

**ARTICLE VI.**  
*Employee Policies.*

**Section 1. Introductory Provisions**

**A. Authority** -- These policies, procedures, rules and regulations are established by the Kirkwood Public Library Board of Trustees.

**B. Purpose** -- The purpose of these rules is the formulation of sound personnel policies designed to attract, recruit and retain the best possible employees without regard to race, color, religion, gender, national origin, age, marital status, or disability.

**C. Intent** -- Employment with the Library is on an at-will basis. Nothing contained in these Personnel Rules and Regulations is intended to create an employment contract between the Library and any employee for either employment or for the provision of any benefit. Any of the provisions of these rules and regulations may be changed or new provisions may be added by Kirkwood Public Library Board of Trustees at any time and without notice to employees. Each employee has the right to terminate their employment at any time for any reason. In addition, the Kirkwood Public Library has the right to terminate the employment of any employee at any time, without prior notice, for any lawful reason as the employee remains terminable at will at all times. The first three (3) months of employment all employees are considered in a probationary period to ensure they are a suitable fit in their position. Employment may be terminated at any time during this period. The provision of these policies and procedures shall not be inconsistent with but complementary to related state and federal laws and regulations. Provisions which may become invalid due to subsequent passage or interpretations of related legislation or court rulings shall be modified through appropriate proceedings without invalidating the remaining provisions.

**Section 2. Pay Plan Administration**

**A. Establishment of Plan** -- The Library Director shall be responsible for presenting to the Kirkwood Public Library Board of Trustees a uniform and equitable pay plan which shall consist of minimum and maximum rates of pay based on job classifications and allow for reasonable and consistent progression in the ranges based on job performance.

**B. Administration of Plan**

**1. New Employees** -- Generally all new employees shall be hired at the minimum rate of their job description salary range unless

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their qualifications are such that it is to the Library's advantage to hire at the advanced rate. Hiring at the advanced rate shall be upon approval by the Library Director and only upon appropriate documentation that such action is to the benefit of the Library.

**2. Exempt and Non-Exempt Employee Pay** -- All positions at Kirkwood Public Library are governed by the Fair Labor Standards Act (FLSA) and Missouri labor laws. The FLSA is the federal law that mandates when overtime pay is required, and specifically it requires that employees who work in positions not exempt (non-exempt) from the FLSA be paid time and one-half for time worked in excess of 40 hours in one work week. Exempt employees are those whose positions are deemed to be executive, professional or administrative or who serve as computer professionals. Each position will be designated as exempt or non-exempt. Among the factors considered to determine if a position is exempt, the FLSA requires that exempt employees be paid on a salary basis and has set a minimum weekly rate of pay for exempt employees. Consequently, all employees earning less than the minimum are automatically not exempt from minimum wage and overtime requirements and are thus deemed non-exempt.

- a. **Pay for Employees in Exempt Positions** – Exempt employees are paid on a salary basis and thus routinely receive their full salary for any week in which they perform any work, without regard to the number of days or hours worked.
- b. **Permissible Deductions of Pay for Employees in Exempt Positions** – Deductions to pay must be made in full day increments. If an exempt employee works any hours during a day they will be paid for the full day. The few exceptions to the requirement to pay exempt employees on a salary basis are listed below:
  - Absences of one or more full days for personal reasons other than sickness or disability when the employee has exhausted all vacation time or the employee has requested leave without pay.
  - Absences of one or more full days due to sickness or disability when the employee has exhausted all paid leave benefits or is still in the probationary period as a new hire.
  - Deductions for the first and last week of employment, when only part of the week is worked by the employee.
- c. **Pay for Employees in Non-Exempt Positions** – Hourly (non-exempt) employees will be paid based on their regular hourly rate of pay on set pay dates for hours worked within the

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corresponding pay period. Hours may not be banked or payment for wages delayed for hourly employees.

- d. **Overtime Pay for Employees in Non-Exempt Positions** – According to the FLSA, all non-exempt staff who work in excess of 40 hours in a workweek are eligible for overtime pay.
- When calculating hours worked for overtime pay only actual working time is treated as time worked. The following are excluded from time worked:
    1. Paid holidays
    2. Vacation leave
    3. Bereavement leave
    4. Sick leave
  - Kirkwood Public Library's workweek for calculating overtime is Sunday through Saturday.
  - Compensatory Time Off for Employees in Non-Exempt Positions: Accrual of comp time is not permitted.
  - Only in limited circumstances with advance approval by a supervisor may a non-exempt employee modify their regular working schedule.
  - All work, whether on weekdays or weekend days, is paid at the employee's regular hourly rate unless such time is compensated at the holiday rate or constitutes overtime.
  - Non-exempt benefits eligible employees who work on a designated Kirkwood Public Library holiday\* shall receive their regular rates of pay plus straight time for each hour worked (i.e. 2 times their normal hourly rate). Non-exempt employees who are not benefits eligible will be paid at time and one half for all hours worked on a designated Kirkwood Public Library holiday. \* Designated holidays are New Year's Day, Martin Luther King, Jr. Day, Presidents' Day, Memorial Day, Juneteenth, Independence Day, Labor Day, Thanksgiving, Christmas Eve Day, Christmas Day and New Year's Eve Day. Holiday pay must be approved ahead of time by direct supervisors. If a non-exempt employee works a holiday and then exceeds 40 hours in the same workweek the overtime pay is time and a half the weighted average of the two hourly rates.
  - Staff members who work in two different hourly non-exempt positions are eligible for overtime valued at time and a half the weighted average rate between the positions.
- e. **Pay for Seminars, Training and Travel for Employees in Non-Exempt Positions**: Required seminars and training sessions are counted as time worked and, as such, are subject to the FLSA requirements. Scheduled seminar hours, presentation hours, and prep time are compensable: meals,

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breaks and study time are not. When a non-exempt employee must travel in connection with their job, travel time as a passenger is not considered compensable unless they works during such travel, or if such travel occurs during regularly assigned work hours.

**3. Promotions and Transfers** – Employees promoted or transferred will immediately begin a probationary period for the new position. Employment may be terminated at any time during this period. In the event that the employee does not satisfactorily complete the probationary period, the employee shall revert to their previous position at their prior rate of pay for the position, provided a position is available. An employee promoted to a higher pay classification will have their salary increased to at least the minimum pay of that higher paying classification. An employee who requests and accepts an assignment in a lower pay classification shall have their salary reduced by the percentage differential between the two relevant pay classifications.

**4. Merit Increases** -- A merit increase is a payment granted to an employee as a result of exceptional performance. The merit increase will be an increase to salary base until the employee reaches the maximum of the salary range. Once an employee reaches the maximum of the salary range, the merit increase will be in the form of a singular lump-sum payment for future service but shall not increase the salary base. Merit increases may be based upon performance evaluations with the amount of merit increases fluctuating from year to year. Performance evaluation will result in a performance rating which may serve as the basis for the amount of the merit increase.

Seasonal employees qualify for merit increases after reaching 912 hours worked (the equivalent of one year of working 19 hours a week) and receiving a performance evaluation by their manager.

**5. Dates of Performance Evaluations** -- Performance evaluations shall be conducted at least annually; however, they may be conducted more frequently at the discretion of the Department Head or Library Director. In no case shall a merit increase be granted if a performance evaluation has not taken place within ninety (90) days. Six-month performance evaluations are recommended for all new employees.

**6. Prior Salary Scale** -- The Kirkwood Public Library Board of Trustees may from time to time change the pay scale, increasing the minimum and maximum rates of pay. The Kirkwood Public Library Board of Trustees may establish special pay provisions necessary for the effective administration of the pay plan and to promote the concept of merit or performance pay.

### **Section 3. Progressive Discipline**

Where problems with employee behavior or performance arise, the Library may use progressive discipline. The Library reserves the right, in its sole discretion, to bypass any of the progressive disciplinary steps or to otherwise deviate from the Progressive Discipline Policy as circumstances warrant and as the Library sees fit. Nothing contained in this Personnel Manual should be construed to grant any employee a “right” to be disciplined in a progressive manner. Severe disciplinary action, up to and including termination, may be imposed immediately notwithstanding this Progressive Discipline Policy.

Progressive discipline may include verbal warning, written warning, disciplinary probation, suspension (with or without pay), and ultimately termination. The goals of progressive discipline are to inform the employee of inadequacies in performance or instances of improper behavior in relation to the Employee Conduct policy, clarify the appropriate performance or behavior, determine the corrective action to be taken and discuss what future actions could be taken if the expectations are not met.

### **Employee Conduct**

The Library has established general guidelines to govern the conduct of its employees. No list of rules can include all instances of conduct that can result in discipline. The examples below do not replace sound judgment or common sense behavior.

It is the duty and responsibility of every employee to be aware of and abide by existing rules and regulations.

The Library retains the unrestricted right to discipline any employee, up to and including termination, for any behavior deemed to be against the best interests of the Library whether specifically listed below or not.

