

## **PERSONNEL POLICY AND BENEFITS GUIDE**

This Handbook consists of the policies adopted by the Board of Managers and related to the employment of the East Hampton Library staff. This handbook will be reviewed annually by the Library Attorney and will be reviewed bi-annually at a meeting of the Personnel Committee and the Director. Changes to this Handbook may occur at any time deemed warranted as recommended by the Director and approved by the Board of Managers.

The Board of Managers of the East Hampton Library is responsible for the management of the Library and its property. The Director is responsible to the Board for the administrative control of the Library's operation and staff; and the implementation of Board adopted policies.

### **Classification of Positions:**

All positions are classified into one of three categories:

Group A - Professional Librarians/Department Heads/Business Manager

Group B - Supporting Staff

Group C - Hourly Employees

The duties of your position will be explained to you on your first day of employment; and upon any modification of duties, you will be apprised by the Director.

### **Trial Period**

The first three months of employment are probationary for all employees. If, in the determination of the Director, an employee is, for any reason, unsatisfactory, his/her employment may be discontinued at anytime during the probationary period. Employees who are satisfactory during the three-month trial will thereafter be considered as regular employees.

### **Hours of Work**

Full-time staff work a 35-hour week. A member of the staff who works more than the regularly scheduled 35-hour work week (hereby called overtime work) will be provided equivalent time off (as Comp. Time) Comp. Time will be managed in the online payroll system and can be taken under the same procedures as Personal Time. Overtime work will be allowed only if prior assigned by the Director.

Full-time employees working on a Sunday will accrue time and one-half work time. Part-time employees working on a Sunday will earn time and one-half pay with a maximum of \$45 per hour for a Librarian; time and one-half pay with a maximum of \$25 per hour will accrue to all others.

### **Online Payroll System:**

It is the responsibility of all staff to enter sick leave, vacation leave, or any other requests for leave time in the online payroll system.

### **Work Schedules**

All staff work schedules will be entered into the shared google calendar.

### **Salaries and Your Working Day**

Pay Day: Employees are paid bi-weekly on Friday. Direct deposit is available and encouraged.

### **Rest Periods:**

Staff working less than 4 hours do not receive break time.

Staff working 4 - 5:59 hours receive one 15 minute break.

Staff working 6:00 - 6:59 hours receive one 15 minute break and must take a one-half hour meal break (off the clock).

Staff working 7 hours receive two 15 minute breaks.

Staff working 7 hours must take a 1 hour meal break (off the clock).

All staff must punch-out for their meal break and punch back-in at the end of their meal break. In the rare circumstance that a 7 hour per day employee needs to take a 30 minute meal break in lieu of a full 1 hour meal break this should only be done if it is first approved by your Department Head or the Director.

15 minute breaks should not be combined into one 30 minute break. You do not punch out for a 15 minute break. No staff member should work more than 8:00 hours in a single day without prior approval by the Director.

### **Medical Insurance**

Group A & B employees (full-time) are eligible for inclusion in the Library's medical insurance plan after three months of continuous service. Full coverage for the employee is paid for by the Library. If the employee wishes to include coverage for a dependent, 50% of the difference of the expense of family coverage as compared to individual coverage will be paid by the employee. Your contribution to the family coverage will be deducted from your pay check as a pre-taxed deduction.

Group C employees (hourly) hired after February 1, 2005 are not eligible for inclusion in the Library's medical plan.

Group C employees (hourly) hired before February 1, 2005 and in continuous employment since their initial hire date are eligible for inclusion in the Library's medical plan. If the employee wishes to include coverage for a dependent, 50% of the difference of the expense of family coverage as compared to individual coverage will be paid by the employee. Your contribution to family coverage will be deducted from your pay check as a pre-tax deduction.

### **Health Insurance Opt-Out**

Employees have the privilege to waive medical insurance coverage for a period of 1 year at a time.

Waiving medical coverage will relieve the Library of any obligation to pay claims or secure any health insurance coverage for the employee or their dependents during that 1 year period.

The time period for employees to elect if they will waive medical insurance will be January 1 - March 31 each year.

Employees who choose this waiver must submit evidence that they possess a current health insurance coverage from another provider.

Employees who choose this waiver will receive a remuneration of \$2,500.00 (paid in bi-weekly installments). This is a taxable fringe benefit.

Employees must sign a waiver that requests and acknowledges the terms of this opt-out.

Employees that wish to reapply for medical coverage during the course of the year must do so in writing to the Director.

There is a three-month waiting period to rejoin the plan after this request is received.

**Pension Plan:**

Group A, B and C employees who have reached age 21 and have completed 6 months of service are eligible for the pension plan according to the rules in the East Hampton Library Pension Plan and Trust document. For eligible employees, the Library pays the premium at no cost to the employee. Eligible Group C employees must also work a minimum of 1,000 hours annually to qualify in the plan year. The plan includes a life insurance policy option. If the employee requires information regarding the requirements and coverage of the plan please speak with the Director.

**Leave With Pay - Holidays:**

All full-time Staff receive a paid day off for each of the holidays listed below. If the holiday falls on a scheduled day off, you are entitled to select another day. The day selected must be approved by the Director. If a holiday falls on a regularly scheduled day for a part-time employee, the employee will be paid for his/her normally scheduled hours.

The recognized holidays are:

New Year's Day

Martin Luther King, Jr. Day

President's Day

Easter Sunday

Memorial Day

Juneteenth

Independence Day

Labor Day

Columbus Day

Veterans Day

Thanksgiving

Christmas

The Library will close at 1 p.m. on Christmas Eve and 1 p.m. on New Year's Eve.

**Time off for elections:**

In accordance with New York State Law Employees will be allowed up to 3 hours on Election Day to vote. Employees must request the time off at least 2 days prior to the election and the time must be taken either at the beginning or end of their scheduled work shift. Time off is not allowed for School District and Library votes.

**Vacations:**

Vacation eligibility is determined and calculated as of your employment date.

Vacations are granted and taken to allow staff members to rest and relax: therefore, vacations are mandatory.

