

# Mississippi Public Library Policy Development Guide

July 2021



## PURPOSE OF SAMPLE EMPLOYEE GUIDE

This document contains samples of personnel policies and is intended to provide guidance for public library systems.

Additional suggested local topics are given that might be included in an employee manual. Content for these topics will be specific for each public library system and is not provided. In some cases, samples are offered, such as employee dress and speech. Library systems have a great deal of discretion in such areas, as long as the law is followed, e.g. allowing accommodations for religion, disability, etc.

Numbered Policy Options or text [in brackets] offer choices or indicate that the library system has considerable latitude in writing its own text. Notes in italics are expository in nature and may direct the library system to additional resources.

This document is not a substitute for legal advice. Each library system is encouraged to seek legal counsel in regard to particular issues discussed herein.

The chief focus of these sample policies is compliance with state and federal law. The policies cite statutes and when possible link to federal or state government pages that contain more detail, examples, and updates.

The original Mississippi Public Library Policy Development Guide was created in March 2010 by Joe Goff, JD, and Mary Minow, JD, AMLS. This July 2021 version has been updated and edited to allow for changes to various federal laws and agency policies such as EEOC and ADA. The document was updated by MLC staff and reviewed by Jay Woods, JD.

**Users agree to hold harmless the Mississippi Library Commission from any judgment, losses, deficiencies, damages, liabilities, costs and expenses (including reasonable attorneys' fees and expenses) incurred in connection with or arising from any claim, suit, action or proceeding arising subsequent to adoption of any portion of this document.**

## TABLE OF CONTENTS

<b>1 INTRODUCTION TO EMPLOYEE GUIDE</b>	<b>5</b>
1.1 INTRODUCTION	5
1.2 ACKNOWLEDGEMENT FORM	5
<b>2 VISION, MISSION, &amp; GOALS OF THE LIBRARY*</b>	<b>5</b>
<b>3 LIBRARY DIRECTOR</b>	<b>6</b>
<b>4 PERSONNEL POLICIES</b>	<b>6</b>
4.1 EQUAL EMPLOYMENT OPPORTUNITY	6
4.2 IMMIGRATION REFORM AND CONTROL ACT (IRCA)	6
4.3 MISSISSIPPI EMPLOYMENT PROTECTION ACT	6
4.4 PROHIBITIONS AGAINST HARASSMENT	7
4.5 COMPLAINT PROCEDURES/INVESTIGATION OF COMPLAINTS	8
4.6 AMERICANS WITH DISABILITIES ACT (ADA)—ACCOMMODATION REQUIREMENTS	9
4.7 AGE DISCRIMINATION EMPLOYMENT ACT (ADEA)	10
4.8 RELIGION—ACCOMMODATION REQUIREMENTS	10
4.9 PROHIBITIONS AGAINST RETALIATION	11
4.10 WHISTLEBLOWER ACT PROTECTION	11
4.11 DRUG-FREE WORKPLACE ACT	12
4.12 VIOLENCE IN THE WORKPLACE*	12
<b>5 FAIR LABOR STANDARDS ACT</b>	<b>12</b>
<b>6 PAYROLL*</b>	<b>13</b>
<b>7 BENEFITS</b>	<b>13</b>
7.1 HEALTH INSURANCE	13
7.2 LIFE INSURANCE	13
7.3 CONSOLIDATED OMNIBUS BUDGET RECONCILIATION ACT (COBRA)	14
<b>8 PROFESSIONAL DEVELOPMENT AND CONTINUING EDUCATION</b>	<b>14</b>
<b>9 SUPERVISORY RESPONSIBILITIES*</b>	<b>15</b>
<b>10 PERFORMANCE APPRAISAL AND REVIEW PROCESS</b>	<b>15</b>
10.1 PROBATIONARY PERIODS*	15
10.2 JOB DESCRIPTIONS	15
10.3 APPRAISAL AND REVIEW	15
<b>11 ETHICS AND CONFLICTS OF INTEREST</b>	<b>16</b>
11.1 AMERICAN LIBRARY ASSOCIATION (ALA) CODE OF ETHICS	16
11.2 DISCIPLINARY OFFENSES: REMOVAL OF LIBRARY MATERIALS/ DISCLOSURE OF PATRON RECORDS	16
11.3 CONFLICTS OF INTEREST AND INTEGRITY	17
11.4 NEPOTISM	18
11.5 SOLICITATION*	19
<b>12 PUBLIC RECORDS</b>	<b>19</b>
<b>13 DISCIPLINARY PROCESS</b>	<b>19</b>
13.1 DISCIPLINARY ACTION	19
13.2 REMOVAL OF STAFF	20

13.3 NOTICE TO EMPLOYEE/OPPORTUNITY FOR HEARING	20
<b>14 WORK SCHEDULES*</b>	<b>21</b>
<b>15 HOLIDAYS</b>	<b>21</b>
<b>16 LEAVE POLICIES</b>	<b>22</b>
16.1 PERSONAL LEAVE	22
16.2 MEDICAL LEAVE/BEREAVEMENT LEAVE	23
16.3 WORKERS' COMPENSATION	23
16.4 MILITARY LEAVE	24
16.5 FAMILY AND MEDICAL LEAVE ACT	25
16.6 SABBATICAL LEAVE	27
16.7 TARDINESS*	28
16.8 COMPENSATORY TIME*	28
16.9 EDUCATIONAL LEAVE*	28
16.10 MATERNITY LEAVE*	28
16.11 LEAVE OF ABSENCE*	28
16.12 DONATED LEAVE*	28
16.13 TIMESHEETS*	28
<b>17 RETIREMENT/SEPARATION OF EMPLOYMENT</b>	<b>28</b>
17.1 RETIREMENT	28
17.2 SEPARATION—VOLUNTARY*	29
17.3 SEPARATION—INVOLUNTARY*	29
<b>18 EMPLOYMENT REFERENCES</b>	<b>29</b>
<b>19 EMPLOYEE USE OF COMPUTERS AND INTERNET POLICY</b>	<b>30</b>
<b>20 EMPLOYEE DRESS AND SPEECH</b>	<b>31</b>
20.1 EMPLOYEE DRESS	31
20.2 STATEMENTS TO THE MEDIA	32
20.3 POSTING TO LIBRARY SOCIAL MEDIA	32
<b>21 SMOKING*</b>	<b>32</b>
<b>22 LIBRARY PROPERTY*</b>	<b>33</b>
<b>23 SECURITY*</b>	<b>33</b>
<b>24 EMERGENCIES*</b>	<b>33</b>

\*Items with asterisks are suggested topics and are not included in this publication. They are placeholders for potential items to be included in a library system's Employee Guide.

## 1 INTRODUCTION TO EMPLOYEE GUIDE

*\*NOTE: Each new employee should be provided with access to the employee guide and should sign an acknowledgement form indicating that they understand library policy and agree to abide by library policy. Additionally, when the Administrative Board of Trustees adopts new policies or makes policy changes, all employees should be provided with access to the new policy and should sign a form acknowledging the new/changed policy.*

### 1.1 INTRODUCTION

This Employee Guide outlines employment policies for the \_\_\_\_\_ Library System, hereinafter referred to as the Library.

It is impossible to anticipate every situation that may occur or every policy question that may arise. The Library reserves the right in its sole and absolute discretion to revise, supplement, interpret, or rescind any portion of the Employee Guide as deemed appropriate.

Employees should familiarize themselves with the contents of the Employee Guide and forward any questions regarding content to the Library's [Director or Personnel Office]. Each employee is expected to comply with the Library Employee Guide.

