

**MINUTES  
ELMHURST PUBLIC LIBRARY  
BOARD OF TRUSTEES  
Tuesday, October 20, 2015  
Kossmann Room, 7:00 p.m.**

Vice-President Marsha Baker called the October 20, 2015 Regular meeting of the Board of Trustees to order at 7:00 p.m. in the Kossmann Room.

Board members in attendance included, Monica Iacono, Carol Jacobsen, Teresa Menolascino, Susan Sadowski, William Shanklin, and William Ryan. Linda Wheaton and Ingrid Becton were absent. Also in attendance were Library Director, Mary Beth Campe, Assistant Director of Administration Services, Marcy Rodriguez, Assistant Director of Public Services, Catherine Ingram, and Administration/HR Manager, Rita Andreuccetti.

Visitors Mayra Mendez was in attendance on behalf of the League of Women Voters.

The next order of business was the approval of the Minutes of the September 15, 2015 Regular Board Meeting. Susan Sadowski moved:

THEREFORE BE IT RESOLVED:

That the Minutes of the September 15, 2015 Regular Board Meeting be approved as presented.

William Shanklin seconded the motion. The motion carried.

The next order of business was the approval of the October 20, 2015 Accounts Payable. Monica Iacono moved:

THEREFORE BE IT RESOLVED:

That the October 20, 2015 check register be approved for payment.

Teresa Menolascino seconded the motion. Director Campe responded to questions about the invoices. The motion carried.

Director Campe distributed the monthly credit card statements and the small check register. She stated that the Library received a property tax payment of \$2,931,591 this month. Other incomes were overall on target.

She also reviewed the expenditure lines. She pointed out that the Alterations line under Capital Outlay shows incorrectly an unexpended amount of \$105,770. The reason for the discrepancy is that the second floor renovation project spanned over two budget years so an estimated amount was transferred from one budget year to the other.

Minutes  
Elmhurst Public Library Board of Trustees  
October 20, 2015  
page 2

In her Director's Report, Ms. Campe stated that visitor counts were up fifteen percent. Visitor counts have been cresting upward all year mostly due to increased programming.

Ms. Campe stated that Administration presented the Board approved strategic plan to the staff planning committee. The plan will debut to the public in the next Fine Print in November.

Director Campe reminded the Board that the budget presentation to the City Council is scheduled for Monday, November 9 at 8:00 p.m.

There was no President's report.

The first item of Unfinished Business was the Adult Services Department Reconfiguration Project. Ms. Campe stated the final project costs should be ready next month. She noted that the laptop bar arrived the day before the second floor grand re-opening celebration. Patrons were very pleased with the celebration. They especially enjoyed the tours, and suggested that they be offered on a monthly basis.

The first order of New Business was the presentation from Will Cotton, Head of Facilities.

The next item of New Business was the review of the Personnel Policy. Sue Sadowski moved:

THEREFORE BE IT RESOLVED:

That the Personnel Policy be approved with amended changes.

Teresa Menolascino seconded the motion. Director Campe noted that the Policy had been reviewed by Kathie Henn of Kline, Thorpe & Jenkins. Ms. Campe reviewed the Policy with the Board. Several points were discussed and Ms. Campe answered questions. There was some discussion about the At-Will Employment statement that was added to the beginning of the Policy as suggested by Kline, Thorpe & Jenkins.

Monica Iacono, aye  
Carol Jacobsen, aye  
Teresa Menolascino, aye  
Susan Sadowski, aye  
William Shanklin, aye  
William Ryan, aye  
Marsha Baker, nay

The motion carried.

There being no Other Business, the meeting was adjourned at 8:49p.m.

Elmhurst Public Library

## **PERSONNEL POLICIES**

The Board of Trustees reserves the right, in its sole discretion, to alter, modify, amend or delete any provision contained in this Personnel Manual with or without notice. The Board of Trustees further reserves the right to deviate from any term or provision of this manual in its sole discretion based on the facts of any particular situation. It is neither possible nor intended to anticipate every matter of employment in the Library. Those matters not covered shall be decided as necessary by the Library Director, with the approval of the Board of Trustees.

This employee handbook does not constitute a contract of employment, nor is it an agreement to provide any of the benefits described in this handbook. Your employment and <sup>1</sup>compensation may be terminated with or without cause with or without notice at any time at the option of either you or the board of trustees. All employees of the Elmhurst public Library are employees at will, who may be disciplined or discharged at any time and for any reason. This handbook's sole purpose is to provide general guidelines for employees. It is not a promise of employment or continued employment. This handbook supersedes any and all other employment manuals and policies. any agreements or assurances relating to the terms and conditions of your employment that differ in any way with the provisions of this handbook must be in writing and formally adopted or approved by the board of trustees.

### **8.1 Purpose, Administration and Definitions**

#### **8.1.1. Purpose**

This policy is designed to provide staff with direction regarding their rights and privileges as employees of the Elmhurst Public Library. Notwithstanding anything contained herein to the contrary, this policy is not intended to be a contract and it is subject to change at any time at the discretion of the Library Board.

#### **8.1.2. Administration**

The administration of these personnel rules is the responsibility of the Director. Employees are governed by these personnel policies as well as appropriate regulations pertaining to Illinois statutes, and federal law.

### **8.1.3. Definitions**

Full-time employees - salaried employees regularly scheduled to work 37 1/2 hours per week.

Part-time employees

Hourly employees scheduled to work between 12 and 28 hours per week.

On-Call Substitutes – Employees who have resigned from regularly scheduled full- or part-time positions but have been retained on the payroll to substitute occasionally for absent staff in order to maintain public services. Substitutes are not eligible to receive any benefits.

## **STATEMENT OF PROFESSIONAL ETHICS**

### **ALA Code of Ethics**

As members of the American Library Association, we recognize the importance of codifying and making known to the profession and to the general public the ethical principles that guide the work of librarians, other professionals providing information services, Library trustees and Library staffs.

Ethical dilemmas occur when values are in conflict. The American Library Association Code of Ethics states the values to which we are committed, and embodies the ethical responsibilities of the profession in this changing information environment.

We significantly influence or control the selection, organization, preservation, and dissemination of information. In a political system grounded in an informed citizenry, we are members of a profession explicitly committed to intellectual freedom and the freedom of access to information. We have a special obligation to ensure the free flow of information and ideas to present and future generations.

The principles of this Code are expressed in broad statements to guide ethical decision making. These statements provide a framework; they cannot and do not dictate conduct to cover particular situations.

1. We provide the highest level of service to all Library users through appropriate and usefully organized resources, equitable service policies, equitable access; and accurate, unbiased, and courteous responses to all requests.
2. We uphold the principles of intellectual freedom and resist all efforts to censor Library resources.
3. We protect each Library user's right to privacy and confidentiality with respect to information sought or received, and resources consulted, borrowed, acquired or transmitted.
4. We respect intellectual property rights and advocate balance between the interests of information users and rights holders.
5. We treat co-workers and other colleagues with respect, fairness, and good faith, and advocate conditions of employment that safeguard the rights and welfare of all employees of our institutions.
6. We do not advance private interests at the expense of Library users, colleagues, or our employing institutions.

Page 2

7. We distinguish between our personal convictions and professional duties and do not allow our personal beliefs to interfere with fair representation of the aims of our institutions or the provision of access to their information resources.
8. We strive for excellence in the profession by maintaining and enhancing our own knowledge and skills, by encouraging the professional development of co-workers, and by fostering the aspirations of potential members of the profession.

Adopted at the 1939 Midwinter Meeting by the ALA Council; amended June 30, 1981; June 28, 1995; and January 22, 2008.

Serving Our Public 2.0: Standards for Illinois Public Libraries, 2009, Appendix D p. 56

## **EMPLOYMENT PROCEDURES**

### **8.3.1. Hiring**

It is the policy of the Library to hire individuals who are best qualified for employment as determined by identified standards of education, experience, aptitude, character and ability to perform essential duties of the position. All decisions regarding the recruitment, selection and placement of employees are made solely on the basis of job related criteria. Notwithstanding anything contained herein to the contrary, in no event shall the hiring of an employee be considered as creating a contractual relationship between the employee and the Library; and unless otherwise provided, such relationship shall be defined as "employment-at-will" where either party may dissolve the relationship.

### **8.3.2. Application**

All applicants for Library employment shall file applications online. If needed, accommodations will be made upon request.

### **8.3.3 Background Checks**

All applicants for employment who are age 16 or older must pass a criminal background check prior to being offered a position at the Library. Until the criminal background check is completed, the Library's offer of employment to the applicant and/or the Library's hiring of the applicant is conditional only, and future employment by the Library is contingent upon the satisfactory completion of the criminal background check. In reviewing criminal convictions, the Library generally takes into account the nature and gravity of the offense, the time that has passed since the conviction, and the nature of the position sought. The Library does not request information regarding, nor does it consider, arrests or convictions that have been sealed or expunged. Past conviction of a crime will not necessarily result in denial of employment. Any such situation will be evaluated on a case-by-case basis, considering the factors described above.

The results of each criminal background check will generally be shared only with the Director and the Human Resources Manager (HR), unless there is a business need for additional disclosures. All information obtained from such checks will be kept confidential to the extent required or permitted by law.

#### **8.3.4. Verification of Employment Eligibility**

The Library, following federal law, requires that employees be either U.S. citizens or authorized to be employed in the U.S. Verification of this must be provided at the time of hiring and shall consist of documents which are acceptable under the law. No employee may begin work until the applicable form has been completed and certified by the Human Resources Manager.

#### **8.3.5. Equal Employment Opportunity**

The Library shall not discriminate against any employee or applicant for employment on the base of race, color, religion, gender, sexual orientation, genetic information, marital status, national origin or ancestry, age, physical or mental handicap unrelated to ability, or unfavorable discharge from military service or any other characteristic that is protected by the law.

An applicant or employee shall be considered only on the basis of qualifications required for the position sought or held, i.e. experience, training, abilities, skills and knowledge, as well as personal character and integrity as a proper representative of the Library.

#### **8.3.6. Relatives of Employees and Library Trustees**

The Library may employ a relative or cohabitant of an employee provided the individual meets the usual qualifications for employment. However, such persons cannot be given work assignments which require one to direct, review or process the work of the other, or which permits one to have access to the personnel records of the other. The Library may not employ a relative or cohabitant of a Library Trustee. For purposes of this policy, "relative" is defined as spouse, civil union partner, child, parent, sibling, grandparent, grandchild, aunt, uncle, or first cousin, including all corresponding in-law, foster, adoptive, and "step" relations.



## **PAY PLAN**

### **8.4.1. General Policy**

It is the policy of the Library to pay wages and salaries which are based upon the nature of the job performed and which are competitive with rates being paid for similar work in comparable communities in our geographic area. Merit increases shall be based on job performance and shall not be given on the basis of length of service.

Each year, through the annual budget, the Board shall determine the amount of money available for merit pay increases. The Library Director then is responsible for determining the percentage of salary increase that will be applied in each of the performance review categories outlined in this policy. The merit pay increase percentages are to be reported annually to the Board of Trustees.

In addition to a merit pay increase, the Library Director may, in special circumstances, award a one-time bonus to any staff member who has performed well above the required level while working on a short-term major project. This bonus may not exceed two weeks salary or vacation, whichever the staff member chooses.

## **8.4.2. Wage and Salary Administration**

### **8.4.2.1. Job Descriptions**

The Library has written job descriptions for each position that describe the status (exempt or non-exempt), nature of work, level of education and skills required plus any other characteristics needed to satisfactorily perform the tasks of the position. (See Appendix to this policy for a list of exempt positions, position title list and salary schedule.)

### **8.4.2.2. Pay grades**

Pay grades on the salary schedule are established by the Library Board, and each position is assigned to a specific pay grade based on criteria described in Section 8.4.2.1 above as well as the position's impact on the organization and the public. The pay grade range provides a minimum, midpoint and maximum.

### **8.4.2.3 Compensation for Work in Excess of Regular Hours**

#### **General Guidelines for Non-Exempt Employees**

All work in excess of regularly scheduled hours must be approved in advance by the employee's supervisor. Any hours in excess of 40 per week, shall be worked only with the prior approval of the Library Director, HR Manager or an Assistant Director except in the case of an emergency, when overtime can be authorized by the person in charge of the Library.

#### **Non-Exempt Salaried Employees**

Hours worked in excess of 40 per week will be compensated at 1½ times the regular rate. The employee may choose whether to take this compensation in pay or in compensatory time off. All other hours worked in excess of regularly scheduled hours will be compensated at the regular rate whether in additional pay or compensatory time.

Non-exempt salaried staff shall record extra hours worked on their biweekly time records. Compensatory time may be cumulated to equal but not exceed 1 week's scheduled work (37.5 hours for full time employees). It must be used within one year and shall be scheduled only with the prior approval of the department head or designated supervisor.

#### **Hourly Non-Exempt Employees**

These employees shall be paid for all hours worked. They will be paid at the regular rate for all hours up to 40 per week and at 1½ times the regular rate for hours in excess of 40 hours per week.

Wage and Salary Administration  
Page 2

**Exempt Employees**

Accumulated compensatory time for overtime work must be used at the earliest opportunity consistent with staffing requirements of the Library. Compensatory time may not be accumulated and used to extend or create vacation. This provision of compensatory time for exempt employees is not required by the law.

**8.4.2.4 Placement on the Salary Schedule**

New employees generally will be compensated at the minimum pay rate assigned their job classification. However, in recognition of previous experience, the Library Director, HR Manager, or an Assistant Library Director are authorized to hire new employees above the minimum pay rate.

**8.4.2.5 Salary Schedule Adjustments**

The salary schedule is adjusted with the review and approval of the Board as necessary to maintain competitive salaries. The Board will review the salary schedule annually.

### **8.4.3. Performance Appraisals**

#### **8.4.3.1. General**

All Library staff receive regular performance evaluations. An evaluation provides both the supervisor and the employee with a formal opportunity to review the individual's job performance and the contribution made to the library. If the employee is performing at or above required levels, the evaluation process provides reinforcement and reassurance and justifies a merit increase in salary. If the employee is performing below required levels, the process allows the supervisor to review problems and determine what the employee needs to do to correct them. The supervisor should remember that the evaluation is a two-way process, and should invite the employee to respond to suggestions for improvement, training needs, relations with the supervisor and any other issues pertinent to the job and to the Library.

