

Pamunkey Regional Library
PERSONNEL POLICIES

Table of Contents

Introduction	63
Employee Categories	63
Responsibility for Personnel Management	63
Personnel Records	64
Selection, Hiring, Discipline, and Termination	64 - 66
Application process	64
Provisional employment period	65
Employment of relatives	65
Disciplinary action	65
Performance Evaluations	67
Payroll	67
Employee compensation	67
Hours of work	67
Payroll deductions	67
Benefits Package	68
Workers' compensation	68
Holidays and Inclement Weather	68 - 69
Holidays	68
Floating holidays	69
Inclement weather or emergency closing	69
Paid Leave	69 – 72
Annual leave	69
Sick leave	70
Family illness and bereavement	70
Civil leave	70
Compensatory leave	71
Military leave	71
Workers' compensation	72
Accrual limits/leave for part-time employees/payment upon termination or death	72
Unpaid Leave	73 - 74
FMLA leave	73
LWOP	74
Miscellaneous	75
Drug-free workplace	75
Prohibition against harassment	75
Political activity	75
Conflicts of interest and Gifts	75
Return to Work Program	76
Employee Complaint Procedure	78 – 80
Complaint form	80

**PAMUNKEY REGIONAL LIBRARY
PERSONNEL POLICIES**

I. INTRODUCTION

A. Introduction

Employees of the Pamunkey Regional Library (Library) serve at the pleasure of the Pamunkey Regional Library Board of Trustees (Board) and the Library Director (Director). These Policies are adopted by the Board, and may be amended and rescinded by the Board, for the purpose of prescribing conduct of Library employees and providing for personnel management. All Library employees are required to comply with these Policies.

B. Employee Categories

1. A full-time employee is one who works a minimum of 40 hours per week and is paid an annual salary. Full-time employees are eligible for all benefits.
2. A part-time benefited employee is one who works at least 20 hours each week and is paid an hourly rate for the number of hours worked each pay period. These employees are eligible for certain paid holidays and benefits, including leave on a prorated basis according to the average number of hours worked each week as determined by the Director.
3. A part-time employee is one who works less than full-time and is paid an hourly rate for the number of hours worked each pay period. Part-time employees who work fewer than 20 hours a week are not eligible for leave, paid holidays or other benefits.
4. A provisional employee is one who has not completed the six-month provisional employment period.
5. An exempt employee is one in a position identified by the Library Director whose compensation is not subject to the overtime requirements of the Fair Labor Standards Act.
6. A non-exempt employee is one in a position identified by the Library Director whose compensation is subject to the overtime requirements of the Fair Labor Standards Act.
7. A temporary employee is a full-time or part-time employee hired for a designated time period not to exceed six months. Temporary employees are not covered by any benefits.

II. RESPONSIBILITY FOR PERSONNEL MANAGEMENT

The Director shall be responsible for management of all personnel matters concerning all Library employees, and shall have all authority necessary for such management. This includes the interpretation and administration of policies relating to health and life insurance, retirement, annual leave (vacation), sick leave, records of work and other personnel policies set by the Board, and hiring, discipline and termination.

III. PERSONNEL RECORDS

The Library Director shall maintain the Library's personnel records for all Library employees. All personnel information shall be placed in the central personnel file. An employee shall have the right to

July 2008

review the personnel file during working hours by contacting the Library Office. If the employee finds inaccurate information, the employee may request in writing that this be changed appropriately. If the employee gives written notice to the Director that the employee wishes to challenge, correct, or explain information about the employee in the personnel file, the Library shall consider the matter in accordance with procedures prescribed by the Virginia Government Data Collection and Dissemination Practices Act. (Va. Code Section 2.2-3800 and following sections.)

Supervisors may review the file of any employee or prospective employee under their direction by contacting the Library Office at the Hanover Courthouse branch. Files shall not be removed from the Library Office.

Requests for verification of employment and requests for references for employees (and past employees) shall be referred to the Library Office. The information will be provided if the employee supplies written and signed authorization for the Library to do so. This insures employee confidentiality. With written authorization from the employee or past employee, current or past supervisors may provide prospective employers with information relating to job performance and conduct in the workplace. Information about professional conduct may include information relating to adherence to ethical standards applicable to librarians. Information about job performance may also include the performance appraisals, attendance records, promotion and demotion records, job descriptions and disciplinary records. Absent such written authorization, the Library will not provide information, other than confirming dates of employment.

IV. SELECTION, HIRING, DISCIPLINE AND TERMINATION

A. Application Process

The Library is an equal opportunity employer. The Library shall provide equal employment opportunity to all employees and all applicants without regard to race, color, religion, national origin, political affiliation, disability, sex or age, except where such is a bona fide occupational qualification.

