**Library Name** **or** **Logo**

**EMPLOYEE HANDBOOK**

**Prepared by:**



 **Library Name**

**Employee Handbook**

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**SECTION ONE**

# ****INTRODUCTION****

## WELCOME

**Library Name** has a long and proud history dating back to **when**. As a **Library Name** employee, you are an important part of our continued heritage.

This Handbook summarizes many of your privileges, benefits, and responsibilities as an employee of our Library. If you are a new employee, it will be helpful in acquainting you with our Library’s philosophies and human resources practices. If you are already a member of the **Library Name** team, this Handbook should prove to be a useful reference. Above all, we hope it will promote consistency, fairness and understanding throughout our Library.

In order to maintain the necessary flexibility in the administration of policies and procedures, **Library Name** reserves the right to change, revise or terminate any of the policies and/or benefits discussed in this Handbook with or without advance notice. After you have read your Handbook, please keep it handy for future reference and updating.

Welcome to **Library Name**! We are glad that you have joined our Library and we hope that you will find your work with us to be both challenging and rewarding.

Director & Board of Trustees

## PREFACE

This Handbook\* outlines the human resources policies and benefit plans currently in effect at **Library Name**. In this **Employee Handbook**, **Library Name** is also referred to as “**Library Name**” or “Library.” Policies are revised or added periodically and are effective as of the date issued.

The statements regarding our Library’s policies, procedures and benefits are for information purposes only. They do not constitute a contract for employment, either expressed or implied. Our Library adheres to the principle of employment-at-will which preserves the right of either the employee or the employer to terminate the employment relationship at any time, with or without cause. No supervisor or employee of **Library Name** has any authority to enter into an agreement for any employment other than at will. Only the Director and Board of Trustees have the authority to make any such agreement and then only if it is reduced to writing.

Important Information about Benefits

As our Library evolves, we will continue to review and revise these human resources policies and benefit programs. The Library reserves the right to alter, reduce or terminate any pay practices, policies, premium contributions, benefits and benefit plans, in whole or in part, at any time for any reason to the extent permissible by law. Any such change may affect retirees and beneficiaries, as well as active employees.

The benefit information found in this Handbook is intended to provide an overview of the benefit plans. The actual benefits are controlled by the terms of the applicable plan documents and insurance policies. Questions regarding the interpretation of these plans will be answered in accordance with the actual plan documents and insurance policies, rather than the summaries contained in this Handbook. Employees may obtain copies of these documents from the Director.

Disclaimers

**[Include statement for private employers:** This Employee Handbook will be interpreted to comply with all applicable federal, state, and local laws. As more fully described in the Library’s Statement of Rights Under the NLRA, nothing in this **Employee Handbook** is intended to unlawfully restrict an employee’s right to engage in any concerted activity protected by the National Labor Relations Act.**]**

**[Include statement for unionized employers:** **Note:** If there is a conflict between the collective bargaining agreement and this Handbook, the provisions of the collective bargaining agreement are controlling for unionized employees.**]**

**[Include statement for civil service employers:** **Note:** If there is a conflict between Civil Service regulations and this Handbook, Civil Service regulations are controlling for Civil Service employees.**]**

[**Include if the Library has remote/hybrid work or positions in which work may be regularly or frequently performed offsite:** In this **Employee Handbook**, the “workplace” may refer to a physical worksite, including the Library’s private offices, work performed at a customer’s worksite, any remote work location, including an employee’s home or any other place outside of the traditional workplace where an employee performs work on behalf of **Library Name**.**]**

\* This Handbook and its policies are effective **MONTH YEAR** and supersedes all other personnel manuals and personnel policies previously distributed by the Library. To avoid confusion, please discard any copies of previously published **Employee Handbooks**.

## STATEMENT OF RIGHTS UNDER THE NLRA

The policies contained in this **Employee Handbook** in no way prohibit employees from engaging in activities that are protected under applicable federal, state or local laws, including, but not limited to, any activity that is protected under Section 7 of the National Labor Relations Act (NLRA), including without limitation, employees right to engage in:

* Organizing a union to negotiate with their employer concerning their wages, hours, and other terms and conditions of employment;
* Forming, joining, or assisting a union, such as by sharing employee contact information; Talking about or soliciting for a union during non-work time, such as before or after work or during break times, or distributing union literature during non-work time, in non-work areas, such as parking lots or break rooms;
* Discussing wages and other working conditions with co-workers or a union;
* Taking action with one or more co-workers to improve working conditions by, among other means, raising work-related complaints directly with the employer or with a government agency, or seeking help from a union;
* Striking and picketing, depending on its purpose and means;
* Taking photographs or other recordings in the workplace, together with co-workers, to document or improve working conditions, except where an overriding employer interest is present;
* Wearing union hats, buttons, t-shirts, and pins in the workplace, except under special circumstances; and
* Choosing not to engage in any of these activities.

**NO RETALIATION**

**Library Name** will not retaliate against an employee because they exercise their rights in accordance with this policy. Employees who have questions concerning this policy or feel they have been retaliated against for engaging in protected activities should contact the Director.

**Policy Notes**

**National Labor Relations Act.** The [NLRA](https://www.nlrb.gov/resources/faq/nlrb#t38n3208) does not apply to federal, state or local governments including public schools, libraries, and parks, Federal Reserve banks, and wholly owned government corporations. See this [Jurisdictional Standards page](https://www.nlrb.gov/rights-we-protect/law/jurisdictional-standards) for more information.

The NLRA does apply to association libraries, and must be included in all Employee Handbooks for association libraries. It is best practice for all library types to follow these guidelines, regardless of requirement.

Remember to remove references to the NLRA in any applicable policies for employee handbooks that are developed for any of the aforementioned federal, state and local governments.

**SECTION TWO**

# ****EMPLOYMENT PRACTICES****

## 2.01 EQUAL EMPLOYMENT OPPORTUNITY [NEW YORK]

**LIBRARY NAME** is committed to a policy of Equal Employment Opportunity with respect to all employees, interns and applicants for employment. Consistent with this commitment, our policy is to comply with all applicable federal, state and local laws concerning employment discrimination. Accordingly, the **Company** prohibits discrimination against qualified employees, interns and applicants in all aspects of employment including, but not limited to: recruitment, interviewing, hiring (or failure or refusal to hire), evaluation, compensation, promotion, job assignment, transfer, demotion, training, leaves of absence, layoff, benefits, use of facilities, working conditions, termination and employer-sponsored activities and programs, including wellness, social and recreational programs. Employment decisions will be made without regard to an applicant’s, employee’s or intern’s actual or perceived: race (including traits historically associated with race, such as hair texture and protective hairstyles), color, creed, religion (including wearing attire, clothing or facial hair in accordance with the tenets of religion), sex (including pregnancy, childbirth or related medical conditions and transgender status), gender identity or expression, an employee’s or dependent’s reproductive health decisions, familial status, national origin, citizenship or immigration status, physical or mental disability (including gender dysphoria and being a certified medical marijuana patient), genetic information (including predisposing genetic characteristics), age (18 and over), veteran status, military status, sexual orientation, marital status, certain arrest or conviction records, domestic violence or victim status **[include for NYC employers:** height and weight (actual or perceived), domestic partnership status, caregiver status, relationship or association with a person in one of the protected classes,**]** and any other status protected by applicable law.

**MANAGEMENT RESPONSIBILITIES**

All members of management are responsible for understanding the **Company**’s commitment to this policy and ensuring this policy is carried out. **Supervisors/Managers** are responsible for immediately reporting and responding to a discrimination complaint, even if the reporting party does not want any action taken. It is critical that any observation of, or any formal or informal reference to discrimination is taken seriously and addressed promptly.

**REASONABLE ACCOMMODATIONS**

Consistent with our **Individuals with Disabilities** and **Religious Accommodation** policies, the **Company** will work to make reasonable accommodations for a qualified applicant, intern or employee with a known disability or arising out of an individual’s sincerely held religious beliefs or practices, unless doing so would result in an undue hardship to the **Company**. Employees who require a reasonable accommodation due to a known disability or arising out of a sincerely held religious belief or practice should refer to the applicable **Company** policies.

**QUESTIONS AND COMPLAINTS**

Questions regarding the administration of this policy or a complaint regarding Equal Employment Opportunity should be directed to the employee’s or intern’s **supervisor/manager** or to **WHO**. Consistent with our policy on **Harassment & Discrimination Prevention**, the **Company** will promptly and thoroughly investigate all complaints. Confidentiality will be maintained to the greatest degree possible, consistent with the **Company**’s obligation to thoroughly investigate the complaint.

Any individual at any time, even after separation of employment, who feels this policy has been violated should immediately contact their **supervisor/manager** or **WHO**.

If not satisfied with the resolution, an employee or intern may pursue an appeal. Appeals will generally follow the steps outlined in the Open Communication Policy.

**NON-RETALIATION**

It is the policy of **LIBRARY NAME** that any employee, intern or applicant who makes or participates in the investigation of a discrimination complaint will not be retaliated against in any way. Employees, interns or applicants who feel they have been retaliated against for such activity should immediately contact **WHO**.

Anyone found to be engaging in any type of inappropriate conduct under this policy may be subject to disciplinary action, up to and including termination of employment.

## 2.02 GENDER INCLUSION [OPTIONAL]

**Library Name** is committed to creating a safe and productive workplace environment for all employees, including those who identify as transgender or gender nonconforming.

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**EMPLOYEE RIGHTS**

Employees have the right to discuss their gender identity or expression openly, or to keep that information private. Employees also have the right to be addressed by the name and pronoun that correspond to their gender identity and use the restroom or other facilitiesthat corresponds to their gender identity. Employees also have the right to comply with the Library’s **Professional Attire** policy in a manner consistent with their gender identity.

**NON-DISCRIMINATION/NON-HARASSMENT**

As stated in the **Equal Employment Opportunity** andthe **Harassment & Discrimination Prevention Policies**, **Library Name** does not discriminate based on sex, sexual orientation, gender identity, or gender expression. Any incident of discrimination, harassment, or violence based on gender identity or expression will be given immediate and effective attention, including, but not limited to, investigating the incident, taking suitable corrective action, and providing employees and staff with appropriate resources.

**ADDITIONAL INFORMATION**

Employees who have questions about this policy, including changes to their official record or who would like to discuss their personal circumstances, may contact the Director. The needs of each employee will be assessed on a case-by-case basis and in accordance with applicable federal, state, and local law.