#### **8.4.3.2 Merit Pay Increases**

Each year the Library Board establishes the budget for merit increases, and Administrative Staff determines the percentage increase for each performance review category. Individual pay increases are based on merit and position on the salary schedule.

#### **8.4.3.3 Evaluation Schedule**

Staff members are eligible for a merit salary increase on the anniversary of their appointment to their current position.

#### **8.4.3.4 Types of Evaluation**

**INTRODUCTORY EVALUATION:** The first six months of employment is an introductory period during which an employee can be terminated by the supervisor at any time. During this time, the supervisor should closely observe the employee, review progress and call any problems to the individual's attention.

**ANNUAL EVALUATION:** On the anniversary of the individual's starting date in the current position, the supervisor reviews the individual's performance during the past year and the goals and objectives the individual should pursue in the coming year. The individual may be eligible for a merit increase at this time.

**SPECIAL EVALUATION:** A special review may be scheduled for employees who have satisfactorily completed the introductory period and assumed additional responsibilities that are long term but fall short of making them

## Performance Appraisals

## Page 2

eligible for promotion. The review of their exceptional performance may provide documentation for a merit increase.

A special evaluation may also be scheduled for an employee who has satisfactorily completed the introductory period but whose supervisor believes that the employee's performance has deteriorated to a point that it is necessary to review the deficiencies formally and inform the employee of disciplinary action, or possible termination, if improvement is not made within a specified period of time. Examples of poor or unsatisfactory performance are:

- . Insubordination
- . Inability to learn duties
- . Incompetence
- . Poor public or staff relations
- . Failure to perform duties in a satisfactory manner
- . Chronic absenteeism or unexcused tardiness
- . Discourtesy
- . Criminal action
- . Willful violation of Board policy or Library procedures

Types of unsatisfactory performance listed above are examples and are not meant to be an all inclusive list.

#### **8.4.3.5. Preparation by the Supervisor**

The supervisor should first review the employee's job description to determine if it still accurately reflects the work the employee is expected to perform.

If there has been significant change, and the job has become substantially different from the work of other employees with similar job descriptions, this should be discussed with the Director. If the job has not changed, the supervisor should assess whether the employee is performing satisfactorily the duties identified in the job description. Care should be taken in identifying where improvements are needed. Examples should be used to illustrate problems. The supervisor should write a narrative evaluation using the following criteria.

#### **8.4.3.6 Performance Review Categories**

##### Exceptional

Reserved for employees who, in addition to meeting all of the criteria for performance evaluated as Exceeds Expectations, demonstrate unusual creativity and accomplishment in response to a new challenge in a given year.

## Performance Appraisals

## Page 3

Exceeds Expectations

Given to employees who consistently perform above requirements, demonstrating a thorough knowledge of all aspects of the job, and who regularly show initiative in job performance.

Meets All Expectations

Given to employees who perform all duties as required, demonstrating thorough knowledge of all aspects of the job and who show initiative on occasion.

Meets Minimum Requirements

Given to employees who have a technical mastery of all aspects of the job but do not exhibit initiative. May also be given to new employees who have not yet mastered all aspects of the job but are making adequate progress.

Needs Improvement

Given to employees barely meeting performance requirements and who

- a) demonstrate unfamiliarity or lack of skill with some aspect of the job and required duties after repeated training or .
- b) do not exhibit satisfactory internal or external customer service behavior.

No salary increase is allowed, and employees in this category will be placed on a remedial period.

Unsatisfactory

Describes unacceptable performance. Employment will be terminated.

**8.4.3.7 Administrative Review of Performance Evaluations**

The supervisor reviews the written evaluation along with recommendations for salary increases or a remedial period with the appropriate Department Head and then with the Director. With the approval of the Director, the supervisor gives the employee a copy of the written evaluation and schedules a time to discuss the evaluation with the employee.

**8.4.3.8 Performance Interview**

The supervisor should arrange the discussion with the employee in private where both employee and supervisor can feel comfortable and the discussion will not be interrupted.

The following elements should be included in the interview:

Duties of the employee

Examples of good work or of problems

## Performance Appraisals

Page 4

Reason the specific rating was given  
Accomplishments during the past year and goals for the coming year  
Commendations, if appropriate  
Additional training which may be required  
Employee response

If the employee adds comments to the evaluation form, a copy should be given to the Library Director and included in the individual's personnel file.

A signed copy of all evaluations should be forwarded to the HR Manager for placement in the individual's personnel file. The HR Manager will complete paperwork required for payroll adjustment, if any, and forward it to the City for processing.

**8.4.3.9 Appeal**

If an employee requests an appeal, it will be arranged by the Library Director. Both the supervisor and the employee will be granted an opportunity to state their positions. The decision of the Library Director shall be binding on all parties involved.

**8.4.3.10 Delays in Evaluation**

Supervisors are expected to complete performance evaluations in a timely manner. An employee who does not receive an evaluation within a month of his/her anniversary date should notify the Library Director. Any merit increase due the employee will be paid retroactively from the anniversary date.

**8.4.3.11 Confidentiality**

The evaluation forms are confidential documents and will be filed with the employee's personnel records. Only the employee, his/her immediate supervisor, unit supervisor, the Department Head, HR Manager, and the Library Director may have access to these documents, and the information contained in them will not be discussed or revealed to anyone except as may be required by Court Order or applicable law.

## PAYROLL

### 8.4.4.1 **Pay Periods**

All employees who are entitled to a salary or wages will be paid bi-weekly on Friday. If the regular payday occurs on a recognized legal holiday observed by the City of Elmhurst, all employees will be paid on the preceding Thursday.

### 8.4.4.2 **Payroll Deductions**

Automatic payroll deductions shall be made as required by law and as authorized by the employee.



## **BENEFITS**

See also 8.6 Time Off

The descriptions of the various Benefit Plans contained in this manual are intentionally brief. For more detailed information regarding the terms of specific plans refer to the individual booklets for each plan available from the HR Manager.

### **8.5.1 Retirement Plan**

The Library, through the City of Elmhurst, provides retirement coverage for eligible employees with the Illinois Municipal Retirement Fund. All full-time employees are eligible as well as part-time employees scheduled to work a specified number of hours as outlined in the IMRF guidelines.

### **8.5.2 Medical, Dental and Vision Benefit Plans**

The Library, through the City of Elmhurst, provides optional contributory medical and dental benefit plans for full-time employees and their eligible dependents. There also is a contributory plan available to retirees.

Coverage begins on the first day of the month following employment.

Once each year eligible employees may opt to change their selection of medical, dental, and vision benefit coverage, without penalty, during a 30 day open enrollment period immediately preceding the contract renewal date of the Plans. As provided by law, employees may change their selection of medical and dental benefit coverage following a qualifying event.

### **8.5.3 Life and Accidental Death & Dismemberment Insurance**

The Library, through the City of Elmhurst, provides full-time employees life and AD&D benefits. Additional supplemental life and AD&D insurance may be obtained on a contributory basis.

### **8.5.4 Savings Plans**

The Library, through the City of Elmhurst, provides the following savings plans for all employees.

#### **8.5.4.1 Credit Union**

Benefits of a full service credit union are available through membership in the Central Credit Union of Illinois. Members may receive regular dividends on

## Benefits

## Page 2

their deposits and are eligible for other benefits such as loans, charge cards and certain discount privileges.

**8.5.4.2. Deferred Compensation Plan**

Participants in the Deferred Compensation Plan may shelter a portion of their current income from Federal and State taxes by deferring receipt of invested funds.

**8.5.4.3. U. S. Savings Bonds**

Market based interest rate U. S. Savings Bonds are available through a payroll deduction plan.

**8.5.5. Flexible Compensation Plan**

In accordance with Section 125 of the Internal Revenue Code, full-time employees may pay medical and dental premiums, eligible medical expenses and dependent care with pre-tax funds through payroll deduction.

**8.5.6 Employee Assistance Program**

Employees and family members may consult EAP counselors in confidence and free of charge (for a limited period of time) for assistance with personal problems.

**8.5.7 Uniform Allowance**

The Library may provide uniforms required as a part of job performance for custodial staff in order to establish public identity and because their position involves unusual clothing depreciation. Determination of need shall be made by the Director or designee.

**8.5.8 Fitness Center**

Library employees, through agreements negotiated by the City of Elmhurst, may receive discounted membership rates at participating fitness centers.

**8.5.9 Auto Allowance**

A mileage allowance will be paid by the Library for employees authorized to use personal vehicles when on Library business. For details see Conference Attendance and Travel policy 8.9.10.

**8.5.10 Staff Development****8.5.10.1. Dues Payments**

To maintain a high level of quality library service and to ensure that librarians, Department Heads, other professionals and Board Members are knowledgeable about developments and issues in the profession, the Library may maintain personal memberships for these persons in the American Library Association and the Illinois Library Association. In addition to the basic membership, the Library may pay for membership in appropriate sections of each organization with the approval of the Director or an Assistant Director.

The Library will pay for membership in other professional organizations as appropriate with the approval of the Director or an Assistant Director.

**8.5.10.2 Conferences/Seminars/Workshops**

Continuing education is an important aspect of staff development. Library employees are encouraged to participate in professional conferences, seminars and workshops. Administrative Staff makes every effort to inform staff of continuing education opportunities, and decisions on attendance at these events will be based on the following criteria:

- maintenance of public service schedules
- applicability of conference/seminar/workshop to the staff member's primary responsibilities in the Library
- recommendation of the staff member's department head
- staff member's office or committee assignment in the professional association or organization
- funds available in the Training/Conference Expenses Budget

Staff members with particular expertise are encouraged to make presentations at meetings and conferences of local, Illinois, and national library associations, subject to the prior approval of the Department Head and the Director. Such presentations may be made on Library time, and expenses will be paid. Staff members who wish to make presentations to individual libraries or out-of-state

## Benefits

## Page 4

groups must get prior approval from their supervisor and may be required to use leave time for this purpose. Approval for presentations will be based on the following criteria:

- maintenance of public service schedules
- relevance to the staff member's area(s) of expertise
- opportunity for professional development through preparation of the presentation
- potential contribution to the professional education of colleagues in nearby libraries
- number of presentations and professional development meetings attended

### **8.5.10.3 Tuition Reimbursement**

Subject to the availability of funds, the Library may reimburse staff members for coursework that is deemed relevant to their job according to the following provisions:

- The coursework must be related to the employee's position or career development as determined by the Library Director or Assistant Directors.
- Administrative staff will establish procedures for application and approval of tuition reimbursement.
- Evidence of satisfactory completion of the course is required. Satisfactory completion will be determined by a grade of "B" or better, a "pass" grade in a "pass/fail" course, or other comparable certification.

### **8.5.11 Workers' Compensation**

An employee who incurs an illness or injury as a result of job related duties shall be entitled to worker's compensation benefits in accordance with the Illinois Workers' Compensation Act.

Nothing in this section shall preclude the Library from requiring that the employee return to work on a light duty basis if a physician certifies that the employee is capable of performing such light duty.

## TIME OFF

### 8.6.1. Sick Leave

Paid Sick leave shall be taken in hours and partial hour increments no less than 15 minutes.

Sick leave for all full-time employees shall be earned at the rate of one work day for each completed month the employee is on the active payroll and may be cumulated to a maximum of two hundred and forty (240) work days.

Part-time employees who are regularly scheduled to work at least twenty (20) hours per week shall receive the same allowance pro-rated according to the number of days worked per week, i.e. 1/5 of the above rate for each day worked per week.

Up to but no more than five days of sick leave shall be advanced to an employee with time off benefits, on request, for illness. All other vacation, compensatory time and personal days must be used before any sick leave will be advanced.

Sick leave may be used for illness, birth of a child, disability, including pre- and post-partum disability, or for health maintenance and dental work that cannot reasonably be accomplished during off-duty hours. It shall also be allowed for the illness of a member of the employee's immediate family if the employee's presence is required to care for the family member in accordance with the Family and Medical Leave Act. For use of Sick Leave, "immediate family" shall include the employee's spouse, siblings, parents, children, parents-in-law and any member of the employee's household or where the employee is a legal guardian but not a blood relation of a family member. Sick leave may be granted for other reasons, or for the care of others not mentioned above, at the discretion of the Director.

Accumulated sick leave may also be used to attend a funeral or to take care of an unforeseen emergency that cannot be handled outside of the employee's regular work schedule as outlined in Section 8.6.3.

To receive compensation while absent on sick leave, the employee shall notify the immediate supervisor, the Department Head, or the HR Manager if the Department Head is unavailable, prior to or within one hour after the time set for the beginning of daily duties. Department heads shall have the right to verify the reported sickness, emergency or bereavement of an employee or family member and may require documentation such as a doctor's certificate for absence due to sickness that lasts longer than three days. The doctor's certificate must state the nature of the sickness or injury and whether the employee has been incapacitated for work for said period of absence.

Claiming sick leave under false pretenses shall be cause for dismissal.

Time Off

Page 2

#### **8.6.2. Disability Leave**

Employees covered by IMRF are eligible to receive either temporary or permanent disability benefits should they become partially or permanently disabled.

#### **8.6.3. Bereavement/Emergency Leave**

Two types of leave shall be granted to salaried employees with accumulated sick leave benefits.

Bereavement Leave - Absence with pay may be granted to attend funeral services of an immediate family member or persons living in the household. One day of sick leave may be used for the day of the funeral. Depending on funeral arrangements and travel time needed, up to five more days may be taken and charged to accumulated sick leave. For the purposes of Bereavement Leave, immediate family includes the employee's spouse, children, parents, siblings, grandparents, grandchildren, in-laws, nieces, nephews, and any member of the employee's household, and legal guardians. Bereavement leave may also be granted to attend services for people not mentioned above at the discretion of the Director, HR Manager, or Department Head.

NOTE: Time off with pay shall be granted to attend the funeral services of persons connected with the Library if minimal staffing can be maintained. This will not be charged to accumulated sick leave.