- Violation of any lawful rule, regulation, directive or personnel policy;
- Unsatisfactory performance of duties;
- Insubordination or unsatisfactory attitude toward the job, co-workers, managers or patrons;
- An unsatisfactory attendance record which demonstrates a consistent or continual lack of availability for work, including

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excessive absences or a pattern of absences or a pattern of absences, tardiness, or abuses of leave;

- Illegal activities including theft, use and/or sale of illegal drugs, assault or threats of violence, possession of firearms, explosives or weapons or sexual or racial harassment;
- Misuse, including excessive personal use, of the Library's electronic resources, including its computer systems, phone system, and internet access;
- Violation of the Employee Dress Code Policy;
- The unauthorized videotape recording or photographing of a Library representative, vendor or patron without the Library Director or designee's authorization.

Since the relationship between the Library and its employees is one of employment at will, it is subject to termination by the Library or the employee at any time.

#### **Section 4. Separation from Employment**

**A. Termination Date** -- The official termination date of employment with the Library shall be the date of the employee's last day in attendance at work, and all eligible accrued leave payable shall be paid through the date of termination. Payment shall be made on the next pay date of the pay period following the date of termination.

**B. Resignation** – Employees have the right to resign from their employment at any time for any reason as employment with the Library is on an at-will basis. All employees are expected to give at least ten (10) working days prior notice to the effective date of their resignation in order to leave the Library employee in good standing unless other arrangements are approved by their supervisor. Exit interviews are routinely performed. Failure to leave the Library in good standing shall be considered cause for denial of future re-employment with the Library. On an employee's last day of employment at the library, they must remove all personal property from the building and relinquish their library property. Personal property left behind becomes library property and the library may do with it as it wishes.

**C. Retirement** -- Retirement shall be in accord with the provisions of the Civilian Employees Retirement Plan; however, no person receiving retirement benefits from the Library shall be employed as a full-time permanent employee of the Library.

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**D. Dismissal** -- Employees dismissed for just cause shall be removed from the position as promptly as possible and officially notified that such action is being taken on or before the effective date of such action.

**E. Return of Library Property** -- Employees leaving the Library service for any reason who have library-owned equipment or property in their possession shall return such equipment or property to their Department Head before receiving their last pay check. If legal action is necessary to recoup such property, the employee will be responsible for the Library's costs and expenses, including attorney's fees.

**F. Lay Off--Reduction of Work** -- A Department Head may lay off an employee when it is deemed necessary by reason of shortage of work, funding, abolition of the position, or change of duties or organizational structure, or other business reasons. Reductions in force shall be at the discretion of the Library's management to advance the interests of the Library.

**G. Order of Lay-Off and Recall** -- Selection of employees to be laid off shall be based on consideration of qualifications, performance, employment status, and job assignments. Employees laid off shall be placed on a priority recall list for a maximum of 180 calendar days. If a laid off employee is not recalled within 180 calendar days, then such employee shall be discharged.

**Section 5. Leaves Of Absence**

**A. Holidays** -- All permanent, full-time employees shall be entitled to eleven holidays per year for which they shall receive full pay at their standard rate.

Authorized holidays shall include:

- |                                  |                        |
|----------------------------------|------------------------|
| 1. New Year's Day                | 7. Labor Day           |
| 2. Martin Luther King's Birthday | 8. Thanksgiving Day    |
| 3. Presidents' Day               | 9. Christmas Eve Day   |
| 4. Memorial Day                  | 10. Christmas Day      |
| 5. Juneteenth                    | 11. New Year's Eve Day |
| 6. Independence Day              |                        |

**B. Vacation** -- Vacation leave will accrue for all full-time employees based upon their years of service with the Library. Upon termination, unaccrued vacation time that was utilized is reimbursable to the library. The rate of accrual of vacation leave for full-time employees shall be as follows:

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FULL-TIME

EMPLOYMENT PERIOD	FULL-TIME PERSONNEL
Less than 12 months	5/6 day per month
1-4 years	3 weeks per year
5-9 years	4 weeks per year
10-16 years	5 weeks per year
17-and thereafter	6 weeks per year

The maximum carry-over is one half of the prior year's accrued vacation. Upon termination, an employee in good standing will be compensated for unused accrued vacation leave.

PART-TIME

Part-time employees will be granted vacation leave after one full year of employment equal to 1/52<sup>nd</sup> (one week) of the hours worked the previous year, prorated for the remainder of the calendar year. In subsequent years, leave will be granted on January 1 at the rate of 1/52<sup>nd</sup> (one week) of the hours worked in the previous year. Employees with 5-9 years of service will earn 1/26<sup>th</sup> (two weeks) of the hours worked the previous year. Employees with 10+ years will earn 1/17<sup>th</sup> (three weeks) of the hours worked in the previous year. Vacation time does not roll over to the following year.

*(Revised by the Kirkwood Public Library Board of Trustees on January 20, 2021)*

**C. Personal Sick Leave** -- Sick leave is provided to cover medical issues. Employees may use sick leave to care for a spouse, child, parent or relative permanently residing in the employee's residence. There will be no compensation for unused sick leave at termination. A physician's note is required for leave which exceeds three consecutive days.

Full-time employees accrue 12 hours of personal sick leave for each full month of service up to a maximum accrual of 1040 hours.

Part-time employees will be granted leave after one full year of employment equal to 1/26<sup>th</sup> (two weeks) of the hours worked the previous year, prorated for the remainder of the calendar year. Employees who have more than one year of service will have their time calculated each January to bring their leave back up to 1/26<sup>th</sup> of the hours worked the previous year.

*(Revised by the Kirkwood Public Library Board of Trustees on January 20, 2021)*



**D. Occupational Injury or Illness**

1. In cases of occupational injury or illness incurred in the performance of an employee's Library job, the employee shall be granted "occupational injury pay" effective immediately. Such "occupational injury pay" shall be the regular salary of such employee less any amounts being received during the same period as worker's compensation, if any. Such occupational injury pay shall continue until the happening of the earliest of these events:

- The date the employee shall be determined to be permanently disabled pursuant to the Library's pension plans.
- The date the employee is determined to be able to return to work by the Library's appointed physician.
- The elapse of 75 working days after the date of the occurrence of the disabling event.

In the event the employee remains unable to return to work after 75 work days, such an employee may be paid for any accrued personal sick leave or vacation time. Upon the exhaustion of such leave time, the employee shall only receive worker's compensation payments, if any, to insure compliance with state law governing Workmen's Compensation.

2. Should an injury occur while working on the job, the injured employee should report immediately to his/her Supervisor for first aid. Should the degree of injury be of a severe nature, the employee will be taken to an emergency room for treatment.

3. The Supervisor will notify the Director of the accident and will complete an accident report. The Director will file a copy of the accident report with the library's insurance carrier as required by state law.

**E. Emergency Leave** -- Employees may, with the written approval of their Department Head, be given three (3) working days with pay and without loss of other leave for the following expressed purposes:

1. To assist in attending to the illness of a member of the employee's immediate family provided that no one else is available to care for the individual involved. Immediate family for the purpose of this section shall be defined as the employee's spouse or domestic partner, children, mother, father, or other relative permanently residing in the same house.

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2. To respond to extreme extenuating circumstances which may threaten the health and/or family welfare of the immediate family, such as: household fire, storm damage, flooding, etc. This provision does not allow use for situations such as transportation problems, auto repairs, babysitting, or similar non-critical obligations of the employee. Determination of eligibility shall be made by the Department Head based on strict interpretation of these rules.

**F. Victims Economic Safety and Security Leave** – Employees may request emergency leave if they are experiencing domestic or sexual violence under the Victims Economic Safety and Security Act (VESSA). They will be entitled to up to one week paid leave during a twelve month period if they are victims of domestic or sexual violence or have a family or household member who is a victim of domestic or sexual violence for the following expressed purposes:

1. To seek medical attention for, or recovering from, physical or psychological injuries caused by domestic or sexual violence against the employee or their family or household member.
2. To obtain victim services for themselves or their family or household member.
3. To obtain psychological or other counseling for themselves or their family or household member.
4. To participate in safety planning, including temporary or permanent relocation or other actions to increase the safety of the employee or their family or household member from future domestic or sexual violence.
5. To seek legal assistance to ensure the health and safety of the employee or the employee's family or household member, including participating in court proceedings related to the violence.

VESSA leave can be taken intermittently or on a reduced work schedule. The Library will maintain an employee's health coverage during VESSA leave.

Employees who wish to take VESSA leave are required to comply with the following notice and documentation requirements:

- at least 48 hours' advance notice to the Director of Operations of the need for leave unless such notice is impractical, in which case the notice must be given as soon as possible; and
- a sworn statement of the employee and documentation showing that the employee is eligible for the leave, such as a police report or document from a victim services organization, or medical professional

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corroborating eligibility must be provided to the Director of Operations before the start of VESSA leave.

Accommodation Requirements

The Library will make reasonable safety accommodations unless such accommodations would result in undue hardship for the Library. Such an accommodation will be made in a timely manner to the known limitations resulting from the domestic or sexual violence experiences of an employee or an employee's family or household member. VESSA defines the term "family or household member" to include spouses, parents, children and "other blood relatives and relatives through a present or prior marriage."