## 2.03 EMPLOYMENT AT-WILL [OPTIONAL]

Employment with **Library Name** is at-will unless state law provides otherwise. This means that employment may be terminated for any or no reason, with or without cause or notice at any time by the employee or by the Library. Nothing in this **Employee Handbook** or any oral statement will limit the right to terminate the at-will employment relationship. This at-will employment policy is the sole and entire agreement between the employee and **Library Name** regarding the fact that employment with **Library Name** is at-will. No supervisor has any authority to enter into a contract of employment, express or implied, that changes the fact that employment with the Library is at-will. Only the Director of the Library, the Board of Trustees, or their authorized representative has the authority to enter into an agreement that alters the at-will employment relationship, and any such agreement must be in writing and signed by the Director, the Board of Trustees, or their authorized representative.

## 2.04 HARASSMENT & DISCRIMINATION PREVENTION [NEW YORK]

**LIBRARY NAME** is committed to maintaining a workplace free from all forms of harassment and discrimination. The **Company** prohibits unlawful harassment and discrimination against anyone, for any reason, including, but not limited to an individual’s actual or perceived: race (including traits historically associated with race, such as hair texture and protective hairstyles), color, creed, religion (including wearing attire, clothing or facial hair in accordance with the tenets of religion), sex (including pregnancy, childbirth or related medical conditions and transgender status), gender identity or expression, an employee’s or dependent’s reproductive health decisions, familial status, national origin, citizenship or immigration status, physical or mental disability (including gender dysphoria and being a certified medical marijuana patient), genetic information (including predisposing genetic characteristics), age (18 and over), veteran status, military status, sexual orientation, marital status, certain arrest or conviction records, domestic violence victim status, **[include for NYC employers:** height and weight (actual or perceived), domestic partnership status, caregiver status, relationship or association with a person in one of the protected classes,**]** and any other status protected by applicable law.

The purpose of this policy is for employees and other covered individuals to recognize harassment and discrimination and to know what action to take when it occurs. This policy is one component of **LIBRARY NAME**’s commitment to a harassment and discrimination-free work environment where all individuals are treated with dignity and respect.

**APPLICABILITY**

This policy applies to all employees, applicants for employment, interns, whether paid or unpaid, anyone who is (or is employed by) a contractor, subcontractor, vendor, consultant, or anyone providing services in our workplace; collectively referred to as “covered individual(s)” throughout this policy.

All covered individuals conducting business in our workplace must refrain from engaging in unlawful harassment and discrimination.

**NO TOLERANCE**

Harassment, discrimination, and retaliation of any kind is a violation of our policies, is unlawful, and may subject **LIBRARY NAME** to liability for harm to targets of harassment, discrimination, and retaliation. Workplace harassment, discrimination, and retaliation will not be tolerated at **LIBRARY NAME**. All covered individuals conducting business with **LIBRARY NAME** are required to conduct themselves in a manner that prevents sexual or other forms of harassment and discrimination in the workplace. Any individual covered by this policy who engages in workplace harassment, discrimination or retaliation may be subject to remedial and/or disciplinary action, up to and including termination.

Harassers may also be individually subject to liability and the **Company** or **supervisors/managers** who fail to report or act on harassment may be liable for aiding and abetting such behavior. Employees of every level who engage in harassment, discrimination, or retaliation, including **supervisors/managers** who engage in harassment, discrimination, or retaliation, or who allow such behavior to continue, will be subject to disciplinary action up to and including termination.

**DEFINITION OF SEXUAL HARASSMENT**

Sexual harassment is unacceptable. Sexual harassment is a form of sex discrimination that subjects an employee to inferior conditions of employment due to their sex, sexual orientation, self-identified or perceived sex, gender expression, gender identity and the status of being transgender and is unlawful under federal, state and (where applicable) local law.

Sexual harassment is not limited to sexual contact, touching, or expressions of a sexually suggestive nature and may include any unwelcome conduct that is directed at an individual because of that individual’s sex when:

* Such conduct has the purpose or effect of unreasonably interfering with an individual’s work performance or creating an intimidating, hostile or offensive work environment, even if the complaining individual is not the intended target of the sexual harassment;
* Such conduct is made either explicitly or implicitly a term or condition of employment; or
* Submission to or rejection of such conduct is used as the basis for employment decisions affecting an individual’s employment.

There are two main types of sexual harassment:

* **Hostile Work Environment.** Behaviors that contribute to a hostile work environment may include but are not limited to words, signs, jokes, pranks, intimidation or physical violence which are of a sexual nature, or which are directed at an individual because of that individual’s sex. Sexual harassment also consists of any unwanted verbal or physical advances, sexually explicit derogatory statements or sexually discriminatory remarks made by someone which are offensive or objectionable to the recipient, which cause the recipient discomfort or humiliation, which interfere with the recipient’s job performance.
* **Quid Pro Quo.** Sexual harassment also occurs when a person in authority tries to trade job benefits for sexual favors. This can include hiring, promotion, continued employment or any other terms, conditions or privileges of employment. This is also called “quid pro quo” harassment.

Any covered individual who feels harassed should report the harassment to **WHO** so that the **Company** can promptly investigate any alleged violations of this policy. Any harassing or discriminatory conduct, even a single incident, can be addressed under this policy.

**EXAMPLES OF SEXUAL HARASSMENT**

The following describes some of the types of acts that may be unlawful sexual harassment and that are strictly prohibited:

* Physical assaults of a sexual nature, such as:
* Touching, pinching, patting, grabbing, brushing against another employee’s body or poking another employee’s body;
* Rape, sexual battery, molestation or attempts to commit these assaults.
* Unwanted sexual advances or propositions, such as:
* Requests for sexual favors accompanied by implied or overt threats concerning the victim’s job performance evaluation, a promotion or other job benefits or detriments;
* Subtle or obvious pressure for unwelcome sexual activities, including repeated requests for dates or romantic gestures.
* Sexually oriented gestures, noises, remarks, jokes or comments about a person’s sexuality or sexual experience, which create a hostile work environment.
* Sex stereotyping occurs when conduct or personality traits are considered inappropriate simply because they may not conform to other people's ideas or perceptions about how individuals of a particular sex should act or look.
* Sexual or discriminatory displays or publications anywhere in the workplace (including visible areas of a virtual or remote workspace), such as:
* Displaying pictures, posters, calendars, graffiti, objects, promotional material, reading materials or other materials that are sexually demeaning or pornographic. This includes such sexual displays on workplace computers or cell phones and sharing such displays while in the workplace.
* Hostile actions taken against an individual because of that individual’s sex, sexual orientation, gender identity and the status of being transgender, such as:
* Interfering with, destroying or damaging a person’s workstation, tools or equipment, or otherwise interfering with the individual’s ability to perform the job;
* Sabotaging an individual’s work;
* Bullying, yelling, name-calling;
* Intentional misuse of an individual’s preferred pronouns; or
* Creating different expectations for individuals based on their perceived identities.

**DEFINITION OF OTHER UNLAWFUL HARASSMENT**

The creation of an intimidating or hostile working environment, based on one or more of the above protected categories, constitutes unlawful harassment. Specific types of unlawful harassment, in addition to sexual harassment covered above, include, but are not limited to:

* Physical harassment refers to pushing, hitting, crowding, cornering or unwanted physical touching;
* Verbal harassment refers to verbal comments, including but not limited to jokes or the use of slurs or other offensive language regarding, or made because of, an individual's actual or perceived membership in one of the protected categories listed above;
* Written harassment refers to derogatory or degrading written comments regarding, or made because of, an individual's membership in one of the categories listed above. Specific examples include, but are not limited to e-mail, text messages, memos, notes, graffiti, other visual depictions or pictures, cartoons, drawings, and videos;
* Inappropriate, unwelcomed behaviors, such as offensive gestures and wearing clothes, jewelry, signage, etc. known to be offensive to particular protected classifications; and
* Any other unwelcome conduct that has the purpose or effect of creating an intimidating, hostile, or offensive working environment as defined by law, or has the purpose or effect of unreasonably interfering with an individual’s work performance or otherwise adversely affecting an individual’s employment opportunities.

Unlawful harassment, whether it is physical, verbal or visual in nature, is a form of employee misconduct that undermines the integrity of the employment relationship within our **Company**.

**WHO CAN BE A TARGET?**

**Harassers can be anyone in the workplace.** Harassment can occur between any individuals, regardless of their sex or gender. New York Law protects all covered individuals. A perpetrator of workplace harassment can be a superior, a subordinate, a coworker or anyone in the workplace including an independent contractor, contract worker, vendor, client, customer or visitor.

**WHERE CAN HARASSMENT OCCUR?**

Unlawful harassment is not limited to the physical workplace itself. It can occur while covered individuals are working remotely, traveling for business or at employer-sponsored events or parties. Calls, texts, emails, communications in virtual meeting platforms and messaging apps and social media usage by covered individuals can constitute unlawful workplace harassment, even if they occur away from the workplace premises, on personal devices (i.e., cellphones) or during non-work hours.

**REPORTING HARASSMENT AND DISCRIMINATION**

In New York, harassment does not need to be severe or pervasive to be illegal. It can be any harassing behavior that rises above petty slights or trivial inconveniences. Any covered individual who has been subjected to behavior that may constitute unlawful harassment or discrimination is encouraged to report such behavior to their **supervisor/manager** or to **WHO**. Anyone who witnesses or becomes aware of potential instances of workplace harassment or discrimination should report such behavior to their **supervisor/manager** or to **WHO**.

Reports of workplace harassment or discrimination may be made verbally or in writing. The written complaint form is located **where**. All covered individuals are encouraged to use this complaint form. Employees who are reporting potential harassment on behalf of another covered individual should use the complaint form and note that the complaint is being made on behalf of another covered individual.

Covered individuals who believe they have been a victim of workplace harassment or discrimination may also seek assistance in other available forums, as outlined in the Legal Protections and External Remedies section of this policy.

**BYSTANDER INTERVENTION**

Any employee witnessing harassing or discriminatory behavior as a bystander is encouraged to report it. A **supervisor/manager** who is a bystander to these behaviors is **required** to report it.

To the extent to which a bystander feels safe and comfortable, they may interrupt the harassment by engaging with the individual being harassed and distracting them from the harassing behavior; asking a third party to help intervene in the harassment; documenting the incident; checking in with the person who has been harassed after the incident; or confronting the harassers and naming the behavior as inappropriate.

