

**SAN JUAN ISLAND LIBRARY DISTRICT**  
**PERSONNEL POLICY MANUAL**

**December 2020**

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## CHAPTER 1: PURPOSE AND SCOPE

*Date Amended: March 13, 2018*

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### **1.01 Introduction**

The Library places the highest value on our employees and their well-being. We want to see that you are a satisfied worker, with the support necessary to achieve the objectives of your position. Only in this manner can your contribution to the Library's organization be the most productive.

These personnel policies serve as a general guide to the Library's current employment practices and procedures. As such, we hope they will help you better understand how the Library operates and what is expected of you as an employee. These policies also describe what the Library provides you in terms of compensation, benefits and other support.

It is our belief that when consistent personnel policies are known and communicated to all, the chances for greater job satisfaction increase. We encourage you to read these policies. If you have any questions, please ask your supervisor or the Library's Director.

### **1.02 Intent of Policies**

The intent of these policies is to treat all employees fairly and equitably. These policies are intended to be policies only; as such, they are not intended to be a contract, express or implied, or any type of promise or guarantee of specific treatment upon which you may rely, or as a guarantee of employment for any specific duration. Although we hope your employment relationship with us will be long term, we recognize things may not always work out and either of us may decide to terminate the employment relationship at any time, pursuant to applicable laws and policies.

Unless specific rights are granted to you in employment contracts or elsewhere, employees of the Library may be terminated at the discretion of the Library Director subject to applicable laws and policies. Please understand that no supervisor, manager, or representative of the Library other than the Board of Trustees, after the Board has duly voted on the matter, has the authority to enter into any agreement with you or make any commitments different from or contrary to these policies, including employment for a specified period of time.

### **1.03 Scope of Policies**

Except as explained in Section 5.01, these personnel policies apply to all Library employees, Trustees, authorized volunteers and vendors (when applicable). In the event of conflict between any provision of these policies and any provision of a current contract, or in cases where the application of these policies would conflict with applicable rules and regulations, the provisions of the contract and/or rules shall govern. In all other cases, these policies shall govern.

In the case of a conflict between these policies and the policies contained within a separate Library policy, procedure or manual, these policies shall govern.

### **1.04 Changing the Policies**

As the need arises, the Library's Board of Trustees may modify these policies by duly adopted vote of the Board. The Library's Director may deviate from these policies in individual situations,

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particularly in an emergency, in order to achieve the primary mission of serving the Library. Employees may request specific changes to these policies by submitting suggestions to the Library Director.

## **1.05 Definitions**

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**Board of Trustees:** The duly-appointed members of the Board of Trustees for the San Juan Island Library District (also called “the Board”).

**Domestic partner:** A “domestic partner” is defined for purposes of this policy as a person in a domestic partnership with an employee; a committed relationship between two adults of the opposite or same sex, in which the partners:

- Are each other’s sole domestic partner and intend to remain so indefinitely;
- Maintain a common residence and intend to continue to do so;
- Are at least 18 years of age and mentally competent to consent to a contract;
- Share responsibility for a significant measure of each other’s financial obligations;
- Are not married or joined in civil union to anyone else;
- Are not a domestic partner of anyone else;
- Are not related in a way that would prohibit legal marriage in the state of Washington;

Documentation supporting fulfillment of these requirements may be required.

**Exempt employee:** An employee who is exempt from the requirements of the federal Fair Labor Standards Act (FLSA) and state Washington Minimum Wage Act (WMWA), including exemption from the payment of overtime wages. An employee may be exempt regardless of whether or not he or she receives a salary or hourly wage. As required by the FLSA and WMWA, the exempt classification is made pursuant to the type of work performed. Under the FLSA, an employee is classified as exempt if he or she is employed in a bona fide executive, administrative, or professional capacity, as further defined by the state Department of Labor and Industries.

**Immediate family:** Includes the following:

- A child;
  - Including a biological, adopted, or foster child, stepchild, or a child to whom the employee stands in loco parentis, is a legal guardian, or is a de facto parent, regardless of age or dependency status
- A parent;
  - Including a biological, adoptive, de facto, or foster parent, stepparent, or legal guardian of an employee or the employee’s spouse or domestic partner, or a person who stood in loco parentis when the employee was a minor child
- A spouse;
- A domestic partner (see above for definition);
- A grandparent;

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- A grandchild;
- A sibling; or
- Another relative who lives in the employee's home.

**Library Director or Director:** An employee who is the Executive Director of the Library and administers these policies under the direction of the Board.

**Non-exempt employee:** A non-exempt employee is any employee not designated exempt as defined above. Non-exempt employees are subject to the overtime and wage provisions of the FLSA and WMWA.

**Regular employee:** Regular library employees have continuous, predictable, and scheduled employment of six months duration or longer. Regular employees are required to perform advanced work in the areas of acquisitions, cataloging, networking, reference, volunteer coordination, programs, as well as to assist patrons in locating information. Regular employees include full-time and part-time employees who meet these criteria, as further set forth in Section 5.02.

**Substitute employee:** An on-call employee hired at will to replace regular employees who are on vacation or other leave, to meet project or peak workload demands, or to temporarily fill a vacancy until a regular employee is hired. A substitute employee normally works less than 20 hours per week, though hours of work can fluctuate depending on the assigned work. As an on-call employee, a substitute typically has no fixed schedule, as set forth in Section 5.03.

**Temporary employee:** An employee hired for a temporary term, such as for the summer or for a designated project, and which includes temporary interns or other temporary employees like Library Assistants, to meet temporary workload or project needs. Temporary employment consists of continuous, predictable and scheduled employment, not to exceed six calendar months' duration. Temporary employment can be temporary full-time or part-time work, as set forth in Section 5.04.

**Volunteer:** Individuals who are not employees of the Library and who offer their services voluntarily and without promise, expectation or receipt of compensation for the services rendered, performing work that normally supports the day-to-day operations, programs and projects of the Library.

## CHAPTER 2: GENERAL POLICIES AND PRACTICES

*Date Amended: March 13, 2018*

### **2.01 Equal Employment Opportunity Policy**

The Library is an equal employment opportunity employer. The Library employs, retains, promotes, terminates and otherwise treats all employees and job applicants on the basis of job-related qualifications and competence. These guidelines and all employment practices shall be applied without regard to any individual's sex, race, color, religion, national or ethnic origin, pregnancy, age, marital status, sexual orientation, disability, or honorably discharged veteran or military status.

### **2.02 Disability Discrimination Prohibited**

The Library does not discriminate against qualified applicants or employees with a sensory, physical or mental disability, unless the disability cannot be reasonably accommodated and prevents proper performance of an essential element of the job. The Library will reasonably accommodate qualified individuals with disabilities as defined by the Americans with Disabilities Act and Washington's laws against discrimination.

### **2.03 Anti-Harassment Policy**

It is the Library's policy to foster and to maintain a work environment that is free from discrimination and intimidation. Toward this end, the Library will not tolerate harassment of any kind that is made by employees toward co-workers or members of the public. Employees are expected to show respect, at all times, for each other and the public despite individual differences.

Harassment is defined as verbal or physical conduct that demeans or shows hostility or aversion toward another employee or members of the public based on that individual's race, ethnic background, gender, sexual orientation, religion, age, disability or other protected status. Examples of prohibited conduct include slurs or demeaning comments to employees or to members of the public relating to race, ethnic background, gender, religion, sexual orientation, age, or disability. Harassment also constitutes knowing and willful conduct directed at a specific person which seriously alarms, annoys, harasses, or is detrimental to such person, and which serves no legitimate or lawful purpose (RCW 10.14.020). The conduct shall be such as would cause a reasonable person to suffer substantial emotional distress, and shall actually cause substantial emotional distress to the employee being harassed.

For the purpose of this section, conduct means a pattern of conduct that is repetitious or a series of acts over a period time, however short, evidencing continuity of purpose. Course of conduct includes, in addition to any other form of communication, contact, or sending of electronic communication.

See Section 2.06, Discrimination Complaint Procedure, for guidance on what to do if you believe that you have experienced harassment.

### **2.04 Sexual Harassment Prohibited**

Sexual harassment is a form of discrimination and it is illegal. Sexual harassment is also inappropriate and offensive and will not be tolerated by the Library.

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Sexual harassment includes verbal or physical workplace conduct of a sexual nature that is unwelcome, gender motivated and pervasive enough that a reasonable person would find that it affects the terms or conditions of employment. Examples of sexual harassment include, but are not limited to, verbal behavior such as unwanted sexual comments, suggestions, jokes, or pressure for sexual favors; non-verbal behavior such as suggestive looks and leering; and physical behavior such as pats or squeezes, or repeatedly brushing against someone's body. Other conduct may also constitute sexual harassment depending upon given facts and circumstances.

Employees engaging in harassment are subject to formal disciplinary action, up to and including termination. See Section 2.06, Discrimination or Harassment Complaint Procedure, for guidance on what to do if you believe that you have experienced sexual harassment.

### **2.05 Workplace Bullying Policy**

The San Juan Island Library believes that all employees will be treated with dignity and respect and will not tolerate bullying behavior. Employees found in violation of this policy will be disciplined, up to and including termination. The Library defines bullying as "repeated inappropriate behavior, either direct or indirect, whether verbal, physical or otherwise, conducted by one or more persons against another or others, at the place of work and/or in the course of employment."

Bullying may be intentional or unintentional. However, where an allegation of bullying is made, the intention of the alleged bully is irrelevant, and will not be given consideration when considering corrective actions. As in sexual harassment, it is the effect of the behavior upon the individual that is important. The Library considers the following types of behavior examples of bullying:

**Verbal Bullying:** slandering, ridiculing or maligning a person or his/her family; persistent name calling which is hurtful, insulting or humiliating; using a person as the butt of jokes; abusive and offensive remarks.

**Cyber Bullying:** behaviors listed under Verbal Bullying above but through the Internet or on social media sites.

**Physical Bullying:** pushing; shoving; kicking; poking; tripping; assault, or threat of physical assault; damage to a person's work area or property.

**Gesture Bullying:** non-verbal threatening gestures; glances which can convey threatening messages.

**Exclusion:** systematically excluding a person from legitimate work-related activities.

### **2.06 Discrimination or Harassment Complaint Procedure**

Each member of management is responsible for creating an atmosphere free of discrimination and harassment, sexual or otherwise. Further, employees are responsible for respecting the rights of their co-workers and of others, including the citizens they serve. The following procedures outline the steps to follow if you believe you have experienced on the job harassment or discrimination.

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Should you believe you have been harassed or are the victim of discrimination, you should try, if possible, to identify the offensive behavior to the harasser and request that it stop. In the event such informal direct communication is ineffective, unsafe, or impossible, you should discuss your concern immediately with your supervisor and/or the Library Director. If the complaint involves your supervisor or the Library Director, you may bring the complaint to the current President of the Board of Trustees. You should report the matter regardless of whether you have confronted the harasser or not. No employee will suffer retaliation for reporting such concern. All complaints will be investigated promptly, impartially, and as discreetly as possible. Upon completion of the investigation, the appropriate parties will be notified immediately of the findings.

If an investigation shows the accused employee did engage in improper harassment or discrimination, appropriate action will be taken, as in the case of any other serious employee misconduct. Such actions may include warnings, verbal and/or written reprimands, a letter to the employee's file or, transfer of employee, demotion, suspension, or termination. If the allegation of harassment is not substantiated, then such information shall be placed in the reporting employee's and the alleged harasser's files.

## **2.07 Reporting Improper Governmental Action (Whistleblower Protection)**

In compliance with the Local Government Employee Whistleblower Protection Act, Chapter 42.41 RCW, this policy is created to encourage employees to disclose any improper governmental action taken by Library officials or employees without fear of retaliation. This policy also safeguards legitimate employer interests by encouraging complaints be made first to the Library Director, with a process provided for speedy dispute resolution.

As defined by RCW 42.41, "improper governmental action" means any action by a Library officer or employee that is:

- Undertaken in the performance of the officer's or employee's official duties, whether or not the action is within the scope of the employee's employment; and
- In violation of any federal, state, or local law or rule, or an abuse of authority, or of substantial and specific danger to the public health or safety, or a gross waste of public funds.

"Improper governmental action" does not include personnel actions (hiring, firing, complaints, promotions, reassignments, for example), or other actions that may be taken by applicable law. In addition, employees are not free to disclose matters that would affect a person's right to legally protected confidential communications.

"Retaliatory action" means:

- Any adverse change in an employee's employment status, or the terms and conditions of employment including denial of adequate staff to perform duties, frequent staff changes, frequent and undesirable office changes, refusal to assign meaningful work, unwarranted and unsubstantiated letters of reprimand or unsatisfactory performance evaluations, demotion, transfer, reassignment, reduction in pay, denial of promotion, suspension, dismissal, or any other disciplinary action; or
- Hostile actions by another employee towards a local government employee that were encouraged by a supervisor or senior manager or official.

### **A. Procedure for Reporting Improper Governmental Action**

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Library employees who become aware of improper governmental action should follow this procedure:

1. Bring the matter to the attention of his or her supervisor in writing, if the supervisor is not involved, stating in detail the basis for the employee's belief that an improper action has occurred. This should be done as the employee becomes aware of the improper action.
2. Where the employee believes the improper action involves the supervisor, the employee may raise the issue directly with the Library Director, if non-involved, in writing. If the Library Director is involved, then the employee may raise the issue with the current President of the Board of Trustees.
3. The Library Director or Board of Trustees, as the case may be, shall promptly investigate the report of improper governmental action. After the investigation is completed, the employee shall be provided a summary of the results of the investigation, except that personnel actions taken as a result of the investigation may be kept confidential.

In the case of an emergency, where the employee believes that damage to persons or property may result if action is not taken immediately, the employee may bypass the above procedure and report the improper action directly to the appropriate government agency responsible for investigating the improper action.

#### **B. Protection Against Retaliation**

It is unlawful for the Library to take retaliatory action because an employee, in good faith, provided information that improper government action occurred.

Officers, managers, and supervisors are responsible for ensuring the procedures are fully implemented within their areas of responsibility. Violations of this policy and these procedures may result in appropriate disciplinary action, up to and including termination.