The term "reasonable safety accommodations" shall encompass the following actions by the Library:

- adjustment to a job structure, workplace facility or work requirement;
- a transfer or reassignment;
- a modified schedule;
- leave from work;
- a changed telephone number or seating assignment;
- installation of a lock or implementation of a safety procedure; or
- assistance in documenting domestic violence that occurs at the workplace or in work-related settings, in response to actual or threatened domestic violence.

The Library can ask an employee requesting such accommodation to provide a written statement signed by the employee or someone acting on the employee's behalf certifying the requested accommodation is for purposes authorized under VESSA.

**G. Emergency Sick Pay** -- In the event of a local epidemic or pandemic emergency sick pay will be instituted by the Library Director when appropriate. If invoked and an employee has contracted the illness and/or is quarantined and/or is the primary caregiver for someone with the illness, the employee will be paid for regularly scheduled shifts. Documentation of illness or quarantine will be required to receive emergency sick pay.

**H. Funeral Leave** -- In the event of the death of an immediate family member, a regular full-time employee may be granted up to four (4) work days of paid leave to attend the funeral of that family member. The amount of time granted shall be based upon the recommendation of the Department Head and shall take into account such factors as relationship to the deceased, travel, and day of the week on which the funeral is held. The purpose of this leave is for funeral attendance and related memorial

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services and is not to be used for attending to matters pertaining to settlement of the estate or business affairs of the deceased. Immediate family for the purpose of this section is defined as: spouse or domestic partner, child, brother, sister, parent, father-in-law, mother-in-law, sister-in-law, brother-in-law, grandparent, grandchild, stepchild, stepparent, stepbrother, stepsister, or relative permanently living in the same home.

**I. Leave of Absence without Pay** -- A Department Head, with the approval of the Library Director, may grant a regular full-time employee an extended leave of absence without pay not to exceed 180 calendar days. Leave of absence may be granted for medical reasons. Such leave shall be granted only after all of the employee's accrued sick leave and vacation leave has expired. If leave hereunder is granted because of an employee's medical condition, such an employee must, before being considered for leave, submit a statement from his or her attending physician which shall include those items described in the Personal Sick Leave section. Leaves under this section will only be granted when the granting of such leave will not unduly burden the Department affected and will not require that the employee be replaced during said leave.

**J. Unexplained Absence without leave** -- An absence of an employee from duty, including any absence for a single day or part of a day, that is not authorized by a specific grant of leave of absence under the provisions of these rules shall be deemed to be an absence without leave. Any such absence shall be without pay and in addition, may be subject to disciplinary action. Three working days' absence not explained satisfactorily to the Department Head may be deemed cause for discharge.

**K. Military Leave of Absence** -- Any employee who is to perform active duty or training or inactive duty to training in the armed forces of the United States, including but not limited to the military reserves, shall be granted a leave of absence as permitted by law. Further, an employee who leaves the Library for such military service may be paid accrued vacation for which the employee is eligible from the Library at the time of the leave of absence. Any employee who leaves his or her job to serve in the armed forces is entitled to all rights provided for under state and federal law during the performance of military duty and, upon completion of the military duty, the employee is entitled to reinstatement to his/her former position or to a position equal in terms of seniority, pay, and status to the one the employee left to go into the service unless the Library's circumstances have changed so much that it would be impossible for this to be done. Those reinstatement rights are conditioned upon the employee fulfilling the basic requirements for reinstatement under state and federal law. Any employee who is reinstated following completion of military service shall be eligible to take accrued vacation thirty (30) days after reinstatement.

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**L. Annual Military Training Leave** -- In addition to leave of absence otherwise authorized in these rules, regular employees who are required to take annual periods of training as members in organized units of the Reserve Corps of the Army, Navy, Air Force, Marine Corps, Coast Guard or the National Guard and who are ordered to active duty, will be granted a leave of absence without loss of time, pay, regular leave, impairment of efficiency rating, or any other benefits to which they may otherwise be entitled, upon proper application through the department to the Library Director for the duration of said period of annual training not to exceed fifteen (15) working days in any federal fiscal year.

**M. Civic Leave** - Employees will be granted leave with pay when it becomes necessary for them to be absent from work for the purpose of civic obligations such as jury duty, voting, witness under subpoena (except in cases to which the employee is a party), or other similar obligation. Employees eligible and registered to vote are entitled to three consecutive hours (including off duty time) to vote while polls are open. Employees must provide documentation for jury duty and when serving as a witness and are expected to notify the Department Head as soon as possible when civic leave will be used. *(Revised September 16, 2020)*

**N. Vacation/Time Off scheduling policy for all staff**

**The Kirkwood Public Library will make every effort to accommodate the vacation requests of staff, as long as the Library's operations are not adversely affected.**

As the summer months and winter holiday months are peak vacation times, staff will submit vacation requests on the first business day in March (for vacation in May, June, July or August) and the first business day in October (for vacation in November and December). For vacation requests during non-peak months (January, February, March, April, September and October) employees must submit their request a minimum of four (4) weeks in advance.

In the event of conflicting vacation requests that would adversely affect the operation of a department the Manager will take into consideration all possible options to avoid being short-staffed and will make decisions based on the prior calendar year's schedule and, if necessary, seniority.

In the event the request is submitted with less than a month's notice (or a peak time request is submitted after the designated day) the staff member will be required to find their own replacement coverage. Employees may arrange with another employee (qualified to work in the department) to trade for one or more days within a work week, provided such trading of shifts does not cause overtime compensation to be owed to either employee. Both the employee trading a shift and the employee agreeing

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to work a pick up shift must notify the Manager at least three (3) days in advance of a schedule change.

Part-time hours lost due to a holiday may not be made up. *(Revised August 18, 2021)*

**Section 6. Other Employee Benefits**

**A. Professional Dues Payment** -- Full-time employees may, with the approval of their Department Head, have professional organization dues payment made by the Library provided that the membership benefits the employee in completing assigned duties and responsibilities.

Generally, dues are paid only when the full-time employee is active in the organization, either through elected office or committee membership, or when the organizations main meeting will be held in St. Louis.

**B. Conference Attendance** -- Conference attendance must be pre-approved by the Library Director. Upon return, a written report describing the conference must be submitted to the Library Director within thirty days. Any reimbursement for costs related to attendance at the conference is at the discretion of the Library Director and must be approved in advance. If reimbursement is requested, receipts and a completed expense form must be submitted within 30 days.

**C. Tuition Reimbursement Program**

1. The maximum amount of reimbursement for a full time employee's tuition during any one calendar year shall not exceed \$2,500. For purposes of this section, a "full-time employee" shall mean an exempt employee working 40+ hours each week, except where the employee is permitted to work fewer than 40 hours in a given week due to approved vacation, illness or other approved leave.
2. The course must be job related and in the field of employment.
  - a. Any course required in order to complete the degree or obtain the certificate of training will be approved.
  - b. Approval for courses outside the normal field of employment but which are related to job positions in other areas of Kirkwood Public Library will be considered based upon the employee's career development and job opportunities in other departments.
3. All courses must be approved by the appropriate Department Head and the Library Director.

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4. If letter grades are used by the educational institution, then a grade of "B" or better must be attained in order to qualify for reimbursement by the Library. If a pass/fail or satisfactory/unsatisfactory system is used, "pass" or "satisfactory" will qualify for reimbursement.
5. The Library will pay the employee up to \$ 2,500 for the cost of tuition reimbursement during any one calendar year; however, the employee will be responsible for any cost not covered by the tuition fee, such as books and parking.
6. As a condition of receiving the tuition reimbursement, the employee agrees that if he/she leaves the employ of the Library for any reason (other than being laid-off due to a reduction in force) after receiving the tuition reimbursement and within the one year period following completion of the course, he/she will reimburse the Library a portion of the tuition reimbursement he/she receives as follows:
  - a. If the employee leaves the employ of the Library during the first 6 months after completing the course, the employee will reimburse the Library 50% of any tuition reimbursements the employee received from the Library related to the course, and
  - b. If the employee leaves the employ of the Library after 6 months but prior to a year after completing the course, the employee will reimburse the Library 25% of any tuition reimbursements the employee received from the Library related to the course.
7. Other than in the case where an employee is laid-off from his/her position with the Library due to a reduction in force as provided below, an employee's eligibility for tuition reimbursement ends when the employee leaves the employ of the Library for any reason, gives notice of resignation or has been provided with notice of termination/layoff. No tuition reimbursement will be made to any former employees, employees who have given notice of resignation or who have been notified that they will be involuntarily terminated/laid-off (except in the case of a lay-off due to a reduction in force as provided below), even if the course(s) was satisfactorily completed and had been previously approved for tuition reimbursement. In the case of an employee who is laid-off due to a reduction in force, the employee will be eligible to receive tuition reimbursement under this policy for any satisfactorily completed course which was approved by the Library Director and started prior to the lay-off. *(Revised by the Kirkwood Public Library Board of Trustees on June 19, 2013)*

#### **D. Mileage Reimbursement Policy**

A Library employee will be entitled to mileage reimbursement in certain circumstances when driving his/her personal vehicle while conducting Library business. Mileage reimbursement will be paid at the IRS approved rate in effect on the date the personal vehicle was used to conduct Library business.