When confronting harassment, physically assaulting an individual is never an appropriate response.

**MANAGEMENT RESPONSIBILITIES**

All **supervisors/managers** who receive a complaint or information about suspected workplace harassment or discrimination, observe what may be harassing or discriminatory behavior or for any reason suspect that harassment or discrimination is occurring, are **required** to report such suspected harassment or discrimination to **WHO**.

In addition to being subject to discipline, if they engaged in harassing or discriminatory conduct themselves, **supervisors/managers** will be subject to discipline for failing to report suspected workplace harassment and discrimination or otherwise knowingly allowing workplace harassment and discrimination to continue.

**Supervisors/Managers** will also be subject to discipline for engaging in any retaliation.

**COMPLAINTS AND INVESTIGATIONS**

All complaints, information, or knowledge of suspected workplace harassment or discrimination will be investigated whether that information was reported in verbal or written form. Investigations will be thoroughly conducted in a prompt and timely manner and will be confidential to the extent possible. All persons involved, including complainants, witnesses and alleged harassers, will be accorded due process, as outlined below, to protect their rights to a fair and impartial investigation.

Any covered individual may be required to cooperate as needed in an investigation of suspected workplace harassment or discrimination. **LIBRARY NAME** will not tolerate retaliation against covered individuals who file complaints, support another’s complaint or participate in an investigation regarding a violation of this policy.

While the process may vary from case to case, investigations will generally be conducted in accordance with the following steps:

* Upon receipt of the complaint, **WHO** will conduct an immediate review of the allegations, assess the appropriate scope of the investigation, and take any interim actions, as appropriate. If the complaint is verbal, the individual will be encouraged to complete the “Complaint Form” in writing. If the complainant chooses not to complete the Complaint Form, **WHO** will prepare a complaint form or equivalent documentation based on the complainant’s verbal report.
* When applicable, **WHO** may request, review and preserve documents relevant to the allegations, such as emails, phone records or other electronic communications.
* **WHO** will interview all parties involved, including any relevant witnesses.
* **WHO** will prepare written documentation of the investigation (such as a letter, memo or email), which may contain the following:
* A list of all documents reviewed, along with a detailed summary of relevant documents;
* A list of names of those interviewed, along with a detailed summary of their statements;
* A timeline of events;
* A summary of prior relevant incidents, reported or unreported; and
* The basis for the decision and final resolution of the complaint, together with any corrective actions action(s).
* Written documentation and associated documents will be maintained by the **Company** in a secure and confidential location.
* Following the investigation, **WHO** will promptly notify the complainant and the individual(s) about whom the complaint was made that the investigation has been completed and implement any corrective actions identified in the written document.
* **WHO** will inform the complainant of their right to file a complaint or charge externally as outlined in the Legal Protections and External Remedies section of this policy.

**CORRECTIVE ACTION**

If a report of workplace harassment or discrimination is found to be valid, immediate and appropriate corrective action will be taken. Covered individuals who violate this policy, including the provision against retaliation, will be subject to disciplinary action, up to and including termination. This determination will be based on all the facts of the case.

**NON-RETALIATION**

**LIBRARY NAME** will not tolerate retaliation against anyone who, in good faith, complains or provides information about suspected harassment or discrimination.

Unlawful retaliation can be any action that could discourage an employee from coming forward to make or support a workplace harassment claim including, but not limited to being discharged, disciplined, discriminated against, or having their personnel file disclosed, except where such disclosure is permitted or required by applicable law, or otherwise being subject to adverse employment action. Adverse action need not be job-related or occur in the workplace to constitute unlawful retaliation (e.g., threats of physical violence outside of work hours).

Retaliation is unlawful under federal, state and (where applicable) local law. The New York State Human Rights Law protects any individual who has engaged in a “protected activity.” Protected activity occurs when a person has:

* Made a complaint of harassment, either internally or with any anti-discrimination agency;
* Testified or assisted in a proceeding involving harassment under the Human Rights Law or other anti-discrimination law;
* Opposed harassment by making a verbal or informal complaint to management, or by simply informing a **supervisor/manager** of harassment;
* Reported that another employee has been harassed; or
* Encouraged a fellow employee to report potential harassment.

Even if the alleged harassment does not rise to the level of a violation of law, the individual is protected from retaliation if the person had a good faith belief that the practices were unlawful. However, the retaliation provision is not intended to protect persons making intentionally false charges of harassment.

**LEGAL PROTECTIONS AND EXTERNAL REMEDIES**

Harassment and discrimination based on a protected class are against the law. The internal process outlined in this policy is one way for covered individuals to report harassment and discrimination and the Company encourages covered individuals to report their concerns so that the Company can promptly investigate and respond. Covered individuals may also choose to pursue legal remedies with the following governmental entities. While a private attorney is not required to file a complaint with a governmental agency, legal advice from an attorney may be sought.

**New York State Division of Human Rights (DHR)**

The Human Rights Law (HRL) codified as N.Y. Executive Law, art. 15, § 290 et seq., applies to employers in New York State and protects employees and covered individuals, regardless of immigration status. A complaint alleging violation of the Human Rights Law may be filed either with DHR or in the New York State Supreme Court.

Complaints of harassment and discrimination may be filed with the DHR at any time within **three years** of the harassment or discrimination. If an individual does not file a complaint with the DHR, they can sue directly in state court under the HRL, **within three years** of the alleged harassment and discrimination. An individual may not file with DHR if they have already filed an HRL complaint in state court.

Complaining internally to **LIBRARY NAME** does not extend the time to file with DHR or in court. The three years are counted from the date of the most recent incident of harassment or discrimination.

An attorney is not needed to file a complaint with DHR, and there is no cost to file with DHR.

DHR will investigate the complaint and determine whether there is probable cause to believe that harassment or discrimination has occurred. Probable cause cases receive a public hearing before an administrative law judge. If harassment or discrimination is found at the hearing, DHR has the power to award relief, which varies but may include requiring the employer to take action to stop the harassment, or redress the damage caused, including paying monetary damages, punitive damages, attorney’s fees and civil fines.

DHR’s main office contact information is: NYS Division of Human Rights, One Fordham Plaza, Fourth Floor, Bronx, New York 10458, (718) 741-8400, www.dhr.ny.gov.

Go to dhr.ny.gov/complaint for more information about filing a complaint. The website has a digital complaint process that can be completed on your computer or mobile device, in addition to, a complaint form that can be downloaded, filled out and mailed to DHR as well as a form that can be submitted online. The website also contains contact information for DHR’s regional offices across New York State.

The DHR also maintains a toll-free hotline that accepts complaints and provides limited assistance and counseling regarding workplace sexual harassment. This hotline can be reached at **1-800-HARASS3**.

**United States Equal Employment Opportunity Commission (EEOC)**

The EEOC enforces federal anti-discrimination laws, including Title VII of the 1964 federal Civil Rights Act (codified as 42 U.S.C. § 2000e et seq.). An individual can file a complaint with the EEOC anytime within 300 days of the harassment. There is no cost to file a complaint with the EEOC. The EEOC will investigate the complaint and determine whether there is reasonable cause to believe that discrimination has occurred, at which point the EEOC will issue a Right to Sue letter permitting the individual to file a complaint in federal court.

The EEOC does not hold hearings or award relief but may take other action including pursuing cases in federal court on behalf of complaining parties. Federal courts may award remedies if discrimination is found to have occurred. In general, private employers must have at least 15 employees to come within the jurisdiction of the EEOC.

If an employee believes that they have been discriminated against at work, they can file a “Charge of Discrimination.” The EEOC has district, area and field offices where complaints can be filed. Contact the EEOC by calling (800) 669-4000 (800) 669-6820 (TTY), visiting their website at https://www.eeoc.gov/ or via email at info@eeoc.gov.

If an individual files an administrative complaint with DHR, DHR will usually file the complaint with the EEOC to preserve the right to proceed in federal court.

**Local Protections**

Many localities enforce laws protecting individuals from sexual harassment and discrimination. An individual should contact the county, city or town in which they work to find out if such a law exists. For example, employees who work in New York City may file complaints of sexual harassment with the New York City Commission on Human Rights. Contact their main office at Law Enforcement Bureau of the NYC Commission on Human Rights, 22 Reade St, New York, NY 10007; call 311 or (212) 306-7450; or visit www.nyc.gov/html/cchr/html/home/home.shtml.

**Contact the Local Police Department**

If the harassment involves physical touching, coerced physical confinement or coerced sex acts, the conduct may constitute a crime. Those wishing to pursue criminal charges are encouraged to contact the local police department.

**CONCLUSION**

All covered individuals have the right to a workplace that is free from harassment and discrimination. This policy should be considered applicable to all protected classes under federal, state and local law.

Employees who have questions regarding this policy should contact **WHO**.

## 2.05 WORKPLACE BULLYING [OPTIONAL]

The purpose of this policy is to communicate to all employees and supervisors, that **Library Name** will not tolerate bullying behavior in the workplace.

**BULLYING PROHIBITED**

**Library Name** defines bullying as repeated activity that is meant to diminish or disempower another individual and any use of aggressive, hostile, abusive, harassing or unreasonable conduct against another individual. It occurs when a person uses strength or influence to intimidate another, typically to force a desired act or result.

Bullying may be intentional or unintentional and may consist of threats, verbal conduct or any action intended to interfere with an individual’s work.

Bullying at work may take the form of actions that are:

* Threatening, aggressive or intimidating;
* Abusive, insulting or offensive;
* Cruel or vindictive; or
* Humiliating, degrading or demeaning.

It is the effect of the behavior on the individual that is of the utmost importance.

**EXAMPLES**

**Library Name** considers the following types of behavior examples of bullying:

**Verbal Bullying**

Slandering, ridiculing or maligning a person or their family; persistent name calling that is hurtful, insulting or humiliating; using a person as the butt of jokes; abusive and offensive remarks.

**Physical Bullying**

Pushing, shoving, kicking, poking, tripping, assault or threat of physical assault, damage to a person’s work area or property.

**Gesture Bullying**

Nonverbal threatening gestures; glances that can convey threatening messages.

**Exclusion**

Socially or physically excluding or disregarding a person in work-related activities.

**Electronic Bullying**

Threatening, intimidating or offensive text messages, social media posts, etc.