#### **2.08 Nepotism**

*Date amended: March 13, 2018*

The Board has determined that it is in the Library's best interest to avoid favoritism or the appearance of impropriety in the workplace. Regarding the hiring and employment of close family members, a close family member of a current employee or Trustee may not be employed by the Library as an employee, or named to the Board, if that hiring or appointment would result in any of the following situations:

1. One party would have the authority or practical power to supervise, hire, promote, set or assign work conditions or location, remove, or discipline the other;
2. One party would be responsible for auditing the work of the other;
3. One party would handle confidential material which might create the appearance of improper or inappropriate access to that material by the other; or
4. Where such appointment has the potential for creating an adverse effect on supervision, morale, work environment, safety, security, or involves potential conflicts of interest (real or perceived).

For the purpose of this section, a "family member" means the employee's or Board member's spouse or domestic partner; or the children, parents, siblings, grandparents, grandchildren, aunts, uncles, nieces or nephews of the employee, Board member, spouse or domestic partner.

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“Employee” does not include volunteer employees or temporary employees, including student interns; and does include regular, substitute and other employees.

If two employees or Trustees meet any of the above criteria, the employees shall provide written notice of such to the Library Director. The Director may also notify the affected employees or Trustees, if the Director becomes aware that they meet or appear to meet the above criteria. The Director shall make a recommendation for any employment decision regarding the affected employees, including hiring, promotion or termination, to the Board, and the Board will make a decision regarding whether the policy applies to the affected employees and whether to accept, modify, or deny the Director’s employment decision. If in the reasonable exercise of the Board’s discretion, the affected employees or Trustees meet any of the above criteria, then only one of the employees or Trustees will be permitted to remain with the Library.

The decision as to which employee will remain with the Library must be made by the two employees within 30 calendar days of the date the employee(s) or Trustee(s) gave notice to the Library of the potential problem, or from the date the Director gave notice to them. If no decision is made during the 30-day period, the Board may terminate one of the affected employees or remove one of the affected Trustees.

In exceptional circumstances, the Board may retain both persons, if the Board determines that the detriment to the Library outweighs the potential harm to the Library from retaining both persons. The Board shall make any such determination in writing and shall include findings regarding why: (a) an exceptional circumstance exists; and (b) the detriment to the Library outweighs the potential harm to the Library from retaining both persons.

## CHAPTER 3: RECRUITING AND HIRING

*Date Amended: March 10, 2020*

### 3.01 Recruiting and Hiring

- A. The Library will use appropriate procedures to recruit and select qualified applicants for job vacancies in compliance with contractual, legal, and affirmative action requirements. All recruitment efforts will be done consistent with laws regarding equal employment opportunity.
- B. Announcements of position vacancies should include the title of the open position, a brief description of the position's minimum and/or preferred qualifications, the position's principal duties, and the place and manner of filing applications.
- C. Each applicant shall submit a resume in order to be considered for any position.
- D. The Director will establish and use procedures for open positions, measuring each applicant's qualifications, experience and ability to perform the duties and responsibilities for the open position against the job requirements for that position.
- E. The Director or designee will pre-screen applicants, conduct interviews by telephone and/or in person, and conduct telephone reference checks; other staff may be included in the interview phase of the process.
- F. The Director has direct hiring authority.
- G. Each applicant who moves forward to an interview shall submit a signed Employment Applicant Certification and a signed Consent to Screening form, and may be subject to a background check.
- H. Any applicant supplying false or misleading information is subject to rejection during the application process, or immediate termination, if hired.
- I. Unless otherwise agreed to by the Library and employee, employment at the Library is at will and of indefinite duration, continuing as long as both the employee and the Library consider it of mutual benefit.
- J. This policy does not create a contract, express or implied. Only the Board of Trustees has the authority to bind the Library to an agreement that may conflict with this policy and any such agreement must be in writing and formally endorsed by a vote of the Board.
- K. Recruitment and hiring of the Director shall be conducted by the Board of Trustees, using a hiring process and criteria determined by the Board.

### 3.02 Initial Employment Period

Upon hiring, regular library employees, excluding the Library Director, shall be subject to a six-month initial employment period. The Director may review the employee's performance after the first three months from the hire date, and shall review the employee's performance after the first six months. This initial employment period shall not affect the employee's eligibility for benefits as set forth in Chapter 7. Substitute and temporary employees are not subject to an initial employment period.

### 3.03 Employment Verification and References

- A. The Library Director may provide employment references to prospective employers or to a current or former employee. To request a job reference from the Library, a current or former employee shall contact the Library Director. As authorized by law, the Director may give an employment reference that states:

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- ✓ Employee's full name
- ✓ Dates of employment
- ✓ Employment status (current/former, full-time/part-time)
- ✓ Job title and salary
- ✓ An employee's ability to perform his or her job
- ✓ The diligence, skill, or reliability with which an employee performs or performed his or her job, including performance plans or other performance-related information
- ✓ Any illegal or wrongful act an employee committed in relation to his or her job duties.

As authorized by the Director, a supervisor may provide an employment reference if the supervisor has direct knowledge of the above employee information. No other employee may represent the Library in providing a work reference, unless authorized by the Director.

No employee may give out work reference information that may be false, misleading or made with reckless disregard for the truth. See RCW 4.24.730.

References will be provided at the Director's discretion. If a reference is provided, the Library will maintain a written record of the identity of the person or entity to which the information was disclosed for a minimum of two years. The affected employee may inspect that record.

- B. Certificate of Employment. Regardless of whether the Library provides an employment reference, the Library will, within ten business days of receiving a written request by a former employee, furnish a signed written statement to the employee providing the reasons for and effective date of the employee's discharge, as set forth in WAC 296-126-050.

### **3.04 Employee Personnel Records**

A personnel file for each employee shall be maintained by the Library Director in a secure file, and kept for the duration of the employee's employment, plus six years after the employee's termination of employment (pursuant to the state Archives *Local Government Common Records Retention Schedule*, GS50-04B-06). An employee's personnel file contains the employee's name, title and/or position held, job description, job application, salary, changes in employment status, training received, performance evaluations, personnel actions affecting the employee, disciplinary actions, and other pertinent information. Medical information about employees is contained in a separate confidential file and access is restricted by Health Insurance Portability & Accountability Act (HIPAA).

Employees have the right to review their personnel files. An employee may request removal of irrelevant or of erroneous information in his/her personnel file. If the Library Director denies an employee's request to remove the information, the employee may file a written rebuttal statement to be placed in his/her file.

Personnel files, including medical records subject to HIPAA, are kept confidential to the maximum extent permitted by law. Except for routine verifications of employment, no information from an employee's personnel file will be released to the public, including the press, without a written request from the employee for specific information, or by court order.

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Employees have a responsibility to keep their personnel records up to date and should notify the Library Director in writing if there are any changes to the employee's personal information.

Only supervisory and management employees who have an employment-related need-to-know information about another employee may inspect the personnel file of that employee. Any such inspection must be approved and supervised by the Library Director or designee.

### **3.05 No Rehire Policy**

The San Juan Island Library has a no rehire policy. Exceptions to this policy may be made at the request of the Library Director and approval by the Board of Trustees.

### **3.06 Relocation Expenses**

Moving expenses are generally not reimbursed for new employees except at the discretion of the Board of Trustees. In such cases when the Board does allow for reimbursement, this decision must be approved at a public meeting of the Board by a formal motion. Only expenses that meet the following criteria will be considered:

1. Expenses that are reasonable and actual expenditures;
2. Relocation from prior home to San Juan Island;
3. Relocation distance must exceed 50 miles from the Anacortes ferry landing; and
4. Total expenses must not exceed 10% of employee's base salary.

Reimbursement for moving expenses may be authorized by the Board of Trustees for new employees in a professional, administrative, technical or major supervisory position if it is necessary to recruit out of the local area. Reimbursement is dependent upon funding availability during the fiscal year.

After approval by the Board, the Library may reimburse for the following:

- Mileage according to the IRS allowable mileage rate;
- Transportation of household and personal belongings by a commercial moving company. Allowable expenses include the actual cost of moving. When practicable, quotes shall be obtained from at least three commercial moving companies;
- Transportation of household and personal belongings by the employee. Allowable expenses include the actual cost of renting a moving truck or trailer from an established commercial rental company. When practicable, quotes shall be obtained from three commercial vehicle rental companies;
- Moving expenses will be paid if relocation is at time of employment; and
- Receipts for all related moving expenses shall be provided to the Library.

If an employee leaves employment with the Library within one year of the date of employment, the employee will be responsible for reimbursing the Library for the total cost of moving expenses.

## CHAPTER 4: HOURS AND ATTENDANCE

*Date Amended: March 10, 2020*

### **4.01 Working Hours**

The Library's workweek is Sunday 12:01 a.m. through Saturday midnight. Due to the nature of library work, with the Library normally open seven days a week except for holidays, the scheduled workweek for most regular employees is flexible. Due to Library programs and hours, many employees work on the weekends and/or in the evenings, as scheduled by the Library Director. A normal schedule for regular full-time employees and/or regular part-time employees consists of at least 15 hours, and up to 40 hours, each workweek. Work schedules and/or workweeks are established by the Library Director or designee.

The Library Director or designee will advise employees of their scheduled work hours.

### **4.02 Attendance**

The Library values its employees and works on an honor system for employees to report to work on time and maintain good attendance. Because the Library has a small staff, the Library Director must be able to rely on employees to report for work when they are scheduled or expected to work. If the employee will not be able to arrive at work on time, the employee should notify the Library before the work day begins or within 30 minutes of the normal or scheduled start time. The employee should either leave a voice message with any staff member to be relayed to the Director and/or other appropriate staff, or email all staff to ensure that the Director and/or other appropriate staff receive the message. If an absence continues beyond one day, the employee *must* call or email to notify the Library.

An employee who is absent without notification for three consecutive days or shifts may be considered as having abandoned their job and may be disciplined up to and including termination. Employees may be disciplined, up to and including termination, for failing to report to work without notice or insufficient notice, for excessive or an unusual pattern of absenteeism (for example, absence every Friday and/or Monday), excessive tardiness or for other attendance or tardiness problems.

### **4.03 Flexible Work Schedules (regular employees)**

Many regular employees may work a flexible work schedule. A flexible work schedule is a schedule that permits flexible starting and quitting times for regular employees. The employee must still maintain the required number of hours for which he/she is employed to work.

A flexible work schedule is granted at the discretion of the Library Director, and may be used so long as it meets the Library's needs. The employee must keep track of his/her time on forms approved by the Library, and the Director must sign off on each time sheet for each month of work. If the employee does not supply accurate time sheets on a regular basis, the employee may not be able to continue working on a flexible schedule, may be assigned a fixed schedule, and may be subject to discipline up to and including termination. An approved flexible schedule may be revoked with no notice depending on the needs of the Library.

### **4.04 Overtime**

*Date Adopted: September 2014*

*Date Amended: December 2020*

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Library positions are designated as either “exempt” or “non-exempt” according to the federal FLSA and state WMWA requirements. See Appendix A (listing of exempt and non-exempt positions).

**Exempt Employees/Overtime.** Some Library employees are exempt, meaning that they are not covered by the FLSA or WMWA, including minimum wage and overtime provisions, and do not receive overtime pay. An employee may be exempt regardless of whether or not he or she receives a salary or hourly wage. As required by the FLSA and WMWA, the exempt classification is made pursuant to the type of work performed. Under the FLSA, an employee is classified as exempt if he or she is employed in a bona fide executive, administrative, or professional capacity, as further determined and defined by the state Department of Labor and Industries and applicable laws.

**Non-Exempt Employees/Overtime.** Most Library positions are non-exempt and covered by the FLSA. Employees in non-exempt positions are entitled to additional compensation in the form of overtime pay. Overtime is defined as hours worked in excess of 40 hours in a seven-day workweek. The employee’s supervisor must authorize all overtime in advance.

Overtime pay is calculated at one and one-half times the employee’s regular rate of pay for all hours worked in excess of 40 hours during a seven-day workweek. When computing hours worked for overtime, time paid but not worked does not count as hours worked. For example, paid leave for vacation, sick leave or holidays is time paid to the employee, but is not hours worked for overtime purposes; therefore even though employees may be paid for such non-working time, no addition should be made to the total hours worked in the workweek for the purpose of computing overtime.

The following are not counted as hours worked for the purpose of computing overtime:

1. Sick leave, holidays, vacations, bereavement leave, and weather-related emergency days;
2. Court leave;
3. Meal periods where an employee is allowed free time and which lasts one-half hour or longer;
4. Overnight trips during non-working hours unless the employee is performing work while travelling;
5. Time spent before, after or between regular working hours which is unrelated to principal activities;
6. Normal commuting time between home and job unless duties are performed during that time; and
7. Training/school time which employees attend after hours.

When employees are called for emergency work or required work outside of normal working hours, the Library Director may, at the Library Director’s discretion, authorize the payment of time and one-half rate for those hours, regardless of the total hours worked during the week.

#### **4.05 Breaks and Meal Periods**

Pursuant to state law, non-exempt employees must take one 10-minute paid rest period for every four hours worked, and a minimum of one 30-minute unpaid meal break for every five hours worked. Meal breaks may not be less than 30 minutes, unless the employee voluntarily opts to waive the meal break. If the employee voluntarily waives the meal break, the employee

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must sign a form stating that he or she has waived it. Otherwise, due to state law, the Library must require that the employee take it.

The 10-minute rest period is mandatory under state law and cannot be waived. With the employee's supervisor's permission, the employee may take intermittent breaks throughout the workday that add up to 10 minutes for every four hours worked. All breaks should be arranged so they do not interfere with the Library's business or with service to the public. Breaks and rest periods may not be saved in order to extend any other break period or to leave early from work.

## CHAPTER 5: EMPLOYEE POSITIONS AND DUTIES

*Date Amended: March 13, 2018*

*Date Amended: March 10, 2020*

### 5.01 Categories

In order to fulfill Library duties, the Library employs employees in different capacities. As further described in this chapter, the Library employs:

- Regular employees, on a full-time and part-time basis;
- Substitute employees, on an as-needed basis to fill in for regular employees or for other Library needs; and
- Temporary employees, for terms not to exceed six months.