All mileage incurred while conducting Library business is eligible, except as set out below. Examples include doing the banking, going to a store to buy supplies, outreach, attending training classes or attending business meetings that occur during the workday.

Only mileage incurred from the Library to a location other than the employee's home or to the Library from a location other than the employee's home is eligible for reimbursement under this Mileage Reimbursement Policy. Mileage from the employee's home to Work or from Work to the employee's home is **not eligible**. For purposes of this Mileage Reimbursement Policy, "Work" will be any location where the employee performs any of his/her job functions for the Library, including, but not limited to any location where the employee travels to conduct a business meeting or outreach for the Library, a store to make purchase on behalf of the Library, or an in-town (within 20 miles of the city of Kirkwood in any direction) training course or seminar related to the employee's employment with the Library. It does not matter if the location is not where the employee typically performs the functions of his/her employment, such as the Library building itself, or if the location is more or less mileage from the employee's home than the location where the employee typically performs the functions of his/her employment.

A mileage reimbursement form must be filled out, approved by the employee's immediate supervisor and turned in to the Director of Operations. Nothing in this policy changes the employee's responsibility to pay for his/her gas, insurance and maintenance for his/her personal vehicle. The employee is required to maintain appropriate motor vehicle liability insurance on any vehicle the employee will be using while conducting Library business. It is further the employee's responsibility to disclose to his/her insurer the uses to which he/she chooses to put his/her vehicle which may affect his/her coverage, such as the use of his/her vehicle for Library business. The employee is required to observe all traffic laws and exercise appropriate care and caution while using his/her personal vehicle in the performance of Library business. Should an accident occur while on Library business the employee's personal vehicle insurance policy shall provide applicable coverage and the Library will not be responsible for any insurance deductible or any damages related to the accident. *(Approved by the Kirkwood Public Library Board of Trustees on June 19, 2013)*



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**E. Insurance** -- Group health, vision, and dental insurance are provided through the City of Kirkwood for full-time employees only.

**F. Employee Assistance Program** -- The Library offers all employees (both full-time and part-time) the benefits of this confidential professional counseling service. This program counsels employees on alcohol and drug abuse, marital difficulties, finances and other personal issues.

**G. Pension**

The Library offers full-time employees participation in a pension plan administered through the City of Kirkwood. To become eligible, an employee must have been employed for six months and will work for at least 1,000 hours in the calendar year. The Library contributes a percentage of the employee's salary to the employee's personal account. Employees are not allowed to make individual contributions.

Through their participation in the pension plan, full-time employees receive long-term disability coverage at no cost to the employee. In addition, full-time employees are covered by a group term life insurance and accidental death and dismemberment policy provided at no cost; the amount of coverage depends on the employee's age and salary.

**H. Deferred Compensation**

The Library provides employees the opportunity to participate in a Master Deferred Compensation Program (457 Plan) in which employees may choose to accumulate retirement savings before income taxation. To become eligible, an employee must have full-time employment status for six months. Employees must choose to defer receipt of personal compensation. The library matches employee personal contributions up to a percentage amount of deferred income.

The Kirkwood Public Library Board of Kirkwood Public Library Board of Trustees annually determines a percentage amount for the matching account. Matching funds are contributed to a 401a account reported by the same custodian as the 457 account. The employee must agree to match this amount with a contribution to their 457 account. Both the 457 and 401a accounts offer the same investment options.

**Section 7. Employment of Relatives**

The Library will not hire on a full-time, part-time, or seasonal basis a member of the immediate family of a library trustee, or the Library Director. In addition, no person who is a member of the immediate family of any employee in the same department will be hired; a department is defined as a work grouping where the

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possibility of one relative directly supervising another may occur. "Immediate family" for the purpose of this section is defined as spouse or domestic partner, child, step-child, brother, step-brother, sister, step-sister, parent, step-mother, step-father, father-in-law, mother-in-law, sister-in-law, brother-in-law, son-in-law, daughter-in-law, or grandparent, grandchild.

**Section 8. Library Hours And Work Schedules**

**A. Hours** -- The library will be open per Board-approved schedule, attached as exhibit.

**B. Inclement Weather** -- The library should be presumed open and operational during normal library hours regardless of weather conditions, and all employees are expected to appear at work at the normally scheduled time. During rare occurrences of extremely hazardous travel conditions, the library may be closed by the Library Director, who will notify the Department Heads. They, in turn, will notify their staff. --This decision will be forwarded to local radio station KMOX and TV channels 2, 4, and 5. During periods of extremely inclement weather due to snow or ice and when the library has not been officially closed, only those employees who arrive at the library will be considered as present for that day. All others will be considered absent and subject to prevailing rules regarding leaves of absence or absences without pay.

**C. Pay Day and Pay Period** -- Employees are paid every other Friday for work completed during the two-week period ending the previous Saturday. All new employees (as of July 2006) must sign up for direct deposit. Check stubs are sent to library emails.

**D. Time and Attendance Records** -- Part-time and non-exempt employees are issued a timekeeping page, which is to be used when they arrive and leave the library. Each employee is responsible for accurately entering his/her time and for making sure the timesheets are in his/her Supervisor's mailbox after last shift worked. If the timesheet has not been turned in by this time, the employee will be subject to discipline under the library's progressive discipline policy up to and including discharge. Full-time employees are required to complete a leave report after each absence. This report is signed by their immediate Supervisor and forwarded to the Library Director the day of return to work. Anticipated absences such as vacation must be requested by completing a leave report, which must be approved by the immediate Supervisor prior to the absence.

**E. Hours of Work** -- Part-time employees are exempt from pension benefits, unless grandfathered from prior Library pension plans. Part-time hours may vary up to 80 hours per pay period, depending on the needs of

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the department and budgeting constraints, as determined by the Department Head and Director.

**F. Family Visits** -- It is not unusual or prohibited for family members of employees to visit a related employee at the library. Visits should be conducted away from public view and completed in brief fashion. Dependent children of employees are not to be brought to the library for long periods of time while the parent/guardian is working. Public and office areas are not to be used for any care provision. In the case of an emergency, the employee will need to receive permission from the respective supervisor for any change in schedule or routine arrangements.

**G. Staff Development Day** -- The Library's biggest single investment is in the quality and public service responsiveness of its staff. To promote a spirit of continual staff training and communication, every library employee should attend the annual Staff Development Day. Public services of the Library and its offices shall be closed to the public on this day. The Staff Development Day shall normally be scheduled on Veteran's Day to minimize public service disruptions to the Library's customers.

## **Section 9. Anti-harassment**

**A.** It is the policy and practice of Kirkwood Public Library to provide and promote equal employment opportunities for all applicants and employees. It is the responsibility of all employees to ensure that the concepts of equal employment opportunity and nondiscrimination are understood, abided by, and carried out by everyone.

In short, sexual harassment or harassment on any of the following grounds is strictly forbidden and will not be tolerated: race, color, sex, age, veteran status, religion, national origin, or disability. Kirkwood Public Library will take appropriate measures in response to any such incidents which are known by or reported to management.

Kirkwood Public Library believes that every employee has the right to work in an environment free of sexual or other prohibited harassment. Any employee who engages in this prohibited conduct will be subject to disciplinary action, up to and including termination.

**B. Sexual Harassment** -- Sexual harassment includes unwelcome sexual advances, requests for sexual favors, and other physical, verbal or visual conduct based on sex when:

1. Submission to the conduct is an explicit or implicit term or condition of employment,
2. Submission to or rejection of the conduct is used as a basis for an employment decision, or

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3. The conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creates an intimidating, hostile or offensive working environment.

Sexual harassment may also include explicit sexual propositions, sexual innuendo, suggestive comments, sexually oriented "kidding" or "teasing", foul or obscene language or gestures, and physical contact such as patting or pinching.

**C. Complaints** -- Any employee who feels that he/she is being harassed, or who believes he/she has witnessed harassment, should contact his/her immediate Supervisor. Employees should be directed to file a complaint if they are subjected to, or witness, sexual or racial harassment or age, race, sex or other discrimination. If the employee is uncomfortable about presenting the complaint to his or her immediate Supervisor, or if the Supervisor's behavior is cause for the complaint, the employee should contact the Library Director.

**D. Investigation** -- All allegations of harassment will be fully investigated by the Library Director. Corrective action, up to and including dismissal from employment, will be taken if the circumstances warrant such action. Charges of harassment shall be handled discreetly, and all parties involved will be given as much protection of privacy as possible. There will be no retaliation against an employee for filing a harassment complaint.