Emergency Leave - Emergency Leave of up to two days will be granted upon approval of the Director or an Assistant Director of the Library. Emergency days are intended to provide for an unforeseen emergency that cannot be handled outside of the employee's regular work schedule and will be charged to the employee's accumulated sick leave.

Arrangements for leave should be made through the appropriate Department Head pending approval of the Library Director.

#### **8.6.4. Jury Duty**

Staff summoned for jury duty shall inform their supervisor immediately so that arrangements may be made to cover their absence from work. The Library encourages employees to carry out their responsibilities as citizens in this regard.

When on jury duty, employees are expected to report back to work on any day in which they are excused early enough to do so or on any day they are not required to report for jury duty service.

## Time Off

## Page 3

Full-time and part-time employees summoned for jury duty who are scheduled to work shall continue to receive their regular pay and shall be permitted to retain the allowance received from the court for this service if the service lasts only one day. If jury duty extends beyond one day, all of the allowance received from the court less court approved expenses shall be turned in to the Library. Time spent on jury duty will not be used to calculate overtime pay.

To qualify for jury leave, an employee must submit a copy of the summons to serve as soon as it is received. In addition, proof of service shall be submitted to their supervisor when jury duty is completed.

All employees shall be allowed unpaid time off if summoned to appear in court as a witness. Employees appearing in court as witnesses for the Library shall be paid at their regular rate of pay.

**8.6.5. Military Leave**

Employees shall be granted leaves of absence for military training and/or military service in accordance with state and federal laws.

**8.6.6. Vacation**

All full-time staff and all part-time staff who are regularly scheduled to work at least twenty (20) hours per week are eligible for vacation leave with pay. Vacation benefits must be earned before they can be taken. No vacation shall be taken during the initial 6 month Introductory Period without the approval of the Department Head. An employee who leaves the Library shall be paid for accumulated vacation time.

An employee may accrue no more than 1.5 times his/her annual vacation leave.

Vacation leave should be scheduled in advance and shall be taken only with the prior approval of the staff member's supervisor or the head of the department.

Vacation shall be earned at the following rates:

**Full-time professional librarians** (staff with a master's degree in library science) **and full-time employees in Grade X and above** shall earn 20 days of vacation annually accrued at 12.5 hours per month.

**Other full-time staff members** shall earn vacation leave according to the following schedule:

Date of employment to completion of four years of service 10 days  
accrued at 6.25 hours/mo.

Time Off  
Page 4

Fifth year of service through completion of 12 years of service 15 days accrued at 9.375 hours/mo.

Starting in 13th year of service 20 days accrued at 12.5 hours/mo.

**Part-time employees who are regularly scheduled to work at least twenty (20) hours per week** shall accrue vacation benefits prorated according to the number of hours worked per week, i.e. 1/5 of their hours worked per week.

**Part-Time Staff Members who are not regularly scheduled to work at least twenty (20) hours per week:** Paid vacation leave is not available to part-time staff members who are not regularly scheduled to work at least twenty (20) hours per week. See section 8.6.11 for Leave of Absence Without Pay.

#### 8.6.7. Holidays

Compensation for holidays:

- a. Full-time staff members and part-time staff members who are regularly scheduled to work at least twenty (20) hours per week will be paid for the holidays observed by the Library: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Eve Day, and Christmas Day.

When a holiday occurs on Sunday, the Library will be closed on both Sunday and the following Monday.

When a holiday falls on a staff member's normally scheduled day off, the staff member should schedule another day off during the same week with the approval of the supervisor.

Employees will receive credit for paid holidays that occur while they are on vacation.

- b. Part-time employees who work twenty hours or more shall be paid for the equivalent number of hours which they normally would have worked on the Holidays observed by the Library.
- c. Part-time employees who are not regularly scheduled to work at least twenty (20) hours per week are not eligible for pay on holidays when the Library is closed.



Time Off  
Page 5

Employees seeking time off for holidays not observed by Library closings should schedule this with their supervisor. No pay is provided for holidays when the Library is open, but eligible employees may apply personal business days, vacation, or compensatory time toward these holidays.

**8.6.8. Personal Business Days**

Salaried staff shall be granted time off for personal business days with pay as outlined below:

- a. Full time salaried staff shall receive four (7.5 hour) personal business days. Note: In the first year of employment, these employees shall receive one personal business day for each quarter in which they are employed, e.g. 4 days if employment begins between January 1 and March 31, or 1 day if employment begins October 1 or later.
- b. Part-time employees are not eligible for personal business days.

Personal business days shall be taken in hours and partial hour increments and shall be used during the calendar year or forfeited. An employee who leaves the Library shall be paid for remaining personal business days.

Personal business days should be scheduled in advance and shall be taken only with the prior approval of the staff member's supervisor or the head of the department.

**8.6.9. Family and Medical Leave**

In accordance with the Family and Medical Leave Act of 1993, Elmhurst Public Library grants leave without pay to eligible employees for up to the maximum leave of either 12 or 26 weeks in a 12-month period, depending on the reason for leave. This FMLA leave is a period of time eligible employees can be absent from work for a qualifying reason with job protection. The time off is not paid, unless the employee has personal, vacation, sick or worker's compensation leave that runs concurrently with FMLA leave. See 8.20 Personnel Appendix I for rules and procedures.

**8.6.9a. Medical Leave for Non-Eligible FMLA Employees**

The Library may grant employees not eligible for FMLA, a leave of absence without pay from work for any of the following qualifying reasons:

- 1) for incapacity due to pregnancy, prenatal medical care or child birth;

## Time Off

## Page 6

- 2) to care for the employee's child after birth, or placement for adoption or foster care;
- 3) to care for the employee's spouse, son or daughter, or parent, who has a serious health condition;
- 4) for a serious health condition that makes the employee unable to perform the employee's job;
- 5) for a qualifying exigency arising out of the fact that a spouse, son or daughter, or parent is on active duty or called to active duty status in support of a contingency operation as a member of the National Guard or Reserves, or a member of the regular Armed Forces called out of retirement;
- 6) to care for a spouse, son or daughter, parent or next of kin who is a covered service member with a serious injury or illness, incurred during active military duty.

The maximum amount of time the Library may allow is 6 weeks in a 12 month period. To be eligible for such a leave, an employee must have been employed by the Library for at least 12 months. Eligibility is determined as of the date the leave commences, not when the leave is requested.

The Library will require medical certification to support a claim for leave for an employee's health condition within 7 days of a request for a leave. The certification must include a statement that the employee is unable to perform the functions of his or her position, the date on which the health care condition began and the probable duration of the absence. If the need for the leave is foreseeable, such as a planned medical treatment, at least 30 days prior written notice must be given by the employee. If the need is unexpected, employees are required to provide as much notice as possible.

This medical leave is generally unpaid leave. However, employees who have accumulated sick or vacation time must use any available sick, and vacation time during this period. During the paid portion of the leave, the employee with benefits will continue to accrue benefits.

Upon the employee's return to work following a leave due to the employee's medical condition, an employee must provide a written statement from his or her physician certifying that the employee is capable of performing his or her duties.

Time Off

Page 7

#### **8.6.10. Victim's Economic Security and Safety Act (VESSA) Leave**

The Library will provide an employee leave under the Victim's Economic Security and Safety Act (VESSA) consistent with the requirements of that law.

#### **8.6.11. Leave of Absence Without Pay**

1. Part-time employees who do not qualify for FMLA leave may be granted reasonable unpaid time off, comparable to that earned by full-time employees in their job classification, for vacation or illness in a single year with the approval of the supervisor. Leave is to be arranged in advance if possible.
2. The decision on whether to grant leave shall be based on operational requirements of the department, availability of substitute employees, and the work and attendance record of the individual.
3. Accumulation of seniority shall be suspended for the entire leave period if the individual absence extends for 4 weeks or more. The employee's anniversary date shall be adjusted accordingly.

#### **8.6.12. School Visitation Leave**

The Library will provide an employee leave under the Illinois School Visitation Rights Act (820ILCS 147/1-49) consistent with the requirements of that law.

#### **8.6.13. Civil or Criminal Action Leave**

An employee who is unable to report for work because of arrest and incarceration shall be placed on leave of absence without pay. If the employee is freed on bail, resumption of active employment pending disposition of the charges will be decided after consultation between the employee's Department Head and the Library Director.

#### **8.6.14. Blood Donation Leave**

The Library will provide an employee leave pursuant to the requirements of the Illinois Employee Blood Donation Leave Act, 820 ILCS149/1 *et seq.*

## **EMPLOYMENT STATUS AND CHANGES**

### **8.7.1 Introductory Period**

There is a six month introductory period for both full and part-time employees following appointment to a new position. Depending upon the performance of the employee, the introductory period may be extended for an additional three month period at the discretion of the department head. During this initial period, there is a continuous evaluation of the employee's performance and the Library's need for his or her services.

New employees whose job performance does not meet minimal job requirements or who do not make adequate progress may be terminated at any time prior to completion of the introductory period. New employees may not take vacation leave during the initial or extended introductory period without the approval of their Department Head. However, the start date for all benefit accruals and length of service is the beginning date of employment.

### **8.7.2. Promotion**

It is the policy of the Library to hire, train and develop employees for promotion to higher level positions whenever practical.

Notices of vacancies will be posted in such a manner as to give reasonable notice to interested employees.

Promoted employees will be on introductory status in the new position for six months as described in section 8.7.1 of this policy. The start date for the promotion will become the new anniversary date for the employee.

### **8.7.3. Transfers**

Transfers of employees between departments, on either a permanent or temporary basis, may be made upon the recommendation of the heads of the affected departments and the approval of the Library Director.

## **HOURS OF WORK**

Staff shall work selected nights and weekends as outlined in job descriptions.

### **Full-Time Staff (non-exempt)**

The normal work week for full time employees is thirty-seven and one half hours (37.5 hours) Sunday - Saturday.

Normal work day for full time employees is seven and one half hours (7.5 hours).

Full-time non-exempt staff may not work over 40 hours per week without prior approval of the Library Director, HR Manager, or an Assistant Director except in the case of an emergency, when additional hours may be authorized by the person in charge of the Library. Full-time staff working more than 37.5 hours but less than 40 hours per week must have prior approval of their supervisor. See 8.4.2.3 for compensation for work in excess of regular hours.

### **Part-Time Staff**

The normal work week for timecard staff is Friday - Thursday. The work day for part time staff varies; however, normally a scheduled work day shall not exceed seven and one half hours (7.5 hours.).

The scheduled work week for part-time staff varies by position. The weekly hours budgeted for each position are listed with the Department Head and discussed with the staff member when hired. Employees are expected to work the number of hours for which they are scheduled, although this may be averaged out over time by trading shifts with other employees. The number of hours and the schedule for the work week may be changed at any time, and the Library may, but need not, take into account the wishes of the employee. A regular increase in hours worked requires approval of the Library Director or an Assistant Director.

Part-time staff may not work over their normally scheduled hours each week without prior approval of the Department Head. This permission will be granted only in unusual situations. Employees are expected to complete their normal duties in regularly scheduled hours. See 8.4.2.3 for compensation for time worked in excess of normally scheduled hours.

Part-time staff may not work over 40 hours per week without prior approval of the Director or an Assistant Director except in the case of an emergency when additional hours may be authorized by the person in charge of the Library.

## Hours of Work

## Page 2

**8.8.1 Attendance and Punctuality****8.8.1.1 General policy**

It is the policy of the Library to encourage habits of good attendance and punctuality on the part of its employees.

Administration recognizes that circumstances beyond an employee's control may cause an employee to be late or absent from work for all or part of a day. However, unauthorized absence or repeated tardiness will result in disciplinary action and/or termination in accordance with Library policy. Working late and/or taking shorter lunch periods in lieu of arriving on time is not acceptable.

**8.8.1.2 Reporting Absence**

Employees are expected to report for work when scheduled. In the event an employee is unable to report for work as scheduled, he or she should notify the immediate supervisor prior to or within one hour after the time set for the beginning of daily duties. If an employee's supervisor is unavailable, employees should contact the Department Head, or the HR Manager to enable the re-scheduling of existing personnel or the engagement of replacement personnel if appropriate.

**8.8.2 Rest and Meal Periods****8.8.2.1 Meal Breaks: Without Pay**

The Library provides meal breaks during the course of each workday in accordance with the following guidelines:

Staff scheduled to work 7.5 hours Monday – Friday will be scheduled to take a meal break, without pay, not more than 4.5 hours from start of work.

Full-time staff are entitled to a sixty (60) minute meal break.

Part-time staff - are entitled to a meal break ranging from a minimum of thirty (30) minutes to a maximum of sixty (60) minutes at the discretion of the employee subject to approval by their supervisor.

Part-time staff who work more than 6.5 consecutive hours on a given day must take a meal break, without pay, ranging from a minimum of thirty (30) minutes to a maximum of sixty (60) minutes at the discretion of the employee subject to approval by their supervisor.

## Hours of Work

## Page 3

All staff working on Saturday from 9:00 a.m. to 5:00 p.m. will be scheduled to take a thirty (30) minute meal break, without pay, during the middle of their

work period. Staff wishing to extend the thirty (30) minute period to sixty (60) minutes, may adjust their working hours at the discretion of their supervisor. NOTE: Full-time staff may use compensatory time for this purpose.

**8.8.2.2. Rest Breaks: With Pay**

The Library provides rest breaks during the course of each workday in accordance with the following conditions:

Staff members working a 7.5 hour day are authorized to take two (2) fifteen (15) minute breaks: each break should be in the middle of a ½-day work period.

Staff working 3 or more continuous hours unbroken by a meal period are authorized to take fifteen (15) minute breaks as follows:

\*3 to 4:55 hours: One 15-minute break in the middle of the work period.

\*5 – 6.5 hours: Two separate 15-minute breaks at least 1.5 hours apart and no less than 1 hour before the end of the shift.

\*More than 6.5 hours: Two separate 15-minute breaks at least 1.5 hours apart and no less than 1 hour before the end of the shift in addition to required Meal Break .

Staff working fewer than 3 continuous hours are not eligible for a break with pay.

Supervisors shall authorize employee breaks taking into consideration the work schedule.

Employees on rest periods must leave the work area and are not allowed to visit with fellow employees who are continuing to work.