Please see Appendix A for a list of all Library positions. The Library also relies heavily on volunteers who are not Library employees, but like Library employees, the Library values and appreciates them.

Notwithstanding the descriptive categories set out above, the District has the ability to hire and use contract employees whose duties, compensation, benefits and other aspects of their employment are set out in an individual employment agreement approved by the Board of Trustees, the terms of which may differ from what may be set out in these Personnel Policies.

### 5.02 Regular Employees (full-time and part-time)

Regular library employees, both full-time and part-time, have continuous, predictable, and scheduled employment of six months duration or longer. Regular employees are required to perform advanced work in the areas of acquisitions, cataloging, networking, reference, volunteer coordination, programs, as well as assisting patrons with locating information.

Each library employee will be assigned specific duties within the broad framework of the Library's functions (i.e., youth services, interlibrary loan, bookkeeping, cataloging, etc.). Duties for each position will be delineated in individual position descriptions provided to each employee. Other duties may be assigned as necessary. Regular employees may be classified as:

- **Regular Full-Time Employees** – Work at least 40 hours per week and receive benefits:
  - Receive vacation leave, sick leave, holiday leave or other kinds of leave during their period of employment, as set forth in Chapter 8.
  - Receive health insurance during their period of employment, as set forth in Chapter 7.
  - Will be enrolled in the state Public Employees Retirement System (PERS), although there are a few exceptions depending on PERS eligibility criteria.
  - Are eligible for overtime pay as required by law if they are non-exempt. Exempt employees are not eligible for overtime pay.
  - Pay contributions to the Social Security system, as does the Library on their behalf.
  - Are subject to the performance review process and may receive merit increases, as set forth in Chapter 10.
- **Regular Part-Time Insured Employees** – Work at least 20 hours but fewer than 40 hours per week and receive some benefits:

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- Receive prorated vacation leave, prorated sick leave, prorated holiday leave or other kinds of prorated leave during their period of employment, as set forth in Chapter 8. “Prorated” means the ratio between the number of hours in the employee’s normal work schedule of at least 20 hours per week and the regular full-time schedule of 40 hours per week.
  - Receive health insurance during their period of employment, as set forth in Chapter 7.
  - Will be enrolled PERS, although there are a few exceptions depending on PERS eligibility criteria.
  - Are eligible for overtime pay as required by law if they are non-exempt. Exempt employees are not eligible for overtime pay.
  - Pay contributions to the Social Security system, as does the Library on their behalf.
  - Are subject to the performance review process and may receive merit increases, as set forth in Chapter 10.
- **Regular Part-Time Non-Insured Employees** – Work less than 20 hours per week and receive fewer benefits:
    - Receive prorated vacation leave, prorated sick leave, prorated holiday leave, or other kinds of prorated leave during their period of employment, as set forth in Chapter 8.
    - Do not receive health insurance or other benefits during their period of employment, unless exceptional circumstances exist and they qualify for such benefits.
    - Will not be enrolled in PERS, although there are a few exceptions depending on PERS eligibility criteria.
    - Are eligible for overtime pay as required by law if they are non-exempt. Exempt employees are not eligible for overtime pay.
    - Pay contributions to the Social Security system, as does the Library on their behalf.
    - Are subject to the performance review process and may receive merit increases.

### **5.03 Substitute Employees**

*Date amended: March 13, 2018*

The Library Director may hire substitute employees as on-call employees, for example, to replace regular employees who are on vacation or other leave, to meet project or peak workload demands, or to temporarily fill a vacancy until a regular employee is hired. A substitute employee normally works less than 20 hours per week, though hours of work can fluctuate depending on the assigned work. As an on-call employee, a substitute typically has no fixed schedule.

Substitute employees do not make decisions concerning library operations or supervise other employees. While off duty, the Library does not limit a substitute employee’s activities or require the employee to remain within a certain geographic area. If a substitute cannot be reached for work, the Library will call another substitute to assist with Library services. A substitute is an “at will” employee, and is subject to applicable Library policies and procedures. Substitute employment may be terminated by either the employee or the Library, with or without notice. Substitute employment represents no commitment concerning future employment of any kind.

Regarding benefits, substitute employees:

- Receive prorated sick leave, as set forth in Chapter 8.

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- Do not receive vacation leave, holiday leave, or any other types of leave (aside from sick leave), health insurance, or other benefits during their period of employment, unless exceptional circumstances exist and they qualify for such benefits as an eligible regular employee.
- Shall receive workers' compensation, or industrial insurance, for qualifying work.
- Will not be enrolled in PERS, although there are a few exceptions depending on PERS eligibility criteria.
- Are eligible for overtime pay as required by law if they are non-exempt. Exempt employees are not eligible for overtime pay.
- Pay contributions to the Social Security system, as does the Library on their behalf.
- Are not subject to the performance review process and will not receive merit increases beyond Step 2.

#### **5.04 Temporary Employees**

*Date amended: March 2018*

The Library Director may hire temporary employees, including Library Assistants and interns, to meet temporary workload or project needs. Temporary employment consists of continuous, predictable and scheduled employment, not to exceed six calendar months duration. Temporary employment can be full-time or part-time.

A temporary employee is an "at will" employee and is subject to applicable Library policies and procedures. Temporary employment may be terminated by either the employee or the Library, with or without notice. Temporary employment represents no commitment concerning future employment of any kind.

Regarding benefits, temporary employees:

- Receive prorated sick leave, as set forth in Chapter 8.
- Do not receive vacation leave, holiday leave, or any other types of leave (aside from sick leave), health insurance, or other benefits during their period of employment, unless exceptional circumstances exist and they qualify for such benefits as a regular eligible employee.
- Will not be enrolled in PERS, although there are a few exceptions depending on PERS eligibility criteria.
- Are eligible for overtime pay as required by law if they are non-exempt. Exempt employees are not eligible for overtime pay.
- Pay contributions to the Social Security system, as does the Library on their behalf.
- Are not subject to the performance review process and will not receive merit increases.

#### **5.05 Volunteers**

The Library recognizes the value of volunteers as a resource to further the Library's ability to provide quality services and programs to the public. The Board believes that volunteer services are beneficial to both the Library and the individual volunteer. Benefits include fostering greater public interest in the Library, using Library resources in a cost efficient and productive manner, and encouraging personal growth and learning opportunities for the volunteer.

It is the intent of the Board that volunteers are used only to enrich budgeted library services and programs and that no volunteers will be used to replace positions that are part of the Library's

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regularly-funded services. Library volunteers are subject to the Library's personnel policies, where applicable, including general policies for conduct set forth in Chapters 1, 2, 9 and 11.

Library volunteers are expected to:

- Complete and sign a Volunteer Application and Release Form to be eligible for volunteering with the Library;
- Have a background check performed if the volunteer will be working unsupervised with children under sixteen years of age, developmentally disabled persons, or vulnerable adults, in accordance with RCW 43.43.830, prior to the volunteer working with such persons;
- Be selected by the Library's Director to support budgeted programs and services of the Library or support Library staff functions, or both, at the Director's discretion;
- Be able to work well with Library staff, the public, Library property and the Library's other physical resources, as needed;
- Understand and generally comply with the standards of conduct of a regular Library employee, as applicable to volunteer service; and
- Otherwise be suitable for volunteer service with the Library.

The Library Director may, at the Library Director's discretion, no longer assign or retain a volunteer who does not meet the above criteria or is otherwise not suitable for volunteer service with the Library. Individual volunteers are covered by this policy, and advisory boards or committees, or non-profit organizations that may support the Library, are not covered by this policy. The members of the Board of Trustees are not covered by this policy.

It is important for volunteers and Library staff to know what insurance coverage the Library will or will not provide for work that volunteers perform during the authorized course and scope of their work, such as:

- A volunteer will not be personally liable for harm caused by an act or omission of the volunteer on behalf of the Library, so long as the volunteer was acting pursuant to the standards set forth in RCW 4.24.670, including that the volunteer was acting within the scope of the volunteer's authorized responsibilities, and the conduct was not willful or criminal misconduct, gross negligence, reckless misconduct, or other flagrant misconduct.
- The Library provides workers' compensation, or industrial insurance, for qualifying work.
- If a volunteer's personal property is damaged, lost or stolen while the volunteer is serving in authorized volunteer status, the Library will not be responsible to reimburse the volunteer for the damage.
- The Library does not provide employee fringe benefits like medical or dental insurance or other non-insured benefits provided to regular Library employees. The Library may provide reimbursement for certain work-related expenses with the approval of the Library Director.

Volunteer service within the Library covers a wide range of functions and activities, which this policy does not cover. The Board may adopt other policies specific to volunteers that are not contained in this Manual, and which may be placed in a manual specific to volunteer service.

## CHAPTER 6: COMPENSATION

Date Amended: November 10, 2014

Date Amended: December 8, 2015

Date Amended: December 8, 2020

### **6.01 Salary for Regular Employees**

- A. Salaries for regular employees are established by the Board of Trustees during the process of setting and approving the Library's annual budget, and are based on a step system. There is a multi-step range to each salary level. Step 1 is normally the beginning salary for a position; steps 2 through 5 are annual increases measured from the completion of a full year's employment based upon the employee's receipt of a satisfactory or "meets expectations" annual performance evaluation.
- B. A new employee may be employed at a higher rate than Step 1 when the employee's experience, training or proven capability warrant, or when prevailing market conditions require, a starting rate greater than Step 1. The Director has the discretion to hire an employee at a step greater than Step 1, so long as good cause is shown and it is within the Library's budget for that position. A new hire starting at a rate greater than Step 1 will remain in the step range into which he or she was hired; the step range will not be adjusted or extended beyond Step 5. Any decision to hire an employee at a step higher than Step 1 that is not within the budget for that position must be approved by the Board of Trustees.
- C. A regular employee promoted to a position in a higher classification and salary range shall receive the next highest available pay step in the new range.
- D. Effective January 1, 2015 (FY 2015), a regular employee who completes all 5 (five) salary steps qualifies for a subsequent 1% yearly salary increase measured from the completion of another full year's employment and upon the employee's receipt of a satisfactory or "meets expectations" annual performance evaluation. This increase will be included as part of the employee's monthly salary following receipt of the appropriate performance evaluation. This increase is in addition to any cost of living adjustment (COLA) that may be made.

### **6.02 Cost of Living Adjustment**

Regular and substitute employee salary scales are eligible to receive a discretionary annual cost of living adjustment at the beginning of each budget year. If approved by the Board of Trustees, the cost of living adjustment will be some percentage of the Consumer Price Index for the Seattle area received from the U.S. Department of Labor under the title CONSUMER PRICE INDEXES PACIFIC CITIES AND U.S. CITY AVERAGE. The determination of the eligibility and amount of this cost of living adjustment will be determined by the Board at the end of each budget year.

### **6.03 Discretionary One-Time Payment**

In exceptional cases, the Board of Trustees in its sole discretion may approve an additional discrete payment for one or more Library employees. Examples of exceptional cases that the Board may consider in approving such a payment include an employee consistently demonstrating exemplary performance or employees working in or on Library property during a

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public health emergency where doing so could jeopardize their health or the health of their families or households.

#### **6.04 Wages for Hourly Employees**

Wages for hourly employees, including substitute and temporary employees, will be set at an hourly rate by the Board of Trustees.

#### **6.05 Paydays**

Library employees are paid monthly on the last work day of each month. If a regularly scheduled payday falls on Saturday or Sunday, pay checks will be distributed on Friday.

#### **6.06 Deductions**

Some regular deductions from the employee's earnings are required by law; other deductions are specifically authorized by the employee. The Library will withhold from the employee's paycheck those deductions required by law and any voluntary deductions authorized by the employee, by applicable contract, or by statute.

#### **6.07 Travel Expenses**

All travel by regular full-time and part-time employees away from the Library must be approved in advance by the Library Director. If private automobiles are used, employees will be reimbursed at the current IRS mileage reimbursement rate, so long as such travel is directly related to an event, e.g., a meeting or training that is required or expected of the employee to attend in the performance of the employee's job duties.

Travel for an event that is voluntary, where the employee performs no productive work during the event, the event takes place outside of the employee's regular working hours, and is not directly related to the employee's current work, will not be compensated for travel-related expenses.

The Library Director's travel expenses must be approved in advance by the Board.

#### **6.08 Travel Expense Reimbursement**

Once travel is approved by the Director or the Board pursuant to Section 6.07, regular employees will be reimbursed for reasonable and customary expenses actually incurred in connection with the business of the Library.

**Non-overnight trips:** Employees will be reimbursed for the reasonable cost of meals, excluding any expenses for alcoholic beverages, and business expenses, so long as the employee supplies receipts for such expenditures to the Library Director. Tips, not to exceed 15%, are reimbursable.

**Overnight trips:** Employees will be reimbursed for reasonable lodging and travel expenses while away, so long as the employee supplies receipts for such expenditures to the Library Director. Meal costs will be reimbursed at the per diem rate, not to exceed the reimbursement rates set annually by San Juan County.

Requests for reimbursement, including receipts and a copy of the signed pre-approval form, shall be submitted on a travel expense report form signed by the employee and approved by the

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Director. The Library Director's requests for reimbursement will be approved by the Board president or other officer.

### **6.09 Other Food Expenses**

The reasonable costs of food items related to the situations listed below are allowable expenses, so long as such expenditures are de minimis:

1. Cost of Board members and related staff at official and other Library business related meetings;
2. Cost of coffee and other refreshments at training sessions or staff meetings for Library employees, volunteers and Board members;
3. Cost of refreshments at appropriate ceremonies such as facility openings, swearing-in ceremonies, commendations and the like;
4. Cost of meals provided to Library employees during emergency situations (e.g., major fire, water main break, natural disaster);
5. Cost of working lunches at Library facilities such as with citizen committees, county officials and the like;
6. Cost of meals and/or refreshments at volunteer and employee recognition programs; and
7. Refreshments for attendees of public meetings, including coffee, tea, hot chocolate, soft drinks, etc., or snacks as a benefit of contribution to the public process and for officials, employees or volunteers as a benefit of work.