Mississippi public libraries are authorized to operate by statute as established by the Mississippi Legislature in the *Mississippi Code 1972 Annotated* Title 39, Chapter 3. A link to the *Mississippi Code 1972 Annotated* is available on the website of the Mississippi Secretary of State's Office at <https://www.sos.ms.gov/communications-publications/mississippi-law>

### 1.2 ACKNOWLEDGEMENT FORM

I acknowledge that I have access to a copy of the Library's Employee Guide. I understand that it is my responsibility to comply with all policy's adopted by the Library's Administrative Board of Trustees and with all revisions adopted by the Administrative Board of Trustees.

I acknowledge that the Employee Guide is not a contract of employment.

A copy of this form will be maintained in the employee's personnel file.

*\*NOTE: Provide a signature line for the employee to sign and date the acknowledgment form and for the Director or Human Resources manager to acknowledge receipt of the form.*

## 2 VISION, MISSION, & GOALS OF THE LIBRARY\*

[Insert local policy.]

### 3 LIBRARY DIRECTOR

The Director is an appointee and employee of the Administrative Board of Trustees. Duties and compensation for the Director are established by the Administrative Board of Trustees and the Director may be removed by the Board for cause. The Director shall administer and establish procedures according to policies established by the Administrative Board of Trustees. The Director's duties include: (a) employment of staff with the approval of the Administrative Board of Trustees; (b) prescription of staff duties; (c) removal of staff for cause; (d) preparation of the Library budget; (e) financial and statistical management; (f) periodic reporting to the Administrative Board of Trustees; and (g) other acts necessary for the orderly and efficient administration of the Library System. See *Mississippi Code of 1972, Annotated*, §39-3-17.

*\*NOTE: The policies in this guide do not necessarily apply to the director as an employee. Guidance with regard to employment status, hiring, job duties, performance appraisal of the Director may be found in the **Mississippi Trustee Handbook** by the Mississippi Library Commission at <https://mlc.lib.ms.us/ms-libraries/library-development/>*

### 4 PERSONNEL POLICIES

#### 4.1 EQUAL EMPLOYMENT OPPORTUNITY

It is the Library's policy to provide equal opportunity in employment for all individuals regardless of race, color, religion, sex (including pregnancy, transgender status, and sexual orientation), national origin, age (40 or older), disability or genetic information.

#### 4.2 IMMIGRATION REFORM AND CONTROL ACT (IRCA)

The Library only hires persons who are legally authorized to work in the United States. IRCA requires employers to verify the employment eligibility of all new employees.

Employees must complete an I-9 form within three (3) days of starting to work. This form is used to verify identity and authorization to work.

*\*NOTE: For more detail and updates, see U.S Department of Justice. Office of Special Counsel for Immigration-Related Unfair Employment Practices: <https://www.justice.gov/crt/immigrant-and-employee-rights-section>*

#### 4.3 MISSISSIPPI EMPLOYMENT PROTECTION ACT

Pursuant to *Mississippi Code of 1972, Annotated*, §71-11-3, the Library participates in E-Verify, the federal government's voluntary employment verification program. The Library is registered for and utilizes the Department of Homeland Security's E-Verify System by submitting social security numbers of new hires to verify their immigration status and employment eligibility. The

E-Verify program is used to verify new hires only after an I-9 form has been completed. The program does not pre-screen applicants or re-verify the employment eligibility of current employees.

#### 4.4 PROHIBITIONS AGAINST HARASSMENT

The Library is committed to a professional workplace, free from adverse working conditions and all forms of harassment. Harassment is unwelcome conduct that is based on race, color, religion, sex (including pregnancy), national origin, age (40 or older), disability or genetic information.

Harassment includes unwelcome conduct by supervisors or coworkers that is severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile, or abusive. Enduring the offensive conduct is never a condition of continued employment.

The Library also strictly prohibits harassment of individuals in retaliation for filing a discrimination charge, testifying, or participating in any way in an investigation, proceeding, or lawsuit concerning a discrimination claim. Retaliation is prohibited against employees who oppose employment practices that they reasonably believe is illegal discrimination. The Library's prohibition against harassment includes, but is not limited to, remarks, slurs, epithets, gestures, physical contact, threats, display or circulation of written or electronic materials, pictures or objects derogatory to any person based on the characteristics listed above. The Library strictly forbids this type of behavior. Such will not be tolerated at any level of the organization.

All employees are encouraged to report unwelcome, harassing conduct by any Library employee. Even if the conduct is not directed at the employee, anyone affected by the offensive conduct is encouraged to report the behavior. The Library expressly prohibits any unwelcome harassing conduct and will take appropriate steps to prevent and promptly correct such conduct.

The Library specifically acknowledges that sexual harassment is a form of discriminatory harassment and is strictly prohibited. Sexual harassment will not be tolerated. Immediate and appropriate action will be taken to address violations of this policy.

The victim of the alleged sexual harassment may be a man or a woman and can be the same sex as the harasser. Further, anyone affected by the offensive conduct may be considered a victim, not only the person directly subject to the offensive conduct. No employee of the Library should imply, suggest or threaten that an applicant's or employee's decision to participate in sexual conduct will have any impact on the individual's employment status, including but not limited to, assignment, compensation, promotion or other condition of employment.

Sometimes an employee has willingly participated in conduct of a sexual nature, but later wishes the conduct to stop. To claim a hostile work environment, the employee must clearly notify the alleged harasser that the conduct is no longer welcome. The sexual conduct is unwelcome if the employee does not solicit or incite the behavior and regards it as undesirable or offensive. If the sexual conduct continues, the employee should immediately report it. The Library will take immediate and appropriate steps to stop any unlawful harassment.

Sometimes sexual harassment may be found even when sexual activity or language is not at issue. If negative conduct is gender-based and pervasive and directed at an employee because of their sex, it may also be considered sexual harassment and is prohibited.

Inappropriate conduct by members of the public. The Library uses filters to block material that is legally proscribed: child pornography, obscenity and sexually oriented materials defined by *Mississippi Code of 1972, Annotated, §97-5-29*. Employees may, however, sometimes encounter such material despite the best efforts of the Library. In such cases, Library employees should follow procedures established by the [director / manager / administrative team].

Free speech v. conduct. The Library recognizes and encourages public rights to free speech, including the right to receive information in a public library. Employees may encounter materials purchased by the Library or summoned on screen by library patrons that make the employees uncomfortable and upset. Handling and encountering such materials without judgment is part of the work requirement in public libraries. Harassing conduct, on the other hand, is not tolerated. Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment. The test is whether this conduct explicitly or implicitly affects an individual's employment, unreasonably interferes with an individual's work performance, or creates an intimidating, hostile or offensive work environment.

#### 4.5 COMPLAINT PROCEDURES/INVESTIGATION OF COMPLAINTS

Employees are encouraged to communicate directly with one another in order to assure prompt discontinuation of any behavior found to be offensive. The Library supports the rights of each employee to communicate directly with other employees in requesting that offensive conduct be discontinued. However, informal redress of complaints is not required and the complaining employee may proceed to file a formal complaint in any situation in which informal redress is not feasible or desirable.

No employee or applicant is required to endure workplace harassment. An employee who is unable to resolve the problem or who does not wish to discuss the issue with the offending party should report unwelcome harassing conduct immediately to their immediate supervisor or the Library Director. If the immediate supervisor is the alleged source of the harassment, the employee should skip that level of management and report the conduct to the next level supervisor or to the Library Director. The complaint will be immediately investigated and appropriate corrective action will be taken.



If an employee claims the Director is the source of the harassment, the employee should report the conduct to their immediate supervisor or to the Chairman of the Library System Administrative Board of Trustees. The Chairman will take immediate steps to investigate the complaint, independent from the Director, and prompt appropriate corrective action will be taken.