The Library has written job descriptions for all positions for use in selecting, hiring, training and guiding the employee and supervisor.

Library employees are encouraged to apply for open positions for which they are qualified. Consideration for employment is based solely on an applicant's qualifications for the position.

All offers of employment will be confirmed in writing and are contingent upon satisfactory completion of the following:

- **Applicants' Driving Record Review**

The Library Director and supervisor will review the driving records of applicants to assure compliance with the standards of the Library Motor Vehicle Safety Policy.

- **Criminal Record Check**

In the interest of public welfare and safety, all applicants will be subject to a pre-employment criminal record check pursuant to Virginia Code Section 19.2-389(7).

Following a provisional offer of employment, the Director shall obtain all information necessary for a check to be performed, shall make provisions for the security and confidentiality of the information, shall arrange for the applicant's criminal record to be checked, and, upon receipt of the record, shall determine whether any past criminal conduct of a person with a conviction record would be compatible with the nature of the employment under consideration. If the Director determines that the criminal record is incompatible with the nature of the employment, the provisional employment offer shall be withdrawn. The decision of the Director shall be final. If an applicant is denied employment because of information appearing in the criminal history record, the Director shall notify the applicant that the information contributed to the denial. Criminal history records shall be confidential.

B. Provisional Employment Period

The first six months of employment are considered to be a provisional employment period, during which the supervisor will explain job requirements, train the employee and consult with the employee on performance issues. The employee's response to training, ability to do the job assigned, general attitude and ability to work with other people, will be evaluated periodically by the supervisor.

Employees satisfactorily completing the provisional employment period will receive a written performance evaluation at the end of the period. Unsatisfactory performance may result in termination at any point during the period, or an extension of the provisional employment period.

C. Employment of Relatives

Immediate Family members shall not be employed in a supervisory-subordinate relationship, or in any other relationship that the Director considers to be detrimental to the functioning of the Library, except in cases of emergency. Immediate Family is: an employee's parents, grandparents, grandchildren, spouse, children, brothers and sisters or the spouse's parents, grandparents, children, grandchildren, brothers, sisters or other persons living in the employee's household. This includes step, in-law and half-relatives or a person who is legally acting in one of the preceding capacities.

D. Disciplinary Action and Separation from Employment

1. Resignation

To resign in good standing, an exempt employee must give at least four weeks advance notice in writing to the Library Director. Other employees must give at least two weeks advance notice in writing to the Library Director. If special circumstances exist, the notice requirement may be waived by the Director. Failure to give the required advance notice will result in forfeiture of compensation for accrued leave.

2. Reduction in Force

The Library reserves the right to dismiss employees for lack of available work or funds.

3. Disciplinary Action

It is the duty of all Library employees to comply with and carry out all Library policies and procedures. Every staff member is expected to maintain high standards of conduct, cooperation, efficiency and economy in their work for the Library. Employees are expected to correct any improper or inadequate actions called to their attention and to avoid behavior or actions which conflict with Library policies and procedures. Employees are required to comply with all applicable federal, State and local laws and regulations, in the performance of their duties. Employees charged with or convicted of traffic offenses

July 2008

or crimes inconsistent with the standards required for their jobs, or who are found by the Director to have engaged in conduct inconsistent with those standards, may be suspended, disciplined or terminated.

Supervisors are to discuss improper or inadequate actions or behavior with employees to correct the deficiencies and to avoid the need for further disciplinary action.

Causes for disciplinary action include, but are not limited to, the following:

- a. Excessive tardiness or absenteeism.
- b. Being absent without notice.
- c. One or more unacceptable job performance ratings, or failure to adequately perform job duties.
- d. Neglect or carelessness resulting in damage to Library property or equipment.
- e. Driving in reckless or negligent manner or criminal endangerment in Library vehicles.
- f. Failure to follow safety rules.
- g. Acceptance for personal use of any fee, gift or consideration that in any way results from Library employment and failure to report any such offer or gift, fees, etc., to the immediate supervisor.
- h. Failure to properly report accidents or personal injuries occurring on the job.
- i. Being under the influence of or use of intoxicating liquors, narcotics or drugs (without a doctor's prescription) while on duty.
- j. Unlawful manufacture, distribution, dispensing, possession or use of a controlled substance in the workplace.
- k. Disclosing confidential information.
- l. Falsification of information required by the Library.
- m. Insubordination and/or disregard of instruction.
- n. Conviction of a felony.
- o. Misappropriation, destruction or theft of Library property.
- p. Possession of a weapon or discharge of a firearm on Library property.
- q. Any threat or disrespectful act toward the public or a fellow employee.
- r. Misuse or unauthorized use of Library computer and information resources.
- s. Violation of Library Safety Policies, including the Motor Vehicle Safety Policy.