## **Section 10. Unauthorized Alien**

The Kirkwood Library cannot knowingly employ, hire for employment, or continue to employ an unauthorized alien. The definition of an "unauthorized alien" is taken from the federal law and is defined as an alien who, at the time of employment, is either not lawfully admitted for permanent residence into the United States or not authorized to be so employed by federal law or the United States Attorney General.

## **Section 11. Applicant Employee Background Check**

The Library is committed to providing a safe work environment and a safe environment for its patrons. Prior to employment, the Library shall perform a criminal history background check, a Division of Family Services background check, credit check and an e-verification check for all qualified applicants to confirm an applicant's suitability and eligibility for employment.

Applicants are required to disclose on their employment applications all arrests and convictions of any crimes that the applicant has committed or allegedly committed and all allegations and findings of abuse or neglect that have been made against the applicant. The arrest, conviction, allegation or finding shall not

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be an automatic bar to employment, but failure of an applicant to disclose any such arrest, conviction, allegation or finding shall be a basis to reject an applicant's application or to terminate the applicant's employment.

Employees are required to report immediately to the Library Director if they have been arrested for felonies, violent crimes, or crimes of moral turpitude or convicted of a crime or if an allegation or finding of abuse or neglect has been made against them while employed by the Library. The arrest for felonies, violent crimes or crimes of moral turpitude, conviction, allegation or finding alone shall not be an automatic basis for termination, but the reporting is a requirement of continued employment. This notification must be made as soon as possible, but not later than five (5) business days after the event.

The Library will consider the details, including the nature, severity, and the timing of the applicant or employee's conduct leading to such arrest, conviction, allegation or finding when evaluating whether to employ the applicant or to maintain the employee's employment.

**Section 12. Dress Code for Kirkwood Public Library**

Employees serve as representatives of the Library. Work attire should complement Library services and programs. Staff should consider their position, duties, customer contact, and safety standards when choosing their work attire and dress appropriately for the job they are assigned.

**Section 13. Employment Related Fair Credit Reporting Act Disclosure and Release**

In conjunction with my application for employment (including contract services) with the Kirkwood Public Library, my prospective employer. I understand that you need to obtain or cause a contractor of yours to obtain Consumer Reports and / or Investigative Consumer Reports (hereinafter called "Reports") about me as defined in the Fair Credit Reporting Act (FCRA). These "Reports" may include information concerning my credit worthiness, credit standing, credit capacity, character, academic background, credentials, work habits, work performance, work experience, reasons for work termination, general reputation, personal characteristics or mode of living. You also may seek information concerning my employment history, workers' compensation history, motor vehicle record, education background, civil litigation history and/or criminal record.

I understand that you may rely on any or all of the above referenced information in determining whether to extend an offer of employment to me. If you contemplate making an adverse employment-related decision that will affect me based, in whole or in part, upon a "Report" obtained by you, I will be provided with a copy of the "Report" and a written summary of my Consumer Rights under the FCRA before you finalize that decision.

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I have read the above disclosure and I hereby authorize you, or a contractor acting on your behalf to obtain the above referenced information about me. I also authorize all agencies, bureaus, employers, information service organizations and individuals to provide any of the above referenced knowledge or information they have concerning me. If I am hired, this authorization shall remain on file and shall serve as an ongoing authorization for you to obtain "Reports" about me at any time during my employment with you. A photocopy or facsimile of this authorization shall be as valid as the original. I agree that any and all disputes arising from this "Report" shall be brought only in state or federal court in the State of Missouri and shall be governed by, and construed in accordance with, the laws of the State of Missouri.

Signature \_\_\_\_\_ Date \_\_\_\_\_

THE FOLLOWING INFORMATION IS REQUIRED TO CONDUCT THE BACKGROUND INVESTIGATION  
PRINTED NAME \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_  
Last Name, First Name, Middle Initial Social Security Number  
PREVIOUS OR MAIDEN NAME (if applicable) \_\_\_\_\_  
PHONE NUMBER \_\_\_\_\_  
STREET ADDRESS \_\_\_\_\_  
CITY \_\_\_\_\_ STATE \_\_\_\_\_ ZIP \_\_\_\_\_  
DRIVER'S LICENSE NUMBER \_\_\_\_\_ STATE ISSUED \_\_\_\_\_  
List states and counties of residence, other than above, for the past seven (7) years:  
COUNTY \_\_\_\_\_ STATE \_\_\_\_\_ COUNTY \_\_\_\_\_ STATE \_\_\_\_\_  
COUNTY \_\_\_\_\_ STATE \_\_\_\_\_

FOR IDENTIFICATION PURPOSES ONLY: Date of birth \_\_\_\_\_ Sex \_\_\_\_\_ Race \_\_\_\_\_  
My prospective employer recognizes that age, sex and race are protected characteristics and that the information requested will not be used as the basis for any employment decision.

**Section 14. Whistleblower/Fraud Policy and Procedures**

The Kirkwood Public Library ("Library") is committed to the highest standards of conduct and ethics. The Library will investigate suspected fraudulent or dishonest use or misuse of the Library's resources by staff, board members, consultants or volunteers. All staff, board members and volunteers are encouraged to report suspected fraudulent or dishonest conduct in accordance with the procedures below and without fear or legitimate concerns of retribution for reporting fraudulent or dishonest conduct.

"Fraudulent or dishonest conduct" means a deliberate act or failure to act with the intention of obtaining an unauthorized benefit. Examples of such conduct include, but are not limited to, (i) forgery or alteration of documents; (ii) unauthorized alteration or manipulation of computer files; (iii) fraudulent financial reporting; (iv) misappropriation or misuse of resources, such as funds, supplies, or other assets; (v) authorizing or receiving compensation for goods not received or services not performed; and (vi) authorizing or receiving compensation for hours not worked.

**A. Reporting** -- A person with concerns regarding the Library's accounting, internal accounting controls, auditing matters or fraudulent or dishonest use or misuse of the Library's resources or property should report their concerns verbally or in writing to the Library Director, the chair of the Board of Trustees

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Finance Committee, or that person's immediate supervisor. The Library Director and all supervisors should forward all such complaints in writing to the Finance Committee chairperson.

**B. Review Process** -- The Finance Committee chairperson will forward the complaint to the Finance Committee. The status of all pending complaints will be reviewed at each Finance Committee meeting. Such discussions will be held without Library staff or outside audit personnel present unless requested by the Committee. Within 10 days following the meeting, the chairperson will forward to legal counsel a list of each complaint received by the Committee chair. Whistleblower complaints will be handled with sensitivity, discretion and confidentiality to the extent allowed by the circumstances and the law.

**C. Investigation** -- At the direction of the chairperson, one or more members of the Committee or legal counsel may be delegated the authority to investigate the complaint. Delegation decisions will be made on a case-by-case basis, depending on the nature and significance of the complaint. Supervisors receiving notice of a complaint should not contact the suspected person, or perform any investigative or other follow-up steps unless directed to do so by the Committee chairperson or Library's legal counsel. All persons aware of suspected conduct should not discuss the matter with the media or any other persons except as directed by the Committee chairperson or legal counsel.

**D. Responsibilities**

All parties should use reasonable care to avoid baseless allegations that are made with reckless disregard for their truth or falsity. People making such allegations may be subject to disciplinary action by the Library and/or legal claims by individuals accused of such conduct.

Employees, consultants and volunteers of the Library may not retaliate against any person for informing the Library about any activity which that person believes to be fraudulent or dishonest with the intent or effect of adversely affecting the terms or conditions of such person's employment, including but not limited to, threats of physical harm, loss of employment, punitive work assignments, or impact on salary or fees. Any person who believes that they have been retaliated against may file a written complaint with the Committee chairperson. Any complaint of retaliation will be promptly investigated and appropriate corrective measures taken if allegations of retaliation are substantiated. This protection from retaliation is not intended to prohibit supervisors from taking action, including disciplinary action, in the usual scope of their duties and based on valid performance-related factors.

By signing below, I acknowledge that I have received a copy of the Kirkwood Public Library employee handbook and that I am responsible for familiarizing myself with its provisions. I further understand that the employee handbook is not an employment contract between myself and the Library; that it is not intended to create contractual obligations of any kind; and that it may be revised by the Library, with or without notice to me. Neither I nor the Library are bound to

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continue the employment relationship if either chooses, at its will, to end the relationship at any time.

---

Date

Employee signature

(This page is to be kept in the employee's personnel file.)

**Section 15. Library Director Evaluation Policy:**

The sole employee the Board of Trustees supervises and evaluates is the Library Director. An annual evaluation is to be conducted during a closed session of the Board.

**Library Director Evaluation Procedure:**

The steps below describe the process used by the Kirkwood Public Library Board of Trustees to evaluate the Library Director each year. "One of the most important roles the Board of Trustees has is to hire the very best library director possible, and then work with him or her to ensure that goals for service are consistently and exceptionally well met. This means that evaluation of the director is critical. Without a formal evaluation process, there is no concrete way for the director to know if he or she is meeting or exceeding expectations. Similarly, without the formal evaluation process, the board may be letting troublesome issues become worse, and the board also loses an important opportunity to put their appreciation of performance in writing." (United for Libraries, Short Takes for Trustees).