Employees who choose to continue working during rest breaks shall not be entitled to arrive late or leave before the normal quitting time.

## **GENERAL RULES**

### **8.9.1 Change of Name, Address, or Marital Status**

Employees shall report all changes in name, address, telephone number and marital or family status to the HR Manager, who will prepare a Personnel Change Form and Emergency Contact Form for submission to the City of Elmhurst Human Resources Department. Failure to report appropriate changes in a timely manner could result in the loss of benefits.

When any such change requires the submission of a new W-4 or IL W-4 form (Income Tax Withholding Form), a copy of the revised form must also be completed and attached to the Personnel Change form.

### **8.9.2 Dress and Manner**

In a service-oriented organization such as the Library, the dress and manner of staff members contribute directly to the impression that the Library makes on the community. For that reason, staff members are expected to dress and conduct themselves in a way suitable to their positions and the work they are assigned.

Every employee should be neatly attired and well groomed and present a professional appearance. Refer to Library Standards of Dress and Manner procedures.

### **8.9.3 Parking**

Staff must park in the designated staff parking lot while they are on duty at the Library. However if the staff lot is full, staff may park in the patron lot as far from the entrance as possible. Staff is not allowed to park in the patron lot if there are spaces available in the staff lot unless there is a special circumstance and approval has been granted from the Department Head or the HR Manager. A sticker issued to staff members must be taped on the driver's side of the rear window to identify staff cars to parking control officers.

### **8.9.4 Library Privileges**

Staff members shall not be charged fines for overdue materials or processing fees on lost materials. Staff members shall pay any direct charges incurred by the Library on their behalf for inter-Library loans, photocopy requests, reciprocal borrowing, etc.

Staff members must check out all materials and return or renew those materials on or prior to the due date. Any item which is on reserve is to be returned by a staff member within the usual loan period.

Abuse of these privileges shall be noted in personnel records and may lead to disciplinary action.

All privileges shall be surrendered upon termination of employment.



## General Rules

## Page 2

**8.9.5 Use of Library Supplies or Equipment**

Library supplies and equipment are for Library business. Library supplies are not to be given to the public or used for personal business.

Staff may use the Library photocopier on a limited basis to make a reasonable number of personal copies. They will be charged \$.05 per page – Color?. Large numbers of copies should be taken to a commercial copying service.

Staff may use the Library FAX machine on a limited basis to receive a reasonable number of pages at \$.05 per page. The public fax machine must be used for outgoing faxes.

Staff may use other Library equipment on a limited basis if all supplies needed in the operation of the equipment are supplied by the staff member and the use does not involve extensive training.

Personal use of any Library equipment should never interfere with Library operations.

Employees responsible for the care of Library equipment shall promptly report accidents, breakdowns or malfunctioning of any unit in order that necessary repairs may be made.

Negligence or deliberate misuse of Library property or equipment may be cause for immediate dismissal.

**8.9.6 Staff Use of Library Computers in Non-Public Areas**

It is the Library's intention to maintain the integrity of Library computer software and databases and to prevent costly damage from computer viruses. In order to accomplish this, the Library places the following limits on access to Library computers in non-public areas of the building:

1. Staff members who are authorized to use a computer on the Library's local area network may make occasional personal use of one of these computers as long as the use does not interfere with Library operations and is not done on work time. All extensive personal use of Library computers must be approved in advance by the Library Director, or an Assistant Library Director, or a designee.
2. Staff members may not make any changes to Library computer equipment. This includes changing system settings, adding or deleting programs, etc., without the approval of the Library's IT support staff.

## General Rules

## Page 3

3. Personal computer files may not be stored on Library hard drives. Any personal files found on Library computers will be deleted.
4. Library staff members making personal use of Library computers must provide their own media for storage and the media must be new and be used solely for that purpose.
5. A reasonable number of personal copies may be made from Library printers at \$.05 B&W, \$.10 color per page. Staff members needing a large number of copies should use a commercial service.
6. Personal files may not be transported from home computers to Library computers, although occasional exceptions may be made for work files with the approval of the Library Director and following an antivirus procedure.
7. Friends of the Library may make occasional use of Library computers, in compliance with the above security measures, for official Friends of the Library business.

**8.9.7 Staff Use of the Internet**

It is the mission of the Elmhurst Public Library to provide opportunities for Elmhurst residents to explore, learn and grow. To accomplish this, staff will be provided with access to the Internet and Internet training as needed.

To assure that staff Internet use complies with Library policies, the following guidelines are established for using the Internet at non-public computer terminals:

1. Library and individual passwords should not be disclosed to or used by anyone other than those authorized for these passwords.
2. Use of the Internet on Library time must be job-related and supportive of Library services.
3. Staff members who are authorized to use a computer on the Library's local area network may make occasional personal use of the Internet as long as the use does not interfere with Library operations and is not done on work time.
4. Staff must not use Internet privileges to interfere with or disrupt other users, services or equipment. Disruptions include, but are not limited to: distribution of unsolicited advertising, harassment, propagation of computer viruses or use of the network to make unauthorized entry to any other machine. Staff may not use the Internet for any illegal activity, or place any text, data, graphics, images, messages, communication(s), files or other material related to any illegal activity

## General Rules

## Page 4

on the Internet. Staff may not use the Internet for commercial or political activities.

5. Messages that include personal opinion published on the Internet by staff should be clearly marked as personal opinion, not Library policy. The following statement must be appended to each message sent outside the Library: "Opinions expressed are those of the author and do not necessarily reflect official Library Policy."

**8.9.8 Use of Electronic Mail**

The Library participates in the City of Elmhurst e-mail system, which is a privileged communications network that electronically creates, stores and forwards communications and data from one user to one or more users throughout the City and beyond.

Authorized users shall be provided a log-in name that allows access to one of the City's local area networks. The user will then provide a personalized network password. Any communications via e-mail will be attributed to the log-in name of the originating user. The following statement must be appended to each message sent outside the Library: "Opinions expressed are those of the author and do not necessarily reflect official Library Policy."

The Library reserves the right to access, copy, inspect, monitor or disclose the contents of employees' e-mail messages. Such access may include, but is not limited to, the Library's need to investigate a possible violation of policy or a breach of the computer or e-mail security system security. Any contents obtained under this policy may be disclosed within the Library to those employees who have some reasonable need for access to the information and/or to the proper legal authorities, without the consent of the employee. In addition, under certain circumstances, e-mail messages may constitute a public record disclosable to the public under the provisions of the Freedom of Information Act.

The City of Elmhurst will keep an 18-month archive of e-mail messages to facilitate compliance with the Freedom of Information Act.

E-mail is considered to be the property of the Library and is subject to disclosure. Employees should have no expectation of privacy in the e-mail they send and receive using City or Library facilities, including the City's local area network.

E-mail shall be used only in compliance with all local, state and federal laws and regulations and shall not be used to forward defamatory or obscene material, to infringe upon another's intellectual property rights (copyrights) or to forward sexually harassing or discriminatory material.

## General Rules

## Page 5

Employees shall check their e-mail messages on a regular daily basis.

No one shall use e-mail for personal lobbying of elected officials or any other publicity or propaganda purposes designed to support or defeat legislation or candidates, unless e-mail represents the official position of the Library, or for any union activity.

Employees shall not use e-mail for mass distribution of personal or non-City information. These messages include, but are not limited to, information containing personal advertisements, personal opinions or personal requests.

Incidental and occasional personal messages shall be permitted.

While knowledge of social media sites is beneficial to the computer literacy of staff and instruction on such sites may take place in the workplace, only those staff members responsible for social media sites the Library is involved in should be actively participating on those sites during work time.

**8.9.9 Personal Telephone Calls and Mail**

It is the policy of the Library that telephone and mail facilities shall be available for effective communication with the Library's patrons and business associates. Personal use of Library's telephones and mail facilities should be kept to a minimum. Personal phone calls should never be made or received from phones in public service areas. When necessity requires that an employee make a personal long distance call while at work, the call should be made from a cell phone or pay phone, if available, or charged to the employee's home telephone number or credit card.

**8.9.10 Conference Attendance and Travel**

It is the policy of the Library to reimburse employees for the expense of travel, including the cost of transportation, meals and lodging, provided such travel is related to the employee's job and the employee has received prior approval from the Library Director or Assistant Directors. The Library will also reimburse Board Members for Library related travel that has been approved by the President of the Board.

Staff members driving personal vehicles for Library business or to attend approved meetings will be reimbursed at the Internal Revenue Service business rate. On an annual basis, or whenever coverage changes, all staff members using personal vehicles for Library business must present proof of liability insurance with minimum coverage of \$100,000 per individual and \$300,000 per accident and must authorize the Library to obtain a motor vehicle report concerning their driving record. The following infractions will disqualify a staff member from

## General Rules

## Page 6

driving on Library business: DUI, leaving the scene of an accident, fleeing, reckless driving, multiple speeding tickets, license revocation or license suspension. No staff member who has not provided the above information may drive on Library business or make purchases for the Library while on a personal driving trip. Staff members are prohibited from transporting Library patrons in their personal vehicles.

Common carrier transportation should be utilized for long trips. If employees or Board Members wish to use their personal vehicle for a trip, the amount reimbursed shall be the lesser of either common carrier air fare or mileage.

All persons shall travel coach or economy class and shall stay and eat in moderately priced establishments while traveling on Library business.

Upon completion of authorized travel, the employee or Board member must complete an expense form and attach the necessary supporting receipts. Receipts will be required for all transportation (including taxis, trains, etc.) parking, and lodging. Receipts are also needed for all meals unless the cost of the meal is less than the price indicated below:

breakfast	\$10.00
lunch	15.00
dinner	20.00

There will be a per diem amount for meals that is based on the U.S. General Services Administrator's per diem rates. Receipts must be submitted to receive compensation.

The Library will not provide cash advances for travel; however, with the approval of the Library Director or an Assistant Director, the Library will prepay transportation expenses, hotel and registration if appropriate.

**8.9.11 Entertainment Policy**

From time to time it may be necessary for the staff or the Board to entertain a visitor to the Library. All entertainment by staff must be approved in advance by the Library Director or, in the absence of the Director, by an Assistant Director. If possible, too, entertainment by Board Members must be approved in advance by the President of the Library Board.

When taking a guest to dinner, the Library will pay the dinner expenses of the guest, the designated host, the Library Director, and Assistant Library Director and any Board Members. Every effort should be made to entertain in moderately priced restaurants.

## General Rules

## Page 7

The Library will not provide cash advances for entertainment. The employee or Board Member must submit an expense form upon completion of authorized entertainment and attach supporting receipts.

**8.9.12 Staff Recognition**

**Service awards** are presented annually on Staff Institute Day to those Library employees who, during the year, have reached employment milestones in increments of five year periods. A small celebration with treats is also provided from the Library Employees Appreciation fund to celebrate the 5-year service milestones on or about the actual anniversary date.

**Flowers**

In the event of the death of an employee or a Board member, a floral arrangement may be sent to the funeral home or, if more appropriate, to the family. In cases where flowers are not appropriate, a suitable memorial book will be dedicated in memory of the deceased.

A floral arrangement or plant shall be sent to the funeral home or to an employee's home on the following occasions:

- Death of an employee's spouse, brother, sister, father, mother, child, or any member of the employee's household.
- Illness of the employee requiring hospitalization or resulting in an absence of over two weeks.
- Birth or adoption of a child.

Expenses for floral arrangements or plants may be paid from the Library Employee Appreciation Fund.

**8.9.13 Gifts**

Any gift received as a premium by the Library must be given to the Library Director or Assistant Library Directors for disposal. Such gifts will be used to benefit the public whenever possible. When this is not possible, the item may be given to another agency or sold.

All monetary gifts must be donated to the Library. Any non-monetary gifts received by staff from patrons for individual services rendered on a particular occasion or throughout the year may be kept by the staff member if the cumulative value does not exceed \$50 in a calendar year. Whenever possible, gifts should be shared with other staff. Administrative Staff should be informed of all gifts regardless of value and those over \$50 in value must be given to the Administrative Staff for disposal.

## General Rules

## Page 8

Gifts received by staff or their immediate family from any person or organization doing or seeking to do business with the Library under circumstances from which it might reasonably be inferred that the purpose of the gift is to influence the employee in the conduct of Library business with the donor shall not be accepted. Such gifts should be returned with a note of explanation.

**8.9.14 On the Job Safety/ Health and Safety Practices and Guidelines**

Employees shall exercise and observe all safety rules and regulations applicable to their respective positions and the operation of equipment or use of tools. Any employee who is injured on the job must report the injury to the HR Manager as soon as possible no later than 24 hours. In the event the HR Manager is not available, report injury to the Library Director or an Assistant Library Director. See 8.5.11 for Workers Compensation benefits.

Health and Safety Practices and Guidelines

In order to maintain a healthy working environment, it is important for all staff to follow general safety precautions to keep their work environment as clean and sanitary as possible.

Cleanliness and waste disposal:

1. The Library provides antibacterial soap for staff and patron use in rest rooms. Staff should wash hands regularly to prevent the transfer of germs.
2. Plastic liner bags are used in all washroom trash containers for safe disposal. When emptying trash containers staff should never reach into trash containers but empty them into a larger bag.
3. Tactile surfaces commonly used by patrons and employees will be sanitized regularly.

Emergency medical assistance:

1. Staff should become familiar with and follow emergency medical procedures as stated in the Emergency Policy Manual and be aware of the location of the nearest first aid supplies and the Automated External Defibrillator.
2. Since staff members are not designated as primary first aid providers, they should deal only with such incidents as scraped knees, bloody noses, etc., which require use of tissues, paper towels, and Band-Aids. More serious injuries should be referred to appropriate medical providers, or parents if the injured individual is a child. No medicinal products that are designated to be ingested will be stocked by the Library or given out for staff or patron use. This includes over the counter pain reliever products.
3. Staff are required to submit a brief report of any medical emergency to the HR Manager before the end of the working day. Report should include: names of all first aid providers, description of the circumstances of the accident, date and time.