The following documentation must be submitted with the claim voucher requesting payment:

1. The date and a description of the activity for which food was necessary; and
2. Receipts/invoices for all expenditures.

### **6.10 Garnishment**

The Library will enforce garnishments and wage attachments as required by federal or state laws. Pursuant to state law, a court-ordered writ of garnishment shall not be cause for corrective action or for discharge of the employee for whom it was assessed against.

### **6.11 Compensation Upon Termination**

Upon an employee's separation from the Library's employment, the employee will receive the following compensation:

1. Regular wages for all hours worked that have not been paid;
2. Any overtime or holiday pay due; and
3. Payment of any accrued but unused vacation, if applicable.

Payment will be made at the next regularly scheduled payday.

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## CHAPTER 7: BENEFITS

*Date Amended: March 13, 2018*

### **7.01 Health Insurance**

The Library participates in a library group insurance program for regular full-time and regular part-time employees working 20 or more hours per week.

The Library will pay 100% of the premium for eligible regular employees.

The Library will pay 33% of the premium for eligible employee dependents. The employee is responsible for the balance through payroll deduction each pay period. Eligibility is governed by the rules of the insurance provider.

Coverage will be effective on the first day of the month following the date the employee becomes eligible (generally the first day of employment). If the employee becomes eligible on the first working day of the month, health insurance benefits begin on that day. The library group insurance plan will be explained in materials provided by the insurance provider. The employee will receive this information at the time of her or his enrollment.

The Library reserves the right to change the group insurance plan and insurance carrier.

The Library offers a "Cafeteria Plan" to all eligible employees. Participation in the program is voluntary. Administrative costs of the program will be covered by the Library; the employee is responsible for determining the amount of salary he/she will contribute.

### **7.02 Retirement**

The Library makes contributions on behalf of all eligible employees to the Social Security System in addition to those contributions made by the employee through FICA payroll deductions. All regular full-time and eligible part-time employees who qualify are covered under the Public Employees Retirement System (PERS). Benefit levels, contribution rates, and eligibility criteria are determined by the State of Washington PERS. Employees should notify their department head of their intent to retire at least three months prior to the date of retirement.

### **7.03 Deferred Compensation Plan**

The Library offers a choice of two 457 Deferred Compensation Plans to eligible employees to contribute pre-tax dollars. Participation in the program is voluntary. If eligible employees elect to participate, the Library will match employee contributions, not to exceed a total of 3% of an employee's annual salary in either or both programs.

The Library reserves the right to change the retirement plan and the retirement plan vendor, upon approval by the Board of Trustees.

### **7.04 Benefits for Employees**

*Date amended: March 13, 2018*

Benefits, including leave and health insurance, for regular, substitute and temporary employees are as set forth in Chapter 5, and also summarized here:

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- **Regular Full-Time Employees** – Work at least 40 hours per week and receive:
  - Vacation leave, sick leave, holiday leave or other kinds of leave during their period of employment, as described in Chapter 8.
  - Health insurance during their period of employment, as described in Section 7.01.
  - Enrollment in PERS, although there are a few exceptions depending on PERS eligibility criteria.
  - Overtime pay as required by law if they are non-exempt. Exempt employees are not eligible for overtime pay.
  - Pay contributions to the Social Security system, as does the Library on their behalf.
  - Annual performance reviews, and may receive merit increases, as set forth in Chapter 10.
  
- **Regular Part-Time Insured Employees** – Work at least 20 hours but fewer than 40 hours per week and receive:
  - Prorated vacation leave, prorated sick leave, prorated holiday leave or other kinds of prorated leave during their period of employment, as described in Chapter 8.  
“Prorated” means the ratio between the number of hours in the employee's normal work schedule of at least 20 hours per week and the regular full-time schedule of 40 hours per week.
  - Health insurance during their period of employment, as described in Section 7.01.
  - Enrollment in PERS, although there are a few exceptions depending on PERS eligibility criteria.
  - Overtime pay as required by law if they are non-exempt. Exempt employees are not eligible for overtime pay.
  - Pay contributions to the Social Security system, as does the Library on their behalf.
  - Annual performance reviews, and may receive merit increases, as set forth in Chapter 10.
  
- **Regular Part-Time Non-Insured Employees** – Work less than 20 hours per week and receive fewer benefits:
  - Prorated vacation leave, prorated sick leave, prorated holiday leave, or other kinds of prorated leave during their period of employment, as described in Chapter 8.  
“Prorated” means the ratio between the number of hours in the employee’s normal work schedule of at least 20 hours per week and the regular full-time schedule of 40 hours per week.
  - Do not receive health insurance or other benefits during their period of employment, unless exceptional circumstances exist and they qualify for such benefits.
  - Will not be enrolled in PERS, although there are a few exceptions depending on PERS eligibility criteria.
  - Overtime pay as required by law if they are non-exempt. Exempt employees are not eligible for overtime pay.
  - Pay contributions to the Social Security system, as does the Library on their behalf.
  - Annual performance reviews, and may receive merit increases, as set forth in Chapter 10.
  
- **Substitute or Temporary Employees**
  - Prorated sick leave, as described in Chapter 8.

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- Do not receive vacation leave, holiday leave or other kinds of leave, health insurance or other benefits during their period of employment, unless exceptional circumstances exist and they qualify for such benefits as a regular eligible employee.
- Will not be enrolled in PERS, although there are a few exceptions depending on PERS eligibility criteria.
- Overtime pay as required by law if they are non-exempt. Exempt employees are not eligible for overtime pay.
- Pay contributions to the Social Security system, as does the Library on their behalf.
- Are not subject to the performance review process and will not receive merit increases.

### **7.05 Workers' Compensation (work-related disability benefits)**

All employees and authorized volunteers are covered by the State Workers' Compensation (Industrial Insurance) Program. All job-related accidents should be immediately reported to the Director or her designee. For qualifying cases, State Industrial Insurance will pay the employee for workdays lost and for medical costs due to job-related injuries or illnesses. Activities undertaken by employees outside their normal scope of work and/or workday may not be covered by the State Workers' Compensation Program.

When an employee is absent due to an on-the-job accident, he or she is required to file a claim for Workers' Compensation. If the employee files a claim, the Library will continue to pay (by use of the employee's unused sick leave or other forms of leave) the employee's regular net salary pending receipt of Workers' Compensation benefits.

**Coordination of Benefits.** When the employee receives Workers' Compensation benefits, he or she is required to repay to the Library the amount covered by Workers' Compensation and previously advanced by the Library. This policy is to ensure that employees receive prompt and regular payments during periods of injury or disability as long as accrued sick or other leave is available, while also ensuring that no employee receives more than the employee would have received had the injury not occurred. Upon the repayment of funds advanced, the appropriate amount of sick leave shall be restored to the employee's account. Employees may supplement Workers' Compensation salary benefits by using accrued sick or other forms of leave to increase their Workers' Compensation disability payments up to an amount not to exceed their net pay if they were working their regular schedule.

The Library may require a medical examination, at its expense, performed by a physician of its choice, to determine when the employee can return to work and whether he or she will be capable of performing the essential functions of the position.

### **7.06 Continuation of Insurance Coverage**

#### **A. Leave of Absence**

Upon mutual agreement between the employee and the Library, and in accordance with the terms and the conditions of the insurance policy, the Library will continue health insurance coverage at the employee's expense during an approved leave of absence without pay as set forth in Section 8.08.

So long as the Library is a member of the state Public Employees Benefits Board (PEBB) plan for health insurance, insurance coverage may be continued if the employee self-pays the

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insurance premium directly to the insurance provider, with no contribution from the Library. Pursuant to WAC 182-12-133 (2013), as amended, employees may self-pay their PEBB coverage for a maximum of 29 months. The employee must pay the premium amounts for insurance coverage as premiums become due.

The Consolidated Omnibus Budget Relocation Act of 1986 (COBRA) continuation rights may apply in the event coverage is not extended through the Library.

#### **B. Workers' Compensation Leave**

Benefits that accrue according to length of service, such as paid vacation, holiday, and sick days do not accrue during unpaid leave or during periods in which the employee receives Workers' Compensation. The Library also continues to pay for the employer's portion of health insurance premiums, provided that the employee continues to pay his/her share of premiums or co-insurance for up to three months from the date of injury. After three months, the employee's benefits shall cease unless the Library Director makes an exception based upon the criteria stated in Section 1.04, Changing the Policies. The employee may continue health care benefits by self-paying insurance premiums for the remainder of the time he/she receives Workers' Compensation benefits.

#### **C. COBRA Rights**

Upon an employee's termination from employment or upon an unpaid leave of absence, the employee may be eligible to continue the Library's health insurance benefits to the extent provided under the federal COBRA regulations at the employee's option and expense. Continuation rights are not available if an employee is terminated for "gross misconduct." An administrative handling fee over and above the cost of the insurance premium may be charged the employee or his/her dependents that elect to exercise their COBRA continuation rights.

#### **D. Termination; Retirement; Leave of Absence**

For eligible employees who terminate, retire, or are on an approved leave of absence, the employee will be responsible for the premium the month following the last month for which the Library has paid the premium.

### **7.07 Unemployment Compensation**

Regular employees may qualify for State Unemployment Compensation upon termination from employment depending on the reason for termination and if certain qualifications are met.

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## CHAPTER 8: LEAVES

*Date Amended: November 10, 2014*

*Date Amended: May 12, 2015*

*Date Amended: March 13, 2018*

*Date Amended: March 10, 2020*

### 8.01 Holidays; Leave Time

#### A. Holidays

1. Library Holidays. Library holidays are designated by the Board of Trustees.
  - a. The following holidays will be observed by closing the Library on these days:

- NEW YEAR'S DAY – January 1
- MARTIN LUTHER KING'S BIRTHDAY – third Monday in January
- PRESIDENT'S DAY –third Monday in February
- MEMORIAL DAY – last Monday in May
- INDEPENDENCE DAY – July 4
- LABOR DAY – first Monday in September
- VETERAN'S DAY – November 11
- THANKSGIVING DAY – fourth Thursday in November
- THANKSGIVING FRIDAY – fourth Friday in November
- CHRISTMAS DAY – December 25
- FAMILY DAY – December 26

The Library will close at 3:00 p.m. on Christmas Eve and New Year's Eve.

- b. Excluding the December 25th and 26th holidays, when a holiday falls on a Saturday, the holiday will be observed on both the preceding Friday and the Saturday. The Library will be closed both days. When a holiday falls on a Sunday, the holiday will be observed on both Sunday and the following Monday. The Library will be closed both days.
2. Personal Holiday. In addition to Library holidays, regular employees will receive one personal holiday during the calendar year, for one full, or one prorated if working less than 40 hours per week, day of the employee's work. The personal holiday must be used during the calendar year, at the Director's discretion, in consideration of the Library's and employee's workload.

#### B. Holiday Pay or Leave

1. Regular full-time and part-time salaried employees who are scheduled to work on an observed Library holiday as listed above in paragraphs A.1.a and A.2, will receive the day off with pay, recording their prorated hours on timesheets, but receiving their full day's pay. If not scheduled to work, regular full-time and part-time salaried employees will be credited with one day of paid holiday leave, to be taken during the pay period during which the holiday occurred, with Director approval.

Regular part-time hourly employees who are scheduled to work on an observed Library holiday will receive their prorated hours of holiday leave on the observed holiday. If not

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scheduled to work, regular part-time hourly employees will be credited with their prorated hours of holiday leave to be taken during the pay period during which the holiday occurred, with Director approval. Total hours for the pay period, including the holiday leave hours, should not exceed the regular number of hours normally scheduled.

All regular employees will record their full or prorated holiday leave hours on the day they take their leave.

A Library holiday occurring during an employee's vacation or other paid leave will be considered as holiday time and shall not be charged against the employee's paid leave credit.

2. Excluding the December 25th and 26th holidays, when a holiday falls on a Saturday, the holiday will be observed on both the preceding Friday and the Saturday. The Library will be closed both days. When a holiday falls on a Sunday, the holiday will be observed on both Sunday and the following Monday. The Library will be closed both days.

Employees will receive credit for holiday leave in these instances as follows:

- a. Regular salaried employees who normally work on Saturday or Sunday will receive holiday leave for both days that the Library is closed, i.e. Friday and Saturday, or, Sunday and Monday.
  - b. Regular salaried employees who do not normally work on Saturday or Sunday, and regular part-time hourly employees whose hours are flexible, will receive holiday leave credit for only one of the closed days.
3. Substitute, temporary and other non-regular employees do not receive paid holiday leave. Exceptions may be made by the Library Director if the employee otherwise qualifies for such benefits pursuant to state law, such as if the employee's employment with the Library, due to hours of work and duration, fits the definition of a regular full- or part-time employee as defined in this Manual.

## **8.02 Vacations**

The Library provides regular full- and part-time employees annual vacation time with pay to afford the opportunity for rest and recreation. Substitute, temporary and other non-regular employees do not receive paid vacation. Exceptions may be made by the Library Director if the employee otherwise qualifies for such benefits pursuant to state law, such as if the employee's employment with the Library, due to hours of work and duration, fits the definition of a regular full- or part-time employee as defined in this Manual.

For eligible employees, vacation time will be accrued as follows:

### **A. Eligibility and Accrual Schedule**

1. Vacation time for the Director will be negotiated between the Director and the Board.
2. Regular full-time and regular part-time employees are entitled to take paid vacation after completion of the first six (6) calendar months of continuous employment, and accrue vacation according to the following schedule for regular full-time employees, and prorated for regular part-time employees:

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<b>Years employed (months)</b>	<b>Annual accrual</b>	<b>Monthly accrual</b>
1-2 (1-24)	12 days / 96 hours	8 hours
3-5 (25-60)	18 days / 144 hours	12 hours
6+ (61+)	24 days / 192 hours	16 hours

### **B. Vacation Scheduling**

Because of the beneficial effects of rest and recreation, employees are encouraged to use vacation time in the year it is accrued. After the first full calendar year of employment, employees may accrue up to one year of earned vacation time, calculated during one calendar year, which may carry over into the following calendar year, but no more. Unused vacation time in excess of this potential carryover time will be lost without compensation.