The examples are not intended to be an exclusive list of the types of behavior that would be considered bullying.

**NATIONAL LABOR RELATIONS ACT DISCLAIMER**

As more fully described in the Library’s Statement of Rights under the NLRA, nothing in this policy is intended to interfere with employees’ exercise of their rights under Section 7 of the National Labor Relations Act (NLRA).

**ADDITIONAL INFORMATION**

Employees who feel they have been bullied should contact their supervisoror the Director. Reports of bullying will be investigated. Employees found in violation of this policy will be subject to disciplinary action, up to and including termination.

## 2.06 REPRODUCTIVE HEALTH DECISIONS

**Library Name** complies with state law regarding reproductive health decisions as outlined in this policy.

**NON-DISCRIMINATION/ NO RETALIATION**

The Library will not discriminate or retaliate against an employee because of the employee's, or a dependent of the employee's, reproductive health decision-making, including the use of particular drugs, devices or medical services. The Library also will not, without prior informed written consent, access personal information regarding the reproductive health decision-making of employees or their dependents and will not require an employee to sign any document or waiver denying that employee the right to make their own reproductive health decisions.

Employees subjected to unlawful discrimination or retaliation on the basis of reproductive health decision-making can bring an action in court and may be entitled to certain remedies, including monetary and injunctive relief.

**ADDITIONAL INFORMATION**

Employees who feel they have been subjected to discrimination or retaliation on the basis of their reproductive health decision-making, or that of a dependent, or to any other violation of this policy, should contact the Director.

## 2.07 PREGNANCY ACCOMMODATIONS

The Library will not discriminate against an employee or applicant with known physical or mental limitations related to the pregnancy, childbirth or pregnancy-related medical conditions who requests an accommodation due to pregnancy, childbirth and related conditions or who requests an accommodation due to pregnancy, childbirth or pregnancy-related medical conditions unless the accommodation would impose an undue hardship on the operation of the Library.

**REASONABLE ACCOMMODATIONS**

Employees and applicants for employment may request a reasonable accommodation for pregnancy-related conditions, including, but not limited to, lactation. For purposes of this policy, a "pregnancy-related condition" is a medical condition related to pregnancy or childbirth that inhibits the exercise of a normal bodily function or is demonstrable by medically accepted clinical or laboratory diagnostic techniques but does not prevent the employee from performing their job functions in a reasonable manner, with or without a reasonable accommodation. Reasonable accommodations may include but are not limited to: providing an accessible worksite; acquiring or modifying equipment; job restructuring and modifying work schedules provided, however, that such actions do not impose an undue hardship on the business.

The Library will provide a reasonable accommodation that would enable the employee or applicant to perform their job functions in a reasonable manner, unless the accommodation would impose an undue hardship on the Library’s business operations.

**[Include statement if employer has 15 or more employees:** Employees and applicants affected by pregnancy, childbirth or related medical conditions may also be entitled to a reasonable accommodation under the federal Pregnant Workers Fairness Act (PWFA). The Library will comply with all legal requirements under federal and state law, including providing greater or different benefits than those indicated in this policy.]

**REQUESTING A REASONABLE ACCOMMODATION**

Employees or applicants who would like to request a reasonable accommodation under this policy should contact the Director, preferably specifying in writing what barriers or limitations prompted the request. The Director will evaluate the information provided regarding any reported or apparent barriers or limitations and will then communicate with the applicant or employee and engage in an interactive process to determine the nature of the limitation and what, if any, reasonable accommodation(s) may be appropriate. If, through this interactive process, the Library identifies a reasonable accommodation that does not impose an undue hardship on the operation of the Library's, the Library will make that accommodation.

Employees who wish to request time away from work to accommodate a limitation related to pregnancy, childbirth or a pregnancy-related medical condition should contact the Director. However, the Library will not require a qualified employee to take leave if another reasonable accommodation can be provided.

**CERTIFICATION REQUIREMENTS**

To the extent permitted by federal or state law, employees may be required to provide medical or other information that is necessary to verify the existence of the pregnancy-related condition or that is necessary for the Library's consideration of a reasonable accommodation. Such medical information will be kept confidential and disclosed only as permitted by law.

**NO DISCRIMINATION AND NO RETALIATION**

The Library prohibits discrimination on the basis of pregnancy, childbirth or related medical conditions. The Library also will not interfere with any individual's rights under federal and state law or take any adverse action against a qualified applicant or employee because they request or use reasonable accommodations in accordance with this policy, report or oppose discrimination under federal or state law, or participate in a proceeding involving an alleged violation of federal or state law. Individuals who believe they have been subjected to, or believe that another individual has been subjected to, prohibited discrimination or retaliation should report it immediately to the Director.

**ADDITIONAL INFORMATION**

Employees or applicants for employment who have questions about this policy or who wish to request a reasonable accommodation under this policy should contact the Director. Employees who need reasonable break time to express breast milk for their child should consult the Library's **Lactation Accommodation** policy and the Policy on the Rights of Employees to Express Breast Milk in the Workplace which is available **[insert form WHO or how the policy can be obtained (i.e., at the end of this Employee Handbook/in the Handbook Addendum, etc.)]**.

## 2.07 PREGNANCY ACCOMMODATIONS & THE PREGNANT WORKERS FAIRNESS ACT [FEDERAL 15+ EMPLOYEES]

In accordance with the federal Pregnant Workers Fairness Act ("PWFA"), **LIBRARY NAME** will make reasonable accommodations for known physical or mental limitations related to the pregnancy, childbirth or related medical conditions of a qualified applicant or employee, unless the accommodation would impose an undue hardship on the operation of the **Company**.

**KNOWN PHYSICAL OR MENTAL LIMITATIONS**

“Known physical or mental limitations” are those that the applicant, employee or their representative has communicated to the **Company**. Employees or applicants who wish to inform the **Company** of such a limitation and/or request a reasonable accommodation under this policy should contact **WHO**, preferably specifying in writing what barriers or limitations prompted the request.

**[Optional:** The following accommodations are typically provided upon request:

* Allowing an employee to carry or keep water in or near their work area and to drink water as needed;
* Additional restroom breaks, as needed;
* Allowing an employee whose work requires standing to sit, as needed;
* Allowing an employee whose work requires sitting to stand, as needed; and
* Allowing an employee to take breaks, as needed, to eat and drink.

For other accommodations,] **WHO** will evaluate the information provided regarding any reported or apparent barriers or limitations and will then communicate with the applicant or employee and engage in an interactive process to determine the nature of the limitation and what, if any, reasonable accommodation(s) may be appropriate. If, through this interactive process, the **Company** identifies a reasonable accommodation that does not impose an undue hardship on the operation of the **Company**'s business, the **Company** will make that accommodation.

**LEAVE AS AN ACCOMMODATION**

Employees who wish to request time away from work to accommodate a limitation related to pregnancy, childbirth or a related medical condition should contact **WHO**. However, the **Company** will not require a qualified employee to take leave if another reasonable accommodation can be provided.

**NON-DISCRIMINATION AND NON-RETALIATION**

The **Company** prohibits discrimination on the basis of pregnancy, childbirth or related medical conditions. The **Company** also will not interfere with any individual's rights under the PWFA or take any adverse action against a qualified applicant or employee because they request or use reasonable accommodations in accordance with this policy, report or oppose discrimination under the PWFA, or participate in a proceeding involving an alleged violation of the PWFA. Individuals who believe they have been subjected to, or believe that another individual has been subjected to, prohibited discrimination or retaliation should report it immediately to **WHO**.

**OTHER REQUIREMENTS**

Several states and localities have laws that apply to employees affected by pregnancy, childbirth or related medical conditions. For individuals working in a jurisdiction that has a mandatory pregnancy accommodation law, the **Company** will comply with all legal requirements, including providing greater or different benefits than those indicated here. Additional information on state-specific requirements is available in **[this Employee Handbook/the Handbook Addendum]**, if applicable.

**Policy Notes**

**PWFA Applicability.** The PWFA applies to private and public sector employers with at least 15 employees, including Congress, federal agencies, employment agencies, and labor organizations.

**PWFA and State Law.** The PWFA does not replace federal, state, or local laws that are more protective of workers affected by pregnancy, childbirth, or related medical conditions. More than 30 states and cities have laws that provide accommodations for pregnant workers.

## 2.07A PAID PRENATAL LEAVE [NEW YORK – PRIVATE EMPLOYERS]

In addition to other leave, such as sick and safe leave and paid family leave, **LIBRARY NAME** provides all eligible with paid prenatal leave for health care services as outlined in this policy.

**ELIGIBILITY**

All prenatal care recipients are entitled to up to 20 hours of paid prenatal leave during any 52-week calendar period.

The 52-week period begins when the employee first uses leave.

**REASONS FOR LEAVE**

Leave may be taken for the health care services related to the pregnancy including:

* Physical examinations;
* Medical procedures;
* Monitoring and testing;
* Discussions with a health care provider related to the pregnancy;
* Fertility treatments or care appointments; and
* End-of-pregnancy care appointments.

**USE OF LEAVE**

Paid leave must be taken in hourly increments.

**PAY DURING LEAVE**

Pay during leave is based on the number of hours the employee is regularly scheduled to work at the employee’s normal rate of pay or the applicable minimum wage, whichever is greater.

**[Insert for FMLA-covered employers – 50+ employees:**

**CONCURRENCE WITH OTHER LEAVE**

When an employee is unable to work for pregnancy-related reasons that may also be considered a serious health condition under the federal Family and Medical Leave Act (FMLA), this leave will run concurrently with FMLA.]

**OTHER REQUIREMENTS**

The federal Pregnant Worker Fairness Act also provides accommodations and leave for pregnancy, childbirth or related medical conditions. When applicable, the **Company** will comply with all legal requirements, including providing greater or different benefits than those indicated in this policy.

**EMPLOYEE’S RESPONSIBILITY**

Employees may provide a verbal or written request of the need for leave to **WHO**.

**CARRYOVER OR PAY OF UNUSED LEAVE**

Unused leave will not be carried over to the next leave period, and the **Company** does not offer pay instead of taking paid leave.

**CONFIDENTIALITY**

Employees are not required to disclose confidential information relating to their pregnancy or pregnancy-related health conditions.

**REINSTATEMENT**

Employees utilizing paid prenatal leave will be returned to the same position they held immediately before the use of leave with the same pay and other terms and conditions of employment.

