PERSONNEL POLICY

Approved by the Library Board of Trustees:
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Wage ranges & health insurance eligibility updated: 2/19/2020
Donated sick leave updated: 10/21/2020
Positive Workplace Culture updated 11/17/2021
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GENERAL INFORMATION

Purpose and disclaimers
The North Valley Public Library Board of Trustees shall approve all library personnel policies.

The intent of the policies, procedures and guidelines is to increase understanding, to provide a basis for decisions on policy matters and to allow for uniform application throughout the library.

Employees are welcome to submit any problems encountered or suggest any improvements in present policy. Present suggestions to the library director.

These policies and procedures shall apply to all library employees except independent contractors. In the event of conflict between these policies and a city ordinance or state or federal law, the terms and conditions of the rule or law shall prevail. In all other cases, these policies and procedures shall apply.

Personnel records
An employee's personnel file is the official library record of employment. Personnel files are confidential and open only to the employee and authorized personnel.

Each employee's personnel file shall contain such information as is needed by the library in conducting business or as required by federal, state or local law. The files normally include:

• employee application
• job performance evaluations
• job description
• education/training information
• wage/salary history
• pertinent medical information
• letters of appreciation, commendation or discipline
• other pertinent administrative correspondence or documents.

In order to keep personnel records current, each employee is required to notify the administration in writing of any changes in the following:

• name
• address
• telephone number
• persons to be notified in case of emergency
• changes affecting the W-4 form
• changes in dependents for receiving any benefits in the event of an employee's death.
Inspection of records
Inspection of their own personnel records by employees shall be scheduled with the library director or an approved administrative representative. The library director or her/his representative must be present during the inspection. Employees may make copies of their records.

If, after inspection, the employee believes that certain material is irrelevant, inaccurate or obsolete, s/he may submit a written request to the library director to remove the material from the file. Only the library director has the authority to remove materials from the file. The library director will either remove the material or inform the employee why the material should remain in the file. If the employee is not satisfied with the response, the employee shall be permitted to place a written statement of disagreement in the file and may pursue the matter further using the regular grievance procedure of the library.

Information regarding promotion, hiring, termination and similar personnel decisions shall be retained for a minimum of 10 years after the employee terminates employment with the Library.

Definitions
**Independent contractor:** An independent contractor shall not be considered an employee of the library.

**Regular full-time employee:** A regular full-time employee, having successfully completed the probationary period, normally works 40 hours per week.

**Regular part-time employee:** A regular part-time employee, having successfully completed the probationary period, normally works less than 40 hours per week.

**Substitute employee:** Library substitutes are regular part-time employees who work irregular schedules based on the needs of the library.

**Volunteer:** A person who is not an employee of the library, who receives no compensation from the library, but who works assigned hours with specified duties.

**EMPLOYMENT**

**Equal employment opportunity**
North Valley Library is an equal opportunity employer and shall comply with all relevant federal and state laws, to include rules and regulations put forth by the Equal Employment Opportunity Commission, (EEOC). The Library shall adhere to all relevant provisions of the Americans with Disabilities Act, (ADA). The Library ensures equal employment opportunity regardless of an individual's race, color, national origin, age, marital status, religion, creed, sex, sexual orientation, political beliefs, genetic information, veteran's status, culture, social origin or condition, or ancestry, physical or mental disability (as defined by the ADA), unless such
disability effectively prevents the performance of the essential duties required of the position and which are bona fide occupational qualifications that cannot be accommodated without undue hardship to the Library. If an employee believes that they have been subjected to discrimination, including harassment, based upon any of these factors, they should immediately contact their Supervisor and pursue corrective action. If the employee feels they need to resolve the problem by filing a grievance, they should pursue action through the grievance procedure stated within the Library’s personnel policy manual.

**Position descriptions**

Position descriptions and job specifications are maintained by the Library for all positions. The position descriptions shall include: position title, supervision, examples of duties, minimum qualifications, and any special requirements.

The position description does not constitute an employment agreement between the library and the employee and is subject to change as the needs of the library and the requirements of the job change.

Examples of duties listed in the job description are intended only as illustrations of the various types of work performed. The omissions of specific statements of duties does not exclude them from the position if the work is similarly related or a logical assignment to the position.

Employees may annually review the descriptions in order to supply input to keep the description current.

**Hours of work**

Work hours are assigned to provide:

- library services to the public
- supervision
- time for employees to perform their duties
- facilitation of teamwork
- safety for staff, volunteers and library users.

Employees will be assigned a monthly schedule, but must remain flexible to cover employee leaves or other schedule changes. Employees will be on duty during the assigned times.

New employees on probation during training may have a schedule different from what they will regularly be assigned.

**Breaks**

One 30-minute meal break, with pay, will be allowed for a work period of at least 6 hours. The scheduling of meal breaks shall be arranged on a daily basis with the supervisor and co-workers.
For shifts less than 6 hours but at least 4 hours, one 15-minute break will be allowed as arranged with the supervisor and co-workers.

One 15-minute rest break, with pay, will be allowed for each 8 hour or more shift, in addition to the paid meal break. The break shall be scheduled in coordination with co-workers and supervisor to insure the smooth functioning of the operation of the library.

**Tardiness**
Advance notice of anticipated tardiness is expected. Notice of unavoidable tardiness is expected as soon as possible. Failure to provide notice will be construed as an unexcused absence. Tardiness shall be made up during the pay period as approved by the supervisor. Tardiness not made up during the pay period will not be paid. Frequent tardiness shall be cause for disciplinary action.

**Employment of relatives**
An immediate family member of a library employee or a library trustee may not be employed by the Library in a position where:

- one relative would have authority to supervise, appoint, remove, discipline or evaluate the performance of the other
- one relative would have influence over the promotion or transfer of the other
- other circumstances would place the relatives in a situation of actual or reasonably foreseeable conflict between the public's interest and their own.