Employees may select their own vacation time subject to the Director's approval, with the appropriate considerations for ongoing library services. Employees should submit their request for vacation to the Director or designee. If approved, the employee, along with staff responsible for scheduling, will be notified.

Employees are encouraged to submit requests for vacation as soon as possible or at least two weeks prior to the dates requested, where practicable. For non-exempt employees and exempt employees who are paid on an hourly basis, vacation time may be taken in minimum increments of one hour. Exempt employees who are paid a salary are required to use vacation leave at a minimum rate of one day. This is so that exempt, salaried employees are not put in jeopardy of losing their FLSA-exempt status.

### **C. Unused Vacation Hours**

Upon retirement or separation from employment, employees will be paid for accrued but unused vacation time, limited to the accrual set forth in this section.

During their period of employment, employees will not receive vacation pay in lieu of vacation time, i.e., will not be "paid out" for leave time instead of taking leave time, except as otherwise approved by the Board.

## **8.03 Sick Leave and Domestic Violence Leave**

*Date amended: March 13, 2018*

It is the policy of the Library to provide employees a measure of financial protection by allowing time off with pay when illness, accident, disability, or domestic violence requires the employee to be absent from work.

### **A. Definitions and Coverage**

1. Coverage under this policy includes all regular full-time, regular part-time (prorated) employees, substitute, and temporary employees. See **Section 8.03B** regarding sick leave for regular staff and **Section 8.03C** regarding sick leave for substitute, temporary, and seasonal employees.
2. Sick leave is defined as a specified period of time that an employee is absent from work due to a personal illness, accident or disability, or for other authorized uses as defined in **Section 8.03D** below, for which the employee receives regular compensation, as set forth in this section.
3. Sick leave is intended solely as a form of financial insurance protection and is not

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- considered as paid time off that is owed an employee.
4. Sick leave coordinates with Workers' Compensation as set forth in **Section 7.05**.
  5. The accrual year is January 1 through December 31.

## **B. Regular Full-time and Part-time (Prorated) Employees**

1. Paid Sick Leave Accrual Schedule and Eligibility
  - a. Eligible full-time employees shall accrue sick leave benefits at the rate of one work day (up to eight hours for regular full-time staff members) per completed calendar month of continuous employment for use following one month of continuous employment.
  - b. Eligible regular part-time employees shall accrue sick leave benefits on a prorated basis, in proportion to their weekly work schedule.
  - c. Full-time employees may accrue a maximum of one hundred twenty-seven (127) days of earned but unused sick leave. This maximum amount shall be prorated for regular part-time employees. Accrued sick leave shall not be payable in the event of retirement or termination of employment.
  - d. A temporary change in the employee's regular weekly work schedule shall not affect the employee's accumulation of sick leave benefits.
  - e. For purposes of this policy, the employee's regular weekly work schedule includes regular hours worked, holidays, vacations, sick leave, and all other forms of paid leave, and excludes leave of absence periods.
2. Reporting and Use of Accrued Sick Leave
  - a. Employees must notify the Director in the event of any absence due to sick leave immediately following the start of each workday. Failure to notify the Director may result in loss of sick pay for the day.
  - b. Employer may request that the employee submit a leave request.
  - c. Accrued paid sick leave benefits shall be granted when an employee is required to be absent from work under the conditions defined in **Section 8.03D**.
3. When Sick Leave is Exhausted—Employees who use all of their accumulated sick leave and require more time off due to illness or injury may, with the Director's prior approval, use vacation time or leave without pay.

## **C. Substitutes and Temporary Employees**

1. Paid Sick Leave Accrual Schedule and Availability
  - a. Accrual
    - 1) Eligible employees shall accrue one hour of paid sick leave for every forty (40) hours worked.
    - 2) Employees are not entitled to accrue paid sick leave for hours paid while not working (e.g., while using paid sick leave).
  - b. Availability
    - 1) Employees are entitled to use their accrued, unused paid sick leave beginning on the 90<sup>th</sup> calendar day after the start of their employment.
    - 2) After this 90-day period, any newly accrued paid sick leave is available for use on the first day of the month following the pay period during which the sick leave was accrued.
2. Carryover Requirements of Accrued, Unused Paid Sick Leave to the Next Year
  - a. Accrued, unused paid sick leave balances of forty (40) hours or less will carry over to the following year. For example, if an employee has twenty-five (25)

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hours of accrued, unused paid sick leave at the end of the year, all twenty-five (25) hours will carry over to the following year.

- b. If an employee carries over unused paid sick leave to the following year, accrual of paid sick leave in the subsequent year would be in addition to the hours accrued in the previous year and carried over. Unused paid sick leave in excess of 40 hours at the end of the year is forfeited.
3. Reporting and Use of Sick Leave
    - a. If an employee's absence is foreseeable, the employee must provide notice to supervisor as soon as possible, before the first day paid sick leave is used.
      - 1) Employer may request that the employee submit a leave request.
      - 2) If possible, notification should include the expected duration of the absence.
    - b. If an employee's absence is unforeseeable, the employee must contact supervisor as soon as possible before the required start of their shift.
      - 1) If circumstances allow, employees should provide notice as soon as the employee learns of the need for paid sick leave.
      - 2) In the event it is not practicable to provide notice of an unforeseeable absence, a person on the employee's behalf may provide such notice.
      - 3) If possible this notification should include the expected duration of the absence.
  4. Scheduling and Use of Paid Sick Leave—The use of paid sick leave for foreseeable situations may only be taken if the employee was scheduled in advance to work during that time period.

#### **D. All Employees—Authorized Uses, Separation from Employment, Employer Retaliation, and Employer Notification**

1. Authorized Uses, Employee Notification and Verification Requirements
  - a. Authorized Uses of Paid Sick Leave
    - 1) Care of the employee or the employee's family member
      - Employees may use their accrued, unused paid sick leave hours to care for themselves or a family member (definition below) for:
        - Mental or physical illnesses, injuries, or health conditions;
        - The need for medical diagnosis, care, or treatment of mental or physical illnesses, injuries, or health conditions; or
        - The need for preventive medical care.
      - For the use of paid sick leave for an employee's family member, family member is defined as:
        - A child;
          - Including a biological, adopted, or foster child, stepchild, or a child to whom the employee stands in loco parentis, is a legal guardian, or is a de facto parent, regardless of age or dependency status
        - A parent;
          - Including a biological, adoptive, de facto, or foster parent, stepparent, or legal guardian of an employee or the employee's spouse or registered domestic partner, or a person who stood in loco parentis when the employee was a minor child
        - A spouse;

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- A domestic partner;
  - A grandparent;
  - A grandchild; or
  - A sibling.
- 2) Closure of the Library or the employee's child's school or place of care
- Employees may use their accrued, unused paid sick leave when the Library has been closed by order of a public official for any health-related reason; or
  - When an employee's child's school or place of care has been closed by order of a public official for any health-related reason.
- 3) To address issues related to domestic violence, sexual assault, or stalking
- Employees may use their accrued, unused paid sick leave to:
    - Seek legal or law enforcement assistance or remedies to ensure the health and safety of the employee and their family members including, but not limited to: preparing for, or participating in, any civil or criminal legal proceeding related to or derived from domestic violence, sexual assault, or stalking;
    - Seek treatment by a health care provider for physical or mental injuries caused by domestic violence, sexual assault, or stalking;
    - Attend health care treatment for a victim who is the employee's family member;
    - Obtain, or assist the employee's family member(s) in obtaining, services from: a domestic violence shelter; a rape crisis center; or a social services program for relief from domestic violence, sexual assault, or stalking;
    - Obtain, or assist a family member in obtaining, mental health counseling related to an incident of domestic violence, sexual assault, or stalking in which the employee or the employee's family member was a victim of domestic violence, sexual assault, or stalking;
    - Participating, for the employee or for the employee's family member(s), in: safety planning; or temporary or permanent relocation; or other actions to increase the safety from future incidents of domestic violence, sexual assault, or stalking.
  - For purposes of leave related to domestic violence, sexual assault, or stalking, family member has the following definition: Any individual whose relationship to the employee can be classified as a child, spouse, sibling, parent, parent-in-law, grandparent, domestic partner, or a person with whom the employee has a dating relationship
  - The need for the leave is confidential and will only be released with the employee's consent, by court or administrative agency order, or as otherwise required by law.
  - Continuation of Position; Benefits
    - To the extent required by law, RCW 29.76.050, the Library will maintain the employee in the position of employment held prior to taking leave, or restore the employee to an equivalent position upon return from leave.

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- The Library will maintain coverage under its health insurance plan for an eligible employee who takes leave under this policy. See **Section 7.06** (Continuation of Insurance Coverage) and **Section 8.09** (Continuation of Benefits During Leave) for more information.
  - b. Reasonable Notice by Employees
    - 1) For the Use of Paid Sick Leave
      - Requirements for notice by regular full-time and part-time (prorated) employees are found in **Section 8.03.B.2.a.**
      - Requirements for notice by substitutes, temporary and seasonal employees are found in **Section 8.03.C.3.**
    - 2) For the Use of Paid Sick Leave for Domestic Violence
      - An employee must give advance oral or written notice to supervisor as soon as possible for the foreseeable use of paid sick leave to address issues related to the employee or the employee’s family member being a victim of domestic violence, sexual assault, or stalking.
      - If an employee is unable to give advance notice because of an emergent or unforeseen circumstance related to the employee or the employee’s family member being a victim of domestic violence, sexual assault, or stalking, the employee or their designee must give oral or written notice to supervisor no later than the end of the first day that the employee takes such leave.
  - c. Verification by Employees for Absences Exceeding Three Days—If an employee has used paid sick leave for an authorized purpose for more than three (3) consecutive days during which the employee is required to work, the employee may be required to provide verification that establishes or confirms that the use of paid sick leave is for an authorized purpose.
  - d. Increments of Use, Rates of Pay, and Payment for Use
    - 1) Paid Sick Leave Increments of Use—Employees may use paid sick leave in minimum increments of fifteen (15) minutes.
    - 2) Rate of Pay for Use of Paid Sick Leave—Employees will be paid their “normal hourly compensation” for each hour of paid sick leave used. “Normal hourly compensation” is the hourly rate that an employee would have earned for the time during which the employee used paid sick leave.
    - 3) Payment for the Use of Paid Sick Leave—Employees must be paid for paid sick leave no later than the payday for the pay period in which the paid sick leave was used by the employee. If employer requires verification for absences exceeding three days, such payment must be made no later than the payday for the pay period during which verification was provided to the employer.
- 2. Separation and Reinstatement
  - a. Separation—If an employee separates from employment, there will not be financial or other reimbursement to the employee for accrued, unused paid sick leave balances available at the time of separation.
  - b. Reinstatement of Paid Sick Leave Hours Upon Rehire
    - 1) While San Juan Island Library does have a “no rehire policy” (see **Section 3.05**), in the event that an exception is made and an employee is rehired, the

- Library will reinstate an employee's previously accrued, unused paid sick leave if it rehires an employee within twelve (12) months of separation.
- 2) If the period of time an employee separates from employment extends into the following year (see definition under **Section 8.03.A.5**) employer is not required to reinstate more than forty (40) hours of accrued, unused paid sick leave.
  - 3) Upon rehire, employer must provide notification to the employee of the amount of accrued, unused paid sick leave available for use by the employee.
  - 4) If an employee is rehired within twelve (12) months of separation, the employee will not be required to wait another ninety (90) calendar days to use their accrued, unused paid sick leave if the employee met that requirement during the previous period of employment.
  - 5) If an employee did not meet the 90-day requirement for the use of paid sick leave prior to separation, the previous period of time the employee worked for San Juan Island Library will count towards the ninety (90) days for purposes of determining the employee's eligibility to use paid sick leave.
3. Retaliation Prohibited by Law
    - a. Employer will not discriminate or retaliate against an employee for the lawful exercise of Minimum Wage Act rights.
    - b. Employer does not require, as a condition of an employee taking paid sick leave, that the employee search for or find a replacement worker to cover the hours during which the employee is on paid sick leave.
    - c. If an employee feels they are being discriminated or retaliated against for the exercise of their Minimum Wage Act rights, the employee may contact the Director.
    - d. If an employee is not satisfied with the Director's response, the employee may appeal to the Board of Trustees.
    - e. If an employee is not satisfied with the Board's response, the employee may contact the Washington State Department of Labor & Industries.
      - Online: [www.Lni.wa.gov/WorkplaceRights](http://www.Lni.wa.gov/WorkplaceRights)
      - Call: 1-866-219-7321, toll-free
      - Visit: [www.Lni.wa.gov/Offices](http://www.Lni.wa.gov/Offices)
      - Email: [ESgeneral@Lni.wa.gov](mailto:ESgeneral@Lni.wa.gov)
  4. Required Employer Notification and Contact Information
    - a. Required Notification
      - 1) Initial Notification of Rights
        - At the start of employment [or no later than March 1, 2018, for existing employees], employer will provide employees with notice of their paid sick leave rights. This notice will include information regarding:
          - An employee's entitlement to paid sick leave;
          - The rate at which the employee will accrue paid sick leave;
          - The authorized purposes under which an employee may use paid sick leave; and

- That retaliation by employer for the employee's lawful use of paid sick leave and other rights provided under the Minimum Wage Act is prohibited.
  - Employer will make this information readily available to all employees.
- 2) Ongoing Notification
- At least once a month, employer will provide notice to its employees of:
    - The amount of paid sick leave accrued since notice was last made;
    - The amount of paid sick leave reductions since notice was last made; and
    - The total amount of unused paid sick leave available for use by the employee.
- b. Contact Information—Employees with questions about this paid sick leave policy may contact the Director.

#### **8.04 Bereavement Leave**

Subject to the approval of the Director, a maximum of five working days bereavement leave, with pay, shall be allowed when there is a death in a regular employee's immediate family or any other member of the immediate household, including a domestic partner, as defined in Chapter 1.

This leave may be extended by the use of vacation leave or leave without pay with the approval of the Director. The Director may use the Director's discretion to extend or otherwise allow for extended bereavement leave under exceptional circumstances that are beyond the control of the employee.