As soon as possible after the supervisor becomes aware of employee activity or actions which may be cause for corrective action, the supervisor should meet with the employee to discuss the activity. Determination of whether the activity constitutes cause for proposed disciplinary action shall be made by careful weighing of the available facts to decide whether that activity violates a policy or procedure or is a breach of any of the employee's duties or responsibilities. The determination of the appropriate proposed disciplinary action shall be based on the nature of the activity, past performance, and consideration of extenuating circumstances.

The forms of disciplinary action, listed in progressive order of severity, are as follows:

- a. Oral reprimand (warning)
- b. Written reprimand
- c. Suspension without pay
- d. Demotion or transfer
- e. Termination of employment

Disciplinary action should be progressive in nature. Supervisors may, however, skip steps depending on the severity of the offense. In emergency situations the supervisor may take temporary action including suspension to remove the employee from the premises. Only the Library Director, or a designated librarian acting on behalf of the Director, may take disciplinary action involving suspension, demotion, transfer or termination.

Except in an emergency, any employee who is proposed to be suspended without pay, transferred, demoted, or terminated, shall be given prior notice of the proposed action, and shall be given the option of responding or providing further information to the Director, within a reasonable period of time, as determined by the Director, prior to the disciplinary action being taken.

V. PERFORMANCE EVALUATIONS

Annual written performance evaluations shall be completed by supervisors, in accordance with this Policy and procedures established by the Director, and shall be completed between May 1 and June 30 of each year.

VI. PAYROLL

A. Employee Compensation

The Library salary scale consists of a salary range for each job description. The salary scale is based on comparisons with other Library and government salaries. The salary scale is reviewed periodically by the Board and adjustments may be made to assure that comparative salary levels are maintained.

Upon appointment, employees receive a salary within the salary range for the position, consistent with experience and qualifications, as determined appropriate by the Director.

Employees may receive “pay for performance” increases determined by the individual’s job performance. Pay for performance increases, if available, are effective July 1 of each year. The availability of any increases is determined by the Board during adoption of the Library budget.

B. Hours of Work

The standard work schedule for full-time Library employees is 40 hours a week, on a schedule prescribed by the supervisor and included in the work schedule on file with the Director, with an allowance for two 15 minute breaks. Part-time employees shall work on a schedule prescribed by the supervisor and filed with the Director, with lunch periods and breaks included as appropriate. Employees may be required to work at night and periodically on weekends. Schedules shall be established in accordance with Library staffing needs and deviations from approved standard work schedules shall be approved by the supervisor. Lunch and other breaks shall be scheduled as directed by the supervisor.

C. Payroll Deductions

Employee payroll deductions, aside from those which are required by Federal or State law, shall be subject to approval by the Library Board and by the entity which issues the paychecks.

VII. BENEFITS PACKAGE

The Library offers a comprehensive benefits package to all full-time employees and employees in part-time benefited positions. Specific plan information is available through the Library Office. All benefits are subject to periodic appropriations and may be changed or eliminated.

Workers' Compensation

The Library provides workers' compensation insurance coverage at no cost to all employees and Board members. This insurance program covers the cost of medical treatment for an injury (by accident) or illness (occupational disease), which arises out of and in the course of employment, if determined eligible for coverage by the insurance carrier. With the exception of emergency treatment, in order to obtain workers' compensation coverage, the employee must use the services of the physicians panel selected by the Library.

An employee who is injured while performing assigned work duties is required to promptly file a report of accident with the supervisor. The Library Office must receive notice of injuries within 24 hours of the incident, or in the case of injury on weekends and holidays, by the next workday. The Library Office will send the employee a letter providing instructions for completing the claim process, including submittal of medical bills, information regarding the receipt of wages and reimbursement from the insurance carrier. The insurance carrier will determine the applicability of coverage.

A. Holidays

VIII. HOLIDAYS & INCLEMENT WEATHER

The Library will be closed for the following holidays:

New Year's Day	January 1
Memorial Day	Last Monday in May
Independence Day	July 4
Labor Day	1st Monday in September
Thanksgiving Day	4th Thursday and Friday in November
Christmas	December 25 & one other day in December

Whenever any holiday falls on Saturday, the Friday proceeding such day is the legal holiday.

Whenever any holiday falls on Sunday, the Monday following such day is the legal holiday.

All benefited part-time employees will be paid a prorated holiday based upon the numbers of hours they are normally scheduled, according to their hours letter.