If a marriage causes a violation of this policy and a mutually agreeable solution cannot be reached between the Library and the employees, the Library may terminate one of the employees.

Immediate family is defined as spouse or partner, children, mother, father, mother-in-law, father-in-law, daughter-in-law, son-in-law, sister, brother, sister-in-law, brother-in-law, grandparents and grandchildren.

**Probation period**
New employees in full-time and part-time positions shall serve a six-month probation period, unless otherwise directed by the Board of Trustees.

Either the employee or the library may end the employment relationship at any time during the probationary period with or without cause or advance notice.

Successful completion of the probationary period does not guarantee job permanency.

**End of probation period**
At the end of the probation period the employee is evaluated and provided a written documentation of progress. Significant job deficiency(ies) shall be documented and kept in the employee's personnel file.

After the successful completion of the probationary period, the board of trustees shall approve the employee's status as a regular full-time or regular part-time employee.

If an emergency arises during an employee's probationary period which requires a leave of absence, such time off, if granted, shall not be considered as time worked.

Extension of probation period

Under unusual circumstances, the library administration may approve an extension of the probation period.

**New employee procedures**

As of December 18, 2013, a background check will be conducted on all finalist applicants before offering them employment at the library. Employees who were hired before December 18, 2013 will not be subject to a background check.

All new employees shall be scheduled to meet with the appropriate supervisor on their first day of work for general orientation, to complete enrollment forms and to begin training.

Each new employee shall be provided information on employee benefits and library policies and procedures.

**Employee termination**

**Employee-initiated resignation**

An employee wanting to leave the Library in good standing shall provide a minimum of two weeks written notice. The resignation letter shall include the reason for leaving as well as the proposed effective date. Two weeks’ notice is understood to mean that the resigning employee will be available for work during this time. Failure to provide two weeks’ advance notice is not leaving in good standing and may result in ineligibility for reemployment.

**Probationary termination**

Probationary employees may be terminated at any time without cause and without the right of appeal. Notification of dismissal in writing shall be provided the probationary employee and a copy filed in his/her personnel file.

**Discharge**

Discharge, the immediate removal of an employee from the job site, may be warranted in instances involving serious insubordination, theft, serious illegal or destructive acts while on the job or other actions deemed inappropriate by the administration. An employee may also be
discharged after repeated offenses of a less serious nature if the offenses have been documented and appropriate behavioral changes have not resulted.

**Layoff**
Layoff is termination of an employee for lack of work, lack of funds or other changes that have taken place. The Library shall provide the employee with at least two weeks' advance notice prior to layoff, except in cases of emergency. An employee on layoff shall keep the Library informed of the address and telephone number where the employee can be contacted. The Library's obligation to recall an employee shall cease if the Library is unable to contact the employee within 7 calendar days. The Library shall have no obligation to recall an employee after the employee has been on continuous layoff for a period of one year. Should an employee not return to work when recalled, the Library shall have no further obligation to recall the employee.

**Employee responsibilities**
Before the final paycheck is issued to the employee, the employee shall be responsible for returning all Library property in his or her possession including: policies and procedure manuals, keys, name tags, equipment or any other items provided by the Library.

**Termination pay**
When employment ends, all unpaid wages of the employee are due and payable on the next regular payday.

An employee who has passed the 90-day qualifying period and who terminates employment with the agency is entitled to a lump-sum payment equal to one-fourth of the pay attributed to the accumulated sick leave Montana Code 2-18-618 (6).

Montana Code 2-18-617(2)(a) An employee who terminates employment for a reason not reflecting discredit on the employee and who has worked the qualifying period set forth in 2-18-61 is entitled upon the date of termination to either:

(i) cash compensation for unused vacation leave if the employee is not subject to subsection (2)(a)(ii); or
(ii) conversion of the employee's unused vacation leave balance to an employer contribution to an employee welfare benefit plan health care expense trust account established pursuant to 2-18-1304.

**Performance appraisal**
Performance appraisals are intended to stimulate and facilitate discussions between the employee and the supervisor(s) on the performance of job duties and to provide suggestions leading to improvements in the employee's work and possible career development opportunities.

Employees shall receive a performance appraisal by his or her supervisor(s) at least once a year. The completed appraisal will be kept in the employee's personnel file.
Grievance
North Valley Public Library employees have the right to work in an environment free from physical violence, threats of violence or intimidation. This type of behavior undermines work relationships, hampers productivity and causes unnecessary stress. North Valley Public Library expects each employee to perform his/her job without violence, threats to or intimidation of other individuals in the workplace. An employee who believes he/she has been the victim of workplace intimidation should report the incident to their immediate supervisor or the first level of management not involved. North Valley Public Library will not, in any instance, tolerate intimidating behavior by coworkers, patrons, volunteers, or Library Trustees. Employees found to be in violation of this will face disciplinary action, up to and including termination. Patrons in violation will be asked to leave the premises. If an employee of the North Valley Public Library has been the victim of workplace intimidation by an elected Trustee or volunteer a written complaint shall be presented to the entire Board. If a satisfactory resolution cannot be found internally an impartial mediator will be consulted.

Grievance Process: Supervisor & Employee
Update approved by NVPL Board of Trustees on 1/23/2019

Background
The library staff, Director, and Board of Trustees should demonstrate mutual respect for each other at all times in order to create an honest and open atmosphere for everyone working for the library. Any problem, complaint, suggestion, or question should receive a timely, respectful response to achieve the goal of creating a healthy, enjoyable, and productive workplace. No employee will be penalized, formally or informally, for voicing a complaint in a reasonable, respectful manner.