In the course of the investigation, the complainant will be requested to submit a written statement describing in detail the alleged harassment and the identity of any individuals that may have relevant information concerning the complaint. A prompt investigation, however, is not contingent on the employee submitting the written statement. In determining whether the conduct is sufficiently severe or pervasive to create a hostile work environment, the Library will evaluate the behavior from the objective standpoint of a "reasonable person." The Library will consider the context in which the alleged harassment took place and examine the behavior using the perspective of a reasonable person's reaction to a similar environment under similar or like circumstances. Corrective action will reflect the severity of the conduct. In all circumstances, the Complainant will be informed of the results of any investigation and the action taken.

#### 4.6 AMERICANS WITH DISABILITIES ACT (ADA) - ACCOMMODATION REQUIREMENTS

The Library will not discriminate against qualified individuals with disabilities in job application procedures, hiring, firing, advancement, compensation, job training, and other terms, conditions and privileges of employment. A qualified employee or applicant with a disability is an individual who, with or without reasonable accommodation, can perform the essential functions of the job in question.

An individual with a disability is a person who:

- has a physical or mental impairment that substantially limits one or more major life activities;
- has a record of such an impairment; or
- is regarded as having such an impairment.

The Library will make a reasonable accommodation for the known disability of a qualified applicant or employee if it does not impose an undue hardship on the legitimate administration of the Library.

*\*NOTE: Undue hardship is defined as an action requiring significant difficulty or expense when considered in light of factors such as an employer's size, financial resources, and the nature and structure of its operation. An employer is not required to lower quality or production standards to make an accommodation; nor is an employer obligated to provide personal use items such as glasses or hearing aids.*

Applicants will not be asked about the existence, nature, or severity of a disability. Applicants will be asked about their ability to perform specific job functions. All requests for accommodations and steps to evaluate such requests will be documented by the Library Director.

*\*NOTE: Employees and applicants currently engaged in the illegal use of drugs are not protected by this policy nor by the Americans with Disabilities Act.*

The Library strictly prohibits retaliation against any employee or applicant exercising rights granted by the ADA. Also, any coercion, intimidation, threats, harassment or interference in the exercise of any employee or applicant's rights granted under the ADA, or of the encouragement of someone else's exercise of rights granted by the ADA, is strictly prohibited.

*\*NOTE: For more detail and updates, see U.S. Equal Employment Opportunity Commission's description of disability discrimination at <http://www.eeoc.gov/laws/types/disability.cfm>*

#### 4.7 AGE DISCRIMINATION EMPLOYMENT ACT (ADEA)

The Library does not discriminate on the basis of age and protects applicants and employees forty (40) years of age and older from discrimination on the basis of age in hiring, promotion, discharge, compensation, or terms, conditions or privileges of employment. The ADEA is enforced by the Equal Employment Opportunity Commission (EEOC).

*\*NOTE: For more detail and updates, see U.S. Department of Labor Equal Employment Opportunity's description of age discrimination at <http://www.eeoc.gov/laws/types/age.cfm>*

#### 4.8 RELIGION - ACCOMMODATION REQUIREMENTS

The Library does not discriminate on the basis of religion when hiring, terminating, or setting conditions of employment. The Library treats employees and job applicants equally, without regard to religious beliefs and practices, except to the extent a religious accommodation is warranted. For example, the Library will allow employees to wear clothing and ornaments that hold religious meaning for an individual.

The Library will reasonably accommodate an employee's sincerely held religious practices unless doing so would impose an undue hardship on the legitimate administration of the Library. A reasonable religious accommodation is any adjustment to the work environment that will allow the employee to practice their religion. An undue hardship is defined as requiring more than ordinary administrative costs, diminishing efficiency in other jobs, infringing on other employees' job rights or benefits, impairing workplace safety, or causing co-workers to carry an undue share of potentially hazardous or burdensome work. Legally, the Library may not provide an accommodation if such conflicts with another law or regulation. Religious expression in the

workplace is permitted, unless such imposes or would impose an undue hardship on the Library.

Religious harassment of any employee is prohibited and should be immediately reported to the immediate supervisor or the Library Director. If the immediate supervisor is the alleged source of the harassment, the employee should skip that level of management and report the conduct to the next level supervisor or the Library Director. The complaint will be immediately investigated and appropriate corrective action will be taken. If the Director is the alleged source of the harassment, then the employee will report the alleged harassment to the Chairman of the Library System Administrative Board of Trustees [or to their immediate supervisor who will then be responsible for reporting the behavior to the Chairman]. The Chairman will take immediate steps to investigate the complaint, independent from the Director and prompt appropriate corrective action will be taken. Consistent with other policies prohibiting retaliation, no employee will be retaliated against for making a claim of religious discrimination, requesting a religious accommodation, or reporting religious harassment. Retaliation against an employee for participating in any way in an investigation, proceeding, or litigation under Title 7 is also prohibited.

*\*NOTE: For more detail and examples see U.S. Equal Employment Opportunity Commission Compliance Manual Section 12: Religious Discrimination at <http://www.eeoc.gov/policy/docs/religion.html>*

#### 4.9 PROHIBITIONS AGAINST RETALIATION

The Library will not dismiss, demote, harass or otherwise "retaliate" against an individual for filing a charge of discrimination, participating in a discrimination proceeding, or otherwise opposing discrimination. The same laws that prohibit discrimination based on race, color, sex, religion, national origin, age, and disability, as well as wage differences between men and women performing substantially equal work, also prohibit retaliation against individuals who oppose unlawful discrimination or participate in an employment discrimination proceeding.

In addition to the protections against retaliation that are included in all of the laws enforced by EEOC, the Americans with Disabilities Act (ADA) also protects individuals from coercion, intimidation, threat, harassment, or interference in their exercise of their own rights or their encouragement of someone else's exercise of rights granted by the ADA.

*\*NOTE: For more detail and updates, see U.S. Equal Employment Opportunity Commission's description of Retaliation at <http://www.eeoc.gov/retaliation.html>*

#### 4.10 WHISTLEBLOWER ACT PROTECTION

A Library employee who reports or provides information to a state investigative body about what they believe, in good faith, is an improper act by the Library, is entitled to Whistleblower Protection as described in *Mississippi Code of 1972, Annotated*, §25-9-171 et seq. Employees

are protected from reprisal or retaliatory action such as unwarranted letters of reprimand, demotion, reduction in pay, denial of promotion, suspension, or dismissal and denial of employment if such actions were the result of the employee's whistleblowing activities.

#### 4.11 DRUG-FREE WORKPLACE ACT

##### *Sample Policy 1:*

The Library is committed to providing a drug free workplace. The Library encourages employees and volunteers to voluntarily seek help with drug and alcohol problems. It is a violation of the Library's drug-free workplace policy to use or possess alcohol or unlawful controlled substances while on the job or on the employer's premises. It is a violation to report to work under the influence of, or to have ability impaired by alcohol. Pre-employment drug testing may be required of applicants, and positive drug screens will result in an offer of employment being rescinded.

*\*NOTE: For more detail and updates, see U.S. Department of Labor's website on the Drug-Free Workplace Act at <https://webapps.dol.gov/elaws/drugfree.htm>*

#### 4.12 VIOLENCE IN THE WORKPLACE\*

[Insert local policy.]

### **5 FAIR LABOR STANDARDS ACT**

In certain circumstances, when Library operations cannot be fulfilled during regular working hours by staff, employees may be required to work in excess of normal working hours. When possible, advance notification of these assignments will be provided. All overtime worked must first be authorized by the Director. The Library will comply with all requirements of the Fair Labor Standards Act (FLSA), not to be confused with the leave provisions contained in the Family and Medical Leave Act (FMLA).