Group A & B employees are entitled to twenty one working days per calendar year, January through

December. Vacation time is earned at the rate of 12 hours and 15 minutes a month. A maximum of 15 vacation days may accrue from one calendar year to the next calendar year. If an employee separates from service after receiving all the vacation allowance and has not worked the full year, the time not earned will be deducted from the final paycheck. Periods of vacation will be granted at the discretion of the Department Head and the Director.

Group C employees earn 1 vacation day (7 hours) for every 83 hours worked in a 6 month period. Vacation time earned will be added to the employee's online payroll account in early January and early July following an accounting of previous time worked. A maximum of 15 vacation days may accrue from one calendar year to the next calendar year. If an employee separates from service and has a balance of vacation time they will be reimbursed for the time in their final pay check. Periods of vacation will be granted at the discretion of the Department Head and the Director.

Vacations should be requested at least one month in advance. The Director will render decisions considering individual needs of an exceptional nature.

### **Hourly Employees:**

Group C (hourly) employees receive payment for hours worked. Their eligibility for benefits is limited and information will be furnished by the Director. They may request time-off as required, and such time shall be granted by the Director whenever feasible. Failure to comply with the hours scheduled for hourly employees constitutes cause for dismissal.

### **Sick Leave:**

Full-time employees are entitled to 12 days of paid sick leave in a calendar year, January through December.

Part-time employees earn 1 hour of paid sick leave for every 30 hours worked, up to a maximum of 40 hours of earned paid sick leave per calendar year.

Full-time employees who do not take a sick day in a full calendar year will be awarded a \$500.00 bonus. Full-time employees who take only 1 sick day in a full calendar year will be awarded a \$100.00 bonus.

Covered reasons for taking sick leave include:

- the need for diagnosis, care, or treatment of a mental or physical illness or preventative care of the employee or the employee's family member; and
- certain needs related to the employee or the employee's family member being the victim of domestic violence, sexual offenses, stalking, or human trafficking, including obtaining services from a domestic violence shelter, rape crisis center, or other services program; participating in safety planning; temporarily or permanently relocating; meeting with an attorney or participating in legal proceedings; enrolling children in a new school; or taking other actions to increase the safety of the employee or employee's family members

For purposes of this leave, a "family member" includes an employee's child (including foster child, legal ward, or equivalent legal relationship), spouse, domestic partner, parent (including a step- or

foster parent, legal guardian, or equivalent legal relationship), sibling, grandchild, grandparent, and the child or parent of an employee's spouse or domestic partner.

Sick leave may not be taken for less than a day (3.5 hours). Sick leave for full time employees can accumulate to 90 days (630 hours). Unused sick leave will not be reimbursed upon termination of employment.

Additional unpaid sick leave may be granted if the Director, in consultation with the Personnel Committee, considers the circumstances extenuating.

Eligibility for sick leave requires notification to the Department Head or Director as soon as possible before the scheduled time to report for work, on the first day of absence and on each subsequent day, unless otherwise advised by the Department Head or Director. A doctor's certificate may be required for absences of more than five working days.

### **Family and Medical Leave:**

**A.** Who is covered? Employees are eligible for family and medical leave if they have been employed for at least 12 months, and have worked at least 1,250 hours during the 12-month period preceding the start of the leave.

**B.** Reasons for Leave

1) Eligible employees may take a total of 12 work weeks of family and medical leave during any 12-month period for the following purposes:

- a. The birth of the employee's child, and to care for the newborn child,
- b. The placement of a child with the employee for adoption or foster care,
- c. To care for the spouse, or a child or parent, of the employee, if the spouse, child or parent has a serious health condition, and
- d. A serious health condition that makes the employee unable to perform the functions of his/her job.

2) An employee's entitlement to leave for the birth of a child or the placement of a child for adoption or foster care will expire at the end of the 12-month period, beginning on the date of such birth or placement.

3) For purposes of leave eligibility, a "serious health condition" is to be defined as an illness, injury, impairment or physical or medical condition that involves inpatient care in a hospital, hospice or residential medical care facility or requires continuing treatment by a health care provider.

**C.** Determination of 12-Month Period - The 12-month period for taking a family and medical leave will be a rolling 12-month period measured backward from the date leave commences.

**D.** Request for Leave - In all cases, an employee must notify the Director in writing at least 30 days before the leave is to begin when the need for family and medical leave is foreseeable such as for the birth or placement of a child, or for planned medical treatment. If leave is to begin within 30 days, the employee must give notice as soon as the need for the leave arises. The notification must state the reason for the leave, the duration of the leave, and the anticipated starting and ending dates of the leave.

**E.** Medical Certification Requirements

1) When family and medical leave is needed, based upon the serious health condition of an

employee or the employee's spouse, child or parent, a timely medical certification must be provided by the health care provider of the employee or family member, which includes the following information: date the serious health condition began; probable duration; appropriate medical facts regarding the condition; and, if applicable, a statement that the employee is needed to care for the family member, and an estimate of the time needed for such care. The certification must be provided within 15 calendar days unless that is not practical under the circumstances.

2) In the event of the employee's own illness, the certification must state that the employee is unable to perform the functions of his/her position. In cases of certification for intermittent or reduced leave, the certification must include information regarding the dates on which treatment is expected to be given, the duration of such treatment and a statement of medical necessity.

3) In any case in which the Library has reason to question the validity of the certification, the Library (at its expense) may require the employee to obtain the opinion of a second health care provider and, in the event of a conflict, the opinion of a third health care provider will be obtained whose decision is final and binding.

#### **F. Intermittent Leave or Leave on A Reduced Leave Schedule**

1) In certain situations, family and medical leave may be taken intermittently or on a reduced leave schedule basis. For the birth or placement of a child, intermittent or reduced schedule leave may only be taken with the Library's approval. Intermittent or reduced schedule leave to care for a seriously-ill spouse, child or parent or because of an employee's own serious health condition may be taken when medically necessary.

2) If the need for intermittent or reduced schedule leave is foreseeable, based on planned medical treatment, including recovery from a serious health condition, the employee must attempt to schedule the leave so as not to unduly disrupt the Library's operations. The Library may also require the employee to temporarily transfer to an available alternative position with equivalent pay and benefits that better accommodates recurring periods of leave.