- Each October the Board of Trustees goes into closed session at the end of its regular board meeting to conduct a mid-year review of the Director for purposes of canvassing the board members for any noteworthy instances of Director performance – positive or negative – they have observed over the previous six months as well as reviewing the Library Director's self-review. The Library Director Evaluation form will be used to guide this discussion.
- A week prior to the October closed session the personnel committee chair will remind Trustees, via email, of the upcoming closed session and will attach a blank Library Director Evaluation form for each Trustee's review. Each Trustee should make certain they are familiar with the evaluation form and, if needed, the Library Director's job description.
- At the October meeting, Scores are not collected during the mid-year review. The items put in this mid-year review are intended to assist the collective memory of the Board when it comes time to formally evaluate the Director in April of each year.



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- Following the October meeting, the Personnel Committee and Director will sit down for an informal review. In this meeting, the Personnel Committee provides any relevant feedback from the Board. The Director is then given the opportunity to address any concerns or respond to the Board's feedback. The intent is to have a candid, open conversation about the Director's performance and about the quality of support provided by the Board, such that both parties stay on the same page and minimize "surprises" in the formal review in April. Should the Director have any concerns or wish to respond to the Board's feedback, the Personnel Committee will relay those concerns or responses to the Board at the next meeting of the Board of Trustees in closed session. The Director may request to be present at that meeting of the Board of Trustees so that the Board and Director can discuss the concerns/responses directly.
- In April of each year, the Board of Trustees goes into closed session at the end of its regular board meeting for purposes of conducting a formal evaluation of the Director. A week prior to the April meeting, the Chair of the Personnel Committee will remind the board via email of the upcoming session and include the Library Director evaluation form (see form), as well as the mid-year review. Also during the week prior to the April meeting, the Library Director will provide the Personnel Committee with a self-evaluation (see form).
- Prior to the closed session each Trustee should review the prior year's evaluation form and mid-year review and any notes they have taken during the year. If needed, Trustees should review the Library Director's job description. Each Trustee should complete a copy of the evaluation form and provide this to the Personnel Committee chair at the closed session. Each Trustee's form will be used to ensure information is recorded accurately in the consensus evaluation form provided to the Library Director. During the closed session the Board will reach consensus on the Director's evaluation and the feedback to be given to the Director. Because it is a consensus evaluation each Trustee's comments might not be included directly on the form.
- During closed session each Trustee will be provided a copy of the Library Director's self-evaluation and will fill out the Library Director Evaluation Form. The self-evaluation form and each individual trustee's completed evaluation form will provide the basis for discussion. Each Trustee will provide their comments out loud and the process will be that each Trustee has the opportunity to speak first in a new evaluation area under discussion. Each Trustee will provide a numerical rating for each area along with any comments. Trustee numerical ratings assigned are averaged to provide a collection numerical rating in each area. Trustee comments are included in the Behavioral Examples/Comments section of the evaluation form. Again, comments might be condensed to reflect the

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consensus evaluation to be provided to the Director and/or eliminate duplicate comments.

- The numerical rating system is such that a “4” indicates the Library Director is performing as expected. Any ratings given above or below a 4 should include examples which support the rating given. If a Trustee feels they cannot rate a specific evaluation area, then the rating assigned will be an average of the ratings provided. It is expected that the Trustee attendance at the monthly Board meetings and assigned committee meetings it would be an unusual case to not be able to rate the Director in any one area.
- Once the Personnel Chair completes the form, it will be provided to each Trustees for review to ensure accuracy in recording the consensus evaluation. After the final review, the Personnel Committee will meet with the Library Director. (see below)
- If desired, prior to the formal evaluation in April, the members of the Personnel Committee may gather input from key stakeholders on the Director’s performance in relation to stakeholder groups. Key stakeholders are to be identified by the Board and should be constituents with key relationships and significant contact with the Library. Individual Board members may not seek out input from staff at evaluation time unless the Board decides collectively to perform a 360 evaluation. If a 360 evaluation is agreed upon, the evaluation will be completed following a formal structure agreed upon by the Board.
- After the formal evaluation in April, the Personnel Committee meets with the Director to provide an overview of the Board’s discussion of the Director’s performance and to get any thoughts or feedback the Director may have. The written information about the Director’s performance will be discussed with the Director and filed in the Director’s personnel file. Should the Director have any concerns or wish to respond to the Board’s evaluation, the Personnel Committee will relay those concerns or responses to the Board at the next meeting of the Board of Trustees in closed session. The Director may request to be present at that meeting of the Board of Trustees so that the Board and Director can discuss the concerns/responses directly.
- At the May Board of Trustees meeting, the Library Director presents goals for the upcoming fiscal year. The goals are lodged at the May meeting. Trustees are welcome to share feedback in the open meeting. The feedback shared in an open meeting should be general in nature and not related to the evaluation or how goals fit with the evaluation. Trustees can also to respond individually to the personnel chair with any feedback or suggestions. Those suggestions are then relayed by the personnel

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committee to the Director and any edits are made for final approval of the goals at the June meeting by all Trustees.

- For behavioral observations (good or bad) that do not require immediate disciplinary action, the Trustees are permitted and encouraged to bring said observations to the attention of the Personnel Committee when said observation takes place as opposed to waiting until the next evaluation. The Personnel Committee will review the observation and determine whether it requires immediate attention, and if not, present said observation to the Board at the Director's next evaluation. Any incident for which disciplinary action could be required, should be promptly reported to the Chair of the Personnel Committee or the President of the Board.

### **Director's Personnel File**

The Library Director's personnel file shall be retained by the Director of Operations, who serves as human resource manager and retains the personnel files of all other KPL employees. The president of the Board of Trustees may authorize the Director of Operations to give the Library Director access to his/her (the Director's) personnel file. The Board president may also revoke this authorization. As is the case with all other Library employees, the Director will be shown, beforehand, any information that is to be put in his/her personnel file.  
*(Approved by the Board of Trustees December 15, 2010)*

### **Section 16. Kirkwood Public Library Board of Trustees and Employee Ethics Policy**

The Kirkwood Public Library is dependent on the trust of its community to successfully achieve its mission. Therefore, it is crucial that all members of Kirkwood Public Library Board of Trustees ("Board members") and employees of the Kirkwood Public Library conduct business on behalf of the Kirkwood Public Library with the highest level of integrity in order to avoid any impropriety or the appearance of impropriety.

#### **Guiding Principles:**

- Board members and employees should uphold the integrity of the Kirkwood Public Library and should perform their duties impartially and diligently.
- Board members and employees should not engage in discrimination of any kind including that based on race, class, ethnicity, religion, sex, sexual orientation, disability or belief system.
- Board members and employees must protect and uphold library patrons' right to privacy in their use of the library's resources.
- Board members and employees should avoid situations in which their personal interests, activities or financial affairs are, or are likely to be

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perceived as being in conflict with the best interests of the Kirkwood Public Library.

- Board members and employees should avoid having interests that may reasonably bring into question their position in a fair, impartial and objective manner.
- Board members and employees should not knowingly act in any way that would reasonably be expected to create an impression among the public that they are engaged in conduct that violates their trust as Board members or employees.
- Board members and employees should not use or attempt to use their position with the Kirkwood Public Library to obtain unwarranted privileges or advantages for themselves or others.
- Board members and employees should not be swayed by partisan interests, public pressure, or fear of criticism.
- Board members and employees should not denigrate the organization or fellow Board members or employees in any public arena.
- Board members and employees (if applicable) shall comply with all relevant Missouri Statutes governing ethics and conflicts of interest, which generally provide that board members and certain employees will not participate in any decisions or actions which will result in a financial gain to themselves, a business with which they are associated, or their spouse or dependent children. See, e.g., Mo. Rev. Stat. § 105.452 and § 105.454.

**Therefore:**

To preserve and uphold The Kirkwood Public Library's reputation as an organization of unimpeachable integrity, each Board member and employee will sign an "Ethics Statement" at the beginning of each calendar year (and at the commencement of his/her service) during their tenure with the Kirkwood Public Library agreeing to uphold the following Code of Ethics of the Kirkwood Public Library and to follow the "Guiding Principles."

**Code of Ethics of the Kirkwood Public Library\***

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 staff.

Ethical dilemmas occur when values are in conflict. The Kirkwood Public Library 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

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\* Based upon the Code of Ethics of the American Library Association.

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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.

We agree to use our best efforts to:

- I. 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.
- II. uphold the principles of intellectual freedom and resist all efforts to censor library resources.
- III. protect each library user's right to privacy and confidentiality with respect to information sought or received and resources consulted, borrowed, acquired or transmitted.
- IV. respect intellectual property rights and advocate balance between the interests of information users and rights holders.
- V. 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.
- VI. not advance private interests at the expense of library users or colleagues.
- VII. 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 library or the provision of access to our information resources.
- VIII. strive for excellence in the profession by maintaining and enhancing our own knowledge and skills and by encouraging the professional development of co-workers and employees.