B. Floating Holidays

The Library recognizes the following schedule as floating holidays but does not close in observance of these days:

Martin Luther King Day	3 rd Monday in January
President's Day	3 rd Monday in February
Indigenous Peoples' Day	2 nd Monday in October
Election Day	1 st Tuesday in November
Veterans Day	November 11

Full-time staff members are granted Floating Holiday Leave, not exceeding (five (5) days) or 40 hours total in one year. This Floating Holiday Leave is available on January 1. Full-time staff may choose to use Floating Holiday Leave on another day off as scheduled by their supervisor. Floating Holiday Leaves not taken by the end of the calendar year are forfeited. New employees hired between January 1 and April 30 will be provided with 40 hours of Floating Holiday Leave. New employees hired between May 1 and September 30 will be provided with 20 hours of Floating Holiday Leave. New employees hired between October 1 and December 31 will not receive Floating Holiday Leave until the following calendar year. In the event of separation within the year, the employee must re-pay the Library for all Floating Holiday Leave taken but not earned according to the schedule above.

C. Inclement Weather or Emergency Closing

When there is inclement weather or other emergency, libraries will remain open until official notice by the Library Director or designee of the closing. The announcement will be made by the Director after consultation with County offices and consideration of reports on road conditions. A general public announcement about closing will be made via radio. Library staff will be notified by phone of the official closing time.

Absence because of inclement weather, or other emergency, other than during official closing will be charged against the employee's annual leave, compensatory time, or considered leave without pay.

IX. PAID LEAVE

A. Annual Leave

Earned annual leave time will be accrued as follows:

Years of service	Semi-monthly accrual	Maximum accrual
Less than one year	144 hours up front	144 hours
1 but less than 5	6 hours	192 hours
5 but less than 10	7 hours	240 hours
10 years or more	8 hours	288 hours

At the time of hire, the first year’s Annual Leave is available immediately to new employees. All leave must be approved by the employee’s supervisor based upon the needs of the library. The amount of Annual Leave that is immediately available for new benefit-eligible part-time employees is based on the full-time equivalent percentage designated for the employee’s position.

Employees who terminate prior to the completion of three months employment are not entitled to annual leave pay. After the first three months employment, employees are eligible for payment for accrued annual leave upon termination. In the event of separation within the first year, the employee must re-pay the Library for all annual leave taken but not earned according to the accrual for employees between one year and five years. For example, if an employee separates from employment after six months and has taken 14 days, then he or she will have to repay 5 days. This amount will be deducted from the employee’s final pay deposit.

Annual leave shall be approved in advance by the supervisor, who shall be responsible for working out a schedule with first concern for the conduct of Library business and with secondary concern for the desires of the employees.

B. Sick Leave

Sick leave shall be used for illnesses and related medical purposes such as doctor and dentist appointments.

July 2008

Sick leave is accrued at the rate of 1-1/4 days (10 hrs.) for each completed month of employment by full-time employees.

An employee away from work for medical conditions that require absence in excess of one week may be required to submit to the supervisor a written statement from the attending physician outlining the general nature of the medical condition, stating the earliest approximate date of return to duty and advising on the ability of the employee to perform regular duties. The supervisor has the prerogative of requiring the physician's letter with the above content prior to an absence of one week if, in the supervisor's judgment, this information is necessary. Before returning to work from an extended absence, the employee may be required by the supervisor to obtain a written statement from the attending physician advising that the employee may return to regular duties. All medical information is confidential.

If sick leave is exhausted, accumulated annual and/or compensatory leave balances may be charged for the excess and, if necessary, the employee may be placed on leave without pay by the Library Director.

Sick leave may be used for pregnancy purposes with a doctor's statement and may begin when the doctor states that work must cease. It can continue until the date the doctor approves for returning to work. Should an employee desire to be away longer than the doctor prescribes, the absence will be charged to annual, compensatory leave, or leave without pay, all of which require pre-approval of the Library Director. The final decision must be based on policy and legal requirements and the effect the absence would have on the daily operation of the particular workforce. The employee should consult the Library Office to take the necessary steps for continuation of applicable benefits while absent.

There is no limit to the amount of sick leave that may be accrued. If, at the time of termination, an employee has more than 50 days (400 hours) of sick leave credit, she/he will be paid for 25% of any accrued sick leave exceeding 50 days (400 hours). All other sick leave is lost when employment is terminated.

C. Family Illness and Bereavement Leave

In case of medical or dental appointments requiring assistance of the employee, or illness or death in the Immediate Family, leave, not exceeding three (3) consecutive days and six (6) days total in one year, may be used.