#### **G. Pay and Benefit Coverage During Leave**

1) Unless an employee uses paid time off for all or part of the leave, all family and medical leaves will be unpaid.

2) For the duration of any family and medical leave granted under this policy, any existing coverage under the Library's group health plan will be maintained under the same conditions that applied before the leave commenced. However, to maintain such coverage, the employee must continue to make the contributions that he/she made to the plan prior to going on leave. Failure of the employee to pay his/her share of the group health premiums may result in loss of coverage.

3) If the employee fails to return to work after expiration of the leave, he/she will be required to reimburse the Library for any premiums paid to maintain coverage under the Library's group health plan during the leave, unless the reason the employee fails to return to work is the continuation, recurrence or onset of a serious health condition that would entitle the employee to family and medical leave, or other circumstances beyond the employee's control.

4) If the employee fails to return to work at the same capacity of hours per week but would like to continue at a lesser hour per week schedule it is the right of the Library Director to determine to continue the employment (ie. a full-time employee choosing to come back to work part-time on a permanent basis). In this situation the employee will not be required to reimburse the Library for any premiums paid to maintain coverage under the Library's group health plan during the leave.

#### **H. Use and Designation of Leave Time**

- 1) If family medical leave is requested as a result of an employee's serious health condition, the employee must first use all of his/her accrued paid sick, vacation and personal leave time and any time under any disability pay plan. If family and medical leave is requested for any other reason, the employee must first use all of his/her accrued paid vacation and personal leave (and sick time if allowed under current policies). The remainder of the leave will then be unpaid.
- 2) If an employee uses paid leave (e.g., sick, vacation or personal leave or paid disability leave) or unpaid leave under circumstances which would qualify as family and medical leave, such leave will be substituted for (i.e., counted against) the employee's 12-week family and medical leave entitlement if so designated by the Library.
- 3) If either the employee or the Library designates paid leave as family and medical leave after leave has begun (e.g., when an employee requests an extension of a paid leave with unpaid family and medical leave), the entire or some portion of the paid leave may be retroactively counted as family and medical leave, to the extent that the leave period qualified as family and medical leave.

#### **I. Restoration to Employment**

- 1) The employee will be restored to the position held when the leave commenced, or to an equivalent position with equivalent pay and benefits, except that an employee returning from leave has no greater rights to restoration than if the employee had been continuously employed during the leave period.
- 2) The taking of family and medical leave will not result in the loss of any employment benefits accrued prior to the date on which the leave commenced. However, upon returning to work, the restored employee will not be entitled to the accrual of any benefits during any period of unpaid family and medical leave.

#### **J. Return From Leave**

- 1) The Library may require periodic reports from an employee on family and medical leave regarding the employee's status and intent to return to work. If the employee provides unequivocal notice of intent not to return to work, the Library's obligations to provide benefits under its group health plan (except under COBRA) and to restore the employee to the same or an equivalent position terminated.
- 2) In accordance with the established policy, if an employee takes a family and medical leave due to his/her own serious health condition; the employee must provide medical certification that he/she is able to resume duty before returning to work.
- 3) The failure of an employee to return to work upon the expiration of a family and medical leave will subject the employee to immediate termination unless an extension is granted or unless the employee provides other available leave time. In addition, when an employee exhausts his/her FMLA leave and entitlement, all of the Library's obligations under this policy end.
- 4) If an employee wishes to request an extension of family and medical leave, the request must be made in writing to the Library Director at least 30 days prior to the expiration of the original leave.

#### **K. Relationship to Other Laws, Policies and Agreements**

- 1) The terms set forth above are intended to provide an overview of the general rights, obligations and conditions applicable to family and medical leaves under the Family and Medical Leave Act of 1993. This policy does not in any manner alter or modify any of the Library's rights and obligation under FMLA, nor does it affect any policies or practices, which are not governed by FMLA. In addition, this policy does not alter or modify any of the Library's rights or obligations under any other state or federal laws, or any of the Library's rights

or obligations under any contracts or agreements to which it is a party.

2) The Library reserves the right to modify or amend this policy and the procedures stated herein, as well as any other policies or practices which could affect the rights and obligations of the Library and employees under FMLA, at any time.

3) Like all other matters relating to employee benefits, specific questions regarding the Library's policies and procedures on family and medical leaves should be directed to the Director or his/her designee.

**Bonding Leave:** In accordance with New York State law any employee that is approved by New York State may take up to 12 weeks of leave for bonding with their new baby within 12 months of the babies birth. The employee may use earned PTO to supplement their income up to their regular salary. While on Bonding Leave an employee will continue to earn all PTO as if they were working.

**Other Leaves:**

A. Special leaves not referenced above must be requested in writing to the Director and approved by the Board of Managers. The request must state the reasons and duration of the leave.

B. Under such special leaves the employee may choose to maintain the medical/dental benefits of the Library at his/her expense if such arrangements are allowable under the terms of the applicable insurance policies.

C. Twelve months is the maximum duration of leave granted to any employee. The Library will terminate the employment of those employees who do not return to work after one year. Unused benefit time will be paid at the rate in effect when the leave began.

D. While the taking of leave shall not result in the loss of any employment benefits accrued before the date on which the leave commenced, the restored employee is not entitled to the accrual of benefits during any period of leave.



E. When a leave ends, the employee will be returned to the same position if the position has not been filled or eliminated. If the employee is not returned to the same position, the employee may be placed in another position at the employer's discretion.

**Personal or Emergency Leave:**

Full-time employees are eligible for three paid personal or emergency days within the calendar year, January through December, subject to the Director's approval. There is no accrual or monetary reimbursement for unused personal leave. Unused personal days may not accrue from one calendar year to the next.

**Floating Holiday Leave:** Full-time employees are eligible for one paid floating holiday within the calendar year, January through December, subject to the Director's approval. There is no accrual or monetary reimbursement for an unused floating holiday leave day. Unused floating holiday leave days may not accrue from one calendar year to the next.

**Bereavement Leave:**

Employees who wish to take time off due to the death of an immediate family member should notify the Director immediately.