A grievance is defined as any dissatisfaction or injustice in connection with one’s employment situation after the employee has met privately with the supervisor and/or Director to air these concerns. If an employee disagrees with the way that the supervisor or Director has enforced established rules of conduct, policies, procedures, or practices, she or he may express this concern through the grievance process once other avenues for resolution have been exhausted. For an employee who believes she or he has a justifiable complaint, the grievance process provides a methodology to have the complaint heard by the Director and, if not resolved, by the Board of Trustees.

First, the grievance process is not a substitute for common sense and clear and good communication. Most problems should be resolved before ever reaching the grievance stage. Second, the grievance process may involve two stages: a resolution by the Director and an appeal to the Board of Trustees for a final resolution if the employee is dissatisfied with the Director’s resolution.

Procedure
Informal pre-Grievance dialogue:
Before an employee files a formal grievance, all reasonable efforts will be made to resolve the issues between the employee and the Director. The library Director is required to maintain documentation of this process, which must include a record of efforts made to resolve the pre-grievance complaint under three broad concepts of management actions: 1) fairness; 2) respect for employee efforts; and, 3) creation of working conditions conducive to positive workplace morale.

(1) Director Resolution Stage
An employee shall present to the Director a grievance within 5 working days of the end of the informal negotiations:
   a. Written statement of the grievance and relevant facts;
   b. Remedy or remedies sought.

The library Director shall attempt to resolve the grievance within 5 working days. The Director shall present the employee with:
   a. a written proposed remedy or remedies OR
   b. a written denial of remedies sought with an explanation for the decision.

If the employee is not satisfied with the Director’s response, the employee, within 5 working days of the receipt of the Director’s response, may appeal the grievance to the Board of Trustees to begin the final resolution stage.

(2) Appeal and Final Resolution Stage
The employee shall provide:
   a. Statement of grievance and relevant facts;
   b. Remedy sought;
   c. Reasons for dissatisfaction with the Director’s response at the informal resolution stage.

The Board of Trustees shall meet and render a decision within 10 working days. The Director will provide the documentation of the informal process to remedy the issue, and the Board may hold hearings and interview the grievant and respondent separately before rendering their final decision. The Board shall comply with Montana’s Open Meeting law during the grievance process and shall ensure that the public “right-to-know” mandate is preserved. If personal privacy issues or concerns about personnel issues arise, the Board reserves the right to meet or deliberate in closed session to protect and preserve those rights in accordance with the provisions of Montana’s Open Meeting laws.

The decisions of the Board of Trustees in the appeal to grievance resolution shall be final and considered non-reviewable. There can be no retaliatory action taken against any employee who has filed a grievance.
**COMPENSATION**

*Payment of wages*
An employee's initial rate of pay and regular work hours per week are determined at the time of hire and are subject to review.

Employees are paid once a month. The pay period ends the second Saturday of the month and payday is the Friday following.

Employees are responsible for completing time sheets in a timely manner and submitting them to the library director.

*Wage ranges*
Employees will be paid at a rate not less than nor in excess of the wage ranges listed below.

- Library Substitute: $13 - $16 per hour
- Library Assistant: $14 - $17 per hour
- Adult Program Coordinator and Youth Program Coordinator: $15 - $24 per hour
- Library Manager: $15 - $24

*Incentivizing Continuing Education*

The Director assigns attendance to conferences and continuing education as well as to staff meetings. Staff that attend Director recommended continuing education and staff meetings are eligible for increases at the maximum rate offered. *Please read the section of this manual “Continuing Education, Training & Montana State Library Certification” for more information.*

*Compensation time/overtime*

**Overtime**
Overtime is time worked by regular employees in excess of 40 hours per week. Overtime pay is figured at 1 1/2 times the employee's regular rate of pay. Under normal circumstances, library employees are not scheduled to work overtime.

**Compensation time off**
Compensation time off in lieu of overtime pay is granted to regular employees who work over 40 hours per week. Compensation time off is figured at 1 1/2 times the excess hours worked. Compensation time shall be utilized within 30 days of being earned, unless other arrangements are made with the director. Compensation time off must be used prior to termination. Unused compensation time cannot be cashed out when the employee terminates employment with the Library.

*Utilization of compensation time off/overtime*
Compensation time off or overtime shall be considered necessary only in critical situations. Temporary adjustments in working hours or realignment of duties shall be considered as alternatives to the use of compensation time or overtime.

The library director must approve all compensation time off or overtime.

**Employees volunteering for Friends or Foundation**
The Fair Labor Standards Act does not allow employees to volunteer for a public agency when it is the same type of work that they are employed to perform.
The Library Foundation/Friends is a 501(c)(3) group, not a public agency. Employees are free to volunteer for Friends of the Library or the Library Foundation but it must be on their personal time. The library does not encourage or discourage volunteering for the North Valley Public Library related organization.

**BENEFITS**

**Social security**
All employees are automatically included as participants in the Social Security System (FICA). Social security benefits are in addition to the Public Employees’ Retirement System program that the employee may be eligible to receive. Financing of the Social Security System is accomplished by employee payroll deduction contributions and through a match paid by the Library.

**Workers compensation**

As required by law, the Library pays to cover employees with workers’ compensation insurance, which provides payment for medical expenses resulting from a work-related injury or disease.

Employees who are injured or become ill from an occupational hazard may be entitled to reasonable doctor, hospital, prescription and medical care costs. After they file a claim, the Library’s workers’ compensation provider shall evaluate the claim, use appropriate fee schedules, and apply certain laws and rules to establish wage loss payments and medical care cost benefits. The provider may investigate the validity of the claim. Workers’ comp benefits apply only toward medical conditions directly related to the industrial injury or occupational disease claim.

A. **Reporting Provisions**

Every work-related injury should be reported immediately to the injured employee’s supervisor. The affected employee shall also file an application for Workers Compensation in accordance with applicable laws, rules, or regulations.