**NON-RETALIATION**

Employees have the right to request and use prenatal leave in a manner consistent with state law. The **Company** will not discriminate or retaliate, or tolerate discrimination or retaliation, against any employee who seeks or obtains leave under this policy or who otherwise exercises their rights under this policy. Employees who feel they have been retaliated against for such activity should immediately contact **WHO**.

**MISUSE OF LEAVE**

An employee who uses leave for purposes other than those provided for under this policy, or who lies in connection with taking such leave, may be subject to disciplinary action, up to and including termination.

**PAYMENT AT SEPARATION**

Unused prenatal leave is not paid upon separation from employment.

**ADDITIONAL INFORMATION**

Employees who have questions about this policy should contact **WHO**.

**Policy Notes**

This policy applies to all private New York employers, regardless of size or annual revenue. Public employers are not subject to this policy, and it should not be included in their employee handbook.

Pregnant workers for a covered employer are eligible for paid leave regardless of the employer’s size.

Employers must provide 20 hours of paid leave but may elect to provide more than 20 hours.

Carryover or pay in lieu is not required. Unused leave is also not required to be paid out at the separation of employment. However, an employer may choose to offer carryover, pay in lieu and/or payment at separation of employment.

## 2.08 LACTATION ACCOMMODATION [NEW YORK]

In accordance with New York law, all employees have the right to express milk in the workplace.

**LACTATION BREAKS**

The **Company** will provide nursing employees with up to 30 minutes of paid break time to express milk each time the employee has a reasonable need to do so for up to three years following the birth of a child.

Nursing employees can also take time to express milk during their regularly scheduled meal **[insert if rest breaks are provided:** and rest] breaks.

Employees will be allowed to take longer unpaid breaks if needed. Non-exempt employees, whose lactation break exceeds 30 minutes may be granted additional unpaid lactation break time beyond the 30 minutes of paid time. Exempt employees will receive their full salary in accordance with federal and state law.

Employees are not required to make up time taken for lactation breaks.

**[If there are no remote/hybrid employees; this statement may be excluded:** Employees who work remotely have the same rights to paid lactation breaks, as all other employees who perform their work in-person.**]**

**LACTATION ROOM**

Employees who work onsite have the right to request a lactation room for the purpose of expressing milk. **[Insert if the Company has a dedicated lactation room:** The lactation room is located **[insert location]**.**]** **[Insert if the Company does not have a dedicated lactation room:** Employees will be informed as soon as practicable when a lactation room or location has been designated.**]** The lactation room will be a well-lit, sanitary place, other than a restroom or toilet stall, that is shielded from view, free from intrusion, and in reasonable proximity to the employee's work area. The lactation room will include **[insert if the workplace has electricity:** an electrical outlet,**]** a chair, a working surface area on which to place a breast pump and other personal items, nearby access to running water **[insert if the workplace has access to refrigeration:** and access to refrigeration for the purpose of storing the expressed milk**]**. Please note that the **Company** is not responsible for ensuring the safekeeping of expressed milk stored in any refrigerator on its premises. The employee is required to store all expressed milk in closed containers, regardless of the method of storage, and should remove such milk at the end of the workday.

**REQUESTING USE OF THE LACTATION ROOM**

To request the use of a lactation room, employees **[insert appropriate submission procedure]**. The **Company** will respond to the employee's request in writing within a reasonable amount of time, not to exceed five business days. Employees should contact **WHO** with any follow-up inquiries.

A room identified for use as a lactation room may also be used for other purposes. However, an employee’s need for a room for lactation breaks will be prioritized, and during times when an employee is using the room as a lactation room, that will be its sole function. When two or more employees need to use the room for lactation purposes or in connection with other accommodations, they should contact **WHO** and work together to schedule room usage cooperatively and in a way that accommodates all affected employees. Employees who have questions or concerns related to lactation room scheduling conflicts can also contact **WHO**.

**EMPLOYEE’S RESPONSIBILITY**

Employees are required to provide reasonable advance notice to the **Company** that they intend to take breaks to express milk upon returning to work following the birth of the child. If providing the requested lactation room will place an undue hardship on the **Company**'s operations, the **Company** will engage in reasonable efforts to provide a private room or location, other than a restroom or toilet stall, that is in close proximity to the work area where an employee can express milk in private.

**NON-RETALIATION AND NON-DISCRIMINATION**

Employees who believe the **Company** has failed to comply with the requirements of this policy and federal or state law should immediately notify **WHO**. The **Company** will not retaliate or discriminate against an employee because they exercise their rights under this policy or file a complaint or institute any proceeding under or related to New York State law or the federal Fair Labor Standards Act.

**ADDITIONAL INFORMATION**

Pursuant to New York State requirements, a [Policy on the Rights of Employees to Express Milk in the Workplace](file:///P%3A%5CRon%5CLibrary%20Support%5CEmployee%20Handbook%5C2025%20Legal%20Updates%20and%20Instructions%20for%20Handbook%20Only%20%28Clean%29.docx#Policy_On_Rights_To_Express) that further explains your rights under New York State law will be provided at hire, annually after hire, and whenever an employee returns to work following the birth of a child. This Policy is available in the **Addendum of [this Employee Handbook/ the New York Policy Addendum]**. Employees are expected to review both this Lactation Accommodation policy and the New York Policy on the Rights of Employees to Express Milk in the Workplace.

Employees who have questions about either of these policies may contact **WHO**.

**Policy Notes**

This policy may be provided as a supplement to the state’s required notice **(“**[**Policy on the Rights of Employees to Express Milk in the Workplace**](file:///P%3A%5CRon%5CLibrary%20Support%5CEmployee%20Handbook%5C2025%20Legal%20Updates%20and%20Instructions%20for%20Handbook%20Only%20%28Clean%29.docx#Policy_On_Rights_To_Express)**”**) as a best practice. However, employers are **not** required to provide both the Lactation Accommodation policy and the New York State “Policy on the Rights of Employees to Express Milk in the Workplace”. **If only one policy is to be provided, it must be the New York State model notice as it states, “Employers are required to provide this policy in writing.”**

Alternatively, employers may develop a custom policy that must include, at a minimum, **ALL** the information specified in the New York State model notice. Additionally, the custom policy can include further accommodations tailored to the specific needs of the workplace.

**Must I include the state’s policy in the Employee Handbook?** New York law does not require that this policy be included in the Employee Handbook. However, a Policy on the Rights of Employees to Express Milk in the Workplace must be provided at hire, annually after hire, and whenever an employee returns to work following the birth of a child. See N.Y. Lab. § 206-c(3). Nonetheless, most Employee Handbooks also include the policy, whether in the body of the Employee Handbook or as an appendix.

**Nursing Employees and Remote Only Employers.** If the client does not have any physical work locations, then the statements related to providing the use of a lactation room may be removed from the policy as it will not be applicable.

**New York City Employers.** The New York City Human Rights Law requires employers to engage in a “cooperative dialogue” with employees or applicants who may be entitled to a reasonable accommodation (including providing accommodations to employees who pump or express breast milk). Employers are required to provide the individual requesting an accommodation a written final determination identifying any accommodation granted or denied. See the NYC Addendum for Cooperative Dialogue about Accommodation Needs Policy.

## 2.09 INDIVIDUALS WITH DISABILITIES

**Library Name** complies with **[include if 15 or more employees:** the Americans with Disabilities Act (ADA) and**]** New York State Human Rights Laws which make it unlawful to discriminate in employment against a qualified individual with a disability. The Libraryprohibits discrimination against employees and applicants with disabilities in all aspects of employment. Our Library’scommitment to this policy includes making reasonable accommodations to otherwise qualified persons with disabilities to enable them to perform the essential functions of their jobs, unless doing so would pose an undue hardship on our business, would pose a direct threat of substantial harm to the employee or others or is otherwise not required by applicable law.

**OUR COMMITMENT**

An employee or applicant in need of a reasonable accommodation should make the Libraryaware of their request by notifying the Director. The Librarywill work with each individual to define their job-related or application-related needs and to try to accommodate those needs.

**QUALIFIED INDIVIDUALS WITH DISABILITIES**

Qualified individuals with disabilities are defined as individuals with disabilities who can perform the essential functions of the job in question with or without reasonable accommodation. The term disability is defined by applicable law.

**REASONABLE ACCOMMODATION**

A reasonable accommodation is any change or adjustment to a job, the work environment or the way things usually are done that enables a qualified individual with a disability to perform the essential functions of the job and that does not pose an undue hardship for the Libraryor create a direct threat to health or safety.

When requesting an accommodation, employees are required to notify the Director of the need for the accommodation. The Librarymay ask for medical documentation supporting the need for an accommodation and all supporting documentation should be returned as quickly as possible to prevent a delay in the accommodation process.

Requests for a reasonable accommodation for a medical condition and any supporting documentation, will be treated as confidential, maintained in a file separate from an employee’s other personnel documents and disclosed only as permitted by applicable law.

**DETERMINING APPROPRIATE ACCOMMODATIONS**

Frequently, when a qualified individual with a disability requests a reasonable accommodation, the appropriate accommodation is easily agreed upon. The individual may recommend an accommodation based on their life or work experience. The ultimate decision as to whether a particular accommodation will be made rests with the Library. When the appropriate accommodation is not obvious, the Library may assist the individual in identifying one. If more than one accommodation will enable the individual to perform the job, the Library reserves the right to choose which accommodation it will make.

Employees who feel they have been unreasonably denied an accommodation or who have questions concerning this policy should contact the Director.

## 2.10 RELIGIOUS ACCOMMODATION

**Library Name** will provide reasonable accommodation for employees' religious beliefs, observances and practices when a need for such accommodation is identified, and reasonable accommodation is possible.

**RELIGIOUS ACCOMMODATION**

A reasonable accommodation is one that eliminates the conflict between an employee's religious beliefs, observances or practices and the employee's job requirements, without causing undue hardship on the Library’soperations.

The Libraryhas developed an accommodation process to assist employees and management through this process, by establishing a system of open communication between employees and the Libraryto discuss conflicts between religion and work and to take action to provide reasonable accommodation for employees' needs.

Any employee who perceives a conflict between job requirements and a religious belief, observance or practice should bring the conflict and their request for accommodation to the attention of the Director to initiate the accommodation process. The Libraryasks that accommodation requests be made in writing, and in the case of schedule adjustments, as far in advance as possible.