Group A & B Employees will receive a maximum of 5 days of paid bereavement leave. Group C Employees will receive a maximum of 5 calendar days and will be provided with paid leave for any previously scheduled work hours that fall during the 5-day period.

Bereavement leave will normally be granted unless there are unusual business needs or staffing requirements. Employees may, with the Director's approval, use any available paid leave for additional leave time as necessary.

For the purpose of this policy "immediate family member" is defined as spouse, parents (including step-parents), children (including step-children), siblings, grandparents, grandchildren, mother and father of spouse, brother and sister of spouse. A request for an addition to the definition of "immediate family member" must be submitted in writing to the Director.

If the death in your immediate family occurs while you are on vacation or other paid leave, the time will be charged as bereavement leave.

**Leave of Absence Without Pay:**

Leave of absence without pay may be granted to eligible employees for a compelling personal reason. Requests will be made in writing to the Director who in turn will consult with the Personnel Committee. A leave of absence of more than 3 months must be approved by the Board. Leave may not be granted if the absence of the employee, will, in the opinion of the Director, negatively affect the operation of the Library. No sick leave or vacation days will be accrued during this period. Other benefits may be limited or cancelled: the Director will furnish information.

**Jury Duty:**

Group A & B employees will be continued in full pay status during time off for jury duty. If any payment is received for jury duty, other than travel expenses, it must be remitted to the Library. Class A & B employees who are regularly scheduled to work on a weekend are expected to work weekend hours

if not actively serving on a jury for those days.

Group C employees who require time off for jury duty on their regularly scheduled work-days will be paid \$40 per day for the first three scheduled work days of jury duty. Thereafter, schedules will be rearranged; if the employee so desires and if possible, in order that he/she can continue to work while on jury duty.

**Smoking:**

For reasons of public health and safety, smoking and vaping are not permitted at any time by anyone within the East Hampton Library building or property.

**Substance Abuse:**

It is the intent of the East Hampton Library to provide a safe, productive environment for employees and patrons one that is free of alcohol and substance abuse.

Any drug or alcohol use that affects employee performance or efficiency, threatens safety, results in misconduct, or reflects adversely on the East Hampton Library is grounds for disciplinary action. The use, purchase, sale or possession of any controlled substance other than prescription drugs as described below, on Library premises or while on Library business, may subject the employee to immediate disciplinary action including dismissal. Any employee convicted of such acts may also be subject to dismissal.

The unauthorized use of alcohol on Library premises or the abuse of alcohol on Library business off premises may also subject the employee to disciplinary action, up to and including dismissal.

Drugs prescribed by a licensed physician or dentist and used according to their prescription instructions are not subject to the restrictions of this policy. However, if any employee is under treatment with a drug that could alter their ability to perform assigned job duties, the employee may be subject to job reassignment or placed on disability leave if deemed appropriate by such medical professionals as may be designated or approved by the Director.

Employees are expected to report to work in a fit condition for duty. Being impaired by alcohol or drugs is not considered fit for duty.

Any known incidents of on-the-job use or possession of illegal drugs or unauthorized use of alcohol should be brought to the immediate attention of the Director by any employee who is witness to such possession or use (for the benefit of both the possessor and/or abuser, and the Library).

Employees have a responsibility to voluntarily seek assistance for substance abuse problems by contacting the Director or an E.A.P. counselor. Employees who are substance abusers should take advantage of a program of assistance before disciplinary issues arise. Employees may voluntarily seek assistance from the Director, or an E.A.P. counselor, who can recommend alternative treatment programs.

Department Heads are responsible for monitoring the job performance of their staff and for noting any erratic or changed behavior or performance patterns. If an employee is suspected of having an alcohol or

drug problem, the Director should be consulted as to the best course of action. An employee who has problems with performance, conduct, attendance or punctuality (for whatever reason) is subject to disciplinary action. Such action may be postponed, at the discretion of the Director and the Personnel Committee, in recognition of actions taken by the employee, such as the employee's continued cooperation with an appropriate resources to resolve the substance abuse problem. However, participation in such a program does not exempt the employee from appropriate disciplinary action (up to and including dismissal) if performance continues to be unacceptable.

Participation in a substance or alcohol abuse program is a highly confidential matter between the employee and the Director, and only the fact of continued participation in a prescribed program will be made known to the Department Head.

**Emergency Closing:**

Full-time employees will be paid for days when the Library is closed because of snow, hurricane or other emergencies. Should the emergency fall on the employee's day off, another day off shall not be granted. Part-time employees who are scheduled to work on a day that the Library is officially closed because of snow, hurricane or some other emergency will be paid for the hours they were scheduled to work.

The Director is empowered to make the decision to close the Library. In cases of doubt, the Director will consult with the Chairperson or President of the Board of Managers.

**Personnel Record:**

The employment documents you fill out when hired will be placed within your personnel record. If there is any change in your marital status, number of dependents, address, telephone number or similar personal information, please advise the Director so that the matter may be promptly and properly recorded. This is important! If your personnel record is not up to date, you may lose certain benefits.

**Annual Employee Reviews:**

Employees will receive a written annual review from their supervisor each Spring. If serious issues are identified, the Director and Department Head will establish an improvement plan with additional review dates to assure the employee improves.

**Grievance or Complaint:**

If an employee has a complaint or grievance, the first step is to confer with the Director. If you are not satisfied with the Director's advice, you may request a meeting with the Personnel Committee. Complaints will be investigated and appropriate corrective action will be taken if warranted by an investigation.

**Sexual Harassment:**

The East Hampton Library recognizes its responsibility to insure a work environment that is free from any form of sexual harassment. Library Staff will participate in annual mandatory sexual harassment prevention training.

For the purpose of this document sexual harassment is defined as deliberate or repeated unsolicited verbal comments, questions, representation or physical contact of an intimate or sexual nature, which are

unwelcome to the recipient. It can also take the form of making or threatening to make decisions affecting an employee's job on the basis of acceptance or refusal of a request of sexual intimacy.