B. **Benefits**
Benefits for compensable injuries are governed by state law and include wages, medical, hospital and related services, and other compensation. Wage loss benefits begin after a 4-day waiting period. Employees may use accrued vacation or sick leave benefits to cover wage loss during the 4-day waiting period.

C. Fraud

Criminal proceedings may be initiated against a person who obtains or assists in obtaining workers’ compensation benefits to which the person is not entitled.

Public Employees Retirement System (PERS)

Employees accepting employment at the Library who will work over 960 hours in the fiscal year must become a member of the PERS on the first day of employment. Membership is optional for employees working less than 960 hours during the fiscal year.

Each employee shall complete a membership form upon initial employment, name change or change of beneficiary. No benefit shall be paid or refund of contributions made unless there is a completed membership form on file with the Public Employees Retirement System Division. The employee is responsible for naming and updating primary and contingent beneficiaries.

Information is available at mpera.mt.gov.

457(b) Deferred Compensation Plan

You are eligible to participate in the State of Montana’s 457(b) Deferred Compensation Plan. Information is available at mpera.mt.gov.

Health Care

Health Care insurance is provided for employees working a regular weekly schedule of at least 32 hours.

COBRA is not offered to those separating from the library, as the law applies to employers with 20 or more full-time equivalent employees for more than half the calendar year.

Employees separating from employment can apply for health insurance on the Health Insurance Marketplace. Termination of employment is considered a qualifying event. For further information on enrollment contact the Office of the Montana State Auditor, Commissioner of Securities and Insurance.
LEAVES

Holidays

The Library will be closed on the following holidays. If any of the holidays below fall on a Sunday, the library will be closed the Monday following.

NEW YEARS DAY January 1
MARTIN LUTHER KING DAY 3rd Monday in January
PRESIDENTS DAY 3rd Monday in February
MEMORIAL DAY Last Monday in May
INDEPENDENCE DAY July 4
LABOR DAY 1st Monday in September
STATE GENERAL ELECTION DAY First Tue. after the first Mon. in November
THANKSGIVING DAY 4th Thursday in November
DAY AFTER THANKSGIVING 4th Friday in November
CHRISTMAS EVE December 24
CHRISTMAS DAY December 25

Early closure:
NEW YEAR’S EVE, December 31, the library closes early at 1 p.m.

Holidays -- observance when falling on employee's day off (Montana Code Annotated 2-18-603.)

(1) (a) A full-time employee who is scheduled for a day off on a day that is observed as a legal holiday, except Sundays, is entitled to receive a day off with pay either on the day preceding the holiday or on another day following the holiday in the same pay period or as scheduled by the employee and the employee's supervisor, whichever allows a day off in addition to the employee's regularly scheduled days off, provided the employee is in a pay status on the employee's last regularly scheduled working day immediately before the holiday or on the employee's first regularly scheduled working day immediately after the holiday.

(b) Part-time employees receive pay for the holiday on a prorated basis according to rules adopted by the department of administration or appropriate administrative officer under 2-18-604.

(c) A short-term worker may not receive holiday pay.

(2) For purposes of this section, the term "employee" does not include nonteaching school district employees.

Work on a holiday

Regular full-time and part-time employees usually receive time off with pay on the holidays listed above. However, the library director reserves the right to require an employee to work on

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1 The December 19, 2012 Board of Trustee Minutes state “The Library will not be closed on, or observe Columbus Day and Veterans Day, and those days will be observed the day after Thanksgiving and Christmas Eve.”
the day a holiday is observed. Such employees will be compensated at the rate of 1 1/2 times their regular pay.

Exempt employees required to work on the day a holiday is observed will not be compensated at 1 1/2 times their regular pay. With approval of the library director, an equal number of hours worked may be taken off with regular pay within the following two calendar weeks or with special arrangements.
Emergency Closures

The library may close for inclement weather, natural disasters or other emergencies. Employees who were scheduled to work those hours shall still be paid for the hours they were scheduled to work.

Special Events

The library Board may approve closures for special events, such as the Friends of the Library’s annual Chocolate and Authors fundraiser. If an event requires an early closure, the following compensation rules will apply:

Employees regularly scheduled to work the latest shift on that day will stay for the duration of event, participating in the event and help with cleanup, which may require working until 10:00 p.m.

Those scheduled for a morning or early afternoon shift can choose between the following options:

1. Work your regular scheduled hours, helping with set up or off desk library tasks.
2. Take paid vacation leave.
3. If you choose to leave, then you may take it as unpaid time. (The library does not usually offer unpaid time to employees. This is the one exception.)

Sick leave

The Library follows Montana law on the qualification, accrual, and use of sick leave. Sick leave is an authorized paid leave of absence from work when an eligible employee or qualifying family member is sick or requires care. Accumulated sick leave credits are a valuable resource that maintains an employee’s income during a period of personal illness or family emergency.

A. Qualification and Calculation

Employees are not entitled to use paid sick leave until they have been continuously employed for 90 days. Employees earn sick leave credits from the first full day of employment. Full time employees earn at the rate of one working day per month and regular part-time employees earn prorated sick leave benefits. There is no restriction as to the number of working days which may be accumulated. The provisions of MCA 2-18-618 govern sick leave for employees. Short-term workers do not earn sick leave credits.

For calculating sick leave credits, 2,080 hours (52 weeks x 40 hours) equals one year. Sick leave credits shall be earned and credited at the end of each pay period. Prorated sick leave credits are calculated by multiplying .0464 by the number of hours, excluding overtime. Employees may receive cash compensation (at 25% of the available balance) for sick leave credits upon termination of their employment, or they may donate sick leave credits subject to the limitations in policy. Credits are to be recorded by rounding to two digits beyond the decimal point and carried in each employee’s account in that configuration.