#### **8.05 Unpaid Leave for Reasons of Faith or Conscience**

Regular employees are entitled to two unpaid leave days per calendar year for reasons of faith or conscience or an organized activity conducted under the auspices of a religious denomination, church, or religious organization. See RCW 1.16.050.

The employee may select the days on which he or she desires to take the two unpaid leave days after consultation with his or her supervisor or the Library Director. The employee will be allowed to take the unpaid leave days on the days he or she has selected unless the absence would unduly disrupt operations, impose an undue hardship, or the employee is necessary to maintain public safety. The term "undue hardship" is as set forth by the state Office of Financial Management in WAC 82-56-010.

An employee should submit a written request for an unpaid leave provided for by this section to the Library Director at least 10 days prior to the requested day. Unpaid leave is not approved until the Library Director authorizes it in writing, including by electronic approval. The Library Director will evaluate requests by considering the desires of the employee, scheduled work, anticipated peak workloads, response to unexpected emergencies, the availability, if any, of a qualified substitute, and consideration of the meaning of "undue hardship."

The two unpaid leave days allowed by this section must be taken during the calendar year, if at all; they do not carry over from one year to the next.

#### **8.06 Emergency Leave**

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- A. The Director or designee may close the Library without advance notice in the event of conditions which make it unsafe or impossible for Library personnel to carry out their assigned duties.
- B. If Library facilities are closed by the Director or designee, all regular employees shall be paid for the time period based on the regular schedule for that time period. To be eligible for pay, the employee must be scheduled for work at the time of closure, and remain available to immediately return to work should the condition causing the closure abate.
- C. Regular employees who are taking vacation leave, sick leave, holiday-other leave, leave without pay, or any other type of leave at the time of closure may not convert the time to emergency leave.
- D. Substitute employees are not paid for time scheduled but not worked due to emergency closures.
- E. Absence due to an employee's inability to report for scheduled work because of inclement weather is set forth in Section 8.07.

### **8.07 Unusual Weather Conditions**

A regular employee who is unable to report to work or departs work early because of inclement weather conditions may charge the time missed to: vacation, personal day, or leave without pay. Regular employees who arrive within one hour of the start of their normal work day during a period of inclement weather or natural disaster will be paid for a full day's work. The employee shall advise the supervisor by phone, as in any other case of late arrival or absence.

During periods of inclement weather or natural disaster, employees may be assigned, in order to provide emergency services, work schedules other than their normal work assignments.

If the Library Director determines to send employees home before the conclusion of their work day or determines not to have employees report for work, due to inclement weather or natural disaster, regular employees will be paid their normal rate of pay for their regular work hours as scheduled for that day.

Substitute employees are not paid for hours scheduled but not worked in the case of late opening, early closure, or full day closure due to weather.

### **8.08 Leave Without Pay**

- A. The Library may grant a regular employee leave of absence without pay normally not to exceed six months. Leave without pay shall be granted by the Director only when requested in writing by the employee and when such leave will not detrimentally affect the Library. Leave without pay should be requested as far in advance as possible and the expected duration must be indicated in the written request.
- B. Leave without pay in excess of five days will be granted only after all vacation leave has been exhausted.
- C. Conditions of Leave: Leave without pay will be considered for the following circumstances:
  1. Illness or injury of the employee or persons within the employee's household, after all accrued sick leave credits have been exhausted;
  2. Disability leave, including disability due to pregnancy or childbirth, after all accrued sick leave credits have been exhausted;
  3. Continuing education opportunities;

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4. Other circumstances requiring an absence of five or more working days;
5. No benefits accrue during a leave of absence without pay and the employee's anniversary date will be adjusted by the length of the leave; and
6. Leave without pay may, in exceptional circumstances, be extended beyond six months by the Library but reinstatement to the employee's original position cannot be guaranteed.

D. The Library will no longer contribute toward the employee's health insurance premium if, due to being on leave without pay, the employee does not work at least 20 hours per week or at least 80 hours per month, during any one calendar month. The Library's contribution will stop on the first day of the month following the month during which the employee failed to work the requisite hours. The employee may self-pay the insurance premium pursuant to Section 7.05, Continuation of Insurance Coverage.

### **8.09 Continuation of Benefits During Leave**

Regular employees on paid leave shall continue to receive benefits they were entitled to prior to the start of their leave, including the accrual of vacation, sick leave, holidays, retirement, and health insurance benefits. Unless otherwise noted in these policies, an employee's benefits, and health insurance are suspended during the period of unpaid leave, including leave accruals, as set forth in Section 8.07. Self-payment of insurance premiums may apply. See **Section 7.06**, Continuation of Insurance Coverage.

### **8.10 Court Leave**

Regular employees may be granted time off with pay to serve on a jury or as a court witness. If an employee is summoned during a critical work period, the Library may ask the employee to request a waiver from duty. It is expected employees will report to work if there is a break during jury duty where the employee is not required to report to the courts.

### **8.11 Military Leave**

#### **A. Military Training Leave**

Regular employees who are members of the National Guard or Federal Reserve military units are entitled to paid leave for a period of up to 21 working days per year, or any greater period required by law, for performing ordered active duty training. If the active duty training exceeds 21 working days, the employee will take accrued compensatory time, available vacation, and leave without pay, in that order.

#### **B. Leave for Active Duty Military Service**

Regular employees who are called to, or volunteer for, active duty military service in excess of their 21 days will be placed on an indefinite unpaid leave of absence during the time the employee is on an active duty status with any branch of the United States Armed Forces or State militia. The employee may, at his/her option, use any or all of accrued vacation leave prior to moving to the unpaid status. Any unused leave accruals remaining at the time the unpaid leave begins will be held until the employee returns to active employment with the Library. The employee will not earn additional vacation or sick leave during the time of the unpaid leave, nor be entitled to health insurance benefits except as may be provided for under COBRA. Reinstatement following active duty will be in compliance with state and federal laws at the time of the return to work.

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## 8.12 Domestic Violence Leave (RCW 49.76)

*Date amended: March 13, 2018*

See new policy under **Section 8.03 Sick Leave and Domestic Violence Leave**

## 8.13 Paid Family & Medical Leave

Paid Family and Medical Leave is a mandatory statewide insurance program that will provide almost every Washington employee with paid time off to give or receive care. The program is funded by premiums, and is administered by the State of Washington's Employment Security Department (ESD).

- Payment of Premiums
  - Premium collection started on January 1, 2019, and is 0.4 percent of gross wages.
  - Employees may be required to pay approximately 63% of the premium. The District has decided to pay this employee portion for eligible staff.
  - Some employers pay the balance of the premium, but District, as an employer with fewer than 50 employees, is exempt from paying the employer portion. District employees will still receive 100% of the benefit.
- Eligibility—Beginning January 1, 2020, employees who have worked 820 cumulative hours (16 hours per week) in the qualifying period (the previous 12 months) may apply to take paid medical leave or paid family leave. All paid work, regardless of the number of employers or jobs, counts toward the 820 hours.
- Qualified staff are allowed to take up to 12 weeks, as needed. They might be eligible to receive up to 16 weeks if they face multiple events in a year, and up to 18 weeks if they experience a serious health condition during pregnancy that results in incapacity. The claim year begins when the employee files a claim for PFML benefits or upon the birth/placement of the employee's child.
- Employees may be covered if they:
  1. Welcome a child into their family (through birth, adoption or foster placement);
  2. Experience a serious illness or injury;
  3. Need to care for a seriously ill or injured relative; relatives include spouses, children, parents (including in-laws), grandchildren, grandparents (including in-laws) and siblings;
  4. Or need time to prepare for a family member's pre- and post-deployment activities, as well as time for childcare issues related to a family member's military deployment.
- Types of Leave
  - Medical Leave: Medical leave may be taken due to the employee's own serious health condition, which is an illness, injury, impairment, or physical or mental condition that involves inpatient care or continuing treatment by a health care provider, as those terms are defined under the FMLA and RCW 50A.05.010. However, an employee is not eligible for PFML benefits if the employee is receiving time loss benefits under the workers compensation system.
  - Family Leave: Family leave may be taken to care for a covered family member with a serious health condition; for bonding during the first 12 months following the birth of the employee's child or placement of a child under age 18 with the employee (through adoption or foster care); or for qualifying military exigencies as defined under the FMLA.
- PFML Application Process—An employee must submit an application to ESD in order to seek PFML benefits. For guidance on the application process, please refer to the ESD website ([www.paidleave.wa.gov](http://www.paidleave.wa.gov)). Eligibility determinations will be made by ESD. If

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approved, the employee will need to file weekly benefit claims with ESD to continue receiving benefits.

- Notification Requirements
  - An employee must provide written notice to District of the intent to take PFML leave. If the need for leave is foreseeable, notice must be given at least 30 days in advance of the leave. For unforeseeable leave, notice must be given as soon as practicable. The employee's written notice must include the type of leave taken (family or medical), as well as the anticipated timing and duration of the leave. If an employee fails to provide this required notice to District, ESD will temporarily deny PFML benefits. After receiving the employee's notice of the need for leave, District will advise the employee whether the employee is eligible for job protection under PFML.
  - If leave is being taken for the employee's or family member's planned medical treatment, the employee must make a reasonable effort to schedule the treatment so as not to unduly disrupt District's operations.
  - PFML leave may be taken intermittently, provided that there is a minimum claim requirement of eight consecutive hours of leave in a week for which benefits are sought.
  - If taking leave intermittently, an employee must notify District each time PFML leave is taken so that District may properly track leave use.
- Benefits
  - While on leave employees are entitled to partial wage replacement. They will receive a portion of their average weekly pay, generally up to 90% of their weekly wage, with a minimum of \$100 per week and a maximum of \$1,000 per week. ESD's website is expected to include a benefits calculator to assist employees in estimating their weekly benefit. Employees will be paid by ESD rather than District.
  - With the exception of leave taken in connection with the birth or placement of a child, PFML benefits are subject to a seven-day waiting period. The waiting period begins on the Sunday of the week in which PFML leave is first taken. The waiting period is counted for purposes of the overall duration of PFML leave, but no monetary benefits will be paid by ESD for that week. Employees may use available accrued leave to cover absences during the waiting period.
  - Paid leave accruals (vacation, sick leave, personal holidays, etc.) are not supplemental to PFML benefits. An employee may elect to use such accrued leave during a PFML-covered absence, although the receipt of accrued leave must be reported to ESD as part of the PFML claims process and will result in a pro-rated weekly PFML benefit. Important note: failure to report the receipt of accrued leave may result in an overpayment by ESD, which ESD may recoup from the employee.
  - Employees can keep their health insurance while on leave as long as they continue to pay their portion (if any) of the premium cost while on leave. Failure to do so may result in cancellation of the employee's health insurance benefits.
- Job Restoration; Return to Work Recertification
  - An employee who is eligible for job-protected leave (must have worked for District for at least 12 months and have worked 1250 hours in the last year) will be restored to the same or equivalent position at the conclusion of PFML leave, unless unusual circumstances have arisen (e.g., the employee's position or shift was eliminated for reasons unrelated to the leave).
  - District may require a return-to-work certification from a health care provider before restoring the employee to work following PFML leave where the employee has taken leave for the employee's own serious health condition.

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- Under certain conditions, District may deny job restoration to a salaried employee who is among the highest paid ten percent of District employees.
- If an employee taking PFML leave chooses not to return to work for any reason, the employee should notify District as soon as possible.

## **CHAPTER 9: EMPLOYEE CONDUCT AND RESPONSIBILITIES**

### **9.01 General Code of Conduct**

The Library is a small organization that values and depends on each employee. Library employees are required to perform work in the areas of acquisitions, cataloging, networking, reference, volunteer coordination, as well as to assist patrons in locating information. Many Library employees work with the public and are the “face” of the Library. As such, the Library needs and expects courtesy towards the public and fellow employees, as well as adherence to the Library’s guidelines, procedures, rules and safe work practices. The Library also values its collections and its property, and so requires employees to treat the Library’s collections and property with care and respect, and to preserve it and protect it from damage, to the best extent practicable.

To make the most efficient use of personnel, the Library may change work conditions and the duties originally assigned to an employee. If a change in duties or work conditions becomes necessary, we expect the employee’s best cooperation.

### **9.02 Outside Employment and Conflicts of Interest**

Because the Library has determined that it will be in its best interest to avoid conflicts of interest, either real or perceived, in its operations, the following policy is established:

#### **A. Conflicts of Interest**

No regular employee may engage in any occupation or outside activity which is incompatible with the proper discharge of official Library duties or would impair or appear to impair independence of judgment or action in the performance of official Library duties. No regular employee or authorized volunteer shall use his or her position for personal, including financial, gain and shall avoid conflicts of interest or the appearance of conflicts of interest, including as provided for in Washington’s Code of Ethics for Municipal Officers, RCW chapter 42.23.

#### **B. Outside Employment**

Regular employees may engage in another job outside their Library employment as long as it does not conflict with the best interests of the Library or interfere with the employee’s ability to perform his or her duties. Specifically, outside activities may not:

- Interfere with the employee’s job responsibilities;
- Be conducted during the employee's work hours;
- Utilize Library telephones, computers, supplies, or any other resources, facilities or equipment;
- Be employed with an entity that has contracts with or does business with the Library and the employee would be working on such a contract or on Library-related business; or
- Be reasonably perceived by members of the public as a conflict of interest or otherwise be a discredit to public service.

### **9.03 Political Activities**

As a tax-supported institution, it is important that the Library demonstrate neutrality regarding political campaigns and candidates. However, employees and authorized volunteers may engage in political activities, as subject to RCW 41.06.250 and RCW 42.17A.555.

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In order to answer specific questions that may come up during an election campaign, the following points are stated.

Employees and authorized volunteers may:

- Respond to political inquiry by providing factual information;
- Hold office within a political party so long as it does not use Library resources or affect or conflict with the employee's or volunteer's work with the Library;
- Wear as part of their apparel items supporting a political activity; and
- Participate in campaign issues to the extent they feel appropriate while on their own time and not using Library resources.

Employees and authorized volunteers may not:

- Campaign, solicit or advocate for any political opinion or proposal on Library time, on Library property, or using any Library resource;
- Use Library property or resources (paper, copier, computers, telephones) for campaign purposes;
- Display political items, such as badges, banners, or stickers, on anything that might be perceived to be the property of the Library; or
- Hold an appointed or an elected public office when the holding of such office is incompatible with or substantially interferes with the official duties of the employee's job.