The East Hampton Board of Managers guarantees the right of sexually harassed employees to present an informal appeal to an appropriate and impartial supervisor within the organization. The Board of Managers further guarantees that an employee who is found guilty of sexual harassment can expect serious disciplinary action up to and including termination of employment.

Individuals who believe they have been subjected to or witnessed sexual harassment should advise the Director immediately.

The Library will employ the following guidelines when investigating a sexual harassment complaint:

1. that the person bringing the complaint would suffer no retaliation
2. that an investigation will be conducted by the Director
3. that in conducting such an investigation, the right to confidentiality, both of the complainant and of the accused will be respected
4. that the investigation would be conducted in a timely manner and the results reported to the complainant and
5. that in the event the complaint is found to be valid that the person who has been found guilty of sexual harassment will receive appropriate counseling and/or disciplinary action

### **Anti-Fraternization Policy**

Approved 3/19/2021

#### **Objective**

The East Hampton Library strongly believes that a work environment where employees maintain clear boundaries between personal and business interactions is necessary for effective business operations. The East Hampton Library determines that in conjunction with its Sexual Harassment Policy and in order to provide for a work environment conducive to a functioning, harmonious, and productive unit this Anti-Fraternization Policy should be established. Although this policy does not preclude the development of friendships or romantic relationships between co-workers, it does establish boundaries as to how such relationships are to be considered during working hours and within the working environment.

Individuals in supervisory or managerial roles, and those with authority over others' terms and conditions of employment, are to be subject to more stringent requirements under this policy due to their status as role models, their access to sensitive information, and their ability to impact the employment of individuals in subordinate positions.

This policy does not preclude or interfere with the rights of employees protected by the National Labor Relations Act or any other applicable statute governing employment relationships.

### **Procedures**

1. During working time and in working areas, employees are expected to conduct themselves in an appropriate workplace manner that does not interfere with others or with overall productivity.
2. During nonworking time, such as lunches, breaks, and before and after work periods, employees engaging in personal exchanges in non-work areas should observe an appropriate workplace manner to avoid offending other workers or placing others in an uncomfortable position.
3. Employees are strictly prohibited from engaging in physical contact that would in any manner be deemed inappropriate in the workplace by a reasonable person while anywhere on the Library premises, whether during working hours or not.
4. Employees who allow personal relationships with co-workers to adversely affect the work environment will be subject to disciplinary action. Failure to modify behavior and maintain expected work responsibilities is to be viewed as warranting disciplinary consequences.
5. Employee off-duty conduct is generally regarded as private, as long as such conduct does not create problems within the workplace. An exception to this principle, however, is close personal, romantic or sexual relationships between supervisors and subordinates.
6. All employees must disclose the existence of a close personal or sexual relationship with another Library Staff member or Library Board Member. Disclosure may be made to the Director or the Business Manager/HR Manager. The Director and the Business Manager/HR Manager will review the circumstances to determine whether any necessary measures are warranted under this policy.
7. When a policy breach or potential breach is identified due to a Library official's relationship with a Library Staff member, the Director and the Business Manager/HR Manager will collaborate with the parties involved to consider options for resolving the problem. The initial solution may be to assure the parties no longer work together on matters where one is able to impact the other. Matters such as hiring, firing, promotions, performance management, compensation decisions and financial transactions are examples of responsibilities that may require the reallocation of duties to avoid any actual or perceived capacity to reward or disadvantage the other. In some cases, other measures may be necessary, such as the transfer of one or both parties to other positions or departments. If one or both parties refuse to accept a reasonable solution, such refusal may require personnel action.
8. Failure to cooperate with the Director and the Business Manager/HR Manager's solution to resolve a conflict or problem caused by a romantic or sexual relationship between co-workers or involving managers, supervisors or others in positions of authority in a mutually agreeable fashion may be deemed insubordination and result in disciplinary action up to and including termination.
9. The provisions of this policy apply regardless of the sexual orientation of the parties involved.

10. For the purpose of this policy, a “close personal, romantic or sexual relationship” is to be defined as an intimate personal relationship, a romantic relationship and/or a sexual relationship that would lead a reasonable person to believe that an employee will be influenced in the performance of his/her duties by considerations relating to the relationship.
11. Where doubts exist as to the specific meaning of the provisions set forth above, employees should make judgments based on the overall spirit and intent of this policy.
12. Any concerns regarding the administration of this policy should be addressed to the Director or the Business Manager/HR Manager.

**Anti-Nepotism Policy**  
**Approved 3/19/2021**

The employment of “relatives” of the staff, the administration, or the Board of Managers can cause various problems including, but not limited to: charges of favoritism, conflicts of interest, family discord, scheduling conflicts, internal Library operations dysfunction, public resentment and a myriad of other deleterious impacts upon the mission and operation of the East Hampton Library. Accordingly, the Board of Managers has determined it to be in the best interests of the Library to establish a policy that clearly provides for and promulgates the intent of the Board to avoid all adverse impacts that may emanate from the hiring of relatives of those individuals associated with the governance and/or operations of the Library.

For the purposes of this policy, the term “relative” shall include relationships established by blood, marriage, or legal action; including a spouse, mother, father, son, daughter, sister, brother, mother-in-law, father-in-law, sister-in-law, brother-in-law, son-in-law, daughter-in-law, stepparent, stepchild, aunt, uncle, niece, nephew, grandparent, grandson, granddaughter, cousin. The term also includes a domestic partner (a person with whom the employee is joined in life; is interdependent; and who shares a common residence) and a daughter or son of an employee’s domestic partner.

As to all proposed hirings subsequent to the adoption of this policy, the candidate for hire and the Library employee, administrator or Manager who is a relative shall have the responsibility to disclose any family relationships existent with the proposed hiree.

Any Library staff member, administrator or Manager who is involved in the hiring process shall recuse himself/herself from the hiring process of any relative.

Board members shall abstain from voting in the hiring decisions of relatives.

Employment of individuals related to Library personnel, administrators or Managers may be hired and if currently on staff retained in their current positions provided that:

- a. a supervisory relationship may not exist between relatives;

- b. one relative may not evaluate another relative;
- c. the relative relationship will not create an adverse affect on work productivity or performance;
- d. the relative relationship will not create an actual or perceived conflict of interest;
- e. a relative may not audit, evaluate, or review in any manner the other relative's work.