Immediate Family is: an employee's parents, grandparents, grandchildren, spouse, children, brothers and sisters or the spouse's parents, grandparents, children, grandchildren, brothers, sisters or other persons living in the employee's household. This includes step, in-law and half-relatives or a person who is legally acting in one of the preceding capacities.

D. Civil Leave

An employee who is called to serve as a juror or to attend court as a witness under subpoena, is given time off to perform this duty, except when the employee is a defendant in a criminal or traffic case. The employee shall present the summons or subpoena to the supervisor and Director as soon as it is received.

July 2008

The Library will pay the difference between the jury fees and the employee's regularly scheduled salary, if the salary is greater than the fees. If the employee receives no fees, the regular salary will be paid.

If the jury is not in session on a day the employee is scheduled to work, the employee must return to work.

E. Compensatory Leave

Overtime must be approved in advance by the Library Director or designee.

Employees in **non-exempt** positions are eligible for pay or compensatory time at one and one-half times their regular rate of pay for any approved work in excess of forty hours during their standard workweek. Hours worked up to forty will be paid at the regular rate of pay. Overtime is computed with the workweek beginning on Sunday and ending on Saturday, unless otherwise approved by the Library Director. Overtime is time worked in excess of forty hours in a work week. Overtime status begins once the employee arrives at the workstation and begins performing the assigned duties and ends when performance of the assigned duties ceases.

Hours worked beyond the regularly scheduled workweek must be authorized and must be limited to unusual circumstances. Use of compensatory time on a continued basis for accomplishing regular services is prohibited. Holidays and closings due to weather or other emergencies, for purposes of this section, will be considered as hours actually worked in overtime computation. Compensatory time may be awarded in lieu of cash wage payments on a time and one-half basis at the written request of the employee with approval of the Library Director. The maximum compensatory time accrual shall be 80 hours after which cash wages, computed at time and one-half the hourly rate for hours worked in excess of the standard workweek, must be paid.

F. Military Leave

Members of the organized reserve forces of any of the Armed Services of the United States, National Guard or Naval Militia, shall be entitled to a leave of absence not to exceed fifteen work days per Federal fiscal year (October 1-September 30) with pay and without loss of seniority or accrued leave. Fifteen workdays is normally meant to be consecutive, but may be fragmented or non-consecutive if supported by military orders. This paid military leave may be taken for not only active duty training but also for periods of inactive duty training as long as the sum of paid military leave does not exceed 15 work days per federal fiscal year.

If more time is needed beyond what is allowed under these regulations, then the employee must use leave without pay or elect to use annual and/or compensatory time balances.

Employees in a paid status, and not temporary employees, shall receive the benefits of this type of leave.

Any full-time employee who receives orders or who elects to report for active duty in any of the Armed Forces of the United States shall be placed on military leave without pay assuming the following actions have taken place:

1. The employee has used 15 days paid military leave in the current Federal fiscal year.
2. The employee requests military leave without pay.
3. The employee submits to the Library Director copies of their orders indicating their active duty status and the duration of such active duty.
4. A copy of the active duty orders is attached to the leave without pay written request when

July 2008

submitted to the Library Director.

During military leave without pay status, the same provisions governing sick and annual leave accrual as set forth in the Leave Without Pay policy shall apply. The employee may make arrangements with the Library Office to continue applicable benefits by paying all premiums as required by the health and benefits contracts currently in force.

Within 90 days after release from active duty, provided the employee can provide proof of satisfactory completion of initial active duty training by certificate, discharge or release to inactive reserve status, the employee shall be entitled to reinstatement in their former position provided the employee is capable of performing the duties. If the former position has been abolished the employee shall be given first consideration for other vacancies for which the employee is qualified. Employees selected to fill vacancies created by persons on military leave shall be employed on a temporary or provisional basis. For all other purposes, the same provisions as outlined in the Leave Without Pay policy will govern. Return to Library employment shall be treated as a reinstatement of employment.

G. Workers' Compensation Leave

Workers' compensation leave is leave occasioned by an on-the-job injury or occupational disease determined by the insurance carrier to be an eligible workers' compensation claim. It is the responsibility of the supervisor to assess the impact on Library operations of any employee inactivated by injury or illness and contact the Library Director immediately as to the options available.

Workers' compensation leave is specific to the incident documented on the First Report of Accident form. Until the workers' compensation claim is approved or denied by the Library's insurance carrier, the employee's absence should be recorded as workers' compensation leave. Leave taken must be supported by the medical information which substantiates that the absence is related to the injury or illness documented on the First Report form. Workers' compensation leave payments are intended to provide an injured employee with compensation until the Library's insurance carrier approves or denies the employee's workers' compensation claim. These payments are not intended to reflect whether the claim is compensable or the extent of the employee's disability.