Except as noted in this policy, Library employees and authorized volunteers are otherwise free to fully exercise their constitutional rights.

#### **9.04 Acceptance of Gifts by Employees**

This policy applies to the solicitation or acceptance of gifts by Library employees, and does not apply to acceptance of gifts by the Library for its collections, materials or works of art, which are governed by separate policies.

Pursuant to state law for public employees, Library employees shall not solicit or receive a gift, loan, favor, entertainment, or other thing of monetary value if it is or it appears to be solicited, received, or given with the intent to give or to obtain special consideration or influence for any job-related action by the employee. This policy shall not prohibit:

1. Attendance at a hosted meal provided in conjunction with a seminar, conference, or banquet that relates directly to Library business or is attended as a staff representative;
2. An award publicly presented in recognition of public service;
3. An occasional non-monetary gift given to an individual employee that does not exceed \$20.00 in value, is offered without obligation or the appearance of obligation, and does not influence the employee's job or decision-making in any way;
4. An occasional non-monetary gift (such as fruit and candy given to the Library) that does not exceed \$50.00 in value, whether given to an individual employee or group of employees, when the gift is offered without obligation or the appearance of obligation. Such a gift may be accepted if made available to employees and to the public alike; or
5. Any gift, including the cost of a meal, which would have been offered or given to the employee regardless of Library employment.

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### **9.05 No Smoking Policy**

Pursuant to state law (RCW 70.160.030), San Juan County Board of Health Ordinance No. 1-2015, and Library policy, no employee may smoke and/or vape (use any kind of electronic smoking device, e-liquids, or unregulated nicotine delivery product) in any Library facility, Library-owned building or office, or Library vehicle. Smoking and/or vaping is allowed outside at least 25 feet from building entrances and exits, windows that open, and ventilation intakes. Employees who smoke and/or vape have a special obligation to keep smoking/vaping areas litter-free and not to abuse break and work rules.

Employees who smoke and/or vape may request from the Director a place or area that may be designated as a smoking/vaping area. The Director may grant the request at his or her discretion.

### **9.06 Electronic Communication Technology**

The Library provides a communications network capable of offering electronic mail (e-mail) and Internet access, telephone and voicemail, facsimile machines, cellular telephones and other electronic communications devices (collectively referred as the Library's Technology Resources), to employees to assist in and facilitate legitimate Library business and communications. The primary purpose of the Library's network and systems is to provide service to the public and used primarily for Library business. It is the policy of the Library to maximize cost effective use of computer systems as means of improving productivity. *De minimis*, incidental personal use of the Library's Technology Resources by employees is permitted if accomplished in compliance with the provisions of the policy set forth here below.

#### **A. No Expectation of Privacy**

By using the Library's Technology Resources, employees acknowledge and agree that they have no expectation of privacy or confidentiality in their use of these systems or in any data that they create, store, or transmit on or over the systems, including any data created, stored, or transmitted during an employee's incidental personal use of the Technology Resources as permitted under this policy, and specifically including cell phones, pagers, or other communication devices used for Library business. Employees further agree that they are aware of, understand and will comply with the provisions of this policy, and that their use of Technology Resources can and will be monitored and any data that they create, store, or transmit on or over Library systems may be inspected by Library management at any time. Employees should understand that certain e-mail messages, other electronic communications, and documents created on Library computer systems, including cell phones or other electronic communication devices, may be considered a public record subject to disclosure and/or subject to discovery in the event of litigation.

#### **B. Standardized Software and Hardware**

The Library has established standard software and hardware for commonly used applications. The use of unauthorized, non-standard software and hardware, including personally owned software and hardware, on Library computer systems without approval of the Director is prohibited.

#### **C. Installation of Software and Hardware**

Improper installation of software or hardware can damage a computer system, cause malfunction, or conflict with IT configuration. All standardized software and hardware is to be

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installed by the IT Manager or other person as authorized by the Director. Specialized software and hardware technologies exclusive to individual departments may be managed within the appropriate department, in coordination with the IT Manager and Director. Any moving, relocation, or rearranging of computer software or hardware should also be coordinated with the IT Manager or Director.

#### **D. Ownership and Confidentiality**

All software programs, applications, templates, data, data files, and web pages residing on Library computer systems or storage media or developed on Library computer systems are property of the Library, to the extent allowed by law or any Library contractual agreement. The Library retains the right to access, copy, modify, destroy or delete this property. Data files containing confidential or sensitive data should be treated accordingly and should not be removed from the workplace without proper authorization from the Director.

#### **E. Acceptable Use of Library's Technology Resources**

The Library's Technology Resources are to be used by employees, or authorized volunteers for Library business. Incidental, de minimis personal use may be permitted where, in the judgment of the employee's supervisor or the Director, such use does not interfere with employee or department productivity, nor distract/take time away from the worker or co-worker assigned work. Generally, incidental de minimis personal use means:

1. It is occasional and of short duration;
2. It is done on an employee's personal time, such as on a lunch break;
3. It does not interfere with job responsibilities;
4. It does not result in any expense to the Library ;
5. It does not solicit for or promote commercial ventures;
6. It does not utilize excessive network resources;
7. It does not expose the Library's software or hardware to a virus, spyware, or other threat; and
8. It does not constitute any prohibited use, as discussed below.

#### **F. Prohibited Uses of Library's Technology Resources**

Use of the Library's Technology Resources to engage in any communication that violates federal, state, or local laws or regulations, or any Library policy is strictly prohibited at all times. In addition, the following uses of the Library's Technology Resources are inappropriate and are prohibited at all times, unless specifically exempted below:

- Personal commercial use (benefitting an employee's outside employment or commercial business);
- Accessing, receiving, or sending pornographic, sexually explicit or indecent materials, including materials of an unreasonably offensive nature;
- Usage for any type of unlawful harassment or discrimination, including the transmission of obscene or harassing messages to any individual or group because of their sex, race, religion, or sexual orientation, national origin, age, disability, or other protected status, that would violate any Library personnel policy or law;
- Gambling;
- Usage for recreational purposes including the loading of computer games or playing online games;

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- Usage that precludes or hampers Library network performance; such as viewing or listening to streaming audio and/or video (unless for Library business, such as for online training);
- Unauthorized copying or downloading of copyrighted material;
- Usage that violates software license agreements;
- Downloading of software programs (unless specifically approved by the Director and coordinated with IT Manager);
- Usage for political purposes, including partisan campaigning;
- Sending anonymous messages and/or misrepresenting an employee's name, position or job description;
- Deliberately propagating any virus, worm, Trojan horse, malware, spyware, or other code or file designed to disrupt, disable, impair or harm either the Library's network systems or those of any other individual or entity;
- Use of abusive, profane, threatening, racist, sexist or otherwise objectionable language in either public or private messages;
- Use of Technology Resources in an excessive manner so as to deprive others of system use or resources, including the sending of bulk email other than official Library business or forwarding "chain letter" emails of any kind;
- Connecting to the Library network, or any specific software package utilizing somebody else's security identification login information to gain alternate security permissions; or
- Any personal use, even if incidental, that results in expense to the Library.

Any employee who violates these policies may be subject to disciplinary action up to and including termination. In addition, employees may be held personally liable for damages incurred as a result of copyright and licensing requirements.

### **9.07 Records Retention**

The Library is obligated to maintain all electronic files and records in the same manner in which paper records are maintained in accordance with the State archivist records retention schedule. Please review the State Archive's Local Government Common Records Retention Schedule on-line if you are uncertain of the time period for retention, and/or consult with the Director or designee.

Additionally, in compliance with the state Public Records Act, copies of electronic files must be maintained in their original electronic format, in a manner that preserves the data inside the file, including the metadata. If you have questions about this, please contact the Director or designee.

The position designated by the Library as the Library's records officer, pursuant to RCW 40.14.040, shall have the duties set forth by law, and will attend regular training for the public records act and records retention laws. See RCW chapter 42.56.

### **9.08 Legal Prescriptions and Over-the-Counter Medications**

An individual taking prescription or non-prescription medication that may affect the employee's ability to work or the safety of the employee, co-workers or the public is required to notify his or her supervisor prior to commencement of work. The Director or designee will make a

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determination whether it is in the best interests of the individual and/or the Library that the individual work, not work, or be reassigned during the period of medication.

### **9.09 Alcohol and Drug-Free Workplace**

The Library is committed to providing and maintaining a safe and productive work environment free from the effects of drugs, alcohol and other job-impairing substances. We are primarily concerned with the well-being of employees and the public they serve. We encourage employees who are concerned about their alcohol or drug use to seek professional or other appropriate consultation. All Library employees/volunteers are subject to the policies stated in this section.

#### **A. Use of Medical Marijuana as Medication**

The Library recognizes that the State of Washington has authorized the use of “medical marijuana,” but as of May 2014, federal authorities still consider the use of marijuana illegal. An employee or authorized volunteer who has been prescribed or uses medical marijuana in accordance with a prescription in compliance with the laws of Washington State shall notify the Library Director within twenty-four (24) hours of receipt of the prescription. The Library will determine if the individual’s job functions will be impaired by the use of medical marijuana pursuant to the employee’s prescription, similar to the determination above in 9.08 for use of other medication. The Director or designee will make a determination whether it is in the best interests of the individual and/or the Library that the individual work, not work, or be reassigned during the period of medication. If the Library determines that the individual’s particular job cannot safely be accomplished or that in the Library’s opinion that the individual cannot accomplish their job functions under the influence of medical marijuana, then the Library may re-assign the employee during the period of medication, or preclude the employee from work during that period; or discipline the employee up to and including termination.

#### **B. Use of Recreational Marijuana**

The use of marijuana for recreational purposes, while performing Library functions or on Library property, is prohibited in the same manner as alcohol use. Recreational marijuana falls under the category of prohibited “drugs, alcohol or controlled substances” while on the job.

#### **C. When Job Performance is Affected**

Although the Library's emphasis is on rehabilitation, it must be understood disciplinary action may be taken when an employee continues to demonstrate problems in job performance or is involved with or under the influence of drugs or alcohol on the job. The Library may discipline and/or immediately terminate an employee possessing, consuming, controlling, selling or using alcohol, drugs, or controlled substances during work hours, in violation of any provisions of this policy. The Library may also discipline and/or terminate an employee who exhibits an on-going dependence on alcohol, drugs or controlled substances which, in the Library's opinion, impairs the employee's work performance, poses a threat to the public confidence, or is a safety risk to the Library or others.

#### **D. Drug-Free Workplace**

To comply with the requirements of the federal Drug-Free Workplace Act, the Library adopts the following policies:

- The manufacturing, distribution, dispensation, possession and use of unlawful drugs, marijuana or alcohol on Library premises or during work hours by Library employees

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and volunteers are strictly prohibited, unless as otherwise set forth in this policy for use for medical purposes.

- Employees and volunteers must notify the Library within five (5) days of any conviction for a drug violation.
- Violation of this policy can result in disciplinary action, up to and including termination. Continued poor performance or failure to successfully complete a rehabilitation program is grounds for termination.
- Illegal drug use at any time may be subject to discipline or termination.

### **E. Reasonable Suspicion**

When the Director has reasonable suspicion to believe an employee may be in violation of this policy, the Director may take action up to and including termination. "Reasonable suspicion" is a belief based on objective facts sufficient to lead a reasonably prudent person to suspect that an employee is under the influence of drugs or alcohol so that the employee's ability to perform the functions of the job is impaired or so that the employee's ability to perform his or her job safely is reduced.

For example, any of the following, alone or in combination, may constitute reasonable suspicion:

1. Slurred speech;
2. Alcohol odor on breath;
3. Unsteady walking and movement;
4. An accident involving Library property where it appears employee conduct is at fault
5. Physical altercation;
6. Verbal altercation;
7. Unusual behavior;
8. Possession of alcohol or drugs; and/or
9. Information obtained from a reliable person with personal knowledge.

The Director or designee should document in writing the facts constituting reasonable suspicion. Where there is reasonable suspicion that the employee is under the influence of alcohol or drugs, the Director or designee should arrange for the employee to be safely transported home.

The Director or designee shall not physically search the person of employees, nor shall they search the personal possessions of employees without the freely given written consent of, and in the presence of, the employee. The Director or designee should notify the appropriate law enforcement agency where, in the Director's discretion, this policy may require action by law enforcement, including search of the employee's person or property.

### **9.10 Safety/Security**

The safety of each employee, co-workers and the public is the primary responsibility of each employee. Every employee and volunteer is responsible for maintaining a safe work environment and for following the Library's safety policies. Each employee/volunteer shall promptly report all unsafe or potentially hazardous conditions to his/her supervisor. The Library will make every effort to remedy problems as quickly as possible.

In case of an accident involving a personal injury, regardless of how minor or serious, employees shall immediately notify the Director, designee or the immediate supervisor.

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Endangerment of other employees or the public may result in immediate non-disciplinary suspension or disciplinary action up to and including termination.

The Safety Committee or safety meeting of the Library will function in accordance with state and federal laws, including Washington Administrative Code 296-800, and will maintain direct communication with management in all areas of safety and in particular with employee and supervisory safety training programs and establishment and maintenance of an anonymous safety suggestion program. The Safety Committee will also develop, regularly review and administer a Library Accident Prevention Program.

## **CHAPTER 10: PERFORMANCE EVALUATIONS AND TRAINING**

### **10.01 Performance Evaluations**

Performance evaluations are designed to provide the employee with a record of his or her performance and encourage professional growth. Every regular employee of the Library will be evaluated not less than once each year, on or about the anniversary date of his or her employment. This will constitute a “regular annual evaluation.” Other evaluations may be undertaken as they are deemed needed by the employee’s evaluator or evaluating body.

The purpose of the evaluation is to commend strengths, address weaknesses, suggest ways to improve, and discuss new challenges, career goals and objectives. All evaluations shall be in writing and maintained in the employee’s personnel file.

The evaluating body for the Director is the Board of Trustees. The evaluator for all other employees is the Director or the direct supervisor of the employee.