It is the responsibility of every employee to identify to the Library Director any potential or existing personal relationships which fall within the ambit of this policy. Relationships addressed within this policy should be reported to the Director and the following protocols will be observed:

- a. A determination will be made whether the relationship is subject to the Anti-Nepotism policy;
- b. If the relationship is determined to fall in one of the circumstances above, the Director will attempt to resolve the circumstance through the transfer of one employee to a new position or identifying some other action that will remediate the conflict within the circumstance identified.
- c. The Board reserves the right to exercise appropriate managerial judgment to take such action it deems may be necessary to achieve the intent of this policy. The Board reserves the right to vary from the guidelines set forth within this policy to address unusual circumstances that may arise on an *ad hoc* basis.

### **Whistleblower Policy:**

The East Hampton Library's Code of Business Conduct (herein referred to as the Code) requires administrators and staff to observe high standards of business and personal ethics in the conduct of their duties. As representatives of the Library, staff must practice honesty and integrity in fulfilling their responsibilities and must comply with all applicable laws and regulations. The Library's internal controls and operating procedures are intended to detect and to prevent or deter improper activities. Even the best systems of control, however, cannot provide absolute safeguards against irregularities. Intentional and unintentional violations of laws, regulations, policies and procedures may occur and may constitute improper activities. The Library expects its staff members to report suspected or actual, illegal or improper activity, financial or otherwise as detailed in this policy.

#### *Reporting Responsibility*

Staff is responsible for complying with the Code and for reporting violations or suspected violations in accordance with this policy.

#### *No Retaliation*

This policy is intended to encourage and enable staff members and others to raise concerns pertaining to business practices within the Library prior to seeking resolution outside the Library. No staff member who in good faith reports a violation of the Code shall suffer harassment, retaliation or adverse employment consequences. A staff member who retaliates against someone who has reported a violation is subject to discipline up to and including termination of employment.

### *Reporting Concerns*

The Library expects its staff to report suspected or actual violations of the Code. In most cases, a staff member's supervisor is in the best position to address an area of concern. If the staff member is not comfortable speaking with the immediate supervisor or the immediate supervisor's response is not satisfactory, the staff member is encouraged to speak directly to the Director. Supervisors and Department Heads are required to report suspected violations of the Code, other Library policies or any applicable law to the Director who has specific and exclusive responsibility to investigate all reported violations. If the suspected or actual violation concerns the Director, the staff member should report the matter directly to the President of the Board of Managers. This policy shall not be construed to prevent or discourage staff from reporting any suspected criminal or illegal activity to a law enforcement authority.

### *Confidentiality*

Reports of violations or suspected violations may be submitted on a confidential basis by the complainant or may be submitted anonymously. Reports of violations or suspected violations will be kept confidential to the extent possible, consistent with the need to conduct an adequate investigation.

### *Reporting Individual*

The Director is responsible for working with the reporting individual to commit the violation to a written format. The Director will investigate, resolve and notify the Board of Managers of the complaint and/or allegation.

### *Acting in Good Faith*

Staff filing a complaint concerning a violation or suspected violation of the Code, policies or law must be acting in good faith and have reasonable grounds for believing the information disclosed indicates a violation of the Code. Any allegation that proves not to be substantiated and which proves to have been made maliciously or knowingly to be false will be viewed as a serious disciplinary offense.

### *Handling of Reported Violations*

The Director will notify the sender and acknowledge receipt of the reported violation or suspected violation within five business days. All reports will be promptly investigated and appropriate corrective action will be taken if warranted by the investigation.

### **Resignation:**

Except in a case of severe emergency or hardship:

- a. Employees will provide, at least, one month's notice of intention to resign in writing to the Director who will convey such information to the Board.
- b. Employees will receive earned vacation provided they have successfully completed six months of continuous employment and have given prior notice equal to the number of days of the vacation allowance. If the required notice is not given, no vacation allowance will be granted.
- c. Employees are encouraged to have an exit interview with the Director. If requested the exit interview can include the employee's Department Head and or/a member of the Personnel Committee.

### **Termination of Employment:**

A decision to terminate the employment of a member of the Library staff shall be made:



- a. by the Board in the case of the Director
- b. by the Director after consultation with the Personnel Committee of the Board for all other employees.

As “employer-at-will” the Library may terminate employees within its sole discretion (absent illicit discriminatory intent). However, the Library will ordinarily seek to provide notice of unsatisfactory performance prior termination.

The Director shall provide the Board with copies of all materials dealing with termination of employment.

**Confidential Information:**

All information obtained by employees in the course of their employment is considered privileged and is not to be disclosed under any circumstances. This includes: Library business records, employee and/or patron information, staff memos and any other written material. In particular, employees should not discuss the following information in public places:

1. Information pertaining to Library patrons and any records maintained by the Library relating to patrons.
2. Information concerning the budget, income or expenditures except as it appears in the printed Annual Report or any material made public by the Library.
3. Minutes or content of all non-public meetings conducted by the Library in which staff members participate in discussing Library work and policies.
4. Any information provided to employees in writing or orally which is designated “confidential” or “for staff only”.
5. Salaries or other personal data pertaining to individual staff members to which an employee obtains access. This includes all types of personnel information, such as: salary, evaluations, attendance records, work schedules, data reported on application forms, references written or received by the Library, or other information related to employment.

Employees who have inquiries concerning these rules should immediately discuss their concerns with the Director.

**Anti-discrimination Policy:**

The East Hampton Library will not condone, permit or tolerate any form of discrimination by or against any employee, customer, vendor, independent contractor or other individual with whom our employees come into contact in connection with their employment based upon age, race, creed, color, national origin, sexual orientation, gender identity or expression, military status, sex, disability, predisposing genetic characteristics, familial status, marital status, status as a victim of domestic violence, religion or other protected class or characteristic established under applicable federal, state or local statute or ordinance.

Individuals who believe they have been subjected to discrimination as described or have concerns as to whether certain conduct is unlawful should immediately speak to their supervisor or Library Director.