If the claim is not approved for workers' compensation, the employee will be required to pay back time/money received from the Library while on leave. Where the individual has appropriate leave balances (i.e. sick, compensatory, or annual), an adjustment will be made by the Library Office to cover the time charged to workers' compensation leave. Should limited or no leave balances be available, arrangements with the Library Office shall be made to reimburse wages paid that are not covered by leave balances.

See XI. Miscellaneous

E. Return to Work Program

H. Accrual Limits; Leave for Part-Time Employees; Payment Upon Termination or Death

Paid leave in excess of prescribed maximums shall be forfeited December 31 of each year. Part-time benefited employees shall be eligible for annual leave on a prorated basis, according to the number of average hours worked per week, as determined by the Director.

Upon termination, employees shall receive compensation as provided pursuant to these Policies for accrued leave. In the case of death of an employee, payment shall be made to the employee's estate.

X. UNPAID LEAVE

The Library offers two types of unpaid leave: Family and Medical Leave (FMLA) and Leave Without Pay (LWOP). Some regulations apply equally to both types of unpaid leave, while other regulations are specific to the type of unpaid leave taken.

Unpaid FMLA and LWOP shall not be considered as a workday for the purposes of leave accrual. No annual or sick leave shall be accrued while in an unpaid status.

A. Leave Pursuant to the Family and Medical Leave Act of 1993 (“FMLA Leave”)

The Library provides eligible employees up to twelve work weeks of unpaid job protected leave annually for certain family and medical reasons. For purposes of determining the amount of leave available, the annual period shall be a rolling 12-month period. Employees are eligible if they have worked for the Library for at least one year, which must include 1250 hours of work during the twelve months preceding the commencement of the FMLA period of leave. Unpaid leave will be granted for any of the following reasons:

- For the birth of a child of the employee, or to care for the employee’s child after birth, or placement for adoption or foster care;
- To care for the employee’s spouse, son or daughter, or parent, who has a serious health condition; or
- For a serious health condition which makes the employee unable to perform the employee’s job.

This policy shall be interpreted and administered in accordance with the Family and Medical Leave Act of 1993 and applicable federal regulations.

1. Notice and Certification:

The employee is required to provide thirty days advance written notice when FMLA leave is foreseeable. The employee must provide medical certification to support a request for leave because of a serious health condition of the employee or relative. The Library Director may request recertification at any reasonable interval, but not more often than every 30 days, unless:

- (a) The employee requests an extension of leave;
- (b) Circumstances described by the original certification have changed significantly;
- (c) The employer receives information that casts doubt upon the continuing validity of the certification; or
- (d) An employee is unable to return to work after FMLA leave because of the continuation, recurrence, or onset of a serious health condition.

For leave due to a serious health condition of the employee, certification of the fitness of the employee to return to job duties is required prior to the return to employment. This does not apply to Intermittent Leave.

2. Intermittent Leave:

Family and Medical Leave (FMLA) may be taken intermittently or on a reduced leave schedule for the provisions set forth above for which Family and Medical Leave is available.

3. Benefit Continuation:

During any FMLA Leave, the Library will maintain the employee's coverage in the group health plan under the same conditions as coverage would have been provided if the employee had been continuously employed during the entire leave period. Payments for the employee's portion of the premiums for health insurance coverage shall be submitted in accordance with the rules and regulations of the administrator of the group health insurance plan. Employees on FMLA leave who are enrolled in benefit programs in which the Library pays no portion of the cost, will be required to remit the full payment for those benefits to the administrator of the benefits under their rules and regulations.

4. Use of Other Leave

An employee may, but is not required to, use accrued compensatory hours in lieu of FMLA leave. If an employee uses accrued compensatory hours in lieu of unpaid FMLA leave, the compensatory hours used will not be counted against the employee's FMLA entitlement. An employee may, but is not required to, use other appropriate accumulated paid leave while on FMLA leave.

5. Forms

Certification, recertification, and return to duty forms are available from the Library Office and shall be completed by the physician of any employee applying for and participating in FMLA leave as a result of a serious health condition of an eligible relative or of the employee.

B. Leave Without Pay (LWOP) [OTHER THAN FMLA]

If an unpaid absence is required for reasons other than the birth, adoption or placement of a child, the serious health condition of a spouse, child or parent, or the serious health condition of the employee, a written request for leave without pay may be made to the Library Director. Unlike the provisions of the FMLA, there is no job protection in leave without pay. The Library Director must give first consideration to the needs of the Library. Approval of leave without pay is not guaranteed.

If the Library is unable to retain the position for the employee on leave without pay, that employee may be considered for any similar position for which the employee is qualified, vacant or anticipated vacant, at the time the employee desires to return. Although every effort will be made to assist the employee, there is no employment guarantee in leave without pay.