**Compliance:**

If any Board member or the Library Director appears to be in conflict of the "Guiding Principles" or the "Code of Ethics of the Kirkwood Public Library," he or she will be asked to meet with the executive committee to discuss the issue. The executive committee will make a recommendation to the full Board based on its findings. Employees who are or appear to be in conflict with the "Guiding Principles" or the "Code of Ethics of the Kirkwood Public Library" will be asked to meet with the Library Director who will make a determination as to discipline, if any, up to and including potential termination based on his or her findings.

I agree to uphold the Code of Ethics of the Kirkwood Public Library and to follow the "Guiding Principles" of the Kirkwood Public Library Ethics Policy.

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(Signature)

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(Print Name)

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(Date)

To be filled out by every new employee and Board of Trustee member, and signed again each year at the beginning of the calendar year.

### **Section 17. Alcohol and Drug Policy**

**A. Purpose**--Employees are the most valuable resource of the Kirkwood Public Library ("Library"). The health and safety of those employees and of the Library's patrons are serious concerns. The use, possession, concealment, sale or distribution of alcohol or illegal drugs by employees while at work, while performing job functions related to employment at the Library, or while off-duty if such off-duty conduct will impact job performance, puts the health and safety of the Library's employees and patrons at risk and, is therefore prohibited. This Alcohol and Drug Policy outlines the responsibilities of supervisors and employees related to alcohol and drugs and establishes rules and procedures for alcohol and drug testing based on a reasonable suspicion to believe that a Library employee is using alcohol or illegal drugs in the workplace, or is performing official duties while under the influence of alcohol or illegal drugs. All employees should be aware that violations of this Alcohol and Drug Policy may result in discipline, up to and including termination and that the progressive discipline provisions set out in Section 3 of the Employee Policies do not apply to violations of this Alcohol and Drug Policy.

**B. General Statement of Policy**--It is a condition of employment at the Library that employees be, and remain, free of alcohol and illegal drugs while at work or while performing job functions related to employment at the Library. The use, possession, concealment, sale or distribution of alcohol or illegal drugs is absolutely prohibited. The use of medically prescribed medications and drugs, if used as prescribed, is not a per se violation of this policy; however, failure by the employee to notify his/her supervisor, before beginning work, when taking medication or drugs which may interfere with the safe and effective performance of his/her job functions may result in discipline, up to and including termination. In the event there is a question regarding an employees' ability to safely and effectively perform his/her job duties while using such medication or drugs, clearance from a qualified physician will be required.

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Violations of this Alcohol and Drug Policy will be grounds for disciplinary action, up to and including discharge. The progressive discipline provisions set out in Section 3 of these Employee Policies do not apply to violations of this Alcohol and Drug Policy. Refusal to immediately submit to an alcohol and/or drug test upon request of a supervisor will result in immediate termination.

Employees reasonably believed to be under the influence of alcohol or illegal drugs shall be prevented from engaging in further work and a supervisor will arrange to have the employee transported to the testing facility and then transported home.

**C. Definitions**--For purposes of this Alcohol and Drug Policy, the following definitions shall apply:

"Supervisor" is defined as any employee of the Library who has supervisory or managerial authority over another employee.

"Illegal drugs" are defined as (1) drugs and controlled substances the possession or use of which are unlawful pursuant to any federal, state, county, or local laws and regulations governing drugs and controlled substances that are not legally obtainable, (2) drugs and controlled substances which are legally obtainable but which have not been legally obtained, and (3) drugs and controlled substances that were legally obtained but which are not being used for prescribed purposes or in a prescribed manner. Examples of illegal drugs include, but are not limited to, street drugs such as cocaine, heroin, and marijuana, and controlled substances such as amphetamine, methamphetamine, and barbiturates.

**D. Employee Responsibilities**--Under this Alcohol and Drug Policy an employee must:

- i. not report to work or perform any job functions while having any alcohol or illegal drug(s) in his/her system or report to work or perform any job functions while his/her ability to perform any job function is or has been impaired due to alcohol or illegal drug use, whether on or off duty;
- ii. not use, possess or have the odor of alcohol or illegal drugs on his/her breath during work hours or while performing any job functions (whether on or off Library property), while representing the Library in an official capacity, while on breaks, or during meal periods;
- iii. not directly or through a third party sell or provide drugs or alcohol to any person or to any other employee while either employee or both employees are on duty;
- iv. immediately consent to and submit to a request for alcohol and/or drug testing when requested by the Executive Director or the Director of Human Resources, or one of their designees, provided such request complies with the terms of this policy and is based on reasonable suspicion of alcohol or drug use or is following an on-the-job accident;

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- v. not drive himself/herself home from the Library once the Executive Director, Director of Human Resources or a supervisor has notified the employee that he or she has a reasonable suspicion that the employee is under the influence of alcohol or illegal drugs. The employee may arrange to have a third party of the employee's choice transport the employee home with the consent of the Executive Director, Human Resources Director or one of their designees.
- vi. notify his/her supervisor, before beginning work, when taking any medications or drugs, prescription or non-prescription, which may interfere with the safe and effective performance of the employee's job functions;
- vii. provide a current valid prescription upon request for any drug or medication identified when a drug screen/analysis is positive. Said prescription must be provided within twenty-four (24) hours of said request and the prescription must be in the employee's name;
- viii. notify the Executive Director in writing of any criminal drug statute or ordinance conviction or suspended imposition of sentence (SIS) for a violation occurring in the workplace no later than five (5) calendar days after such conviction or SIS;
- ix. notify the Executive Director or the Human Resources Director whenever a co-worker appears to be at work and under the influence of alcohol or drugs.

Provided, however, the prohibitions on alcohol use, as described above, shall not prohibit an employee from drinking alcohol in moderation at a social work-related event or any special function for the Library where alcohol is served as part of the event or function. Excessive drinking at any such event or function is prohibited and would constitute a violation of this Policy.

**E. Supervisor Responsibilities**--Under this Alcohol and Drug Policy, a Supervisor must:

- i. consistently enforce this Alcohol and Drug Policy. Any Supervisor who knowingly permits a violation of this policy by employees under his/her direct supervision shall be subject to disciplinary action;
- ii. report to the Executive Director or Director of Human Resources all instances where an employee appears to be under the influence of alcohol or drugs while at work or performing his or her job duties.

**F. Management Responsibilities and Guidelines** – the Executive Director and Human Resources Director are responsible for enforcement and implementation of the Alcohol and Drug Policy.

- i. The Executive Director and Human Resources Director must consistently enforce this Alcohol and Drug Policy. If either of them knowingly permits a violation of this policy by employees under his/her direct supervision, he or she shall be subject to disciplinary action.



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- ii. When a supervisor or co-worker reports to the Executive Director or Human Resources Director that an employee appears to be under the influence of alcohol or drugs, the Executive Director or Human Resources Director shall take reasonable steps to observe the employee to determine whether there is reasonable suspicion to believe the employee is under the influence of alcohol or drugs while at work or performing work duties.
- iii. When the Executive Director or Human Resources Director has a reasonable suspicion that an employee is under the influence of alcohol or illegal drugs or is otherwise in violation of any provision of this Alcohol and Drug Policy, he or she shall request that such employee submit to an alcohol and/or drug test in accordance with the terms and conditions of this policy. "Reasonable suspicion" is a belief based on objective and articulable acts sufficient to lead a reasonably prudent person to suspect that an employee is under the influence of alcohol or illegal drugs so that the employee's ability to perform his/her job functions is impaired or so that the employee's ability perform his/her job safely is reduced or that the employee is otherwise in violation of any provision of this Policy. For example, any of the following, alone or in combination, may constitute reasonable suspicion:

Moods:

- Belligerent
- Moody
- More nervous than normal
- Emotional unsteadiness (e.g., outbursts of crying)
- Mood changes after lunch or break

Physical Indications:

- Slurred speech
- Smell of alcohol or marijuana on breath
- Bloodshot eyes
- Inability to walk a straight line

Actions:

- Withdrawn or improperly talkative
- Verbal altercation or engages in argumentative behaviors
- Has exaggerated sense of self-importance
- Physical altercation or displays violent behavior
- Behavior which is so unusual that it warrants summoning a supervisor or anyone else with authority
- Use or possession of alcohol or illegal drugs

Accidents:

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- Taking of needless risks
- Disregard for safety of others
- Higher than average accident rate on and off the job
- Accident that results in the damage to Library property, or injury to the employee or another person

This list is not intended to be all inclusive of conduct which constitutes reasonable suspicion;

- iv. When there is a pattern of on-duty accidents, an accident resulting in significant property damage or any significant on the job injury, the Executive Director or Human Resources Director may require an employee to submit to an alcohol or drug test.
- v. Upon reasonable suspicion that an employee is impaired on the job by alcohol or illegal drug or is otherwise in violation of any term of this Alcohol and Drug Policy, the Executive Director or Human Resources Director will immediately arrange for an alcohol and/or drug test. The following procedures shall be followed:
  - a. The Executive Director or Human Resources Director should document in writing the facts constituting reasonable suspicion that the employee in question is impaired on the job by alcohol or other illegal drug or is otherwise in violation of any term of this Alcohol and Drug Policy, by completing the Reasonable Suspicion Checklist.
  - b. The Executive Director or Human Resources Director shall meet with the employee to advise him or her that there is reasonable suspicion to believe that the employee is under the influence of alcohol or drugs and that he or she will be required to submit to an alcohol or drug test.
  - c. The Executive Director or Human Resources Director shall be responsible for the employee's transport to the Library's designated facility where an alcohol and/or drug test will be performed.
  - d. If an employee refuses to submit to an alcohol and/or drug test upon request, the Executive Director or Human Resources Director shall remind the employee of the requirements of this Alcohol and Drug Policy and the consequences of the employee's continued refusal. Continued refusal will constitute grounds for immediate termination.
  - e. Neither the Executive Director, the Human Resources Director nor any Supervisor will physically search employees.