**INTERACTIVE DIALOGUE**

Once the employee has submitted their request for an accommodation, **Library Name** will evaluate the request by meeting with the employee to discuss the request and propose a reasonable accommodation. The supervisor and/or the Director will be responsible for implementing the accommodation. If the employee rejects the proposed accommodation, the employee may lodge an appeal pursuant to **Library Name**'s **Open Communication** policy.

**NO RETALIATION AND NO DISCRIMINATION**

**Library Name** will not retaliate or otherwise discriminate against an employee or applicant because they request an accommodation in accordance with this policy. Employees who have questions concerning this policy or feel they have been unreasonably denied an accommodation should contact the Director.

## 2.11 CODE OF ETHICS

**Library Name**'s code of ethics is dependent upon our core values maintaining ethical standards and the personal integrity of every individual in our Library. Each employee of the Library is required to ensure that they and their family members do not improperly benefit personally from the employee's position as an employee for the Library. For this reason, it is of paramount importance that we always conduct our day-to-day activities in an ethical and responsible manner.

**CONFLICT OF INTEREST**

While we acknowledge that employees may have pursuits separate from their work at the Library, employees must refrain from participating in any activity or business venture which could conflict with the interests of **Library Name** and their job duties and responsibilities with **Library Name**. Specifically, employees may not accept personal payment or other benefits from any supplier, vendor or patrons of the Library, nor should they take any action as a representative of the Libraryfor personal gain. Employees also may not accept a second job with a customer, competitor, supplier, or vendor of the Librarywhere there is an actual or perceived conflict**.**

**PROPRIETARY INFORMATION**

In working at **Library Name**, employees may learn things about our Libraryand our patrons’ operations which are proprietary or confidential, and the Libraryhas a legitimate and substantial business interest in maintaining the confidentiality of such information. Every employee of the Libraryhas a professional and ethical responsibility to treat this information as privileged and to ensure such information is not improperly or accidentally disclosed.

**New York Civil Practice Law, Sec. 4509, Library Records**

Library records, which contain names or other personally identifying details regarding the users of public, free association, school, college and university libraries and library systems of this state, including but not limited to records related to the circulation of library materials, computer database searches, interlibrary loan transactions, reference queries, requests for photocopies of library materials, title reserve requests, or the use of audio-visual materials, films or records, shall be confidential and shall not be disclosed except that such records may be disclosed to the extent necessary for the proper operation of such library and shall be disclosed upon request or consent of the user or pursuant to subpoena, court order or where otherwise required by statute.

Additionally, employees who have the following information by virtue of the performance of their job responsibilities should not disclose such information for any reason, except as required to complete job duties, without the permission of the employee at issue: Social Security Numbers, dates of birth, driver's license or resident identification numbers, financial accounts, credit or debit card numbers, and security and access codes or passwords that would permit access to medical, financial or other legally protected information.

Confidential information does not include information lawfully acquired by non-management employees about wages, hours or other terms and conditions of employment, if used by them for purposes protected by Section 7 of the National Labor Relations Act, such as joining or forming a union, engaging in collective bargaining or engaging in other concerted activity for their mutual aid or protection. Confidential Information also does not include conduct that was, or that an employee reasonably believes to be illegal; conduct that is recognized as against a clear mandate of public policy; or the existence of a non-confidential settlement involving any such conduct.

Upon termination of employment, employees must return and not retain any duplicates of all Library property and all copies of documents, notes, flash drives and other repositories containing proprietary or confidential information such as pricing lists, invoices, marketing methods, database systems, financial information, employee lists and all other information that is not general public knowledge relating to **Library Name**, except as otherwise required to retain pursuant to a legal hold notice.

**RECEIVING AND GIVING GIFTS**

Employees should avoid situations that could create an actual or perceived conflict of interest, or that could otherwise hinder an employee’s ability to perform their job in an honest and ethical manner. To this end, employees may not accept or give substantial gifts, favors or excessive business entertainment from **patrons or suppliers**. A gift, favor or entertainment is considered substantial or excessive if it might influence an employee’s business relationship with the donor. **[Option 1:** Generally, substantial gifts or favors are defined as having a value of **$xx** or more and should be reported to **WHO**.**]** **[Option 2:** Employees must contact **WHO** for approval prior to accepting any gifts or providing any favors regardless of the value.**]**

**EMPLOYEE’S RESPONSIBILITY**

Employees are responsible for promptly reporting any violation or suspected violation of these guidelines on conflicts of interest, proprietary information or gift giving and receiving or any violation or suspected violation of any other Library policy to the Director or any other member of management.

**NO RETALIATION**

The Library protects those employees from retaliation who in good faith report possible inappropriate, unprofessional, illegal or unethical actions. Any employee who believes they have been retaliated against in violation of this policy should notify the Director immediately. Individuals who engage in any retaliation in contravention of this policy are subject to disciplinary action in accordance with the Library’s Standards of Conduct policy.

**ADDITIONAL INFORMATION**

Violations of this policy are subject to disciplinary action, up to and including termination of employment and, if applicable, legal action.

Employees should meet with their supervisoror the Director if they have questions regarding the application of this policy.

**NATIONAL LABOR RELATIONS ACT DISCLAIMER**

In monitoring conflicts of interest, and as more fully described in the Library’s Statement of Rights Under the NLRA, nothing in this policy is intended to interfere with employees’ exercise of their rights under Section 7 of the National Labor Relations Act (NLRA).

## 2.12 WHISTLEBLOWER PROTECTION

**Library Name** strives to protect its employees, business, and community as best as possible. As a matter of policy and practice, as well as in compliance with various laws, we offer employees whistleblower protection when they report certain activities or make a complaint to management about a specific situation or occurrence in the workplace that may be unsafe, illegal, abusive, or fraudulent. The complaint will be taken seriously and investigated to the fullest extent possible. Employees who make complaints of this nature will be protected from retaliation.

**MAKING A COMPLAINT**

If an employee reasonably believes that a workplace activity or situation is unsafe, illegal, abusive, or fraudulent, they should bring the problem to the attention of the Director. **Library Name** will, if appropriate, conduct a prompt and thorough investigation of the situation. Employees may report problems anonymously but should be aware that this may hamper **Library Name**’s ability to obtain further details, ask follow-up questions and/or otherwise conduct a complete, thorough investigation.

Problems that are covered by other **Library Name** complaint procedures (e.g., employment discrimination, harassment) should be reported in the manner and to the individual(s) set out in those specific procedures and not under this policy.

**NO RETALIATION**

Employees who make a complaint in good faith will not be retaliated against or penalized in any manner. The employee’s identity, if made known to **Library Name**, will be protected by **Library Name** to the greatest extent possible, consistent with applicable law and the need to investigate and remedy the situation. Any employee who believes they have been retaliated against in violation of this policy should notify the Director immediately.

## 2.13 ALLERGIES AND SENSITIVITIES IN THE WORKPLACE [OPTIONAL]

The **Company** acknowledges that individuals may have allergies, which may range from mild to life-threatening, and/or sensitivities to a variety of substances and/or fragrances.

**ALLERGIES**

An employee with allergies that may be triggered in the workplace should notify **Human Resources and/or WHO** to discuss and document any first-aid, safety or medical needs. The **Company** will use any information disclosed only with the employee's permission and only for health and safety purposes.

In the event that an allergy rises to the level of a disability as defined by **[insert if 15 or more employees:** the Americans with Disabilities Act (ADA) or**]** an applicable state or local law, **LIBRARY NAME** will make reasonable accommodations as required by law. To request a reasonable accommodation, an employee should contact **Human Resources and/or WHO**.

An employee who brings in a food item intended for co-workers to consume should identify whether it contains common food allergens such as peanuts, tree nuts, dairy, eggs, wheat, soybeans or shellfish.

**[OPTIONAL:** For the safety of employees with severe food allergies, employees should avoid bringing food items **[**to the workplace **OR** intended for consumption by co-workers**]** containing **[insert specific allergen(s)]**.**]**

**FRAGRANCE SENSITIVITIES**

To be considerate of individuals with fragrance sensitivities, all employees should:

* Refrain from using or applying strongly scented products in the workplace, including perfume, lotions, cologne, air fresheners, cleaning products and similar items. This includes the use of such products in restrooms and changing facilities; and
* Avoid wearing strongly scented cosmetics, perfumes and other products while at work.

An employee who is experiencing symptoms of fragrance sensitivity in their work area should contact **WHO**. Possible solutions may include reducing or eliminating the irritant, relocating the employee to a different area or other appropriate measures.

**[OPTIONAL:**

**PREVENTIVE MEASURES**

To minimize the presence of allergens in the workplace, the **Company** may periodically assess the workplace to identify allergy triggers such as mold, pests, dust and chemicals. Measures to reduce or avoid exposures based on this assessment will be implemented as appropriate. Employees who notice signs of dust mites, mold or pests should notify **WHO**.]

**RESPONSE PROCEDURES**

If an employee experiences a serious allergic reaction at work, emergency medical services may be contacted, and employees designated and trained as first-aid responders may provide appropriate assistance, including following any specific instructions the employee has provided. The employee's emergency contact will also be notified.

**Policy Notes**

For employers with an HR Works Employee Handbook, it is recommended that this policy be included in Section 2: Employment Practices of the Employee Handbook.

##

**SECTION THREE**

# EMPLOYEE RELATIONS

## 3.01 EMPLOYMENT ELIGIBILITY & WORK AUTHORIZATION

**Library Name** is committed to employing only individuals who are authorized to work in the United States and who comply with applicable immigration and employment law.

**EMPLOYMENT ELIGIBILITY AND WORK AUTHORIZATION**

As a condition of employment, every individual must provide satisfactory evidence of their identity and legal authority to work in the United States within three business days of commencing employment. If the employee cannot verify their right to work in the United States within three business days of employment, the Library will be required to terminate employment immediately.

## 3.02 EMPLOYMENT CLASSIFICATIONS

Employees of our Library are employed based on the classifications detailed below. **Library Name** offers different employment classifications in order to meet staffing and business requirements and accommodate employee needs and schedule preferences.

**FULL**-**TIME**

Employees in this category are regularly scheduled to work at least **40** hours per week and receive benefits based on position, length of service and scheduled hours.

**REGULAR, PART-TIME**

Employees in this category are regularly scheduled to work at least **how many** but less than **[insert # of hours for FT status]** hours per week and are eligible for certain benefits based on position, length of service and scheduled hours.