B. Leave Without Pay, Holiday, or Vacation Stipulations
Employees do not accrue sick leave credits during a leave of absence without pay. Sick leave taken on a legal holiday shall not be charged to an employee’s sick leave for that day. With the Director’s approval, an employee may substitute sick leave credits for annual vacation leave, if the employee becomes sick while on approved annual vacation leave. Advancing sick leave after an employee’s earned sick leave credits have been exhausted is prohibited.

C. Payment Upon Termination.

Upon termination, an employee who has worked the qualifying period shall be entitled to a lump sum payment in an amount equal to one-fourth (25%) of the amount attributed to accumulated sick leave. The pay attributed to the accumulated sick leave must be computed on the basis of the employee’s salary or wage at the time the employee terminates employment with the Library. Termination pay shall apply only to credits earned according to policy since July 1, 1971, per MCA 2-18-618.

D. Use of Sick Leave Pay

Sick leave pay is granted for:
- Time off when an employee is unable to perform job duties because of sickness, a physical or mental illness, injury or disability;
- Maternity or pregnancy-related disability or treatment, including prenatal care, birth, or medical care for the employee or the employee's child;
- Quarantine resulting from exposure to contagious disease;
- Consultation, examination, or treatment by a licensed health care provider;
- Short-term attendance to an immediate family member² or, at an agency's discretion, another relative because of physical or mental illness, injury, disability, or examination or treatment until other care can reasonably be obtained;
- Death or funeral attendance of an immediate family member or, at an agency's discretion, another person.

E. Reporting

Absences, which necessitate use of sick leave, shall be reported to the substitute scheduler and colleagues scheduled to share the shift before the shift begins. An employee shall keep the substitute scheduler advised on a daily basis as to condition and expected date of return to duty. Failure to report absences within two hours of the employees’ regularly scheduled reporting time may be considered absence without approved leave. Absences are grounds for disciplinary action.

F. Abuse

² “Immediate family” shall be defined as parents, spouse, siblings and children. The board reserves the right to consider others as immediate family.
Abuse of sick leave may be cause for dismissal, forfeiture of payment for accumulated sick leave, or other disciplinary action. The employee’s supervisor may require an employee to submit a medical certification signed by a licensed physician to substantiate use of sick leave.

Medical Exam

The employer may require a medical exam when an employee is returning to duty following an illness or absence due to injury and the Library has a reasonable belief, based on objective evidence, that the employee’s ability to perform the job is impaired by a medical condition or that the employee will pose a direct threat to self or others.

Relevant Information: MCA 2-18-618 and 2-18-1311

G. Extended Illness

An employee may utilize vacation time when sick leave has been exhausted, subject to the approval of the Director. Earned sick leave credits must be exhausted prior to taking an unpaid medical leave of absence.

H. Use of sick time for up to 2 personal days a year

Employees continuously employed for 365 days that have accumulated over 80 hours of sick leave, may use up to 2 days per calendar year (prorated for part-time employees) for personal days, as long as their sick balance does not fall below 80 hours. Personal days should be scheduled in advance to allow for coverage, or in an emergency such as weather related or car break down, reporting should follow sick reporting above.

Maternity leave

Maternity leave is an unpaid leave of absence available to female employees for temporary disability because of pregnancy and delivery. The North Valley Library allows employees to use their accrued vacation and sick leave to stay in a paid status during maternity leave subject to use of sick and vacation. Any time beyond accrued vacation and sick is an unpaid leave of absence.

The North Valley Library conforms to Montana Code on Human Rights regarding maternity leave. 49-2-310. An employee will not be terminated because of their pregnancy. Employees who are disabled as a result of pregnancy will not be denied any compensation that they are entitled to as a result of the accumulation of leave benefits accrued; however, the North Valley Library reserves the right to require medical verification that the employee is not able to perform employment duties.

Employees should notify the Director of a desire to take Maternity Leave as soon as practical. The employee should report the expected due date, the estimated leave of absence, and
anticipated complications that may affect current leave requests. Reasonable leave is determined by the medical provider. In the case of normal pregnancy and delivery, the state assumes a minimum of six calendar weeks after the birth of a child as a reasonable period for recovery. Leave may be longer if the employee is unable to perform her job prior to delivery or if additional leave after delivery related to the pregnancy is needed and reasonable.

Upon signifying intent to return to work at the end of the leave of absence, the employee will be reinstated to the original job and/or equivalent position with equivalent pay and accumulated seniority, retirement, fringe benefits, and other benefits.

**Sick/Bereavement Direct Grant**
The Sick/Bereavement Direct Grant allows North Valley Public Library employees to share accrued sick leave between employees, according to the following procedures. Employees may make a direct grant.

**Prohibited Uses**
An employee shall not receive direct grants of sick leave:

1. If the employee is eligible for workers’ compensation benefits;
2. If the employee is under current corrective action or disciplinary action for excessive absenteeism or abuse of sick leave;
3. While the employee is on a leave of absence without pay for a reason other than extensive illness or accident;
4. To provide care or attendance to an immediate family member;
5. If the employee had elective cosmetic surgery other than reconstructive surgery.

**Eligibility to Donate Sick/Bereavement**
Donations are voluntary and irrevocable. To be eligible to make a grant of sick leave an employee must have a minimum balance of two weeks of sick leave hours remaining after the contribution. Employees may also contribute excess vacation leave that otherwise would be forfeited.

Contributors need to be aware that donations are irrevocable and upon termination of employment, they receive less payout of sick time. (Sick leave pays out ¼ upon termination.) Any sick time donate will decrease PERS credit/contributions for the contributor and those PERS credits/contributions will go to the recipient of the sick time.