Except in emergencies, the written request for leave without pay should provide as much notice as possible, preferably thirty days.

Benefit Continuation:

During LWOP the employee must pay the full cost of all benefits, both the portion normally paid by the Library and the employee portion. The employee will be required to remit the full payment for those benefits to the administrator of the benefits under their rules and regulations.

The employee will be required to exhaust all compensatory time hours before beginning a period of LWOP. The employee may, but is not required to, use accumulated annual or sick leave (if applicable) balances prior to requesting an unpaid period of leave.

XI. MISCELLANEOUS

A. Drug-Free Workplace

The Library is a drug-free workplace and the Library complies with federal Drug-free Workplace Act requirements.

B. Prohibition Against Harassment

It is the policy of the Library that all employees shall be free of discrimination, which includes freedom from harassment whether that harassment is based on sex, age, race, national origin, religion, sexual orientation, marital status, or disability. The Library prohibits harassment of its employees in any form by supervisors, co-workers, Library patrons or those who do business with the Library.

Such conduct may result in disciplinary action up to and including dismissal of the employee who harasses others or the supervisor or manager who tolerates such conduct. Persons who are not employees but who engage in offensive and/or harassing behaviors or language will be asked by the supervisor or manager to leave the premises.

No supervisor shall threaten or insinuate either expressly or implicitly that any employee's submission to or rejection of sexual advances will in any way influence any personal decision regarding that employee's employment, performance evaluation, compensation, assigned duties, shifts, or any other condition of employment.

Other harassing conduct in the workplace, whether physical or verbal, committed by supervisors or others is also prohibited. This includes: slurs, jokes or degrading comments concerning sex, age, race, national origin, religion, sexual orientation, marital status, or disability; repeated offensive sexual flirtation, advances, or propositions; abuse of a sexual nature; comments about an individual's body; and the display in the workplace of sexually suggestive objects or pictures.

Employees who have complaints of harassment or any other aspect of this prohibited conduct should immediately report such conduct to their supervisor, supervising librarian, or to the Director. Where investigation confirms the allegations, appropriate corrective action will be taken.

C. Political Activity

A Library employee may not use official authority or influence for the purpose of interfering with or affecting the result of an election or a nomination for office; and may not directly or indirectly coerce, attempt to coerce, command, or, during work hours, advise a Library employee to pay, lend or contribute anything of value to a party, committee, organization, agency or person for political purposes. Those employees who are subject to additional restrictions because of grant agreements or other requirements for a particular project or program shall be advised of any restrictions by the Library Director.

D. Conflicts of Interest and Gifts

Employees shall comply with the State and Local Government Conflict of Interests Act. The State and Local Government Conflict of Interests Act, Virginia Code Section 2.2-3103, prohibits Library employees from accepting "any money, loan, gift, favor, service, or business or professional opportunity that reasonably tends to influence him in the performance of his official duties" Various provisions of the Act govern financial interests of employees, and related matters. Questions concerning the interpretation or application of the Act should be directed to the Library Director.

E. Return to Work Program

I. Purpose

- A. Maintain Library objectives and productivity.
- B. Encourage safety and prevention of injury.
- C. Whenever possible, provide reasonable work opportunities for workers injured on the job to return to work.
- D. Assist the employee in their return to a normal work environment in an expedient manner.

II. Applicability

This program applies to all employees of the Pamunkey Regional Library.

III. Forms

Pamunkey Regional Library/Virginia Municipal League Insurance Programs Workers' Compensation Report form, specifically, Section D-Medical. (Part of Pamunkey Regional Library Personnel Policies.)

IV. Responsibilities

A. Employee

- 1. The Employee shall notify Supervisor immediately about any work restrictions ordered by the treating Pamunkey Regional Library Workers' Compensation Panel Physician (the Physician).
- 2. The Employee shall inform the Physician of the Return-to-Work Program and the possibility of alternative work availability.
- 3. The Employee shall contact Supervisor by telephone or e-mail, as directed by the Supervisor, to let them know their availability for work status at least once a week during Workers' Compensation absence.
- 4. The Employee shall provide Supervisor and Library Administration completed Section D-Medical "Recommended Work Status" form (or a comparable medical report form signed and dated by the treating Physician) upon request, and before returning to work.

5. If the Physician approves return to duty or an alternative work assignment proposed by the Supervisor, the Employee shall provide a completed Section D-Medical "Recommended Work Status" form (or a comparable medical report form signed and dated by the treating Physician) to Supervisor and Library Administration and report to work at the scheduled time.