The Director, with the approval of the Library Administrative Board of Trustees, may designate certain executive, administrative and professional positions as exempt from the requirements of the Fair Labor Standards Act. The Library Director applies the following standards in determining whether employees are designated as exempt or non-exempt from the requirements of the Fair Labor Standards Act:

- Executive employees are employees whose primary duty is management of the Library or a recognized department of the Library and who customarily and regularly direct the work of two or more other employees. These employees also are able to make suggestions and recommendations as to the hiring, firing, advancement, or change of status of other employees.

- Administrative employees are employees whose primary duty is the performance of office or non-manual work directly related to the management or general operations of the Library and whose primary duty includes the exercise of discretion and independent judgment with respect to matters of significance.
- Professional employees are employees whose primary duty is the performance of work requiring knowledge of an advanced type in a field of science or learning customarily acquired by a prolonged course or specialized intellectual instruction; or requiring invention, imagination, originality or talent in a recognized field of artistic or creative endeavor.

*\*NOTE: An update to the FLSA minimum salary for exemption went into effect on January 1, 2020. To be exempt, a position must be salaried at a minimum of \$36,568 per year or \$455 per week. For updates and details on overtime, comp time, break periods, recordkeeping requirements, furloughs, wage reductions, youth labor and other issues, see the Wage and Hour Division of the U.S. Department of Labor at <http://www.dol.gov/WHD/flsa/index.htm> or 1-866-4-USWAGE TTY: 1-877-889-5627.*

## **6 PAYROLL\***

[Insert local policy.]

*\*NOTE: Policy options may include the following topics: Deductions (Mandatory and Optional); Paydays; Direct Deposit; Proxy.*

## **7 BENEFITS**

### **7.1 HEALTH INSURANCE**

The Library participates in the State and School Employees' Health Insurance Plan. Library employees who work 20 or more hours per week or 80 hours in a month are eligible to participate. The Library pays 100% of the premium for Base coverage for all eligible active employees' health insurance hired both before January 1, 2006 as Legacy and after January 1, 2006 as Horizon employees. For Select coverage, both Legacy and Horizon employees pay a portion of the monthly coverage. See <https://knowyourbenefits.dfa.ms.gov/rates-coverage/> for updated information.

### **7.2 LIFE INSURANCE**

Life insurance and Accidental Death and Dismemberment (AD&D) insurance is available to Library employees who work twenty (20) or more hours per week. An employee's group term life insurance amount is equal to two times their annual salary, then rounded up to the next highest thousand. The minimum amount of life insurance is \$30,000 and the maximum amount

is \$100,000. The library pays for half of the premium and the employee is responsible for paying the other half.

### 7.3 CONSOLIDATED OMNIBUS BUDGET RECONCILIATION ACT (COBRA)

Information concerning the federal Consolidated Omnibus Budget Reconciliation Act (COBRA) is given to all new employees. COBRA is available to employees, spouses, and dependent children who participate in the Library's health insurance plan. It provides the right to the temporary continuation of health coverage at the Library's group rates. Under COBRA, the employee or beneficiary pays the full cost of coverage at the plan's group rates. Upon separation of employment, the necessary forms are provided to the employee with COBRA election forms describing said rights.

*\*NOTE: For more details and updates, see Department of Labor's information on COBRA at <https://www.dol.gov/agencies/ebsa/laws-and-regulations/laws/cobra>*

## 8 PROFESSIONAL DEVELOPMENT AND CONTINUING EDUCATION

The Library is committed to providing the opportunity for professional growth through a variety of skills development opportunities in both traditional and emerging library services in order to meet the needs of Library patrons and the local communities. Subject to available resources, the Library encourages [all / professional] staff to make maximum use of training and development opportunities to enhance job-related skills, and provide opportunities for advancement. Employees are required to share acquired knowledge with other Library staff after attending any skills development activity.

Staff are encouraged to belong to professional organizations. The Library [does/does not] cover membership dues for [salaried professional/paraprofessional/all] staff in the [Mississippi Library Association/American Library Association/appropriate professional associations].

Staff are encouraged to attend job-related meetings, workshops and library events appropriate to their job duties such as continuing education events offered by the Mississippi Library Commission, the Fay B. Kaigler Children's Book Festival, the Mississippi Library Association Annual Conference, the Annual Meeting of the Society of Mississippi Archivists, etc.

Attendance must have prior approval from [employee's supervisor / branch manager / library director]. Staff are considered to be in work status while attending such meetings [and may be reimbursed for reasonable registration and travel expenses. Travel expenses are based on state rates for reimbursement].

## **9 SUPERVISORY RESPONSIBILITIES\***

[Insert local policy.]

## **10 PERFORMANCE APPRAISAL AND REVIEW PROCESS**

### **10.1 PROBATIONARY PERIODS\***

[Insert local policy.]

### **10.2 JOB DESCRIPTIONS**

Each Library position has a written job description that focuses on the essential functions of the job. The job description includes (1) position title and general summary, (2) essential job duties or “functions,” (3) nonessential duties, (4) supervisory authority, (5) special working conditions, and (6) minimum qualifications.

### **10.3 APPRAISAL AND REVIEW**

All employees must meet established performance standards. A performance appraisal and review process takes place every three (3) months for every employee in the first year of employment and at least once a year thereafter. The purpose of the appraisal is to improve the quality and quantity of services, develop employee skills, motivate better performance, and increase communication between management and staff members. Informal evaluation of staff takes place throughout the year and will be referenced in the formal Performance Appraisal and Review. The Performance Appraisal and Review Process may be used to identify employees for [salary increases/promotion] training and retention or separation on the basis of performance and/or conduct.

At the beginning of the appraisal period, the employee is given the job description for their position and specific performance standards for those duties and is informed of any changes in duties and performance standards during the appraisal period. Performance appraisals are administered in a fair and consistent manner with the employee's job performance for the entire appraisal period considered and reviewed.

Employees are informed during the Performance Appraisal and Review session of areas of deficient work performance and needed improvement. Employees are required to cooperate with the Performance Appraisal and Review Process. During the appraisal/review session, [the supervisor/Director] will document the appraisal and both parties will sign an acknowledgment that the employee's duties and performance were discussed.

## 11 ETHICS AND CONFLICTS OF INTEREST

### 11.1 AMERICAN LIBRARY ASSOCIATION (ALA) CODE OF ETHICS

Library staff must not remove or make inaccessible any library books or other materials that they or members of the public may consider offensive. If a patron complains about an item, including children's items, the matter must be referred to the Library Director or Designee.

The Library endorses the Code of Ethics of the American Library Association.

*\*NOTE: The ALA Code of Ethics is available online at <https://www.ala.org/tools/ethics>  
The ALA Code of Ethics is commonly found appended to Library policy manuals.*

### 11.2 DISCIPLINARY OFFENSES: REMOVAL OF LIBRARY MATERIALS/DISCLOSURE OF PATRON RECORDS

It is against Library policy and is a serious offense for library employees to remove library materials based on offensive or objectionable content, either due to patron complaint or staff sensitivity. Challenges to library materials must be handled by the Library Director and the Administrative Board of Trustees according to the Library's collection development policy. All such decisions must be made in accordance with Article 3, Section 13 of the Constitution of the State of Mississippi and with the First Amendment of the United States Constitution.