### **10.02 Regular Annual Evaluations of Regular Employees**

All regular employees other than the Director will be evaluated by the Director, or the direct supervisor of the employee. Performance evaluations for regular employees are related to the position the employee holds at the time of the evaluation.

Regular employees receive regular annual evaluations once per year on their performance review date. Normally this occurs 12 months from the last review date or upon 12 months from the first date of hire; however, the formal performance review date may be delayed or accelerated by the Director based on the employee’s performance. Otherwise, the regular annual review is the required minimum. The evaluation will be discussed with the employee, who will have an opportunity to comment on it in writing.

The primary purpose of the performance review is to ensure employees understand what is required of them for successful performance of their job duties and requirements. Annual step increases are based on receipt of a satisfactory regular annual evaluation. Additionally, evaluations will be used as a factor in performance improvement counseling efforts, career growth and determination of training needs. If the employee has a written job description, the supervisor may evaluate the employee’s performance based on the job description, and may discuss with the employee whether the job description accurately reflects the employee’s normal and ongoing duties, or needs to be updated.

As part of the performance review process, the employee and his or her supervisor may set employee development goals that identify training priorities for the next review period. All training should be job-related and be within budget allocations, as set forth in Section 10.05. Supervisors and employees are also expected throughout the year to discuss performance issues and progress.

The Director may use consultants, advisors, or other persons to assist in the evaluation process.

### **10.03 Evaluation of Library Director**

#### **A. Regular Annual Evaluation**

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The regular annual evaluation of the Library Director will be an evaluation of the Director's performance based on the Director's job description, an evaluation of the existing job description to determine whether changes are deemed necessary or appropriate, a determination of how successfully the Director has achieved specific goals and objectives, and the establishment of goals or objectives for the Director for the coming year.

All goals and objectives shall be developed in consultation with the Director, and shall be formally adopted in written form by the Board. The evaluation will specifically note any deficiencies or weaknesses recorded in previous evaluations, and will note whether or how well those deficiencies or weaknesses have been or are being corrected.

The evaluation may be undertaken at a regular Board meeting or at a special meeting called for that purpose, and may spread over more than one meeting.

At the request of the Director or any Trustee, and with the concurrence of the Director as required by the Washington Open Public Meetings Act, the Board shall vote as to whether all or portions of the evaluation will be held in executive session, to the extent permitted by the Open Public Meetings Act.

The Board will appoint a person or persons to summarize the evaluation in writing. The summary will specifically include any deficiencies which were noted to be corrected. The summary, when adopted by the Board, will be the formal statement of the evaluation. A copy of the summary will be furnished to the Director and to each Trustee.

#### **B. Other Evaluations**

An evaluation other than the annual evaluation may be held at the request of the Director, or by action of the Board through a motion duly made, seconded, and adopted. The call for such an evaluation will state whether the process will be the same as for the annual evaluation, or, if not, what evaluation process will be used.

#### **10.04 Evaluation of Other Staff**

The Director or designee may evaluate the performance of other employees, such as temporary or substitute employees, if a performance evaluation is recommended due to the duration and/or type of work performed by the employee.

#### **10.05 Ongoing Staff Education and Training**

Staff is encouraged to participate regularly in conferences, meetings, and continuing education programs which will benefit their professional growth, enable them to remain current in Library developments, and improve their ability to serve Library patrons and the community. The Library will bear the cost of approved participation in accordance with the following policies.

##### **A. Eligible Events**

Events (conferences, meetings, courses and the like) should be reasonably related to the employee's regular responsibilities, and should enhance the Library's mission and service. In general, the definition of eligible events will be construed broadly, not narrowly.

##### **B. Ineligible Events**

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Courses which are being taken principally to obtain basic skills or knowledge which the employee, when hired, was expected to possess to meet the minimum prerequisites of her/his present job description are not eligible events.

The Director should consult with the Trustees when there is a question whether an event is eligible.

### **C. Approval**

The Director is responsible for allocating the available continuing education budget. The Director will submit a travel budget to the Board during budget preparation time. The travel budget may list possible continuing education events for staff and the Director to attend during the year with estimated costs. The Board will pre-approve the travel budget at the time the Library's budget is adopted. The Director may request additional approval from the Board to modify the preapproved amount at any time during the fiscal year. In order to receive reimbursement, staff must obtain the Director's approval before the event.

### **D. Reimbursement**

Conference fees and all necessary lodging, travel, meals and ancillary costs will be eligible for reimbursement. Travel costs will be reimbursed in accordance with Library policies, see Sections 6.07 and 6.08, using mileage and per diem rates adopted by San Juan County Administrative Services. Reimbursement may be either full or, if the budget requires and the attending staff member agrees, partial. Reimbursement will be in full unless a partial reimbursement arrangement is set at the time of approval.

Reasonable and customary expenses will be considered for reimbursement. Alcoholic beverages are excluded from reimbursement. Requests for reimbursement must be submitted on an expense report and should include receipts. See Sections 6.07 and 6.08 of this Manual for a further description of reimbursement for travel expenses.

## **10.06 Anticipated Continuing Education Levels**

The Trustees anticipate, and will try to budget for, the following minimum level of continuing education:

- Director: WLA and PLA and/or ALA annual meetings.
- Other staff: at least one significant continuing education event every two years.

These are minimums, not maximums.

## CHAPTER 11: DISCIPLINE AND TERMINATION

*Date Amended: March 10, 2020*

### 11.01 Non-Disciplinary Termination

#### A. Resignation

For continuity of service and planning purposes, employees are requested to provide at least two weeks' notice prior to resigning. The Board expects the Library Director or Assistant Director to provide four weeks' notice of resignation. Failure to provide appropriate notice may result in a resignation not in good standing. An employee who resigns will receive all earned pay and accrued vacation, and will not receive severance pay.

#### B. Layoff

The Board may give the Director the authority to lay off employees for lack of work, reorganization, budgetary restrictions or other changes that have taken place in accordance with the needs of the Library, as determined by the Board. The Library reserves the right to retain any employee for essential Library services and/or emergency responsibilities if those duties cannot otherwise be accomplished.

Temporary employees may be laid off first, and then employees who have not completed their initial employment period may be laid off before regular employees are affected. In determining regular employees to be laid off, consideration will be given to individual performance and to the qualifications required for the remaining jobs. Seniority will be considered when performance and qualifications are equal.

Employees who are laid off will be placed on a re-employment list for up to six months. Persons on this list will be given preference over outside candidates if they are qualified for any open and posted Library position.

#### C. Medical

If the employee has a physical or mental impairment that prevents him or her from performing the required duties of the employee's position and the employee cannot be reasonably accommodated, as provided by applicable laws, the employee or the Library may institute termination for medical reasons. The Library may require a medical examination, at its expense, performed by a physician of its choice prior to a medical termination. Failure by the employee to submit to such an exam may result in discharge.

#### D. Initial Employment Period

Employees working during their 6-month initial employment period may be terminated with or without cause at any time without following the discipline steps above. Likewise, the employee may resign in good standing during the initial employment period without discredit to their work record. At-will employees continue to serve in an at-will capacity even after completion of the initial employment period.

### 11.02 Discipline and Termination

#### A. Guidelines for Appropriate Conduct

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As public employees we are responsible to the public and held to a high standard of performance to maintain the public trust. In pursuing the goal of excellence in Library service, we expect excellence from each employee, while striving to make this an enjoyable and a rewarding place to work.

The following are examples of inappropriate work behavior that may result in discipline including a verbal warning, written warning, suspension or termination:

1. Being on the job in possession of, distribution, sale, transfer or use of alcohol, drugs, recreational marijuana, or other controlled substances, or non-prescribed use of otherwise lawful prescription drugs;
2. Violation of a lawful duty, falsification of records, or making a false claim on Library funds;
3. Insubordination or other disrespectful conduct, including failure to carry out lawful work-related instructions given by a supervisor;
4. Sexual harassment or other unlawful harassment of another employee, member of the public, vendors or contractors;
5. Excessive or unexcused absences or tardiness, or failure to report absence or tardiness;
6. Fighting or threatening violence in the workplace, or causing disharmony in the workplace;
7. Acceptance of fees, gratuities or other valuable items in the performance of the employee's official duties for the Library;
8. Violation of duties or rules in these personnel policies, or any other Library rule or administrative order;
9. Theft or inappropriate removal of Library or another employee's property;
10. Boisterous or disruptive activity in the workplace;
11. Negligence or improper conduct leading to damage of Library or another employee's property;
12. Violation of safety rules or endangerment of the safety of the individual, co-workers or the public;
13. Possession of dangerous or unauthorized materials in the workplace;
14. Unauthorized disclosure of confidential information;
15. Failure to report immediately to a supervisor any accident or injury which occurs on the job;
16. Misuse of the Library's communication systems including email, computers, internet access, cell phones or other Library equipment, and vehicles;
17. Use of Library property, position, or time for personal financial gain;
18. Intentional falsification of any application for employment, any report, timesheets, medical reports, expense accounts, or other Library records;
19. Unauthorized distribution of non-work related literature or non-work related solicitation of staff members or volunteer staff members on library premises during work time; or
20. Failure to work during regular work hours, including failure to perform job duties, sleeping on the job, working less hours than authorized, or related issues.

This list contains examples only and is not exhaustive. While the Library believes in progressive discipline, which calls for appropriate discipline in a progressively more serious manner, the Director or the Board, as the case may be, reserves the right, in their sole discretion, to review

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each situation independently and make a decision about what is appropriate, up to and including termination.

## **B. Disciplinary Procedures**

The Library's discipline procedure is intended to give employees advance notice, whenever possible, of problems with their conduct or performance so they have an opportunity to improve. Based on the seriousness or other circumstances of the situation, discipline may begin at any level, may skip steps, and/or any steps may be repeated as appropriate. The Library may determine immediate termination is the appropriate, first-and-only step to be taken.

1. Verbal counseling. The supervisor will discuss behavior and performance problems with the employee on an informal basis. This gives the employee the opportunity to make changes and to avoid proceeding to the formal discipline steps below. Such discussions should be documented in the supervisor's file, but not in the employee's personnel file. Repeated counseling will result in a written warning.
2. Written warning. This is a formal written disciplinary action for misconduct, inadequate performance, or repeated lesser infractions. Written warnings are placed in the employee's personnel file. The written warning shall include the nature of the infraction, what the employee needs to do to correct the conduct or to improve performance, and make clear what further disciplinary action would follow if the incident happens again or improvement does not occur within a specified time period.
3. Investigative or non-disciplinary suspension. The Director may place an employee on paid suspension pending the outcome of a workplace investigation undertaken by the Director or designee, due to an employee's conduct, at the Director's or the Board's discretion, as the case may be. Based on the outcome of the investigation, further action may or may not be taken.
4. Suspension. A temporary, unpaid absence from duty, which may be imposed for significant misconduct or repeated lesser infractions. A suspension is a severe disciplinary action that is made part of the employee's permanent record, and is different from a suspension pending an investigation.
5. Discharge/Termination. An employee may be terminated from Library employment when the progressive steps above do not result in corrected behavior or improved work performance, or when the Library Director determines termination is appropriate.

## **C. Pre-determination Disciplinary Procedures**

In the event the Library Director proposes to suspend without pay, discharge an employee, or proposes another disciplinary action, then the following procedures shall be followed:

1. Pre-determination meeting. Prior to a decision being made regarding such disciplinary action, the Library Director shall provide the employee written notice of a meeting regarding the Library Director's recommendation to the Board for such

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discipline. The meeting notice will include the time of the meeting and an explanation of the reason(s) for the proposed discipline.

The meeting will be presided over by the Library Director, and a Board member may be present. The employee may bring one person to the meeting as an observer who may not interfere with the orderly process of the meeting.

The purpose of the meeting is to give the employee an opportunity to respond, either orally or in writing, to the reasons for the proposed discipline, and/or to explain why the Library should not discipline the employee.

2. Pre-determination suspension. If the Library Director is recommending that the employee be discharged, then prior to a pre-determination meeting, the Library Director may place the employee on unpaid pre-termination suspension. As determined by the outcome of the pre-determination meeting, the unpaid suspension may be upheld, reversed, or amended by the Board in its final decision.
3. Final decision. The Board shall approve of any final decision regarding such disciplinary action. Within a reasonable amount of time after the pre-determination meeting, not to exceed twenty working days, and taking into account the Board's regular meeting schedule, the Board will issue a written decision determining whether the discipline will proceed, or some alternative disciplinary action will be imposed. A longer review period may be required in more complex situations, in which case the employee will be notified of the extended review period.

### **11.03 Termination**

#### **A. Benefits at Termination**

Employee and dependent benefits normally cease the day following the date of termination. However, based on contracts with benefit providers, some benefits may continue until the end of the month following the date the employee is terminated. Employees may be able to convert some group benefits to individual policies following termination. During the exit interview the Library Director or designee will explain benefits.

#### **B. Severance Pay**

A staff member discharged for Layoff purposes will receive, in addition to all earned pay and all accrued vacation, severance pay equal to one month's salary, provided the notice of termination is given after the first anniversary of the employee's date of hire. If the notice of termination is given on or before the first anniversary of the employee's date of hire, the employee shall receive all earned pay and all accrued vacation, but no severance pay.

Nothing in this section shall prevent the Board of Trustees from granting severance pay to a departing employee who is discharged for reasons not listed in this section if, in the Board's judgment, severance pay is warranted.

#### **C. Separation Procedures**

Prior to termination of employment, the employee will participate in an exit interview normally conducted by the Director during which the employee's benefits, rights and responsibilities

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following termination are explained. At the exit interview employees are expected to return all Library property.

The Director will notify the payroll clerk of the employee's separation date for payroll purposes. A final paycheck will be issued to the employee on the next regular payday after completion of the following: exit interview; return of Library keys, Library car, ID card, Library tools or equipment, printed material belonging to the Library; and resolution of status as to retirement contributions, insurance conversions, and deferred compensation. Regular employees shall receive full pay for unused accrued vacation. No unused personal holiday will be paid out on termination. The value of Library property that is not returned or lost may be deducted from the employee's final pay check and/or appropriate legal action may be taken to reclaim the property.