B. Supervisor

1. After obtaining a statement from the Physician as to restrictions imposed on the Employee, the Supervisor shall, if practical, in consultation with Library Administration, develop an alternative assignment consistent with directives from the Physician and the needs of the Library.

2. The Supervisor shall contact Library Administration in the event an alternative assignment is not available in the injured Employee's branch library/department to see if an alternative assignment is available in a different branch library/department.

3. After authorization from Library Administration, the Supervisor shall offer the Employee an assignment consistent with the Physician's restrictions, if available.

C. Library Administration

1. Library Administration shall act as the return-to-work coordinator and take a proactive approach in the Return-to-Work Program, planning, leading, controlling, and monitoring the return-to-work assignments.

2. Library Administration shall provide Physicians with a copy of the job description to help them understand the Employee's regular job, a copy of this Program, and job descriptions for any available and proposed alternative work assignments.

3. Library Administration shall maintain contact with the Physician, the insurance company, the Employee, and the Employee's Supervisor.

4. Library Administration shall authorize an alternative work assignment if one is available consistent with this Program.

5. Library Administration shall act as the employer's representative.

D. Pamunkey Regional Library Workers' Compensation Panel Physician

1. The Physician shall review the injured Employee's job description.

2. The Physician shall determine the condition of the injured Employee, as it relates to the job description and either provide the Employee and the employer with any specific physical restrictions to be followed in work assignments or authorize return to work.

3. The Physician shall complete Section D-Medical "Recommended Work Status" Form (or a comparable medical report form signed and dated by the treating Physician).

E. VML Case Manager

1. The Case Manager shall monitor the Worker's Compensation case and determine if an offer of an alternative work assignment is appropriate and advise Library Administration.
2. The Case Manager shall take appropriate action to conform workers' compensation benefits to the Employee's work status.

XII. EMPLOYEE COMPLAINT PROCEDURE

Section 1. Purpose

The most effective and harmonious work of any organization requires that employee complaints receive consideration. While it is the desire of the Pamunkey Regional Library Board that any complaint be resolved informally among employees and supervisors, it is recognized that there may be times when adequate consideration is achieved only through further review.

All Library employees are employees of the Board and serve at the pleasure of the Board and the Library Director. Employees are governed by policies which may be adopted, amended, and rescinded by the Board from time to time. This complaint procedure shall not be construed to provide to any employee any assurance of continued employment status, nor to change the employment status of any employee. The Board and the Director retain all management authority, including the authority to assign work, establish rates of pay, hire and terminate employees, and interpret and administer policies.

Section 2. Applicability.

Any employee of the Library may use this procedure for any complaint relating to working conditions, alleged discrimination on the basis of age, disability, gender or race, or other employment matters which the employee has been unable to resolve informally. Employees with complaints of discrimination, including sexual harassment, may make a complaint directly to the Director.

Section 3. Procedure.

The Personnel Complaint Form, or a written letter or memorandum including information required by the form, should be used for any complaint.

The employee should first present the complaint to the immediate supervisor, who shall make careful inquiry into the facts and circumstances of the complaint, and provide a written response. If the employee is not satisfied with the supervisor's response, or with the timeframe of the response, the employee may submit the complaint to the Director. The Director shall make an investigation and inform the employee of the decision within a reasonable period of time following receipt of the complaint. The decision of the Director shall be final except in the case of employee termination. In the case of a complaint arising out of a termination or proposed termination action, the employee may request review of the Director's decision by the Board. The request must be made in writing on the

July 2008

complaint form, or by letter or memorandum including information required by the form. The Board, or its designated committee, may consider the complaint, if the Board deems such consideration to be in the best interest of the Library. The Library or the Director shall notify the employee of any action taken by the Board, which shall be final.

July 2008

PAMUNKEY REGIONAL LIBRARY PERSONNEL COMPLAINT FORM

Personnel Complaint Form
(Attach any supplemental sheets or information to this form)

Employee's Statement (include relevant facts about complaint and requested relief, use separate sheet, if necessary):

Step 1: I request consideration of this complaint by my supervisor.

Date: _____ Employee: _____

Date received: _____ Supervisor: _____

Supervisor's Response (use separate sheet, if necessary):

Date: _____ Supervisor: _____

Step 2: I request review of my Supervisor's response by the Director.

Date: _____ Employee: _____

Date received: _____ Director: _____

Library Director's Response (use separate sheet, if necessary):

Date: _____ Director: _____

Step 3: I wish to request review of the Director's response by the Library Board.

Date: _____ Employee: _____

Date received: _____ Library Director: _____

Library Board's Decision (use separate sheet of paper, if necessary):

PAMUNKEY REGIONAL LIBRARY BOARD

Date: _____ By: _____