Section 39-3-365 et seq. of the *Mississippi Code of 1972, Annotated* forbids divulging patron records to anyone, including law enforcement, unless the Library has the express written permission of the respective Library user or a court order has been issued specifying the release of the records. Patron records are defined as records that contain information relating to the identity of the Library user, relative to the user's use of books or other materials at the Library. Aggregate statistics shown from registration and circulation records, with all personal identification removed, may be released or used by the library for research, planning and reporting purposes. The law does not prohibit disclosure for the purpose of collecting overdue books, documents, films or other items that belong to the Library.

If law enforcement requests patron records, employees must direct the requests to the Library Director or Designee.

Instructions for the Library Director or Designee: The Library may only disclose patron records when proper legal process is followed. Even in a serious criminal case, such as child molestation, the law enforcement officers must, by law, get a court order before the Library can legally disclose the records.

The officer may have a subpoena or a search warrant. A subpoena is not a court order unless it has been signed by a judge. Subpoenas do not require immediate execution (the typical



timeframe is five (5) days), and the Director is advised to consult an attorney before responding.

A search warrant is a court order and is immediately executable. The Director is advised to have an attorney available for consultation, by telephone if necessary. If an attorney is unavailable, the recommended procedure for the Director is:

1. Verify that the officer is a legitimate law enforcement officer. If you do not know the officer, ask for identification. Assign a staff member to call the law enforcement agency (e.g. FBI field office) to verify. If possible, ask a staff member to take notes on the full encounter.
2. Examine the search warrant to assess validity. Make sure the warrant is signed by a judge, applies to the Library's jurisdiction, and has the correct place and date.
3. Determine which records are specified by the search warrant.
4. Retrieve and give the specified records to the law enforcement officer. Do not provide additional records, even if the officer verbally requests them.
5. Write an incident report with full details of the encounter. It is permissible to take photos or videos. Remember incident reports are public records.

Exigent Circumstances: If law enforcement is in hot pursuit and life or limb is in danger, step back. The library is not a sanctuary for criminal behavior and only library patron records are protected by the law. In the event that law enforcement is concerned that patron records are too fragile to wait for a court order (e.g. electronic records that could be purged or paper Internet sign-up records that are routinely shredded), offer to preserve the records for thirty (30) days.

### 11.3 CONFLICTS OF INTEREST AND INTEGRITY

Library employees are expected and required to:

- maintain the highest standards of honesty, integrity, impartiality and conduct;
- avoid any misconduct and/or conflicts of interest;
- be impartial in all decision making and not give unjustified preferences to other staff or patrons.
- avoid using, or appearing to use, their position for personal gain (other than the payment received for employment) or for family members' personal gain;

No act shall be committed by an employee that could result in the questioning of the Library's integrity. Library employees are required to comply with all state ethics laws regarding conflicts of interest, found in *Mississippi Code of 1972, Annotated*, §25-4-101 et seq.

Associations, dealings, relationships or interests that could affect, or reasonably appear to affect, an employee's objectivity in performing their job or in making decisions required of their position must be avoided. Any potential conflict of interest or situation that could be reasonably viewed as a conflict of interest must be immediately reported to the [immediate supervisor/Director].

A Library employee cannot serve in elected or appointed positions that have decision making authority over the Library. A current Library employee must immediately resign if they accept an elected or appointed position that has decision making authority over the Library.

The Library recognizes the potential conflicts of interest associated with employment of relatives, friends, or co-workers in a dating relationship. Potential claims of favoritism, partiality and conflict-of-interest are detrimental to the efficient operation of the Library and a violation of Library policy. The [immediate supervisor / Director] will take prompt action to address any actual, potential or reasonably perceived conflicts of interest that arise involving employees.

Employees are not to engage in any activity in either a private or official capacity where a conflict of interest may reasonably exist. Violations of this policy will result in disciplinary action, up to and including termination. In addition to complying with all state laws governing conflicts of interest, employees are also required to comply with all state laws regarding nepotism.

*\*NOTE: For more detail and updates, see Mississippi Ethics Commission:*  
<https://www.ethics.ms.gov/>

#### 11.4 NEPOTISM

Nepotism is prohibited by Mississippi state law, *Mississippi Code of 1972, Annotated*, §25- 1-53. It is unlawful for any public official or trustee to appoint or employ any person who is paid with public funds, if that person is related to the public official or trustee by blood or marriage within the third degree as computed by civil law.

Nepotism does not apply to any employee who has been with the library or library system prior to the time their kinsman, within the third degree, becomes director of the public library system or a member of either an Administrative Board of Trustees or an Advisory Board of Trustees.

In Mississippi, the Guide to Civil Law Degrees of Kinship is as follows:

<b>First Degree</b>	<b>Second Degree</b>	<b>Third Degree</b>
Parents	Brothers	Uncles/Aunts
Spouse	Sisters	Nephews/Nieces
Children	Grandparents	Great-grandparents
	Grand Children	

### 11.5 SOLICITATION\*

[Insert local policy.]

## 12 PUBLIC RECORDS

Library employees should be aware that Mississippi law provides for public records to be available for inspection by any person, subject to certain exceptions. Employees routinely create records, such as incident reports, emails, and voicemails, that may be subject to inspection according to the *Mississippi Code of 1972, Annotated*, §25-61-1 et seq.

## 13 DISCIPLINARY PROCESS

### 13.1 DISCIPLINARY ACTION

The Library is committed to ensuring fair treatment of all employees. Disciplinary action shall be applied in steps of increasing severity whenever practical in order to stimulate a change in conduct or performance. The Library adheres to fair and objective procedures and criteria for disciplinary action and is committed to progressive disciplinary action before an employee is dismissed, whenever practical.

Examples of possible progressive disciplinary action prior to dismissal of an employee include a suspension without pay and/or a demotion to a position with less responsibility and/or salary. The Library distinguishes between less serious and more serious actions of misconduct and institutes disciplinary action accordingly. The primary purpose of any disciplinary action is to correct and prevent problems in a timely manner and prepare the offending employee for satisfactory service in the future.

Corrective Action Meetings to address unacceptable conduct are conducted by the [immediate supervisor / Director] in a timely manner. The [immediate supervisor / Director] discusses the specific issues with the employee and direction is given by the [immediate supervisor / Director] to the employee concerning the unacceptable conduct. The [immediate supervisor / Director] also informs the employee of the potential consequences of any future unacceptable conduct. The issues discussed in the Corrective Action Meeting are documented by the

[immediate supervisor / Director] and the employee is required to sign the memorandum acknowledging that the meeting took place and the issues were discussed.

### 13.2 REMOVAL OF STAFF

The Library Director is responsible for the orderly and efficient administration of the Library and may employ staff with the approval of the Board of Trustees as described in §39-3-17 (3) of the *Mississippi Code 1972, Annotated*. The Director also has the authority to remove staff for cause. Unacceptable conduct, poor performance, reorganization plans, and budget restrictions are examples of cause to terminate the employment of an employee.

In the event a determination is made by the Director to remove an employee for cause, written notice of such decision will be given to the employee. When practical, the notice will be hand delivered to the employee, otherwise the notice will be sent certified mail to their address on file.

### 13.3 NOTICE TO EMPLOYEE/OPPORTUNITY FOR HEARING

An employee is entitled to a written notice of the reason(s) for the termination and a summary of the factual basis for the decision. In accordance with §39-3-17 (3) of the *Mississippi Code of 1972, Annotated*, the notice will also inform the terminated employee that they may request a hearing before the Administrative Library Board of Trustees to present matters relevant to the reasons given for the termination decision, including any reasons alleged by the employee to be the reason for the action.

The terminated employee has at least [five (5)/insert #] [working/calendar] days from delivery of the termination notice to request a hearing via written notification to the Director. The Director will inform the Chairman of the Administrative Board of Trustees of the request. The Administrative Library Board of Trustees will send a notice of hearing to the terminated employee informing them of the date, time and location of the hearing.