**PART-TIME**

Employees in this category are regularly scheduled to work less than **how many** hours per week and **[are eligible for certain benefits as stated to them in writing based on their position and length of service] or [receive statutory benefits only] [Include statement for ACA covered employers: and may be eligible for medical insurance based on hours worked].**

**TEMPORARY/SEASONAL**

Employees in this category perform a function for a specified period of time and the length of their employment is limited due to the nature of the job or availability of the individual. These employees receive statutory benefits only **[Include statement for ACA covered employers: but may be eligible for medical insurance based on hours worked]**.

**ON-CALL/PER DIEM/TIME AS REPORTED**

Employees in this category have no regular work schedule and work on an “as needed” basis. These employees are eligible for statutory benefits only.

**FLSA CLASSIFICATIONS**

Under the Federal Fair Labor Standards Act (FLSA), all positions, regardless of employment classification, are classified as either exempt or non-exempt for overtime and minimum wage requirements based on the nature of the job duties and amount of wages.

**Exempt Employees**

The FLSA provides an exemption from both minimum wage and overtime pay for employees employed as executive, administrative, professional, outside sales and computer employees.

**Non-Exempt Employees**

Under the FLSA, non-exempt employees must be paid at least the federal minimum wage for all hours worked and overtime pay at one and one-half the regular rate of pay for all hours worked over 40 hours in a workweek.

##

## 3.03 WORKING HOURS

Our Library observes a **how many** hour workweek. Time records are kept for each non-exempt employee showing the hours worked each week.

**WORKWEEK**

Due to the nature of our business, workdays and hours may vary with the job. Our standard workweek consists of **how many** hours per day, **how many** days per week.

**MEAL BREAK**

Employees working at least a six-hour workday, which extends over the noon meal break (11 a.m. to 2 p.m.), are entitled to a 30-minute meal break to be taken between 11 a.m. and 2 p.m. **[Include statement if these work hours are applicable:** Employees who start their workday before 11 a.m. and continue after 7 p.m. are entitled to a 30-minute noon meal break and an additional 20-minute break between 5 p.m. and 7 p.m.**]**

**[Include statement if these work hours are applicable:** Employees who work more than six hours in their workday starting between the hours of 1 p.m. and 6 a.m. are entitled to a meal break of at least 45 minutes in the middle of their workday.**]**

An uninterrupted meal break lasting **30/60 minutes** will be **paid/unpaid** for non-exempt employees.

Employees may not take a shorter meal break or skip a meal break to leave early. **[OPTIONAL:** All non-exempt employees must record their meal breaks.**]**

If for any reason an employee’s meal break is interrupted, the employee must notify their supervisor and the time should be recorded as worked. The employee will be paid for the time and will receive an uninterrupted meal break as soon as practicable. Employees should contact their supervisor if they have any questions regarding the meal break.

**ADDITIONAL BREAKS [OPTIONAL]**

Employees receive **how many** additional **how long** paid breaks each day.

**TIME RECORDS [OPTION 1]**

Non-exempt employees are responsible for recording their hours worked and any absences **[on a timecard/timesheet each week, signing it]** **[**in the Library’s timekeeping system**]** and then submitting it to **WHO** by no later than **what day**. Employees are prohibited from engaging in off-the-clock work or unrecorded work.

**[Optional:** Employees are also required to record the beginning and end of meal periods.**]** Under no circumstances should an employee record time for another employee. Should an employee forget to record their time, the employee should notify their supervisorand they will make the appropriate notations on **[the timecard/timesheet] [in the timekeeping system]**.

To ensure accurate recordkeeping of hours worked, non-exempt employees are required to enter their time into the time system as close as possible to the beginning or end of their actual working time. **[Optional:** Non-exempt employees may not work overtime and may not work or enter their time into the time system more than **five** minutes before their authorized start time or after their authorized ending time without advance written permission from their supervisor.**]**

**[Optional:** Exempt employees are responsible for submitting hours worked to their supervisor or the Director on a **weekly/biweekly/semi-monthly** basis.**]**

**TIME RECORDS [OPTION 2 TIME CLOCK/PUNCH CARDS]**

To ensure accurate recordkeeping of hours worked, non-exempt employees are required to punch their timecard at the beginning and end of their shift. Employees are prohibited from engaging in off-the-clock work or unrecorded work. **[Optional:** Employees may not punch their timecard more than **five** minutes before their authorized start time or after their authorized ending time without permission from their supervisor.**]**

**[Optional:** Employees also are required to punch their timecards at the beginning and end of meal periods.**]** Under no circumstances should an employee punch the timecard of another employee. Should an employee forget to punch in or out, the employee should notify their supervisorand they will make the appropriate notations on the timecard. Employees should also notify their supervisorif they accidentally punch another employee's card.**]**

**ABSENCE REPORTS [OPTIONAL]**

Exempt employees are responsible for recording any time away from work on an **Absence Report**, signing it and then submitting it to the Director by no later than **what day**.

**FLEXIBLE WORK SCHEDULES [OPTIONAL]**

Our Library offers a flexible work schedule to assist in balancing work and family life. Supervisorswill discuss the flexible work schedule policy with employees. Once an employee has established their work schedule, it cannot be changed without the supervisor’s approval.

## 3.04 PAY PRACTICES

**Library Name** is committed to a policy of fair and equitable compensation for all employees.

**WAGE AND SALARY PROGRAM**

Wage rates are assigned to each job based on job requirements and the economic conditions of the Library and the marketplace, as well as each employee’s qualifications, skills and abilities. The Library endeavors to comply with all federal, state and local laws with respect to the payment of wages.

**MERIT INCREASES**

Pay increases may be provided when an employee demonstrates improvement or outstanding performance in their job. When reviewing pay increases, the Library considers budget, an employee’s individual work performance and other economic factors. All merit increases are provided at the sole discretion of the Library.

**PAYDAY**

Employees are paid **how often** on **what day of the week**. If payday falls on a holiday, employees will ordinarily be paid on the day before the holiday.

**PAYROLL**

Employees have the option of being compensated by check or direct deposit. The Director answers questions regarding compensation options.

**GARNISHMENTS**

A court may order the Library to garnish amounts directly from an employee’s paycheck. The Library is required to withhold the amount indicated in the garnishment from the employee’s paycheck in accordance with federal, state and local law.

**OVERTIME**

When operating requirements cannot be met during regular work hours, employees may be scheduled to work overtime hours. When possible, advance notification of these mandatory assignments will be provided.

Non-exempt employees will be paid one and one-half times their regular rate of pay for all hours worked over 40 hours in a workweek.

For purposes of calculating overtime, the Library’s seven-day workweek begins on **day of the week** and ends on **day of the week**.

**[Optional:** Non-exempt employees are paid **what** times their regular hourly rate of pay for hours worked on a Saturday, Sunday, or holiday.**]**

Paid time off, including holidays, **PTO/vacation, sick leave or personal leave** time **are/are** **not** counted as hours worked when calculating overtime.

All overtime work must receive the supervisor’s prior authorization.

Failure to work assigned overtime, orworking unauthorized overtime may result in disciplinary action, up to and including termination.

**OUTSIDE WORK ACTIVITIES**

Unless pre-approved by the Director non-exempt employees are prohibited from performing work activities during non-working hours. This includes, but is not limited to, accessing electronic communication through cell phones, text messages and emails for work-related purposes and performing preparatory work outside of regular work hours. Time spent accessing work-related electronic communication outside of regular work hours or performing any other work during non-working hours must be pre-approved by the supervisor. Any such time, regardless of whether it has been approved or not, must be recorded and reported as time worked **[in the** **Library’s** **time system] or [on the employee’s timesheet/timecard]**.

**SHIFT PREMIUM [Include statement if shift premiums are offered]**

**Which** employees receive a shift premium on their straight time hourly rate. The selection of those to work on premium pay shifts is at the sole discretion of management and is dictated by operational requirements.

**TRAVEL/EXPENSE REIMBURSEMENT**

Employees will be reimbursed for pre-authorized expenses, such as: Library-related travel mileage, lodging expenses, airfare, meals, or other business expenses incurred on behalf of **Library Name**. Reimbursement of non-standard expenses (including the purchase of alcoholic beverages) incurred on business trips is within the sole discretion of the Library.

Employees will be reimbursed for their mileage at the Library’s current reimbursement rate. In addition to obtaining pre-approval, the employee must complete a travel/expense reimbursement form, attach any receipts, and submit to the Director.

Employees should ask their supervisor or Director for guidance and assistance on procedures related to travel arrangements, expense reports, reimbursement for specific expenses or any other business travel issues.

Abuse of this policy, including falsifying expense reports to reflect costs not incurred by the employee, may result in disciplinary action, up to and including termination of employment.

**OVERPAYMENTS**

In the event an employee is overpaid due to a mathematical or clerical error, **Library Name** will proceed to recoup the overpayment via wage deductions in accordance with the New York State Labor Law. Employees who become aware of an overpayment must notify the Director immediately. For more information, employees should contact the Director.

**POLICY FOR DEDUCTIONS FROM WAGES**

Employee pay stubs itemize deductions made from gross earnings. The Library is required by law to make deductions for Social Security, federal income tax and any other appropriate taxes. These required deductions may also include any court-ordered garnishments. Pay stubs also itemize any voluntary deductions such as an employee’s portion of **health, dental or life insurance premiums and/or voluntary contributions to a 401(k) or pension plan**, to the extent applicable. If applicable, pay stubs will also differentiate between regular and overtime pay received.

It is our policy to comply with the salary basis requirements of the Fair Labor Standards Act (FLSA) and applicable state law. In turn, supervisors are prohibited from making any improper deductions from the salaries of exempt employees or from the wages of any employee that are not consistent with federal and state wage and hour laws.

**PERMITTED DEDUCTIONS FROM EXEMPT EMPLOYEE’S PAY**

Employees who are classified as exempt must record absences from work for reasons such as **PTO/vacation or sick leave**.

Exempt employees are paid on a salary basis. This means the employee regularly receives a predetermined amount of compensation each pay period, which cannot be reduced because of variations in the quality or quantity of the employee's work. In general, an exempt employee will receive their salary for any week in which the employee performs any work, regardless of the number of days or hours worked.