This is the normal PERS credit:
- If a person uses a sick or vacation day in a pay period - YES PERS contributions
- Payout of accrued sick, vacation etc. without the person terminating employment – NO PERS contributions.
- Pay out accrued sick, vacation etc. when the person terminates employment- YES PERS contributions
Eligibility to Receive Grants
The maximum allowable benefit in any 12-month period is 4 weeks. Leave granted to a part-time employee shall be prorated.

1. Meeting the eligibility requirements of this procedure does not guarantee that receipt of sick leave shall be approved in any specific case.
2. To be eligible to receive and use a grant an employee must:
   a. Successfully completed 12 months of continuous employment;
   b. Experience an extensive illness or accident which results in absence from work of no less than ten consecutive working days;
   c. Exhaust all personally accrued sick leave, annual leave, all other accrued paid leave;
   d. Receive approval from the director for leave of absence and
   e. Provide to the employing agency a physician’s certification of extensive illness or accident.
   OR
   f. Successfully completed 12 months of continuous employment;
   g. Experience a death in the immediate family;
   h. Exhaust all personally accrued bereavement leave, sick leave, annual leave, all other accrued paid leave;
   i. Receive approval from the director for leave of absence and
   j. Provide a death certificate, obituary, funeral program, or prayer card.

3. If an employee is incapacitated and unable to apply for leave of absence and a grant, another person may do so for the employee.
4. Participation does not prohibit an agency from terminating an employee.

Eligibility to make a Direct Grant

An employee may directly grant a maximum of 40 hours of accrued personal sick leave in any continuous 12-month period to an eligible employee if they have a minimum balance of two weeks of sick leave hours remaining after the contribution.

Procedure
To donate sick leave or excess vacation leave that is subject to forfeiture, an employee must submit a completed Sick/Bereavement Leave Direct Grant Contribution form to the director. The director will determine whether the employee is eligible to donate. If the employee is eligible, the director will deduct sick leave and/or excess annual leave from the employee’s account and apply it to the other employee.

To request a donation an employee must submit a completed Sick/Bereavement Leave Direct Grant Request form. Administration will determine whether the employee is able to accept donated leave. If the employee is eligible than Administration will apply the sick leave to the employee’s pay.
Sick/Bereavement Leave Direct Grant Contribution Form

Eligibility for donating sick leave or excess vacation leave that is subject to forfeiture:

An employee must have a minimum balance of two weeks of sick leave remaining after the contribution.

I wish to make a voluntary, irrevocable contribution of ________ hours of my sick leave.

I wish to make a voluntary, irrevocable contribution of ________ hours of my excess vacation leave that is being forfeited.

(Pick one) I wish to make a direct grant to __________________________________

I understand my decision is irrevocable. ________ (Initials required)

I understand that my donation means I receive less sick leave payout upon termination. (Sick leave pays out ¼ upon termination.) ________ (Initials required)

I understand that donated sick time decreases my PERS credit/contributions and increase those of the recipient. ________ (Initials required)

Print Name: ____________________________________

Signature: _________________________________

Date: __________________________

________________________________________________________________________________

_____ Approved

_____ Denied
Reason if denied:

The employee’s sick leave balance debited ________ hours on ________.

The employee’s excess vacation leave balance debited ________ hours on ________.

Signature: ____________________________________ Date: _________________________________
Sick/Bereavement Leave Direct Grant Request Form

Employee Name: ___________________________________________

Date of First Absence Due to this Illness: __________ Expected return date: __________

(Check one)

_____ I am requesting sick leave pool for bereavement.

_____ I am requesting sick leave for illness/accident.

A currently dated statement from a licensed practitioner is required for illness. The statement must include:
(1) A statement that the benefit-eligible employee is disabled
(2) Beginning and ending date of disability
(3) Diagnosis
(4) Indication of condition

A death certificate, obituary, funeral program, or prayer card is required for bereavement.

Please initial the following statements.

__________ I understand that I must use all accrued paid leave hours, including vacation before requesting and using donated sick hours.

__________ I certify that I have a serious illness or injury or a death in the immediate family.

__________ I authorize the Library to verify information to support this request.

__________ I certify that information submitted is true and correct.

Print Name: __________________________

Signature: _______________________________

Date: _________________________________
**Vacation**

Employees shall be entitled to accumulate vacation leave credits from the first day of employment and use them with pay after successfully completing the probation period and 6 months of continuous employment. The board may make an exception and allow the director to take accumulated leave before 6 months and the director may make an exception for an employee.

Vacation leave shall be used with prior approval of the library director. The dates of an employee's leave shall be determined by agreement between each employee and her/his supervisor with regard to the best interests of the library, as well as the best interest of each employee. Vacation requests will be on a first-come, first-served basis except major holidays if there is large demand then there will be a scheduled rotation.

Paid holidays occurring during vacation shall not be charged to vacation.

**Accrual**

Vacation leave credits for full-time employees are earned at a yearly rate calculated in accordance with eight-hour working days with the following schedule:

<table>
<thead>
<tr>
<th>YEARS OF EMPLOYMENT</th>
<th>WORKING DAYS CREDIT</th>
<th>RATE PER HOUR</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 day through 10 years</td>
<td>15 days or 120 hours</td>
<td>.0577</td>
</tr>
<tr>
<td>11 years through 15 years</td>
<td>18 days or 144 hours</td>
<td>.0693</td>
</tr>
<tr>
<td>16 years through 20 years</td>
<td>21 days or 168 hours</td>
<td>.0808</td>
</tr>
<tr>
<td>21 years on</td>
<td>24 days or 192 hours</td>
<td></td>
</tr>
</tbody>
</table>

Permanent part-time employees are entitled to prorated annual vacation benefits. Vacation leave is accrued at the above rates per hour per hour, up to a maximum of 120 hours.

When calculating incomplete pay periods and part-time hours, final figures are rounded off to the quarter hour.