Prior to the requested hearing, all relevant documentation concerning the termination decision will be provided to the Administrative Board of Trustees. The Director will meet with the Board in executive session to review the documentation and answer questions.

The requested hearing will be held at least five (5) working days after written notice of hearing date. The Library Administration Board of Trustees will later the requested hearing with the employee. The hearing will be fair and impartial and the terminated employee may be represented by counsel at their own expense. The Library Director and attorney for the Board shall also be present at the hearing. The hearing shall be informal and administrative in nature. Attorneys will not be permitted to cross examine witnesses and their participation may be limited by the Chairman, in harmony with the informal and administrative nature of the hearing.

The terminated employee and/or the employee's attorney will be permitted to present matters relevant to the reasons given for the termination decision, including any reasons alleged by the employee to be the reason for the action. The Board shall take the matter under advisement at the end of the meeting and will notify all parties in writing of the decision within [ten (10)/insert #] [working/calendar] days. The decision of the Administrative Board of Trustees is final.

If the terminated employee does not request a hearing before the Administrative Library Board of Trustees, the decision of the Director is final.

#### **14 WORK SCHEDULES\***

[Insert local policy here.]

#### **15 HOLIDAYS**

*\*NOTE: Public library systems have a number of options in the establishment of holiday policy. Public library systems do not have to observe all state holidays, but they cannot authorize more paid holidays than those authorized by the Mississippi Code 1972, Annotated §3-3-7, unless additional days are proclaimed by the Governor as official state holidays. Under its own authority, the Library Board may set library hours as described in the Mississippi Code of 1972, Annotated §39-3-17. The Administrative Board of Trustees may elect to close the library on additional days, such as the day after Christmas, without employee compensation, so long as employment contracts are not breached. In such cases, the employees may choose to make up the hours missed, claim personal leave time, or take leave without pay.*

##### *Sample Policy 1:*

The Library observes the ten (10) legal holidays set forth in §3-3-7 of the Mississippi Code of 1972, Annotated and any additional holidays proclaimed by the Governor.

The following have been designated as official state holidays:

January 1	New Year's Day
Third Monday of January	Robert E. Lee/Martin Luther King, Jr. Birthdays
Third Monday of February	Washington's Birthday
Last Monday of April	Confederate Memorial Day
Last Monday of May	National Memorial Day/Jefferson Davis' Birthday
July 4	Independence Day
First Monday of September	Labor Day
November 11	Armistice Day (Veterans Day)
A day fixed by proclamation by Governor of Mississippi as a day of Thanksgiving, to correspond to date proclaimed by President of U.S.	Thanksgiving Day
December 25	Christmas Day

*Sample policy 2:*

*[Insert local policy. The Library observes the ten (10) legal holidays as set forth in §3-3-7 of the Mississippi Code of 1972, Annotated, except, the last Monday of April, Confederate Memorial Day. In lieu of Confederate Memorial Day, the Library will observe [Good Friday/Mardi Gras/other]. Additional holidays proclaimed by the Governor will also be observed.]*

*Sample policy 3:*

*[Insert local policy. The holiday policy observes some of the legal holidays set forth, but not all of them.]*

**16 LEAVE POLICIES**

*\*NOTE: Personal, Medical and Bereavement Leave Policies are set at the discretion of the Library. Sample policies are below, but library systems are strongly encouraged to have all leave policies reviewed by the Public Employees Retirement System (PERS) to ensure compliance with certification of leave requirements.*

**16.1 PERSONAL LEAVE**

Personal leave with pay is available for library employees to provide opportunities for relaxation, vacations, and personal business. Employees are encouraged to use personal leave for these pursuits. All requests for personal leave must be approved in advance by the [immediate supervisor / Director]. Leave can only be requested after it has been earned. All requests for personal leave are approved at the discretion of the [immediate supervisor / Director], based on the operational needs and staffing requirements of the Library.

Library employees accrue personal leave at a scheduled rate based on length of service with the Library and number of regularly scheduled work hours per week.

*\*NOTE: The Library System's Administrative Board of Trustees should determine the scheduled rates of leave accrual. The schedule of leave accrual should be part of the leave policy formally adopted by a library's administrative board of trustees and spread upon its minutes.*

## 16.2 MEDICAL LEAVE / [BEREAVEMENT LEAVE]

Medical (sick) leave with pay is available for library employees to be used for the illness or injury of the employee or a member of the employee's immediate family. Immediate family is defined by the *Mississippi Code of 1972, Annotated, §25-3-95* as: spouse, parent, step-parent, sibling, child, stepchild, grandchild, grandparent, son-in-law, daughter-in-law, mother-in-law, father-in-law, brother-in-law or sister-in-law. Child means a biological, adopted or foster child, or a child for whom the individual stands or stood *in loco parentis*.

[An employee may also use up to three (3) days of earned medical leave for each occurrence of death in the immediate family requiring the employee's absence from work.]

Library employees accrue medical leave at a scheduled rate based on length of service with the Library and number of regularly scheduled work hours per week. If an illness or injury causes an employee to exhaust all accumulated medical leave, the employee may use accumulated personal leave. Medical leave should not be confused with rights granted under the Family and Medical Leave Act as described in this Guide under 16.5 FAMILY AND MEDICAL LEAVE ACT.

*\*NOTE: Scheduled rates of leave accrual should be a part of the leave policy adopted by a library's administrative board of trustees and spread upon the minutes of said Board.*

## 16.3 WORKERS' COMPENSATION

All Library employees are covered by the Mississippi Workers' Compensation Law, *Mississippi Code of 1972, Annotated §71-3-1 et seq.* which provides certain benefits in the event an employee suffers a work-related injury or illness. In case of a work-related fatality, the law guarantees payment of benefits to the spouse and dependents of the deceased.

Workers' Compensation benefits are provided at no cost to the employee or dependents. For injury/illness, benefits may include payment of all reasonable and necessary medical expenses, as well as, partial compensation for wages lost due to the injury or illness. In certain cases, vocational rehabilitation may also be available.

Wage-loss benefits for injury/illness are not paid for the first five (5) days of disability unless the disability extends fourteen (14) or more days. These benefits are payable at the rate of two-

thirds of the employee's average weekly wage. These benefits may also be subject to a weekly maximum set by law.

Workers' Compensation claims are time-sensitive. Employees must report claims within thirty (30) days after the occurrence, subject to statutory exceptions as outlined in the *Mississippi Code of 1972, Annotated §71-3-35*. Any injury/illness that happens on the job should be reported immediately to the employee's [immediate supervisor/Director] to ensure appropriate medical treatment is provided and any wage loss benefits due the employee are paid without unnecessary delay.

#### 16.4 MILITARY LEAVE

The Uniformed Services Employment and Re-employment Act of 1994 (USERRA, 38 U.S.C. Sec. 4301-4335), grants re-employment rights, within certain time limits, to soldiers who leave employment to perform military duty and who satisfactorily perform that duty. The right to re-employment is not contingent on whether the orders were voluntary or involuntary.

Reemployment rights will be granted to employees who:

- provide the Library with advance written or verbal notice of the military service;
- do not have more than five (5) years of cumulative service in the uniformed services while employed by the Library;
- return to work or apply for reemployment in a timely manner after conclusion of service; and
- have not been separated from service with a disqualifying discharge or under other than honorable conditions.

Pursuant to *Mississippi Code of 1972, Annotated §33-1-21*, employees are entitled to fifteen (15) days of paid leave when ordered to military duty, whether the orders were voluntary or involuntary. An employee requesting leave, pursuant to voluntary or involuntary orders, beyond the fifteen (15) days allowed by law is entitled to a leave-of-absence which can be charged against their accrued personal or compensatory leave.

