period, Adina has seen fewer grievances from employees terminated during a trial period. Board agreed to a trial period of up to 6 months with periodic evaluations. It was also suggested to add more details about procedures and responsibilities for Director-transition periods to the operations sections.
3. Promotions: the Board agreed to not include such a policy at this time.

**Chapter 4 – Hours and Attendance**

Adina strongly recommended including such a section as it can be helpful to the employee for clarification. It was agreed that more discussion and review of this section was needed as it may be more relevant with an increase in hourly employees.

**ADDITIONAL BOARD WORK SESSION**

The Board agreed to an additional work session on the policy manual by changing the start time of the next monthly meeting. It was therefore agreed that the Tuesday, May 14 regular monthly meeting would start at 1:30 pm rather than 3:00 pm with regular Library business first and then a work session as the final agenda item.

**ADJOURNMENT**

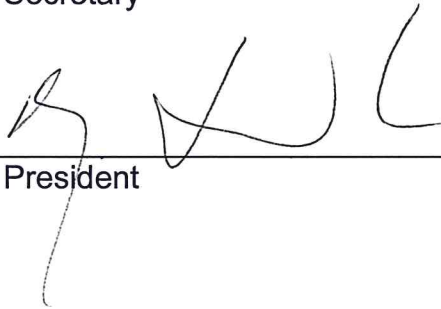
**MSC** Mark Madsen moved and Fred Henley seconded to adjourn the meeting at 1:05 p.m. Carried.

Respectfully submitted:



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Board Secretary

Approved:



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Board President