## General Rules

## Page 9

Bloodborne Pathogens:

1. While normal Library operations are not likely to involve circumstances exposing employees or users to bloodborne pathogens, the Library complies with Illinois Department of Labor regulations and therefore the federal Occupational Safety and Health Administration regulations relating to occupational exposures to bloodborne pathogens.
2. No particular job classification of the Library has occupational exposure (meaning “reasonably anticipated...contact with blood or other potentially infectious materials that may result from the performance of an employee’s duties”), however, emergencies may occur with staff or patrons, particularly children or elderly patrons, to which Library employees in all classifications may be called upon to respond with assistance.
3. All potential circumstances of exposure must be taken into account by the Library and its employees to protect against exposures. Hepatitis B (HBV), human immunodeficiency virus (HIV), and other bloodborne pathogens found in human blood and other body fluids cause life-threatening diseases. In emergency or other such circumstances, when contact with blood or other potentially infectious materials may result, the Library’s approach to infection control requires all human blood and body fluids to be treated as if known to be infectious for HIV, HBV, and other bloodborne pathogens.

Staff are required to wear plastic gloves to minimize exposure to bloodborne pathogens if they need to assist a patron who is bleeding. This is for the protection of the staff member and the patron. At any time that human blood, human body fluids, or other potentially infectious materials are present, the area contaminated shall be immediately cordoned off. Personal protection clothing, such as gloves, gowns, masks, etc., shall be provided and used in the cleanup and safe disposal of contaminated waste such as diapers, blood-tinged materials (e.g. Band-Aids, gauze, cotton, clothing, etc.), etc. Hand-washing facilities are provided by the Library and must be used by the employees as soon as feasible, including following the removal of personal protective equipment. If, in spite of normal safety precautions, a staff member thinks that he/she may have become exposed to Hepatitis B or other bloodborne pathogens through work, the staff member should report the incident to the HR Manager as soon as possible. Any employee who has an occupational exposure shall be offered, at no charge, the hepatitis B vaccine series, in accordance with the regulations. Following the report of an exposure incident, the Library will make immediately available to the exposed employee or employees a confidential medical evaluation and follow-up



as provided in the regulations. A complete record of all incidents, exposures, cleanup, and disposals shall be kept as required by the regulations.

#### General Rules

Page 10

##### **8.9.15 Smoking**

Smoking is prohibited in the Library and within 15 feet of any door or operable window. Smoking is also prohibited in the Reading Garden and the Garden Island. Employees who wish to smoke during breaks must do so on the east side of the building at least 15 feet from the Receiving Room entrance and must dispose of all smoking materials properly.

##### **8.9.16. Security Inspections**

Although desks, file cabinets, lockers, offices and other storage devices are provided for the use and/or convenience of employees, they remain the sole property of the Library. Accordingly, the immediate supervisor or other authorized Library representative may inspect them and any articles found within them at any time. While the Library will ordinarily attempt to make such inspections with the employee's consent or in the employee's presence, the Library has the right to conduct such inspections without prior consent or notice. Inspections shall be conducted with as much privacy as possible.

## ALCOHOL AND DRUG POLICY

**Elmhurst Public Library is committed to providing a safe and healthy work environment for its employees as well as safe, effective services for the citizens of Elmhurst. To accomplish this, it is necessary to maintain a drug and alcohol-free work place.** Employees are strictly prohibited from engaging in the unlawful manufacture, sale, distribution, transportation, purchase, possession or unlawful use of controlled substances or drug paraphernalia and/or being under the influence of any controlled substance, alcohol or other intoxicating substance at the work place or while conducting Library business off the Library's premises. The work place includes but is not limited to the Library building, vehicles, parking areas, off-site programs, or wherever the employee may be located during a work shift. Such unlawful conduct is also prohibited during nonworking time to the extent that it (1) impairs, in the opinion of the management of the Library, the employee's ability to perform his or her job; and (2) affects the Library's reputation or threatens its integrity, also in the opinion of Library management.

For purposes of this policy, prohibited substances shall be defined as any controlled substance as listed in Schedules I through V of the Controlled Substances Act, 21 U.S.C. 812, any alcohol product regulated by state law or City ordinance, any drug which is not legally obtainable and/or any drug which is legally obtainable, such as a prescription drug, but which is not legally obtained, is not being used for prescribed purposes, and/or is not being taken according to prescribed dosages, or any other intoxicating substance. Prohibited substances include, but are not limited to: alcohol, narcotics (heroin, morphine, etc.) cannabis (marijuana, hashish), stimulants (cocaine, crack, diet pills, etc.) depressants (tranquilizers) and hallucinogens (PCP, LSD, "designer drugs", etc.).

Any employee convicted of violating a Municipal ordinance or a criminal drug statute in this workplace must inform the Library Director of such conviction (including pleas of guilty and no contest) within five days of the date of conviction. Failure to so inform the Library Director subjects the employee to disciplinary action, up to and including termination for the first offense. By law, if the Library is involved in a federal and/or state contract the Library will notify the federal and/or state contracting officer, if any, within ten days of receiving such notice from an employee or otherwise receiving notice of such a conviction.

The Library recognizes prohibited substance dependency as an illness and a major health problem. The Library also recognizes the use of prohibited substances as a potential health, safety and security problem. The Library's health benefit plan covers in and outpatient treatment for chemical dependency on the same basis as for any other sickness. Employees may contact the City of Elmhurst Human Resources Department for a listing of drug/alcohol counseling programs. Conscientious efforts to seek such help will not jeopardize any employee's job and will not be noted in any personnel record.

Alcohol and Drug Policy  
Page 2

## **VIOLATION OF POLICY**

Any violation of this policy will result in disciplinary action up to and including dismissal.

Unlawful manufacture and/or distribution of a controlled substance, as defined in Schedules I through V of the Controlled Substances Act, 21 U.S.C. 812 will result in automatic termination for the first offense.

Unlawful possession of a controlled substance or drug paraphernalia in the workplace will result, at a minimum, in a suspension for the first offense or a more serious disposition depending on the severity of the offense. A second violation will result in automatic termination.

Use or being under the influence of a prohibited substance will result, at a minimum, in a suspension or a more serious disposition depending on the severity of the offense. A second violation will result in automatic termination.

In addition to the above disciplinary action, the employee may be subjected to legal prosecution as well.

Arrest and conviction for off-the-job drug/alcohol activity may be considered a violation of this policy. The Library shall consider factors such as but not limited to the nature of the charges, the employee's present job assignment, the employee's record with the Library, and the impact of the employee's conviction on the Library.

## **MEDICAL MARIJUANA**

In compliance with the Compassionate Use of Medical Cannabis Pilot Program Act, the Library shall continue to enforce a policy concerning drug testing, zero-tolerance, and a drug free workplace provided the policy is applied in a nondiscriminatory manner. The Library respects the rights of those employees who are Registered Qualifying Patients and who engage in the medical use of marijuana in compliance with the law. All employees who are Registered Qualifying Patients are subject to all of the Library's normal drug testing requirements, personnel policies and disciplinary penalties for policy violations. A Registered Qualifying Patient who tests positive for cannabis may not be penalized solely for his or her status as a Registered Qualifying Patient unless failing to do so would put the Library in violation of federal law, or cause the Library to lose a monetary or licensing-related benefit under federal law or rules.

All employees, including Registered Qualifying Patients as defined by the Act, are strictly prohibited from using, possessing, selling, distributing or being

## Alcohol and Drug Policy

## Page 3

impaired by cannabis while on the Library's premises, during hours of employment or while acting in any capacity in their employment with the Library. All employees are subject to this policy while on property owned, controlled or operated by the Library, including all offices, facilities, structures, fixtures, installations, land, parking areas, sidewalks, common areas under the control of the Library, automobiles, trucks, and all other vehicles and equipment whether owned, leased, rented, or used by the Library.

All employees working for the Library are expected to report fit for duty for scheduled work and be able to perform assigned duties safely and acceptably without any limitations due to the use or aftereffects of medical cannabis. Any employee found to use, sell, possess, or distribute cannabis while on Library premises, performing Library related duties, or while operating any Library equipment, is subject to disciplinary action, up to and including termination of employment and possible criminal prosecution. An employee must also not be impaired by medical cannabis during work hours to an extent that he or she is incapable of performing his or her assigned duties, as observed by his/her supervisor based on objective and observable criteria. Any cannabis found on the premises will be turned over to the appropriate law enforcement agency. Registered Qualifying Patients are subject to testing as set forth elsewhere in this policy to the same extent as any other employee.

All Registered Qualifying Patients are expected to consult with their personal physician to determine if the use of medical cannabis will have any potential negative effects on job performance. All Registered Qualifying Patients are required to report to their supervisor if there is any potential risk, limitation or restriction for whatever reason that may require modification of duties or temporary reassignment and provide appropriate medical verification on restrictions in the performance of duties. The following employees are prohibited from becoming a Registered Qualifying Patient: active duty police officers, firefighters, correctional officers and probation officers and CDL holders.

Each Qualifying Patient must carry his/her Registry Identification Card, issued by the Department of Public Health. Law enforcement personnel will have access to a verification system maintained by the Department of Public Health.

## WORKPLACE AND SEXUAL HARASSMENT

It is the policy of the Elmhurst Public Library that all employees have a right to work in a non-threatening, non-discriminatory environment. Workplace and sexual harassment are prohibited at the Elmhurst Public Library, either among employees or between employees and patrons. Any employee found to be in violation of this policy will be subject to disciplinary action up to and including termination. Patrons who engage in workplace or sexual harassment will be excluded from the Library for an appropriate period of time (see Public Conduct Policy 3.17). It is a violation of this policy to retaliate or to take reprisal in any way against any employee who has articulated any concern about harassment or discrimination against the person raising the concern or against another individual.

### Definition of Workplace Harassment

Workplace harassment consists of conduct which creates a hostile workplace environment for any employee based on race, gender, sexual orientation, national origin, religion, disability, pregnancy, age, military status or any other categories protected by State or Federal Law. Examples of workplace harassment include use of racial, ethnic or religious epithets; conduct motivated by gender or sexual orientation that is so offensive to a reasonable person that it alters the workplace environment; or derogatory statements relating to a person's disability status, age, or other protected category.

### Definition of Sexual Harassment and Examples

Sexual harassment is unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

- 1.) submission to such conduct is made either explicitly or implicitly a term or condition of employment; or
- 2.) submission to or rejection of such conduct is used as the basis for decisions affecting the individual; or
- 3.) such conduct has the purpose or effect of unreasonably interfering with the individual's work performance; or creating an intimidating, hostile or offensive environment.

**Examples of sexual harassment include, but are not limited to, sexual assault, and unwelcome sexual conduct, including sexual propositions, sexually graphic comments, touching, patting, pinching, leering or ogling; unwelcome invitations to engage in sexual activity; physical touches of a sexual nature; brushing against the body "accidentally"; pressure to engage in sexual activity as a condition of employment or advancement; persistent, sexual jokes or comments, and displays of sexually graphic pictures.**

## **WORKPLACE AND SEXUAL HARASSMENT POLICY IMPLEMENTATION PROCEDURES**

All Library employees are accountable for compliance with this policy. All department heads are urged to take appropriate steps to disseminate this policy, to sensitize employees to the importance of avoiding workplace and sexual harassment, and to inform employees of procedures for filing complaints.

Any employee who experiences or witnesses harassment is encouraged to contact the Director, HR Manager, or an Assistant Library Director or another appropriate individual, such as her/his Department Head, for consultation and advice or to report the incident.

### **I. FILING A COMPLAINT**

**Any employee who believes that he/she has been harassed or discriminated against or who has witnessed such actions, should make a complaint. Complaints must be reported, in writing, by the complainant as quickly as possible but in no event later than 6 months after the occurrence.**

A. The complaint may be filed with the Director, HR Manager or an Assistant Library Director, who will investigate the complaint.

B. In the event the Library Director is the charged party, the complaint will be referred to the President of the Library Board of Trustees.

C. Whether a charge of discrimination, harassment or retaliation is made verbally or in writing, every effort will be made to ensure that the complaint is documented and that the document contains the following information:

Day, date and time that the complaint is lodged

Day, date, time and place that the alleged event(s) occurred

Individuals involved—person filing the complaint, person alleged to have committed the offense, any witnesses

Response, reaction, if any, of the person making the complaint to the person alleged to have committed the offense, at the time the incident occurred

Any other pertinent information or statement regarding the complaint, including statements made by the complainant.

### **II. ALTERNATIVE FILING PROCEDURE**

Employees of a sex opposite that of the Library Director, Assistant Library Directors or their Department Heads may request that their complaint be discussed with an employee of the same sex as the complainant. Employees wishing to exercise this option shall first inform the Library Director or the HR Manager of the existence of the complaint and

Workplace and sexual Harassment Policy Implementation Procedures  
Page 2

request that an employee of the same sex be designated. The designated employee shall report the substance of the complaint to the Library Director and the HR Manager, who shall process the complaint in accordance with sections I and II above.

Written documentation regarding the investigation and resolution of the complaint shall be made for personnel files.

### III. INVESTIGATION

All allegations of harassment and discrimination will be investigated promptly by Administration. Anyone found to have engaged in any type of harassment or discrimination will be subject to disciplinary actions, up to and including immediate termination of employment.

### IV. RETALIATION

The Library prohibits retaliation against persons who complain of harassment or discrimination and persons who serve as witnesses or otherwise cooperate with investigations of such complaints. This is true regardless of whether the Library finds that unlawful discrimination has occurred.

### V. APPEALS

All decisions may be appealed by any party. Decisions of supervisors may be appealed to the respective department head; decisions of the department head may be appealed to the HR Manager; decisions of the HR Manager may be appealed to the Library Director. Decisions of the Library Director shall be final unless the Library Director is the subject of the complaint, in which case the appeal may be referred to the President of the Board of Trustees for consideration by the Board of Trustees. In that case, the decision of the Board of Trustees shall be final.

### VI. CONFIDENTIALITY

The Library cannot guarantee confidentiality, but will only share information about an investigation on an as needed basis or as required by the law. All parties involved in any of the above proceedings shall maintain all information received in strictest confidence.

### VII. TIMELINESS

All complaints shall be made and handled in an expeditious manner, keeping in mind the rights of all parties.