If the employee does not have sufficient leave to cover the absence, the leave may be without pay. The employee is entitled to leave-of-absence from their respective duties without loss of time, annual leave or efficiency (performance) rating until relieved from duty.

*\*NOTE: For updates and additional details, see The Uniformed Services Employment and Reemployment Rights Act (USERRA) on U.S. Dept. of Labor's website at <https://www.dol.gov/agencies/vets/programs/userra/aboutuserra>*



## 16.5 FAMILY AND MEDICAL LEAVE ACT

Employees who have worked for the Library for at least one (1) year and for one thousand two hundred and fifty (1,250) hours over the previous twelve (12) months are covered by the Family and Medical Leave Act (FMLA).

In compliance with FMLA, eligible Library employees are entitled to up to twelve (12) weeks of unpaid, job-protected-leave for the following reasons:

- A. for the birth of a son or daughter, and to bond with the newborn child; or
- B. for the placement with the employee of a child for adoption or foster care, and to bond with that child; or
- C. to care for the employee's immediate family member (spouse, son or daughter, or parent—but not a parent-in-law), who has a serious health condition; or
- D. to take medical leave when the employee is unable to work because of a serious health condition; or
- E. for qualifying exigencies arising out of the fact that the employee's spouse, son, daughter, or parent is on covered active duty or call to covered active duty status as a member of the National Guard, Reserves, or Regular Armed Forces.

A "serious health condition" includes conditions requiring an overnight stay in a medical facility; conditions that incapacitate the employee or a family member for more than three consecutive days and have ongoing medical treatment; chronic conditions that cause occasional periods when the employee or a family member is incapacitated and requires treatment by a health care provider at least twice a year; and pregnancy.

During all FMLA leave, the employee's group health coverage will be maintained. Upon return from FMLA leave, the employee will return to the original or equivalent position with equivalent pay, benefits and other employment terms. Use of FMLA will not result in the loss of any employment benefit that accrued prior to the start of an employee's leave. Time spent performing assigned "light duty" work does not count against an employee's FMLA leave entitlement.

Employees must provide thirty (30) days' advance notice of the need to take FMLA leave when the need is foreseeable. When thirty (30) days' notice is not possible, the employee must provide notice as soon as practicable. The notice must be consistent with the usual and customary Library procedures for reporting an absence unless there are unusual circumstances. Employees are required to provide sufficient information for an FMLA eligibility determination to be made. This information will also be used to determine the anticipated timing and duration of the leave. Employees must complete and return, within fifteen (15) days of the first day of leave, one of the following U.S. Department of Labor (USDOL) certification forms:

- A. Serious health condition: USDL Form WH-380-E
- B. Care for a covered family member: USDL Form WH-380-F
- C. Qualifying exigency for military family leave: USDL Form WH-384
- D. Serious injury/illness of covered servicemember for military family leave: USDL Form WH-385

If information provided by the employee or the healthcare provider on the certification form is incomplete or insufficient, the employee will be notified, in writing, as to what information is lacking and given seven (7) calendar days to cure the deficiency. Employees may be required to provide a new medical certification each leave year for medical conditions that last longer than one year. Recertification may also be required every six (6) months for an ongoing condition resulting in recurring absences.

Eligible employees requesting leave will be informed as to whether said condition/exigency qualifies for FMLA leave. A FMLA-qualifying employee:

- may use FMLA leave intermittently or on a reduced-leave schedule when medically necessary or for qualifying exigencies.
- using FMLA leave intermittently must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt Library operations.
- must also inform their supervisor if leave being requested is for a condition/situation for which FMLA leave was previously taken or certified.

[Concurrent use means employees are required to use personal and/or medical leave during FMLA absences. Employees using paid accrued leave for FMLA qualifying conditions will be placed on FMLA leave concurrent with paid leave. Within five (5) working days, the Library will notify the employee, in writing, if paid leave is being designated as FMLA protected leave and the amount of leave counted against the employee's leave entitlement.]

[Consecutive use means employees are allowed twelve weeks (60 working days) of FMLA leave prior to use of accrued personal/medical leave.]

No Library employee may interfere with, restrain, or deny the exercise of any right provided under the Family and Medical Leave Act. No Library employee may discharge or discriminate against any person for opposing any practice made unlawful by the FMLA or for involvement in any proceeding under or relating to the FMLA.

Military Entitlement. An eligible employee is entitled to up to 12 weeks of FMLA leave because of any qualifying exigency arising out of the fact that the spouse, son, daughter, or parent of the employee is a member of any Armed Forces and/or a reserve component of the Armed Forces on covered active duty. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.

An eligible employee who is the spouse, son, daughter, parent, or next of kin of a covered service member who is recovering from a serious illness or injury sustained in the line of duty any time during the five years preceding the treatment is entitled to up to 26 weeks of leave in a single 12-month period to care for the service member.

The twenty-six (26) week entitlement applies to additional family members (i.e., next of kin) not previously covered for qualifying reasons. This entitlement is not in addition to the twelve (12) week FMLA entitlement for qualifying exigencies.

*\*NOTE: For updates and more detail, see U.S. Dept. of Labor Family and Medical Leave Act at <https://www.dol.gov/agencies/whd/fmla> Forms are available online at <http://www.dol.gov/general/forms>*

## 16.6 SABBATICAL LEAVE

In accordance with the §39-3-20 of the *Mississippi Code of 1972, Annotated*, professional Library staff members are eligible for sabbatical leave for professional improvement, for up to one (1) year immediately following any six (6) or more consecutive years of active service. Absence on sick leave does not affect staff eligibility. Sabbatical leave for professional staff members must have the approval of the Administrative Library Board of Trustees.

Applications for sabbatical leave may be made to the administrative board of trustees, with the approval of the Director. Any person who is granted a sabbatical leave and who fails to comply with the provisions of such leave may have their leave terminated by the administrative board of trustees. Employees on sabbatical leave are not denied any regular increment of increase in salary because of absence on sabbatical leave.

A person on sabbatical leave shall enjoy all the rights and privileges pertaining to their employment, such as health insurance and credit for active service for the purpose of retirement and contributions to the retirement fund consistent with regulations of the Mississippi Public Employees Retirement System. Leave will not be granted unless there is a contract providing for continued service in the Library, after expiration of the leave.

Each person granted sabbatical leave may receive and be paid compensation up to the rate of fifty percent (50%) of such person's annual salary. Compensation payable to persons on sabbatical leave will be paid at the same time and in the same manner salaries of the other employees of the Library are paid.

#### 16.7 TARDINESS\*

[Insert local policy.]

#### 16.8 COMPENSATORY TIME\*

[Insert local policy.]

#### 16.9 EDUCATIONAL LEAVE\*

[Insert local policy.]

#### 16.10 MATERNITY LEAVE\*

[Insert local policy.]

#### 16.11 LEAVE OF ABSENCE\*

[Insert local policy.]

#### 16.12 DONATED LEAVE\*

[Insert local policy.]

#### 16.13 TIMESHEETS\*

[Insert local policy.]

### **17 RETIREMENT/SEPARATION OF EMPLOYMENT**

#### 17.1 RETIREMENT

Certain employees, as specified below, become a member of the Mississippi Public Employees' Retirement System (PERS) as a condition of employment.

Retirement System participation and coverage is provided to employees in positions that require compensated work for at least twenty (20) hours per week OR at least eighty (80) hours per month. Participation is offered to employees whose wages are subject to payroll taxes and are reported on Form W-2. When an individual is first employed, the Library furnishes the new employee with a member information form to establish a PERS membership account. Annually, the Public Employees Retirement System of Mississippi sends the employee a fiscal year contributions statement.