Supervisors who receive complaints of discrimination or who are made aware of conduct that may constitute discrimination are to immediately notify the Library Director (or, if appropriate, a member of

the Board, in lieu of the Director).

All complaints will be investigated promptly and the genesis of a complaint will be disclosed only to the extent necessary to make a prompt and thorough investigation or to take appropriate corrective measures. In all cases, the person who initiated the complaint will be informed of the findings and disposition of the matter at the conclusion of the investigation. Management will ensure that there is no coercion, retaliation, intimidation, discrimination or harassment directed against any individual who registers a complaint or serves as a witness on behalf of another individual.

Persons who engage in prohibited discrimination will be subject to appropriate discipline up to and including termination of employment.

**Reproductive Health Act:**

The East Hampton Library respects and will adhere to the provisions of the NY Reproductive Health Act, to wit, (a) the Library will not access any information concerning your or your dependent's reproductive health decisions (such as the decision to access a particular drug, device or medical service) absent your prior informed affirmative written consent; (b) discriminate or take retaliatory personnel action against you (with respect to your compensation, terms, conditions or privileges of employment) on the basis of your or your dependent's reproductive health decisions; or discriminate or retaliate against you based on your attempt to (or actual) exercise (of) your rights under NY Labor Law Section 203-e (including making or threatening to make a complaint to the Library, a co-worker, or a public body that your rights under Section 203-e have been violated; causing to be instituted an action or proceeding under or related to Section 203-e or providing information to, or testifying before any public body conducting an investigation, hearing, or inquiry into a violation of law, rule or regulation); (c) will not require you to sign a waiver or other instrument that would deny your right or that of your dependent to make reproductive health decisions; and (d) will maintain the privacy of your medical records.

If you determine that the Library has violated the Reproductive Health Act you are entitled to commence a civil action in court against the Library and to seek, as pertinent, monetary damages, injunctive relief, an order of reinstatement and, if warranted, an award of liquidated damages. Should you have any inquiries or concerns relating to the Library's application/implementation of the NY Reproductive Health Act please contact the Library Director.

## **Employment Background Check Policy**

adopted November 17, 2023

The East Hampton Library is committed to providing a secure and safe environment for employees and patrons as well as safeguarding the resources and assets of the Library. The Library hereby adopts a policy providing for pre-employment background checks on final applicants. In addition, background checks will be employed on those current employees who have not received background checks at the time of the commencement of their employment. The purpose of the investigation is to verify and review information provided by the applicant/employee to assure that their claimed credentials are valid.

Consent to background checks is to be deemed a condition of employment for employees at the East Hampton Library. An offer of employment and continuing employment is contingent upon clear and satisfactory results of a background check.

High school students applying for Page positions or students aged 17 and under are exempt from this policy. However, if an employee who is exempt at first continues employment beyond turning 18 years old, the Library reserves the right to conduct a background check at that time.

Employees for whom the Library has a completed background check on file and who have a break in Library service will not, upon their return, require a new background check if:

- 1) they can show they have been continuously and actively employed since their break of service from the Library and
- 2) less than two years has passed.

Background checks will be initiated by the Executive Director. The Executive Director may only initiate background checks after an Authorization for Background Check has been completed and signed by the applicant/employee; however, the consent for commencing the background check will be deemed a condition of employment.

Background checks may include:

- Social Security Verification – validates the applicant’s social security number, date of birth and former addresses.
- National Sexual Offender Registry check
- Nationwide Criminal Database check
- Driver History check (if applicable)
- Education History
- Work History

The Library will engage a reputable Background Check vendor to conduct background checks.

The results of background checks will be reviewed by the Executive Director. The Executive Director will compare results with information previously provided by the applicant/employee. Applicants/employees may be asked to explain discrepancies, if any are found. Information gathered as a result of a background check will remain confidential and will be maintained by the Executive Director in a file separate from employees’ personnel files.

If the background check reveals criminal convictions or serious misconduct (other than minor traffic violations), the Library Executive Director will consult with Legal Counsel. The Library Executive Director will make the determination as to whether the Background Check results should disqualify the applicant/employee. When making this determination, consideration shall include, but not be limited to, the following factors:

- a. number of offenses and circumstances of each;
- b. severity of offense(s);
- c. relevance of offense(s) to responsibilities of the position;
- d. length of time between offense(s) and application for employment;
- e. other employment history;
- f. evidence of applicant's rehabilitation efforts and results;

Applicants/employees will be informed, in writing, of any adverse information discovered in the background check and provided an opportunity to respond. Upon conclusion of review, written notice regarding the Library's decision regarding eligibility of employment will be sent to the applicant.

Failure to disclose criminal convictions or any other deemed relevant information during the application process may result in employment disqualification or termination.

Disqualification of an applicant based on information discovered in the background check is not subject to grievance or appeal by the applicant.

***Personnel Policy and Benefits Guide Receipt***

I acknowledge receiving and reviewing the Personnel Policy and Benefits Guide, which outlines the benefits, policies, rules and regulations related to my position. I will review and familiarize myself with these policies and will abide by them during my employment. I understand that any failure on my part to comply with any provision of this guide as current or as amended, or any other applicable rule or regulation may subject me to disciplinary action. I understand that I am to direct any questions regarding the policies or the interpretation of these policies to the Library Director.

I understand that the Personnel Policy and Benefits Guide constitutes management guidelines only and is neither to be interpreted as a contract between the East Hampton Library and me, nor guarantee that my employment will continue for any specified period of time. I understand that neither this Guide nor any other communication by a management representative is in any way intended to create an express or implied contract of employment.

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Employee Name

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Employee's Signature

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Date

**THE EAST HAMPTON LIBRARY CONFLICT OF INTEREST  
AFFIRMATION OF COMPLIANCE**

I have received and read the Conflict of Interest Policy for East Hampton Library Board members and staff. By signing this Affirmation of Compliance, I hereby affirm that I understand and agree to comply with the Conflict of Interest Policy.

Please check one:

I hereby state that I do not have any "conflicts of interest" in business dealings with the Library.

I believe that I may have a potential conflict of interest. (Please explain.)