### VIII. LEGAL RECOURSE

Any employee may also use the legal recourse, investigative, and complaint process through the Illinois Department of Human Rights and Human Rights Commission and/or the Equal Employment Opportunity Commission. Contact information for these agencies is listed below:

Workplace and sexual Harassment Policy Implementation Procedures  
Page 3

Illinois Department of Human Rights  
100 West Randolph, Suite 10-100  
Chicago, Illinois 60601  
Telephone: 312-814-6200  
TDD: 312-263-1579  
<http://www.illinois.gov/dhr/Pages/default.aspx>

Illinois Human Rights Commission  
100 West Randolph Street  
Suite 5-100  
Chicago, IL 60601  
Tel: (312) 814-6269  
TDD: (312) 814 – 4760  
<http://www.illinois.gov/ihrc/Pages/default.aspx>

Complaints must be filed with the Department of Human Rights within 180 days of the incident.

Or

Equal Employment Opportunity Commission (“EEOC”)  
500 West Madison Street, Suite 2000  
Chicago, Illinois 60661  
Telephone: 800-669-4000  
TDD: 800-669-6820  
<http://www.eeoc.gov/>

Complaints must be filed with the EEOC within 300 days of the incident.



## **WORKPLACE VIOLENCE**

It is the policy of the Library to maintain a safe workplace, free from any threat of physical violence, emotional abuse, or any form of intimidation. Employees, Library users, and vendors are prohibited from bringing any type of weapon, explosive, or destructive material onto Library property. The Library retains the right to search any lockers, desks, bags or other containers when there is reasonable suspicion to believe this policy has been violated. To the extent practicable, suspected violators should be present when a search of their property is conducted. Acts of vandalism or sabotage, or the threat of such acts, will not be tolerated.

Employees are expected to report any acts or threats of acts described in this policy to their immediate supervisor, whether made by other staff or by members of the public. Reports may be made anonymously if the employee has reason to fear retaliation. All reports will be investigated thoroughly. Employees who violate this policy will be subject to disciplinary action up to and including termination of employment. Library users are subject to the Public Conduct Policy (3.17). Where criminal violations occur, the Library will file criminal charges and follow through with prosecution of those involved.

Where an employee reasonably and in good faith opposes or reports any workplace violence or testifies, assists or participates in an investigation of or hearing concerning allegations or threats of violence, no person or group of persons may retaliate against the employee. Retaliation includes any act of harassment, verbal abuse, verbal threats, or any other or additional act of workplace violence. Retaliation will also be considered a violation of this policy and may result in discipline up to and including discharge in accordance with Library District procedures.

In accordance with the Workplace Violence Prevention Act, the Library may seek an order of protection to prohibit violence or threats of violence made against an employee in certain circumstances in accordance with the Act.

## **LAYOFFS**

Whenever it may become necessary to reduce the workforce due to lack of work or insufficient funds, the Library Director shall prepare a list of employees to be laid off. In order to keep the Library operating as efficiently as possible, layoffs will be made within appropriate job classifications or positions. Employees shall be given at least 10 working days notice.

1. Within the affected job classifications or positions, employees shall be selected for layoff according to the following criteria in the order given:
  - a. Performance;
  - b. Attendance record;
  - c. Seniority.
2. Employees shall be recalled according to job classification or position, based upon the criteria listed above.
3. No laid off employee will accrue benefits during the layoff period with the exception of health insurance, which may be continued at the employee's expense for the period specified by law.
4. When the layoff period exceeds 12 months, the employee shall be terminated.

## **DISCIPLINARY ACTION**

### **8.14.1 Discipline**

Possible disciplinary actions are as follows: oral or written reprimand, suspension, remedial period, or dismissal. Nothing in this policy shall be construed in any way to require the use of progressive discipline in all situations. Rather, the level and severity of any disciplinary action is in the sole discretion of the Library and its Director.

### **8.14.2 Reprimands**

All written reprimands will be added to the employee's personnel file. Oral reprimands will be documented immediately by the supervisor and added to the personnel file. Employees may view and copy their personnel files in accordance with Illinois law.

### **8.14.3 Remedial Period**

Employees shall be placed on a remedial period for cause when their performance is rated Needs Improvement. The length of the remedial period is to be set at the discretion of the supervisor but shall not exceed six months. The supervisor shall complete an evaluation at the beginning and end of the remedial period. Employees who demonstrate satisfactory improvement during the remedial period shall be restored to regular status. Failure to gain a performance rating of Meets Minimum Requirements or better may result in termination. During the remedial period, employees continue to earn benefits and may take limited leaves with their supervisor's permission. The remedial period may be extended by the number of days the employee is absent from scheduled work.

### **8.14.4 Suspension and Dismissal**

A suspension without pay or a dismissal, which may be recommended by an employee's immediate supervisor, requires the approval of the employee's department head and the Library Director or Assistant Library Directors.

No employee may be suspended without pay or dismissed without being given an opportunity to respond to the allegations in a meeting with the head of his/her department or with the Director or an Assistant Director in the absence of the department head. An employee may waive his/her right to a meeting with his/her department head.

The reasons for which an employee may be suspended without pay or dismissed include but shall not be limited to the following:

- a. The employee is incompetent, negligent or inefficient in the performance of duties.

## Disciplinary Action

## Page 2

- b. The employee has been abusive or offensive in attitude, used abusive language or profanity or been abusive in conduct toward fellow employees or the public.
- c. The employee has violated any lawful or official regulation, order or rule, or has refused or failed to follow a supervisor's instructions in a job-related matter. Such violation or failure to obey amounts to insubordination or breach of discipline.
- d. Involvement in the sale, delivery, receipt, possession or use of any drug or narcotic substance not medically prescribed and otherwise prohibited by law during the duration of employment.
- e. The employee through willful or wanton negligence, recklessness or willful misconduct has caused damage to public property or waste of public supplies.
- f. The employee has been absent without leave, or has failed to report after leave of absence has expired or such leave has been disapproved by the Director or Assistant Directors.
- g. The employee has failed to maintain a satisfactory attendance record, has failed to be punctual or has been absent from duty without authorization during regular hours.
- h. The employee has reported to work under the influence of alcoholic beverages and/or illegal drugs and narcotics. The employee uses, sells, or possesses alcoholic beverages and/or illegal drugs and narcotics on Library premises while on duty. The employee smokes in the Library.
- i. The employee has falsified or altered library records or reports, time and attendance records or application for employment forms.
- j. The employee has abused sick or emergency leave benefits.
- k. The employee has solicited private business for personal gain during working hours.
- l. The employee has been guilty of other misconduct comparable to the offenses enumerated above.

**The Library reserves the right to terminate employment at any time for any reason not prohibited by law.**

## **RESIGNATION**

Employees are free to resign at any time but are expected to give written notice of their intent to resign to their Department Head in accordance with the following schedule and conditions:

- a. Supervisory and managerial employees and professional librarians are expected to give at least four weeks notice;
- b. All other employees are expected to give at least two weeks notice.
- c. Use of vacation or personal days shall not fulfill the notice requirement.

Department Heads or their designees shall be responsible for ensuring that employees return all Library property in their possession on or before their last day of work.

**ELMHURST PUBLIC LIBRARY  
EXEMPT POSITIONS**

Director  
Assistant Directors  
Head of Adult Services  
Head of Circulation  
Head of Kids' Library  
Head of Technical Services  
Head of IT  
Assistant Head of Adult Services  
Assistant Head of Kids' Library  
Administration and Human Resources Manager  
Public Information Coordinator  
Librarian II  
Librarian I  
Librarian

**ELMHURST PUBLIC LIBRARY  
POSITION AND TITLE LIST**

8.17

<b>GRADE</b>	<b>POSITION</b>	<b>JOB TITLE</b>
1	PAGE I	CIRCULATION SORTING PAGE
2	PAGE II	TELEPHONE INFORMATION PAGE
	PAGE II	TECHNICAL SERVICES PAGE
	PAGE II	LIBRARY PAGE
3	JANITOR	JANITOR
	CLERK	INTERLIBRARY LOAN/RESERVE CLERK
	CLERK	ADMINISTRATION CLERK
	CLERK	T.S. PERIODICALS CHECK-IN
	CLERK	T.S. COLLECTION MAINTENANCE CLERK
	CLERK	COMMUNICATIONS ASSISTANT
	CLERK	GRAPHICS / ASSISTANT
	CLERK	CIRC. OFFICE CLERK
4	INT CLERK	ADULT SERVICES SUPPORT CLERK
	INT CLERK	TECH SERVICES RECEIVING CLERK
	INT CLERK	KL SUPPORT CLERK
	INT CLERK	CIRC SUPPORT CLERK
5	COMP. ASST.	COMPUTER ASSISTANT
	SENIOR CLERK	MAGAZINE/AV CLERK
	SENIOR CLERK	T.S. COPY CATALOGING/DATA ENTRY CLERK
	SENIOR CLERK	T.S. AV CATALOGING CLERK
	SENIOR CLERK	CIRCULATION DESK CLERK
	SENIOR CLERK	COLLECTIONS/INDEX CLERK
	SENIOR CLERK	T.S. DATA ENTRY CLERK
	SENIOR CLERK	T.S. ACQUISITIONS/RECEIVING CLERK
	TECH. ASSIST.	TECHNOLOGY ASSISTANT
6	IT	IT ASSOCIATE - PART TIME
	TECHNOLOGY INSTRUCTOR	LEAD TECHNOLOGY INSTRUCTOR
	PUBLIC INFORMATION	PUBLIC INFORMATION ASSISTANT
	PUBLIC INFORMATION	GRAPHIC DESIGNER
	TECHNICAL SERVICES	ACQUISITIONS RECEIVING CLERK
7	LIBRARY ASSOC	TECHNICAL SERVICES SUPERVISOR
	BUILDING CUSTODIAN	BUILDING CUSTODIAN
	LIBRARIAN	CATALOGER
	CIRC SUPERVISORS	CIRCULATION SUPERVISORS
	LIBRARY ASSOC.	KIDS' LIBRARY-LIB ASSOC.
	IT	IT ASSOCIATE I - FULL TIME
8	LIBRARIAN	LIBRARIAN I
	ASSIST HEAD CIRC	ASSISTANT HEAD OF CIRC

**ELMHURST PUBLIC LIBRARY  
POSITION AND TITLE LIST**

8.17

	ASSIST HEAD OF TECH	ASSIST HEAD OF TECH
10	PUB INFO COORD LIBRARIAN LIBRARIAN	PUBLIC INFORMATION COORDINATOR LIBRARIAN II ASSIST HEAD OF KIDS' LIBRARY
11	LIBRARIAN	ASSISTANT HEAD ADULT SER
12	IT ADM/HR MGR.	HEAD, IT ADMINISTRATION/HR MANAGER
13	LIBRARIAN LIBRARIAN LIBRARIAN BLDG & GROUNDS MGR. HEAD, CIRC SERV	HEAD, ADULT SERVICES HEAD, KIDS'S LIBRARY HEAD, TECHNICAL SERVICES BUILDING & GROUNDS MANAGER HEAD, CIRCULATION SERVICES
14	LIBRARIAN	ASSISTANT DIRECTOR



**ELMHURST PUBLIC LIBRARY**  
**FY 2015 SALARY SCHEDULE**  
**Effective January 1 through December 31, 2015**

**0% increase**

GRADE	MINIMUM	MID-POINT	MAXIMUM	POSITION	JOB TITLE
I	\$8.36	\$9.83	\$11.29	Page I	Circ. Sorting Page
II	\$9.57	\$11.25	\$12.93	Page II Page II Page II	Telephone Info Page Tech. Services Page Library Page
III	\$10.96 \$21,372.00	\$12.88 \$25,116.00	\$14.80 \$28,860.00	Janitor Clerk Clerk Clerk Clerk Clerk Clerk Clerk	Janitor ILL/Reserve Clerk Circ. Office Clerk Administration Clerk TS Periodicals Clerk TS Collection Maint. Clerk ADM Communications Assistant ADM Graphics Assistant
IV	\$12.36 \$24,102.00	\$14.52 \$28,314.00	\$16.68 \$32,526.00	Int. Clerk Int. Clerk Int. Clerk Int. Clerk	ADS Support Clerk KL Support Clerk TS Receiving Clerk Circ. Support Clerk
V	\$13.74 \$26,793.00	\$16.14 \$31,473.00	\$18.54 \$36,153.00	Comp. Asst. Senior Clerk Senior Clerk Senior Clerk Senior Clerk Senior Clerk Senior Clerk Senior Clerk	Computer Assistant Magazine/AV Clerk Collections/Index Clerk TS Copy Cataloging Clerk TS Data Entry Clerk TS AV Cataloging Clerk TS Acquisitions/Receiving Clerk Circulation Desk Clerk Technology Assistant
VI	\$15.13 \$29,503.50	\$17.78 \$34,671.00	\$20.43 \$39,838.50	IT Tech. Instructor Public Info. Public Info. Technical Svcs	IT Associate (Part-Time) Lead Technology Instructor Public Information Assistant Graphics Designer Tech. Acquisitions Receiving
VII	\$18.21 \$35,509.50	\$21.86 \$42,627.00	\$25.51 \$49,744.50	Librarian Circ. Supervisor Library Assoc. Tech. Supervisor Bldg. Custodian	Cataloger Circulation Supervisor Kids' Library-Lib. Assoc. Tech Services Supervisor Building Custodian

				IT	IT Associate I (Full-Time)
VIII	\$22.57 \$44,011.50	\$27.10 \$52,845.00	\$31.63 \$61,678.50	Librarian Asst. Hd. Circ. Asst. Hd. Tech.	Librarian I Assistant Head of Circ. Assistant Head of Tech.
IX	\$23.84 \$46,488.00	\$28.62 \$55,809.00	\$33.40 \$65,130.00		
X	\$25.12 \$48,984.00	\$30.16 \$58,812.00	\$35.20 \$68,640.00	Pub Info Coord Librarian Librarian	Public Information Coordinator Librarian II Asst. Head of Kids' Library
XI	\$27.02 \$52,689.00	\$32.44 \$63,258.00	\$37.86 \$73,827.00	Librarian	Asst. Head of Adult Services
XII	\$29.51 \$57,544.50	\$35.43 \$69,088.50	\$41.35 \$80,632.50	ADM/HR Mgr.	Administration/HR Manager Head, IT
XIII	\$32.25 \$62,887.50	\$38.71 \$75,484.50	\$45.17 \$88,081.50	Librarian Librarian Librarian Head, Circ. Serv. Bldg/Grnds Mgr.	Head, Adult Services Head, Kids' Library Head, Technical Services Head, Circulation Services Building & Grounds Manager
XIV	\$34.97 \$68,191.50	\$41.98 \$81,861.00	\$48.99 \$95,530.50	Librarian	Assistant Director

**FY 2015**  
**MERIT PAY INCREASES**  
**Effective January 1, 2015**

This year, 2% of the Personnel budget has been designated for merit pay increases. The following guidelines apply in implementing these increases.