Vacation leave may be accumulated to a total not to exceed two times the maximum number of days earned annually as of the end of the first pay period of the next calendar year. Excess vacation time is not forfeited if taken within 90 calendar days from the last day of the calendar year in which the excess was accrued. 2-18-617 Scheduling of the use of excess vacation leave hours shall be arranged with the library director and shall not be detrimental to the operation of the library.

**Termination of employment**

Upon termination of employment, the employee is entitled to cash compensation of unused vacation leave credits, computed on the basis of the employee's salary at the time of termination. Employees who terminate their employment before the required initial
continuous employment period (6-month full time, pro-rated for part-time) shall not receive cash for unused vacation leave credits. 2-18-617

**Jury/court**
An employee who receives notice of jury/court duty shall notify her/his supervisor immediately in order that arrangements may be made to cover the position.

Any employee who is required to serve on a jury, or as a result of official library duties is required to appear before a court, legislative committee or quasi-judicial body as a witness in response to a subpoena or other directive, shall collect all fees and allowances payable as a result of the service and forward the fees to the library. Jury/court fees shall be applied against the amount due the employee from her/his employer. A regular part-time employee will receive pro-rated compensation for those hours she/he is usually scheduled to work.

**Elected or scheduled time off**
If an employee elects to charge juror time off against annual leave or is attending court duties while on scheduled time-off, she/he shall not be required to remit jury/court fees to the employer.

**Effect on other leaves**
Time away on jury/court leave will not affect vacation or sick leave accruals.

**Court duty not related to official duties**
Employees who appear in court as the plaintiff or defendant in any action not related to their official duties shall not be paid for time away from work unless that time is deducted from accrued vacation. If an employee elects to charge time off against vacation credits, court payments shall not be required to be remitted to the Library.

**Return to work**
Employees shall return to work after jury duty or witness service although no more than the regularly scheduled number of hours for combined jury/court duty and work shall be required. If excused as a juror on any given day, the employee shall contact her/his supervisor or the library director and report to work as instructed.

**Excused from jury duty**
The library reserves the right to request that an employee who is called for jury/court duty be excused if their absence would create a hardship on the operational effectiveness of the library. As an independent library district, North Valley Public Library acts in accordance with Montana Code 2-18-619; requests to excuse an employee from jury duty for this reason should cite this code and be signed by the library director.
Leave of Absence without Pay

It is generally understood that the library does not regularly provide leave of absence without pay. Since the library has a small staff that provides direct customer service for all open hours, such absences would not allow the library to stay open or would require an abundance of personnel so that would not be fiscally responsible to taxpayers. The library offers the paid leaves of absences as defined above.

In unusual cases, if an employee has exhausted all applicable leave balances and needs to be absent from work for personal reasons, they may petition the library in writing, specifically state the reasons for the request, the date the employee wishes to begin the leave, and the return-to-work date. The Director and Chair of the Board will discuss the viability of the leave and make their decision based upon the best interest of the Library, giving due consideration to the reasons given by the employee and the requirements of any Library procedures and applicable state and federal laws. Upon expiration of the approved leave of absence, the employee is not guaranteed to be placed in the same position or have the same hours.

PERSONAL CONDUCT

Employee conduct

The Library supports the American Library Association’s "Code of Ethics" and the "Library Bill of Rights" and employees shall agree to implement these guidelines at the time of hiring. Both documents are on file in the Library.

It shall be the duty of employees to maintain high standards of cooperation, efficiency and integrity in their work with the Library. If an employee's conduct falls below standard, he/she may be subject to disciplinary action.

Some general guidelines for which an employee may be disciplined include, but are not limited to:

1. Reporting to work under the influence of intoxicants or nonprescription/illegal drugs or using such substances while on Library property.
2. Failure to follow the order(s) of one's supervisor(s).
3. Being absent without permission or failure to report to the supervisor when one is absent.
4. Being habitually absent or tardy for any reason or leaving work before the end of the assigned shift.
5. Failure to perform work assigned in an efficient or effective manner.
6. Being wasteful of material, property or working time.
7. Inability to get along with fellow employees, so that the work being done is hindered and not up to required levels.
8. Commission of a felony or gross misdemeanor.
9. Speaking critically or making derogatory or false accusations so as to discredit other employees or supervisors.
10. Removal of Library money or property without permission.
11. Dishonesty.
12. Divulging or misusing confidential information, including removal from Library premises without proper authorization any employee or patron lists, records or confidential information of any kind.
13. Falsification of time records for payroll.
14. Failure to abide by the policies and procedures of the Library.
15. Employees are not to be in the building during unstaffed hours. Exceptions are to be approved by the library director.
16. Smoking is not allowed in the Library building at any time. Smoking includes the smoking or carrying of any kind of lighted pipe, cigar or cigarette.

**Positive Workplace Culture & Collegiality**

Civil behavior is required of all employees, trustees, and volunteers. Rude, insulting, negative, grouchy, and bullying behavior causes stress, turnover, absenteeism, and lower productivity and will result in discipline, up to and including termination. Civility is demonstrated through manners, courtesy and politeness. Staff need to exhibit collegiality toward one another by cooperating, acknowledge each other, listen, and speak kindly, respectfully, and reasonably.

Civil behavior is expected between coworkers and towards patrons. Employees, trustees, and volunteers are all required to contribute to a positive workplace culture and exhibit collegiality.

**Political & Contentious Speech**

North Valley Public Library celebrates freedom to read, freedom to view and freedom of speech. The library's mission statement, in part, is to "strengthen and support our community by fostering a welcoming and comfortable setting for all people to gather, explore and discover."