The final determination as to whether a conflict of interest exists will be determined by the Library's Board of Managers.

If any situation should arise in the future that I believe may involve me in a conflict of interest or potential conflicts of interest, I will promptly and fully disclose (in writing) the circumstances to the Library Director.

Name (Please Print)

Signature

Date

Conflict of Interest is defined as: "An actual or potential conflict of interest occurs when an employee or Manager is in a position to influence a decision that may result in a personal gain for the employee or Manager or for a family member (spouse, children, siblings, parents or in-laws) of the employee or Manager as a result of an actual or intended transaction of the Library that may result in personal gain. A Manager or employee is to be deemed to have an interest in an actual or proposed transaction if he/she has a personal financial interest or has a financial interest in any organization involved in the proposed transaction, or holds a position as Manager, director, majority shareholder, or principal officer in any such organization or receives any direct or indirect remuneration, gifts or favors in conjunction with the actual or proposed transaction."

## **CONFLICT OF INTEREST POLICY EAST HAMPTON LIBRARY**

### **I. Obligations of Managers and Employees**

Managers and employees of the Library have an obligation to conduct business within guidelines that prohibit actual, potential or perceived conflicts of interest. This policy establishes the framework within which the Library is to be governed and is to operate. The purpose of these guidelines is to provide both general and specific direction so that employees and Managers can be made aware of the acceptable standards of operation adopted by the Board of Managers; the guidelines, further, are to serve as the promulgation of the required observances necessary to avoid conflicts of interest or the appearance of conflicts of interest.

### **II. Duties to Disclose**

If an employee or Manager believes he or she may possess any influence regarding transactions involving purchases, contracts or leases such that he/she (or a family member) may directly or indirectly gain financially, he/she possesses a duty to disclose to the President or other Officer of the Board, the existence of any such actual or potential conflict of interest. The notice of the potential conflict of interest shall be educed on the agenda of the Board meeting immediately following its disclosure to a Board officer.

### **III. Conflict of Interest**

An actual or potential conflict of interest occurs when an employee or Manager is in a position to influence a decision that may result in a personal gain for the employee or Manager or for a family member (spouse, children, siblings, parents)

If the Board determines that the transaction is not in the Library's best interest, members of the Board may either annul the transaction or explore an alternative remedy which would not give rise to the conflict of interest.

### **IV. Violation of the Conflict of Interest Policy**

If the Board has reasonable cause to believe that a Manager, officer or employee has failed to disclose or correct an actual or potential conflict of interest, it shall inform the individual of the basis for its belief and allow the person an opportunity to explain the alleged failure to disclose. If the Board is not satisfied with the explanation posited it is to be permitted to undertake whatever action deemed warranted by it to include, by the adoption of a resolution, the dismissal of the Manager from the Board or a dismissal of the staff member found to have failed to disclose an actual or potential conflict of interest by a two-thirds (2/3) vote of the Board of Managers.

### **V. Annual Statement**

Each Manager and employee shall annually sign a statement which affirms that such person has received a copy of the conflict of interest policy; has read the policy and has agreed to comply with the policy. Each Manager shall sign an annual disclosure statement.

## **CODE OF ETHICS EAST HAMPTON LIBRARY**

In order to establish a set of principles of the East Hampton Library Board of Managers that will establish parameters and provide guidance and direction for Board conduct and decision-making the following premises, strictures and standards of ethical conduct are to be observed in all aspects of the performance of the responsibilities of the Board of Managers. Board members are to pledge to commit to the following guidelines in order that ethical conduct may be held in the highest regard:

- a) abide by the New York Board of Regents Charter issued to the East Hampton Library, applicable New York State laws, regulations and rulings governing association libraries; and to observe the Articles of Incorporation, By-laws and Policies established by the Board of Managers;
- b) exercise, in the observance of a fiduciary responsibility, reasonable care, good faith and due diligence in all matters coming before the Board;
- c) disclose, at the earliest opportunity, information that may be considered or perceived as a conflict of interest or which would tend to result in the Board, collectively, failing to observe the highest ethical standards; specifically, disclosing matters where personal interests may be served or financial benefit

gained at the expense of Library patrons, the Board or the mission of the East Hampton Library;

- d) provide for accountability to the taxpayers supporting the free association library by way of observing prudent fiscal management;
- e) maintain a professional level of courtesy, respect and objectivity in all matters coming before the Board and in all internal interactions among Board members
- f) assist colleague Board members and Library staff in upholding practices which can be considered as representing the higher standards of conduct;
- g) exercise the authorities of the Board for the good of all members of the Library community by way of Managers clearly distinguishing in their actions and statements (both within Board deliberations and outside of Board meetings) between their personal philosophies and attitudes (as opposed to those collectively determined by the Board of Managers);
- h) the confidentiality of Executive Session discussions is to be respected;
- i) ensuring the entitlement of all Library patrons and visitors to appropriate and effective services without discrimination on any basis and to honor inter-library lending policies as codified within State regulations as adopted by the Suffolk Cooperative Library System;
- j) insure that the Library adopts the precepts of an "equal opportunity institution" by way of not discriminating on the matter of a Library volunteer's or staff member's gender, sexual orientation, national origin, race, religion, age, marital status, genetic predisposition, political affiliation or disability in accordance with all applicable legal requirements;
- k) respect varying opinions as expressed by Board members, its Committees, staff and the community;
- l) promote collaboration, cooperation and partnership among East Hampton Library Board of Managers, staff, patrons and the Library community served, the Suffolk Cooperative Library System and all of its members;
- m) accept, fully, the responsibilities of a Board member of the East Hampton Library; such responsibilities to include maintaining at all times a knowledge of the fiscal status of the Library; a knowledge of its operations; a knowledge of those policies adopted by the Board and the extent to which they are being implemented; a knowledge of the laws and regulations that apply to free association libraries; a knowledge of Suffolk Cooperative Library System policies and directives as such may relate to the deliberations and determinations of the Board; and, on an over-all basis, respect the role of the East Hampton Library as an institution serving a constituency which has entrusted to the Managers all aspects of the governance of the institution.