Performance Level

Exceeds Expectations	2%
Meets All Expectations	1.5%
Meets Minimum Requirements	.5%
Needs Improvement	0
Unsatisfactory	0

PERFORMANCE REVIEW CATEGORIES

Exceeds Expectations	-	given to employees who <u>consistently</u> perform above requirements, demonstrating a thorough knowledge of all aspects of the job, and who regularly show initiative in job performance.
Meets All Expectations	-	given to employees who perform <u>all</u> duties as required, demonstrating thorough knowledge of all aspects of the job, and who show initiative on occasion.
Meets Minimum Requirements	-	given to employees who have a technical mastery of all aspects of the job but do not exhibit initiative. May also be given to new employees who have not yet mastered all aspects of the job but are making adequate progress.
Needs Improvement	-	given to employees who barely meet performance requirements and who a) demonstrate unfamiliarity or lack of skill with some aspect of the job and required duties after repeated training or b) do not exhibit satisfactory internal or external customer service behavior. No salary increase is allowed, and employees in this category will be placed on probation.
Unsatisfactory	-	describes unacceptable performance. Employment will be terminated.

In addition to the categories listed above, a small number of staff each year may qualify for this category.

<i>Exceptional</i>	-	reserved for employees who, in addition to meeting all of the criteria for performance evaluated as Exceeds Expectations, demonstrate unusual creativity and accomplishment in response to a new challenge in a given year. An additional .5% salary increase is given for exceptional performance.
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## **ELMHURST PUBLIC LIBRARY FAMILY AND MEDICAL LEAVE ACT (FMLA)**

**Uses of FMLA leave.** In accordance with the Family and Medical Leave Act of 1993, Elmhurst Public Library grants leave without pay to eligible employees for up to the maximum leave of either 12 or 26 weeks in a 12-month period, depending on the reason for leave. This FMLA leave is a period of time eligible employees can be absent from work for a qualifying reason with job protection. The time off is not paid, unless the employee has personal, vacation, sick or worker's compensation leave. Paid sick leave, personal business days, vacation days and worker's compensation leave (in certain circumstances) must be used concurrently with FMLA leave. Employees can request to use FMLA leave to cover the time they need to be away from work for any of the following purposes.

Up to 12 weeks leave:

- 1) for incapacity due to pregnancy, prenatal medical care or child birth;
- 2) to care for the employee's child after birth, or placement for adoption or foster care;
- 3) to care for the employee's spouse, son or daughter, or parent, who has a serious health condition;
- 4) for a serious health condition that makes the employee unable to perform the employee's job;
- 5) for a qualifying exigency arising out of the fact that a spouse, son or daughter, or parent is on covered active duty or has been notified of an impending call or order to covered active duty as a member of the Armed Forces (including the National Guard and Reserves);

Up to 26 weeks leave:

- 6) to care for a spouse, son or daughter, parent or next of kin who is a covered service member with a serious injury or illness, incurred during active military duty.

**Eligibility.** To be eligible for FMLA leave, an employee must have worked for the Elmhurst Public Library for at least one year and performed at least 1,250 hours of work during the 12 months prior to the request for leave. If there are months and hours that reservists or National Guard members would have worked if they had not been called up for military service, those months and hours count towards the employee's eligibility for FMLA leave and Military Caregiver Leave.

**Requesting leave.** Employees who know in advance that they need to take a FMLA leave **MUST** give their supervisor's 30 calendar days' advance notice. If 30 days notice is not possible, the employee must provide notice as soon as practicable and must comply with the Library's normal call-in procedures. This generally means notifying the Library on the same day as an employee first learns of the need for leave, unless extenuating circumstances exist. Employees need to complete a "Request for FMLA Leave" form when requesting FMLA leave and submit it to the Administrative Office of the Library. The Library will provide notice to the employee indicating whether the leave request has been approved or denied within five (5) business days of receiving information regarding the request to enable a determination of whether the leave is taken for an FMLA-qualifying reason, absent extenuating circumstances.

FMLA  
Page 2

**Certification.** Employees who request FMLA leave for reasons 1, 3, 4, 5, or 6 above must submit a completed Certification form to the Administrative Office before the leave can be approved. Certification forms must be completed by the treating health care provider or, for qualifying exigency leave, by the applicable service provider. The Library uses the Department of Labor's standard forms for certification purposes. Failure to provide certification within 15 days of notification may result in a delay or denial of leave.

FMLA  
p.2

➤ Certification forms include:

- Employee's Serious Health Condition
- Family Member's Serious Health Condition
- Qualifying Exigency for Military Family Leave
- Serious Injury for Covered Service Member
- Serious Injury for Illness for Veteran for Military Caregiver Leave

**Amount of leave.** Employees can take leave for reasons 1-5 above for up to 12 weeks in a rolling 12-month period, measured backward from the date of any FMLA leave usage. However, where spouses both work for the Elmhurst Public Library, the two employees are limited to a combined total of 12 weeks of family leave to cover the time off they need after the birth or placement of a child or to care for a seriously ill parent. However, each employee is eligible to take any unused portion of the 12 weeks for his or her own serious health condition, the care of a seriously ill child, the care of the other spouse, or for a qualifying exigency. Employees may take up to 26 weeks leave to care for a covered service member with a serious injury or illness that was due to active military duty. Injured servicemember leave begins on the first day of that leave and must be concluded within the next 12 months. Spouses employed by the Library who request injured servicemember leave may only take a combined aggregate total of 26 weeks leave for such purpose.

Any FMLA leave taken by an employee for reasons *other* than an injured or ill servicemember will reduce the 26 weeks of available leave to care for an injured servicemember. As a result, if an employee requests injured servicemember leave, the maximum leave allowed will be up to 26 weeks, less any FMLA leave already used in the same 12-month period for any other reason.

**Intermittent leave.** Employees taking leave to care for a newly born or newly placed child do not have a legal right to take intermittent leave and can do so only with their supervisor's prior, written consent. Employees taking leave for any other reason will be charged their allotment of FMLA leave intermittently or in accordance with a reduced work schedule if such intermittent leave is medically necessary. Employees using intermittent leave for planned treatment must schedule leave to minimize disruption of normal operations and are expected to obtain Library consent to try to arrange a mutually acceptable time to schedule their leave.

FMLA  
Page 3

**Privacy and leave requests.** Employees must inform their supervisors that they need family or medical leave and when they expect to be absent. However, supervisors should not ask or inquire about the reasons for the employee's leave request. Instead, to ensure the worker's privacy, the Administrative Office makes any necessary inquiries and evaluates whether there is a medical need for the leave. The Administrative Office also is responsible for ensuring that all medical information provided by employees is maintained in the strictest confidence.

**Compensation and benefits during leave.** FMLA leave is unpaid. Eligible employees are required to use accrued paid leave (sick, personal business days, vacation time, and worker's compensation) during FMLA leave prior to taking unpaid leave. However, employees on FMLA leave continue to be covered by the City of Elmhurst group health benefits plan on the same terms that are applicable for active employees. FMLA leave does not cause employees to lose any previously accrued employment benefits.

**Reinstatement following leave.** On returning from an FMLA leave of absence, employees normally are restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms. However, employees have no greater right to reinstatement or other benefits and conditions of employment than if they had not taken leave. An employee must return to work immediately after the expiration of the approved FMLA leave in order to be reinstated to the former or an equivalent position. Another exception to the reinstatement procedure applies to certain key employees (highest paid who are salaried and exempt), who are notified of their status when they first request FMLA leave. Key employees who take FMLA leave are reinstated to their former or equivalent positions only if their reinstatement does not cause the Library substantial and grievous economic injury.

**Compliance with FMLA requirements.** This policy is intended to comply with FMLA and should be interpreted in light of regulations implementing that act. In particular, terms used in this policy have the meanings they are given in the regulations implementing FMLA.

The employee is responsible for payment of his portion of the applicable insurance premiums during periods of leave without pay under terms and conditions to be determined by the Library. An employee who does not return to work after the leave will be charged retroactively for the full premium cost of coverage, unless the failure to return to work is due to a serious health condition or circumstances beyond the employee's control.

The Library requests employees provide written notice of the employee's intention to return to work to the employee's department head at least 30 calendar days before the date the leave is to terminate. Employees are also required to provide updates to the library.

An employee on leave because of his or her own serious health condition must present a fitness-for-duty certification from a health care provider prior to being restored to employment. Failure to provide the certification may delay reinstatement until certification is provided. The health care provider may be required to certify that a return to work is authorized after a review of the job duties of the employee.

**See also attached Department of Labor Form 1420 (FMLA Posting) for additional information.**

## **AMERICANS WITH DISABILITIES ACT POLICY**

The Elmhurst Public Library complies with the Americans with Disabilities Act of 1990, as amended (the “ADA”) and offers alternative reasonable compliance to meet its requirements. Accordingly, the Library takes appropriate steps to ensure that Library communications with applicants, employees and members of the public with ADA disabilities are as effective as communications with others; makes reasonable accommodations in Library policies, practices and procedures when necessary to avoid discrimination on the basis of disability, unless a fundamental alteration in a Library program would result; and operates its services, programs and activities so that, when viewed in their entirety, they are readily accessible to and usable by individuals with disabilities. The Library provides equal access to persons with disabilities, including those individuals who use service animals.

### **ADA Compliance Officer**

The Library Director or his/her designee is the Library’s ADA Compliance Officer. The ADA Compliance Officer may be contacted via telephone at: 630-279-8696 or via email at: [reference@elmhurst.org](mailto:reference@elmhurst.org).

Implementation of this Policy is the responsibility of all Library staff.

### **Method of Notification**

A copy of this Policy is included in the Library’s policy handbook and is posted on the Library’s website. If a person with visual impairment or other disability inquires about this Policy or about the Library’s ADA services, staff will offer to read the Policy and to provide appropriate ADA services.

### **Service Animals**

The Library welcomes service animals, and service animals are permitted in any area of the Library where members of the public are permitted to go. Trainers are also permitted to accompany service animals in training in the Library. Service animals are defined as dogs that are individually trained to do work or perform tasks for people with disabilities. Examples of such work or tasks include guiding people who are blind, alerting people who are deaf, pulling a wheelchair, alerting and protecting a person who is having a seizure, reminding a person with mental illness to take prescribed medications, calming a person with Post Traumatic Stress Disorder during an anxiety attack or performing other duties. The work or task that the dog has been trained to provide must be directly related to the person’s disability.

The ADA has also defined a miniature horse as an animal that may serve as a service animal if it has been individually trained to do work or perform tasks for a person with a disability. To determine if a miniature horse can be accommodated in the Library, the Library will assess whether (1) the miniature horse is housebroken, (2) the miniature horse is under the owner’s control, (3) the Library can accommodate the miniature horse’s type, size and weight, and (4) the miniature horse’s presence will compromise legitimate safety requirements necessary for the safe operation of the Library.

## ADA

### Page 2

Some service animals may wear special collars, harnesses, vests or capes and some are licensed and certified and have identification papers. However, special identification and certification are not required by the ADA. Employees may only ask an individual who accesses the Library with a service animal the following two questions: (1) whether the animal is a service animal and (2) what work or task the service animal has been trained to perform. Employees may not require identification documents for the animal and may not ask about the person's disability.

A service animal may be removed from the premises only if (1) the animal is out of control and the handler does not take effective action to control it, or (2) the animal is not housebroken. Service animals must be harnessed, leashed, or tethered, unless such devices interfere with the animal's work or the individual's disability prevents using such devices, in which case the service animal must be otherwise under the handler's control (e.g., voice control, signals, or other effective means).

When there is a legitimate reason to remove a service animal, staff will offer the person with the disability the opportunity to obtain Library materials or services without the animal's presence. Staff is not required to provide care, food or a special location for the animal.

### Programming

All notices and advertising for Library-sponsored programming will contain an appropriate ADA notice (such as the following):

*Any person needing an accommodation for a disability in order to access the benefits of the Library's services, programs, or activities under the Americans with Disabilities Act should contact the ADA Compliance Officer or any member of the Library staff. Any person needing an accommodation for a disability in order to attend a meeting at the Library should contact the Library Director by telephone at 630-279-8696, by email at [reference@elmhurst.org](mailto:reference@elmhurst.org) or in writing, not less than five (5) working days prior to the meeting.*

### Accommodations to Persons with a Disability

Forms for requesting ADA assistance and for complaints under the ADA are available at the Information Desk, the Welcome Desk, and the Administrative Office. Library staff will provide ADA assistance and assist a patron in filling out the forms, if needed.

Staff will assist a patron with a disability in any reasonable way needed, including opening doors, carrying and retrieving Library materials, and completing Library forms.



ADA  
Page 3

In addition, in order to assist persons with visual, hearing, mobility, intellectual, or other disabilities, the Library provides materials in a variety of formats: conventional print, large type, DVD, CD, electronic download, streaming services. When materials are not available in all needed formats, the Library attempts to provide equivalent or similar items for use by persons with disabilities.

Meeting Room Users

Groups using the meeting room and presenters are required to meet the requirements of the Americans with Disabilities Act. The Library offers the facility as a service to community groups, but has no responsibility for the groups using the room.

Grievance Procedure

Any person who believes that the Library has discriminated against that person because of the person's disability may file a written complaint with the ADA Compliance Officer, within 60 days of the alleged occurrence of discrimination. The complaint will provide information about the alleged discrimination, including the date, location, persons involved, and other particulars. The complaint will include the name, address, and telephone number of the person filing the claim. The complaint will include the complaining person's proposed resolution of the matter.