To promote an atmosphere in which everyone is welcomed and respected, staff must be professional and courteous at work, and because political speech can be divisive and contentious, all employees will refrain from political discussions with members of the public, co-workers or volunteers during paid public time. While working with the public, it is essential not to offend anyone, challenge their political views or disturb by-standers who are there for library services.

If people want to talk about politics, please inform them you cannot engage in political discourse on paid public time.

According to the following Montana legal judgment, a public employee, “May engage in political speech so long as his or her speech does not involve the use of public time, facilities, equipment, supplies, personnel, or funds.” 51 Mont. Op. Atty. Gen. No. 1 (Mont. A.G.), 2005 WL 273513
Personal appearance
It shall be the responsibility of all employees to represent the Library to the public in a manner which shall reflect favorably the Library's image. Library employees shall be well-groomed and dressed in a manner suitable for the public service environment. These guidelines apply during all scheduled work.

The public should be able to recognize the professionalism of the staff. Name tags, provided by the Library, are required to be worn during hours open to the public.

The library director may designate exceptions for holidays and other special events.

The employee's supervisor will discuss the subject of personal appearance with the employee if the employee's appearance does not positively reflect the image of the Library.

Solicitations
With the exception of Library approved activities, peddling or soliciting for sale or donation of any kind on Library premises is not allowed.

Exception may be granted by the library director.

Disciplinary action
It shall be the policy of the Library to administer discipline fairly, reasonably and impartially. Employees and the Library are best served when discipline is administered to correct actions rather than to punish.

Types of discipline may include:

Verbal warning
Verbal warnings should be applied to infractions of a relatively minor degree or in situations where the supervisor decides that the employee's performance needs to be discussed. The verbal warning should be given in private. Supervisors should inform the employee that a verbal warning is being issued, that the employee is being given an opportunity to correct the condition and if the condition is not corrected, the person will be subject to more severe disciplinary action.

A notation that a verbal warning was given should be made in the employee's personnel file and should contain:
1. The date and time the warning was given.
2. What performance or deficiency violation has occurred.
3. The corrective measures that need to be taken.
4. The time period the employee has in which to improve performance or correct behavior.

The employee shall have the right to make a written response to the warning and to have that response placed in their personnel file with the warning.
Written warning
This notice shall be issued in the event the employee continues to disregard an oral warning or if the infraction is severe enough to warrant a written reprimand. Written reprimands must be issued within 10 working days after the occurrence of the violation. The reprimand shall state the nature of the infraction in detail and what corrective action should be taken by the employee to avoid further discipline. The employee shall sign the reprimand to acknowledge receipt. The reprimand shall be placed in the employee's personnel file.

Discharge
Immediate removal of an employee from the job may be warranted in instances involving serious insubordination, theft, serious illegal or destructive acts while on the job, or other actions deemed inappropriate by the library director. An employee may also be discharged after repeated offenses of a less serious nature, if the offenses have been documented by the library director and appropriate behavioral changes have not resulted from previous progressive disciplinary action.

The original copy of the disciplinary action, with a notice of the charge and an explanation of the evidence, is to be signed by the employee and placed in the employee's personnel file. The employee shall be given the opportunity to respond in writing as to why the proposed action should not be taken and may elect to follow the grievance procedures outlined in this policy.

CONTINUING EDUCATION, TRAINING & MONTANA STATE LIBRARY CERTIFICATION

Employees are encouraged to participate in job-related training, continuing education opportunities and are encouraged to participate in the Montana State Library’s certification program.

All courses, training, expense reimbursement for job-related training, continuing education and/or certification must be pre-approved by the library director. Training generally takes place during regularly scheduled work hours but the library director may change standard work hours to accommodate or require attendance at such activities.

Employees may acquire training on their own time and expense but should notify the library director so that the information can be added to their personnel file.

Travel expenses
Employees representing the Library on Library business shall receive travel expenses, meal allowances, mileage, and incidental expenses on the same basis and the same rate as established by the Montana Code Annotated.

All travel expenses must be approved by the library director.
The willful misrepresentation or altering of claims is unlawful and grounds for dismissal and may result in the filing of criminal charges.

**RISK MANAGEMENT AND SAFETY**

**Emergency procedures**
Any employee experiencing a work related accident or injury shall:
1. Promptly report the incident to the immediate supervisor. Witnesses are encouraged to file a report with the supervisor.
2. Complete an "Incident Report" and give it to the supervisor.

The Library shall provide for the treatment and care of the on-the-job injuries and illnesses as provided by the Montana State Industrial Insurance Program.

**Use of personal vehicle on Library business**
Employees operating a privately-owned vehicle while conducting Library business shall maintain the minimum liability coverage and shall hold a valid Montana State driver's license. Such employees shall observe all traffic laws, rules and regulations, and the dictates of common sense and good judgment.
PERSONNEL POLICY EMPLOYEE ACKNOWLEDGEMENT FORM

It is expressly understood that the policy manual for the North Valley Public Library District does not constitute a guarantee of employment or promise of any kind. The North Valley Public Library District, in its sole discretion, may direct, hire, promote, transfer, assign, and retain employees; supervise, discipline, and relieve employees from their duties; determine and change hours of work, shifts, and methods of operation; establish change or abolish its policies, practices, rules, and regulations.

It is understood that the policy manual is issued to inform employees regarding the operating policies of the North Valley Public Library District. The policy manual may be changed from time to time at the sole discretion of the North Valley Public Library District, and is to be used as a guide for the North Valley Public Library District employees in the performance of their duties. Violations of the policies set forth in this manual may result in disciplinary action.

By signing this statement, the employee acknowledges receipt of the North Valley Public Library District policy manual, that the employee read, understands, and is responsible for complying with the policies contained herein.

Signed ________________________________ Date _____________

Print Name ________________________________

Position ________________________________

Effective Date of Employment _________________

Attest:

Supervisor ________________________________ Date _____________