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- f. The Executive Director or Human Resources Director shall notify the Police Department when he or she has reasonable suspicion to believe that an employee may have illegal drugs in his/her possession or in an area not jointly or fully controlled by the Library.
- g. Neither the Executive Director, the Human Resources Director nor any Supervisor shall confiscate, without consent, prescription drugs or medications from an employee.
- h. Upon refusal to test or upon completion of the alcohol and/or drug test, the Executive Director or Human Resources Director shall arrange to have the employee transported to his/her home. The employee is permitted to call a third party to transport the employee home, so long as the Executive Director or Human Resources Director is notified and can confirm said arrangement. If the employee leaves the work or testing premises prior to arrival of arranged transportation, the Executive Director or Human Resources Director shall document that fact.

**G. Testing Procedures--**

1. Specimen Collection. Prior to testing, the employee must sign a form agreeing to the testing and authorizing the release of test results to the Library's authorized representative. An employee who refuses to submit to testing must indicate that on the form and must sign and date the form. Employees who refuse to submit to testing or refuse to sign the consent form will not be tested and will be subject to discharge from employment. No specimen will be taken unless the employee is conscious and has given verbal and written permission. A specimen will be collected by the designated testing facility, pursuant to the facility's policies for specimen collection. Any employee who alters or attempts to alter a specimen or otherwise interfere with the testing procedure will be subject to discharge.

If testing under this policy is ever required of an employee who is in need of medical attention, necessary medical attention will not be delayed in order to collect the test specimen. However, such an employee shall promptly, upon request from the Library, provide the necessary authorization for obtaining hospital reports and records and any other information at the time the need for medical attention and/or testing arose.

2. Nature of Tests. Drug and alcohol testing will be performed thru urine, saliva and breath tests and will be performed in accordance with the procedures established by the testing facility and/or the certified laboratory performing the test(s). All urine specimens identified as a positive test on the

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initial test will be confirmed. A urine specimen will be treated as negative if the result of the initial test or the confirmatory test is negative. All urine samples will be split samples so that if the original specimen test is positive the employee may request the retained sample be tested. The employee must submit a written request that the retained urine sample be tested to the Executive Director within 72 hours of the employee's notice of positive result. The split sample will be tested at the employee's expense and must be paid for by the employee in advance of the test. If the second test is negative, the test will be deemed to be negative and the cost of the test for the split sample will be reimbursed to the employee by the Library.

3. Procedures following testing. Employees who are tested due to reasonable suspicion to suspect alcohol and or illegal drug use will be placed on administrative leave without pay until the Executive Director receives the test results. If the test results are negative, the employee will be paid for the time off on leave.

**H. Results of Drug and/or Alcohol Analysis**--Upon a negative test result, the employee shall return to work. If the test result is positive, the Executive Director and Director of Human Resources shall have authority to determine appropriate discipline, up to and including termination. A single offense may result in immediate termination of employment.

**I. Severability**--The provisions of this policy are severable and, if any of its provisions shall be held unconstitutional or otherwise invalid by any competent jurisdiction, the decision of such court shall not affect any of the remaining provisions.

**J. Employee Assistance Program**--The Library has established a voluntary Employee Assistance Program (EAP) to assist those employees who voluntarily seek help for alcohol or drug problems. Employees wishing to obtain more information on any of these benefits should contact the Executive Director or the Employee Assistance Program at 1-800-356-0845.

For the Alcohol and Drug Policy Acknowledgment of Receipt, see Appendix V.

## **Section 18. Non-Fraternization and Electronic Communications Policies**

**A. Employee-Minor Patron Non-Fraternization Policy** -- The Kirkwood Public Library is a place where all individuals in the Kirkwood community are invited to discover more and a facility that inspires a lifelong commitment to learning and creativity, for a more prosperous and connected community.

The relationship between Library employees and all patrons, including patrons who are minors, should be one of cooperation, understanding, and mutual

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respect. All employees have a responsibility to provide an atmosphere conducive to learning, creativity and exploration.

The Board of Directors of the Library believes that young patrons and employees should interact with each other in a warm, open, and positive fashion. However, there must be maintained a certain distance in order to preserve the professional atmosphere that is necessary to achieve the mission of the Library.

It is the policy of the Library to prohibit any sexual relationship, sexual contact, or sexually nuanced behavior or communication (verbal or non-verbal) between an employee, Board member or volunteer and a minor Library patron. The prohibition applies regardless of whether the minor or the employee, Board member or volunteer is the initiator of the behavior and whether or not the minor patron welcomes or reciprocates the attention. Dating relationships between an employee, Board member or volunteer and a minor Library patron are prohibited.

The Library encourages employees, Board members and adult volunteers to engage in only professional communication with all patrons, but especially minor patrons, of the Library. The Library prohibits employees, Board members and adult volunteers from “friending” or “following” or otherwise directly connecting with minor Library patrons on social media unless such employee, Board member or adult volunteer identifies a separate basis for such social media connection outside of the Library. Further, electronic communications of Library employees, Board members, and volunteers are subject to the guidelines set forth in the Library’s Electronic Communications Policy. This policy applies only to volunteers who are not also minor patrons of the Library.

**B. Electronic Communications Policy**-- The Board of Directors of the Kirkwood Public Library recognizes that electronic communications, including social networking, blogging, texting, emailing, web conferencing, etc., can be effective methods of communication; however, there are potential consequences that can arise from a Library employee’s failure to use discretion in such activities. Nothing in this policy shall prohibit employees from the use of electronic communication for legitimate educational, research or other Library purposes. Educational, research or other Library purposes shall include an activity reasonably considered to be a part of the employee’s duties in the Library, and may include, but is not limited to, coordination of a Library activity, depending on the employee’s job description.

**Electronic communications** include such activities as social networking, blogging, texting, emailing, and web conferencing. **Social networking** as used in this policy means establishing, maintaining, posting to, or otherwise participating in an electronic community on websites, blogs, or through accounts on social networking sites.

Employees’ use of any electronic communications is subject to Library policy, including, but not limited to, those governing confidentiality.

When engaging in electronic communications, including the use of social networking, blogging, texting, emailing, web conferencing and educational or research websites, all Library employees are subject to the following guidelines:

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- Employees are expected to maintain a high level of professional and personal responsibility. All of the Library's policies that pertain to employee non-electronic communication with Library patrons, other personnel and the public also apply to an employee's electronic communications with patrons, other personnel and the public.
- No employee shall post any Library data, documents, photographs, logos or other Library owned or created information on any non-Library website without first obtaining permission from the Executive Director.
- Employees who maintain or post to non-Library websites regarding matters that involve the Library and who identify themselves as employees of the Library must clearly state that the views expressed by the employee are solely those of the author and do not represent an official position of the Library.
- Employees shall not use websites to address personnel issues pertaining to other Library employees or to address other Library employees in an unprofessional manner.
- This regulation is not intended to limit, discourage, or restrict employees from engaging in protected concerted activity as permitted by Section 7 of the National Labor Relations Act.
- Employees may use electronic communication for educational, research and other Library purposes.
- In accordance with the Library's Employee-Minor Patron Non-Fraternization Policy, the Library discourages employees from communicating with minor Library patrons electronically. If concerns are raised, the employee must be prepared to articulate the reason for any deviation from the requirements of this policy and must demonstrate that the staff member has maintained an appropriate relationship with the patron. Employees are encouraged to consult with their supervisors prior to engaging in behaviors or activities that might violate professional boundaries as defined in this policy. This policy does not limit staff members from communicating with relatives who happen to be patrons of the Library.
- Use of non-work related websites during work hours on personal electronic devices or Library equipment is discouraged and should not interfere with employees' job duties.
- Use of Library owned equipment and internet access is subject to monitoring by the Library's technology staff and employees have no expectation of privacy in activities utilizing Library owned equipment regardless of whether or not the use occurs during the hours of employment.
- Employees are required to obey all laws, including criminal, defamation, copyright and obscenity laws, as well as Board policies.
- Employees shall immediately report any inappropriate electronic communication to their supervisor.
- Employees who violate this policy may face discipline and/or termination, in accordance with all Library policies.