*\*NOTE: Depending on the leave policy adopted by the library system's Administrative Board of Trustees, accumulated leave time may be rolled into PERS when an employee leaves the Library's employment. If accrued leave carries forward each year, the accumulated leave time may be certified into the employee's PERS account. If accrued leave time does not carry forward on an annual basis, any leave time that rolls into PERS is calculated by the employee's final year of employment. Certification of leave should be formally addressed in library policy adopted by the Administrative Board of Trustees.*

Additional information concerning retirement benefits is contained in the PERS Member Handbook. Information may also be obtained by calling PERS at 1-800-444-7377 or (601) 359-3589 or by visiting Public Employees Retirement System of Mississippi at <http://www.pers.ms.gov>

#### 17.2 SEPARATION – VOLUNTARY\*

[Insert local policy]

#### 17.3 SEPARATION – INVOLUNTARY\*

[Insert local policy]

### **18 EMPLOYMENT REFERENCES**

#### *Sample Policy 1—Neutral reference policy:*

It is the Library's policy to disclose, in response to a prospective employer's request for an employment reference, only the following information about current or former employees: The dates of employment, description of the duties performed, and salary information. All requests for employment references shall be forwarded to the [Director/Human Resources Officer]. The [Director / Human Resources Officer] is the only person authorized to respond to the request. Responses to employment reference requests will only be given to the appropriate person asking for the information and only after the [Director/Human Resources Officer] has verified the identity of the requestor. Prior to responding to the request, the [Director / Human Resources Officer] shall also verify that the former or current employee is aware of and does not object to the Director responding to the reference request.

#### *Sample Policy 2—Performance-related reference policy:*

It is the Library's policy to disclose in response to a prospective employer's request for an employment reference, both employment verification and performance-related information about current or former employees. All requests for employment references shall be forwarded to the [Director/Human Resources Officer]. The [Director/Human Resources Officer] is the only person authorized to respond to the request. Responses to employment reference requests will only be given after receiving a properly executed release form signed by the current or former employee. The release form must adequately release and discharge the Administrative Board of

Trustees, Library and its employees and officers, including the [Director/Human Resources Officer], from all liabilities, claims and/or causes of action, known or unknown, that arise from or that are in any manner connected to disclosure of the requested reference information.

Responses to employment reference requests will only be given to the appropriate person asking for the information and only after the [Director/Human Resources Officer] has verified the identity of the requestor. In response to proper reference requests, the [Director/Human Resources Officer] shall verify the dates of employment; description of the duties performed; and salary information. The [Director / Human Resources Officer] will also give information related to the job-related performance and conduct assessments of the employee and limit responses to the specific questions asked by the requestor.

## **19 EMPLOYEE USE OF COMPUTERS AND INTERNET POLICY**

It is important that each person employed by the Library, whether full-time, part-time, temporary, contractor or subcontractor, understands and acknowledges the Computer and Internet Policy that governs the use of all computers, computer-based communications networks, and all related equipment.

The electronic communications and facility of the Library are government property and by using these facilities, the user acknowledges consent to abide by these policies.

No communications or uses of the information systems resources are to be considered private or confidential and use of such systems may be monitored at any time.

The Library prohibits the use of these technology resources in any manner which is disruptive, offensive, harmful to morale, unethical or illegal under state and/or federal laws. It is the responsibility of each employee and volunteer to use these resources in a responsible, courteous manner following accepted standards of behavior and etiquette.

All e-mail, instant messaging or other communication composed, transmitted, or received via the Library's computers is considered to be part of the official records of the Library. As such, the information may be subject to disclosure to public records requests or law enforcement agencies should circumstances arise that require such action.

Any employee or volunteer found violating this policy may be restricted from, or denied, use of the information technology resources of the Library. If an employee or volunteer is found committing unlawful activities, the appropriate law enforcement agency/agencies will be notified.

## 20 EMPLOYEE DRESS AND SPEECH

### 20.1 EMPLOYEE DRESS

*\*NOTE: An employee dress code is set at the discretion of the library system and may reflect local conditions. However, caution is necessary in regards to accommodation for disability and religious needs. Sample policies are below.*

#### *Sample policy 1—Professional Attire:*

The appearance of Library employees and volunteers reflects directly on how the Library is perceived by the public. The following serve as guidelines:

- Slacks and shirts are appropriate for men and women. Dresses, skirts and blouses, or pant suits are appropriate for women.
- Blue jeans and T-shirts are to be avoided for daily wear except where the nature of the job routinely involves dirt and grime.
- Casual days may be designated by the Director. Blue jeans and T-shirts are acceptable. Clothing must not advertise alcohol, illegal acts or substances, or have any sexual content or innuendo.
- Shoes should be appropriate to the task at hand. Rubber flip-flops are not permitted.
- The following are not permitted: provocative, revealing or abbreviated clothing; athletic clothing (sweats, warm-up suits); tank tops; excessive amounts of perfume or cologne.

#### *Sample policy 2—Casual Attire:*

The Library allows a casual dress code in order for employees to work comfortably. The following serve as guidelines:

- Blue jeans and T-shirts are acceptable but must not advertise alcohol, illegal acts or substances, or have any sexual content or innuendo.
- No provocative, revealing or abbreviated clothing should be worn.
- No clothing that interferes with job performance or endangers the employee or others is permitted.

## 20.2 STATEMENTS TO THE MEDIA

The following policies in no way conflict with the Whistleblower Protection Act with regard to statements to investigatory bodies. The Whistleblower Protection Act does not apply to media statements.

### *Sample policy 1:*

Employees of the library should refer all media inquiries and requests for information or an interview to [the Director / designee]. Employees are not to make statements to the media regardless of media deadlines.

### *Sample policy 2:*

At all times media communications should be rooted in honesty, openness and accuracy of information. Employees should be knowledgeable on the media topics addressed and should refer inquiries upward whenever appropriate. Under no circumstances should confidential information be disclosed.

## 20.3 POSTING TO LIBRARY SOCIAL MEDIA

Official library blogs, podcasts, photo sites, social network profiles, Twitter feeds, etc. are an increasingly effective means of communication with library users and the larger community. Library staff designated to post on behalf of the Library must adhere to the following guidelines:

- Use a professional voice. Use standard English spelling and grammar. Avoid use of slang language and abbreviations.
- Always verify facts before posting.
- Minimize opinions unless specifically authorized by the Library Director.
- Do not post pictures of people, especially children, without written permission. In the case of children, written permission from a parent or guardian is required.

The Library does not interfere with personal expression done outside the Library setting. However, if employees comment on any aspect of the Library on their own accounts, they must clearly identify themselves as Library employees and include a disclaimer that the views expressed are their own and not those of the Library.

## **21 SMOKING\***

[Insert local policy.]



## **22 LIBRARY PROPERTY\***

[Insert local policy. *\*NOTE: Policy options may include the following topics: Furnishings & Equipment; Vehicles; Telephones; Technology; Housekeeping.*]

## **23 SECURITY\***

[Insert local policy.]

## **24 EMERGENCIES\***

[Insert local policy. *\*NOTE: Policy options may include the following topics: Personal; Library; Weather-Related; Man-Made.*]

**Users agree to hold harmless the Mississippi Library Commission from any judgment, losses, deficiencies, damages, liabilities, costs and expenses (including reasonable attorneys' fees and expenses) incurred in connection with or arising from any claim, suit, action or proceeding arising subsequent to adoption of any portion of this document.**