Upon request, the Library will provide alternate means for filing a complaint, such as a personal interview or tape or digital recording, to a person with a disability.

Within 15 days after receipt of a complaint, the ADA Compliance Officer, Director, or other designated Library representative will meet with the person filing the complaint, with the purpose of receiving any additional information and seeking a mutually acceptable resolution of the complaint.

Within 15 days after the meeting, the ADA Compliance Officer, Director, or other designated Library representative will respond to the person filing the complaint, in writing or other appropriate format, stating the Library's response to the complaint and proposed resolution of the complaint.

Within 15 days after receipt of the Library's response, if the Library's proposed resolution is not acceptable to the person filing the complaint, that person may submit a written appeal of the matter to the Library Board. The Board President will appoint a committee of no more than two Board members to meet with the person filing the appeal within 15 days, with the purpose of receiving any additional information and seeking a mutually acceptable resolution of the complaint.

ADA  
Page 4

At the next regular Board meeting, the committee will report its findings and recommendations to the Board. The Board will take action upon these findings and recommendations. The Board will report its action to the person filing the appeal, in writing or other appropriate format. The Board's action will conclude the Library's grievance procedure.

Individuals may also file an administrative complaint with the U.S. Equal Employment Opportunity Commission (EEOC) within 180 days of the alleged discrimination, or may file a lawsuit for injunctive relief and damages.

Any or all of these methods may be pursued at the same time.

Individuals are protected from retaliation or coercion when pursuing their rights or responsibilities under the ADA.

For further information

In accordance with Section 35.106 of the ADA's Title II Regulations, all applicants, participants, beneficiaries, and other interested persons are advised that further information may be obtained from the ADA Compliance Officer and also from the Disability Rights Section, Civil Rights Division, U.S. Department of Justice, 950 Pennsylvania Avenue, Washington, DC 20530. Telephone: (800) 514-0301 (Voice) or (800) 514-0383 (TDD).

# EMPLOYEE RIGHTS AND RESPONSIBILITIES UNDER THE FAMILY AND MEDICAL LEAVE ACT

## Basic Leave Entitlement

FMLA requires covered employers to provide up to 12 weeks of unpaid, job-protected leave to eligible employees for the following reasons:

- for incapacity due to pregnancy, prenatal medical care or child birth;
- to care for the employee's child after birth, or placement for adoption or foster care;
- to care for the employee's spouse, son, daughter or parent, who has a serious health condition; or
- for a serious health condition that makes the employee unable to perform the employee's job.

## Military Family Leave Entitlements

Eligible employees whose spouse, son, daughter or parent is on covered active duty or call to covered active duty status may use their 12-week leave entitlement to address certain qualifying exigencies. 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.

FMLA also includes a special leave entitlement that permits eligible employees to take up to 26 weeks of leave to care for a covered servicemember during a single 12-month period. A covered servicemember is: (1) a current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness\*; or (2) a veteran who was discharged or released under conditions other than dishonorable at any time during the five-year period prior to the first date the eligible employee takes FMLA leave to care for the covered veteran, and who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness.\*

**\*The FMLA definitions of "serious injury or illness" for current servicemembers and veterans are distinct from the FMLA definition of "serious health condition".**

## Benefits and Protections

During FMLA leave, the employer must maintain the employee's health coverage under any "group health plan" on the same terms as if the employee had continued to work. Upon return from FMLA leave, most employees must be restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms.

Use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee's leave.

## Eligibility Requirements

Employees are eligible if they have worked for a covered employer for at least 12 months, have 1,250 hours of service in the previous 12 months\*, and if at least 50 employees are employed by the employer within 75 miles.

**\*Special hours of service eligibility requirements apply to airline flight crew employees.**

## Definition of Serious Health Condition

A serious health condition is an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee's job, or prevents the qualified family member from participating in school or other daily activities.

Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than 3 consecutive calendar days combined with at least two visits to a health care provider or one visit and

a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment.

## Use of Leave

An employee does not need to use this leave entitlement in one block. Leave can be taken intermittently or on a reduced leave schedule when medically necessary. Employees must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt the employer's operations. Leave due to qualifying exigencies may also be taken on an intermittent basis.

## Substitution of Paid Leave for Unpaid Leave

Employees may choose or employers may require use of accrued paid leave while taking FMLA leave. In order to use paid leave for FMLA leave, employees must comply with the employer's normal paid leave policies.

## Employee Responsibilities

Employees must provide 30 days advance notice of the need to take FMLA leave when the need is foreseeable. When 30 days notice is not possible, the employee must provide notice as soon as practicable and generally must comply with an employer's normal call-in procedures.

Employees must provide sufficient information for the employer to determine if the leave may qualify for FMLA protection and the anticipated timing and duration of the leave. Sufficient information may include that the employee is unable to perform job functions, the family member is unable to perform daily activities, the need for hospitalization or continuing treatment by a health care provider, or circumstances supporting the need for military family leave. Employees also must inform the employer if the requested leave is for a reason for which FMLA leave was previously taken or certified. Employees also may be required to provide a certification and periodic recertification supporting the need for leave.

## Employer Responsibilities

Covered employers must inform employees requesting leave whether they are eligible under FMLA. If they are, the notice must specify any additional information required as well as the employees' rights and responsibilities. If they are not eligible, the employer must provide a reason for the ineligibility.

Covered employers must inform employees if leave will be designated as FMLA-protected and the amount of leave counted against the employee's leave entitlement. If the employer determines that the leave is not FMLA-protected, the employer must notify the employee.

## Unlawful Acts by Employers

FMLA makes it unlawful for any employer to:

- interfere with, restrain, or deny the exercise of any right provided under FMLA; and
- discharge or discriminate against any person for opposing any practice made unlawful by FMLA or for involvement in any proceeding under or relating to FMLA.

## Enforcement

An employee may file a complaint with the U.S. Department of Labor or may bring a private lawsuit against an employer.

FMLA does not affect any Federal or State law prohibiting discrimination, or supersede any State or local law or collective bargaining agreement which provides greater family or medical leave rights.

**FMLA section 109 (29 U.S.C. § 2619) requires FMLA covered employers to post the text of this notice. Regulation 29 C.F.R. § 825.300(a) may require additional disclosures.**



**For additional information:**  
1-866-4US-WAGE (1-866-487-9243) TTY: 1-877-889-5627  
**WWW.WAGEHOUR.DOL.GOV**

U.S. Department of Labor | Wage and Hour Division



WHD Publication 1420 · Revised February 2013



## **PERSONNEL POLICY INDEX**

Absences, reporting 8.8.1.2  
Address change 8.9.1  
ALA Code of Ethics 8.2  
Alcohol and drug policy 8.10  
American Library Association membership 8.5.11.1  
American with Disabilities Act policy 8.22  
Anniversary date 8.4.3.3  
Anniversary date after promotion 8.7.2  
Annual evaluation 8.4.3.4  
Appeal, performance evaluation 8.4.3.10  
Appearance 8.9.2  
Application for employment 8.3.2  
Auto allowance 8.5.10, 8.8.8  
Background checks 8.3.3  
Bereavement leave 8.6.3  
Blood Donation leave 8.6.14  
Bloodborne pathogens 8.9.14  
Board members, travel 8.9.10  
Bonuses 8.4.1  
Breaks 8.8.2.1, 8.8.2.2  
Changes of name, address or marital status 8.9.1  
Civil or criminal action leave 8.6.13  
Cleanliness 8.9.14  
Cohabitants, employment of 8.3.6  
Compensatory time off 8.4.2.3  
Computers, staff use on personal time 8.9.6  
Conference attendance 8.5.11.2, 8.9.10  
Conference presentations by staff 8.5.11.2  
Confidentiality of performance evaluations 8.4.3.12  
Continuing education 8.5.11.2  
Contract not created 8.1.1, 8.3.1  
Controlled substances 8.10  
Conviction, reporting 8.10  
Course work for credit 8.5.10.3  
Court appearances 8.6.4  
Credit Union 8.5.4.1  
Criminal conviction, reporting 8.10  
Deferred compensation plan 8.5.4.2

Demotions 8.14.4



Dental benefit plan 8.5.2  
Disability leave 8.6.2  
Discipline 8.14  
Dismissal 8.14.5  
Dress and manner 8.9.2  
Dress code 8.9.2  
Driving 8.5.10, 8.8.8, 8.9.10  
Driving record 8.9.10  
Drugs 8.10  
Dues payments 8.5.11.1  
E-mail, staff use 8.9.8  
Emergency leave 8.6.3  
Emergency medical assistance 8.9.14  
Employee Assistance Program 8.5.6  
Employment application 8.3.2  
Employment at will 8.3.1  
Employment authorization 8.3.4  
Entertainment 8.9.11  
Equal Employment Opportunity 8.3.5  
Ethics, ALA Code 8.2  
Evaluation, annual 8.4.3.4  
Evaluation, introductory 8.4.3.4  
Evaluation, special 8.4.3.4  
Exceeds Expectations performance, definition 8.4.3.6  
Exceptional performance, definition 8.4.3.6  
Expenses, reimbursement 8.9.10, 8.9.11  
Family and Medical Leave 8.6.9, 8.20, 8.21, see also 8.6.9a for Non-Eligible FMLA Employees  
Family, immediate, definition of 8.6.1  
Family members, employment of 8.3.6  
Family Military Leave 8.6.14  
First aid 8.9.14  
Fitness center 8.5.8  
Flexible compensation plan 8.5.5  
Flowers 8.9.12  
Full-time employees, definition 8.1.3  
Funerals 8.6.3  
Funerals, flowers for 8.9.12  
Gaps in service, anniversary date adjustment 8.4.3.3  
Gifts 8.9.13  
Harassment 8.11  
Health and safety practices 8.9.14



Hiring 8.3.1  
Hiring, internal candidates 8.7.2  
Holiday pay 8.6.7  
Hours of work 8.8  
I-9 Form 8.3.4  
Illinois Library Association membership 8.5.11.1  
Illinois Municipal Retirement Fund 8.5.1  
IMRF 8.5.1  
Inspections of employee storage areas or items 8.9.16, 8.12  
Insurance, Accidental Death & Dismemberment 8.5.3  
Insurance, automobile 8.9.10  
Insurance, dental 8.5.2  
Insurance, life 8.5.3  
Insurance, medical 8.5.2  
Internet, staff use 8.9.7  
Introductory period 8.4.3.4, 8.7.1  
Job descriptions 8.4.2.1, 8.4.3.6  
Job openings, internal applicants 8.7.2  
Jury duty 8.6.4  
Layoffs 8.13  
Leave of absence without pay 8.6.9, 8.6.11  
Library privileges for staff 8.9.4  
Mail, personal 8.9.9  
Marital status, change in 8.9.1  
Meal breaks 8.8.2.1  
Medical assistance 8.9.14  
Medical benefit plan 8.5.2  
Medical emergency reporting 8.9.14  
Medical Leave for Non-Eligible FMLA Employees 8.6.9a  
Medical Marijuana 8.10  
Meets All Expectations performance, definition 8.4.3.6  
Meets Minimum Requirements performance, definition 8.4.3.6  
Merit pay increases 8.4.1, 8.4.3.2  
Mileage reimbursement 8.5.10, 8.8.8, 8.9.10  
Military leave 8.6.5; see also Family Military Leave, 8.6.14  
Motor vehicle report 8.9.10  
Name change 8.9.1  
Needs improvement performance, definition 8.4.3.6  
Notice of resignation 8.15  
Overtime 8.4.2.3  
Parking 8.9.3  
Part-time employees, definition 8.1.3  
Pay grades 8.4.2.2



Pay periods 8.4.4.1  
Payroll deductions 8.4.4.2  
Performance appraisals 8.4.3  
Performance evaluation, administrative review 8.4.3.7  
Performance evaluation categories 8.4.3.6  
Performance evaluation, delays 8.4.3.10  
Performance evaluation interview 8.4.3.8  
Performance evaluation schedule 8.4.3.3  
Personal days 8.6.8  
Presentations by staff 8.5.11.2  
Privacy, E-mail, 8.9.8  
Probation 8.14.3  
Professional associations, dues payment 8.5.11.1  
Prohibited substances 8.10  
Promotion 8.7.2  
Recognition 8.9.12  
Reduction of workforce 8.13  
Relatives, employment of 8.3.6  
Reprimands 8.14.2  
Resignation 8.15  
Rest breaks 8.8.2.2  
Retirement plan 8.5.1  
Safety 8.9.14  
Salaried employees, definition 8.1.3  
Salary schedule, adjustments 8.4.2.5  
Salary schedule, placement on 8.4.2.4  
Savings Bonds 8.5.4.3  
Savings plan 8.5.4  
School visitation leave 8.6.12  
Security inspections 8.9.16  
Service awards 8.9.12  
Sexual harassment 8.11  
Sick leave 8.6.1  
Sick leave advance 8.6.1  
Sick leave, uses of 8.6.1, 8.6.3  
Smoking 8.9.15  
Special evaluation 8.4.3.4  
Staff parking areas 8.9.3  
Staff recognition 8.9.12  
Substance dependency 8.10  
Supplies and equipment, staff use 8.9.5  
Suspension 8.14.5  
Tardiness 8.8.1.1





Telephone calls, personal 8.9.9  
Termination 8.14.5  
Threats 8.12  
Transfers 8.7.3  
Travel 8.9.10  
Tuition reimbursement 8.5.10.3  
Uniform allowance 8.5.7  
Unsatisfactory performance, definition 8.4.3.4, 8.4.3.7  
Vacation accrual during introductory period 8.7.1  
Vacation pay, time-card staff 8.6.6  
Vacation, full time staff 8.6.6  
VESSA leave 8.6.10  
Victim's Economic Security and Safety Act leave 8.6.10  
Violence 8.12  
W-4 form 8.9  
Wage and salary administration 8.4.2  
Waste disposal 8.9.14  
Weapons 8.12  
Work day 8.8  
Work in excess of scheduled hours 8.8  
Work week 8.8  
Workers Compensation, reporting 8.9.14  
Workers' Compensation 8.5.12  
Workplace harassment 8.11  
Workplace violence 8.12  
Workshop presentations by staff 8.5.11.2