Under federal and state law, an exempt employee’s salary may be subject to certain deductions. For example, absent contrary state law requirements, an exempt employee’s salary can be reduced as either partial-day or full-day deductions for the following reasons:

* + Full-day absences for personal reasons other than sickness or disability.
	+ Full-day absences for sickness or disability, if the employee has exhausted or is not yet eligible for paid time off under a bona fide policy or plan that provides compensation for salary lost due to illness.
	+ Full-day disciplinary suspensions for infractions of written policies and procedures.
	+ Penalties imposed in good faith for infractions of safety rules of major significance.
	+ Unpaid leave taken under the Family and Medical Leave Act (if applicable).
	+ To offset amounts received as jury and witness fees or military pay.
	+ The first or last week of employment when an employee works less than a full week.
	+ Any full workweek in which an employee does not perform any work.

In a workweek in which an exempt employee performs any work, the employee’s salary will not be reduced for any of the following reasons:

* + Partial day absences.
	+ Absence on a scheduled workday in which the Library has decided to close the facility at which an employee is scheduled to work and has not designated an alternate work site.
	+ Absences for jury duty, attendance as a witness or military leave, except that the Library may offset the employee’s salary based on the received as jury or witness fees or military pay.
	+ Any other deductions prohibited by federal or state law.

Please note: It is not an improper deduction to reduce an employee’s accrued **PTO/vacation, sick leave,** or other forms of paid time off for full- or partial-day absences.

It is Library policy to comply with the salary basis requirements of the Fair Labor Standards Act (FLSA) and applicable state law. The Library prohibits any deductions from pay that violate the FLSA or applicable state law.

**REPORTING IMPROPER DEDUCTIONS OR OTHER ERRORS**

Employees should immediately contact the Director with questions about deductions or to report improper deductions and/or errors. Employees will not be retaliated against for making a complaint.

Reports of improper deductions or other errors will be promptly investigated. If it is determined that an improper deduction or other error has occurred, the employee will be promptly reimbursed.

It is our policy and practice to accurately compensate employees and to do so in compliance with all applicable federal and state laws. To ensure accurate pay and proper deductions for all time worked, employees must correctly record all work time. Additionally, employees should promptly review their paychecks to identify and report all errors.

**DISCUSSION OF WAGES**

No employee is prohibited from inquiring about, discussing, or disclosing their wages or the wages of another employee, if voluntarily disclosed by that employee. Employees are not required to disclose their wages to anyone.

This policy does not apply to disclosure of other employees' wage information by employees who have access to such information solely as part of their essential job functions and who, while acting on behalf of the Library, make unauthorized disclosure of that information. Library representatives may disclose employees' wages in response to a complaint or charge, or in furtherance of an investigation, proceeding, hearing or action under state law.

## 3.05 ATTENDANCE

Each employee’s position and the work that they do at **LIBRARY NAME** is important. Employees are expected to be in regular attendance and at work on time. To limit the impact on business operations caused by employee absences or tardiness, the **Company** has adopted the following policy which applies to absences not previously approved by the **Company** and/or not protected under applicable law.

**ATTENDANCE AND PUNCTUALITY**

Although individual schedules may vary, employees should be at their work area on time, ready to work. Punctuality is important. Consistent, unexcused tardiness, as determined by the **Company**, is considered a performance issue and is subject to disciplinary action, up to and including termination of employment.

Excessive absenteeism or tardiness may result in disciplinary action up to and including termination of employment unless the absence or tardiness is legally protected. The following types of time off will not be considered grounds for disciplinary action under this policy:

* Approved time off, including **vacation/PTO** and other forms of employer-provided paid time off;
* Sick or safe leave provided under a mandatory sick or safe leave law;
* Approved leaves of absence including but not limited to disability leave, jury duty leave, witness leave, voting leave, military leave, leave provided as an accommodation under the Americans with Disabilities Act or similar state or local laws, leave protected under a federal or state family and/or medical leave law **[Optional - Insert covered leaves based on employer size and/or location:** such as the Federal Family and Medical Leave Act (FMLA) or New York Paid Family Leave**]** or any other leave protected by applicable federal, state or local law; and/or
* Time off due to a work-related injury covered by workers' compensation.

Each situation of absenteeism or tardiness will be evaluated on a case-by-case basis. However, the **Company** will not subject employees to disciplinary action or retaliation for an absence or for tardiness that is legally protected.

**CALL-IN PROCEDURES**

An employee who is going to be late or absent from work must **[insert applicable procedures and methods for call-ins:** personally call or may contact their **supervisor/manager** via call, text or email] at least **[how many minutes or hours]** before their scheduled start time or as soon as is practicable, before the time the employee is scheduled to begin working for that day.

Employees who are using intermittent or a reduced schedule leave under **[insert if FMLA covered employer:** FMLA and/or] an applicable state leave must report their absences in accordance with this call-in procedure.

**EARLY DEPARTURE**

Employees are also expected to **[insert if employees work onsite:** remain at work for their scheduled workday] **[insert if remote or hybrid workers:** and/or work their entire work schedule], except for meal or break periods, or when required to leave on authorized **Company** business or otherwise authorized to leave. Employees who need to **employees work onsite:** leave] **[insert if** **remote or hybrid workers:** or end their workday work] before the end of their scheduled workday must notify **WHO** immediately.

**JOB ABANDONMENT**

Absent extraordinary circumstances or a legally protected reason, if employees fail to report for work without any notification to their **supervisor/manager** and their absence continues for a period of **[insert number]** consecutively scheduled days, the **Company** will consider the employee to have abandoned and voluntarily terminated their employment.

**DISCIPLINARY ACTION**

Failure to comply with this policy may result in disciplinary action up to and including termination of employment.

**ADDITIONAL INFORMATION**

An employee who believes that their absence or tardiness to work is legally protected should notify their **supervisor/manager or WHO** of this fact at the time of the absence or tardiness. Employees will not be required to reveal to their **supervisor/manager** the nature of any underlying medical condition unless otherwise necessary to designate leave under **[insert if applicable:** the **Company**’s **Disability Leave** Policy and/or] an applicable federal, state or local leave law. If an employee believes they have been mistakenly subject to disciplinary action for an absence or for tardiness that the employee believes is legally protected, the employee should promptly discuss the matter with **WHO**.

**Policy Notes**

Effective February 19, 2023, an amendment to the Labor Law prohibits employers from issuing “points” and/or disciplinary action against employees who are absent from work for any reason including absences covered under local, state or federal law. Such absences would include employee leave under the federal Family Medical Leave Act, New York Paid Sick Leave, New York Paid Family Leave, New York Paid COVID-19 Leave, and New York Paid Vaccine Leave, etc. The amendment also includes an anti-retaliation provision.

Private-sector employers with points-based or “no-fault” attendance policies in New York will need to revisit their policies following this change to New York Labor Law.

## 3.06 OPEN COMMUNICATION

Our Library is committed to the principle of open communication between employees and their supervisorconcerning any aspect of the employment relationship.

**WORKING TOGETHER, WE CAN FIND A SOLUTION TO ANY PROBLEM**

In every Library there are honest differences of opinion about working conditions, discipline, policies, and other work-related matters. Employees should not keep concerns to themselves and are encouraged to communicate their issues to management via the steps outlined below. Problems that are unknown cannot be solved. If an employee has a work-related complaint, concern, or problem of any kind, we will welcome the opportunity to discuss it with the employee and resolve it.

**FIRST STEP**

Employees who have a problem, complaint, question, or suggestion about any aspect of our Library are encouraged to discuss the issue with their immediate supervisor. We hope that most matters can be satisfactorily resolved by such discussions.

**SECOND STEP**

Employees who are not satisfied with the outcome of this first step or are not comfortable raising a particular issue with their supervisor, are welcome to discuss the situation with the Director. They will meet with the employee and/or their supervisor and attempt to reach a satisfactory solution.

**THIRD STEP**

Employees who are not satisfied with the outcome of the second step or are not comfortable raising a particular issue with the Director, are encouraged to discuss the situation with the Board President. They will review the situation in its entirety, meet with the employee and attempt to reach a satisfactory solution.

If for any reason an employee does not feel comfortable speaking with their supervisor or the designated management assigned in any step of this policy, the employee should feel free to discuss their concerns with any other member of management with whom the employee feels comfortable.

**SUGGESTIONS**

**Library Name** values employees' talents and abilities and seeks to foster a cooperative environment. For this reason, the Library’s **Open Communication** policy applies not only to complaints and concerns, but to job-related ideas, recommendations and any other suggestions an employee believes would positively benefit **Library Name**. **Library Name** values employee input and ideas, and therefore all employees should share their feedback, comments and suggestions with a supervisor or any management employee.

**NO RETALIATION**

Employees will not be retaliated against in any way for raising concerns, asking questions or for making suggestions.

**NATIONAL LABOR RELATIONS ACT DISCLAIMER**

As more fully described in the Library’s Statement of Rights Under the NLRA, nothing in this policy is intended to interfere with employees’ exercise of their rights under Section 7 of the National Labor Relations Act (NLRA).

## 3.07 SOLICITATION & DISTRIBUTION [OPTIONAL]

In order to prevent disruptions in the operations of our Library, solicitation and distribution of advertising material, handbills, or other literature during the working time of the employee soliciting or the employee being solicited, or in working areas, is restricted as described below.

**SOLICITATION DEFINED**

For purposes of this policy, solicitation includes, but is not limited to, asking employees: for funds or contributions; to purchase goods for charitable or commercial purposes; to sign petitions; to join or become members of a group; to support political candidates; or to support or commit to causes, groups, or interests. Solicitations may be made by any form of communication, including verbal, written, email, text message, direct messaging, etc. Solicitation does not include brief conversations that are so limited that they do not interrupt employees' work.

**DURING WORKING TIME**

Employees may not solicit or distribute non-work-related literature to another employee for any purpose when either the person doing the soliciting, or the person being solicited is on working time. For purposes of this policy, working time refers to that portion of any working day in which the employee is actually working or scheduled to work. It does not include such times as lunch or break time or before or after work. Employees who are on non-working time still may not solicit or distribute non-work-related literature to another employee who is on working time.

**IN WORKING AREAS**

Employees may not distribute non-work-related literature to another employee for any purpose in the working areas of our Library. “Working areas” do not include areas such as, but not limited to, the cafeteria, parking lot or break rooms.

**OUTSIDE INDIVIDUALS**

Individuals who are not employed at our Library may not distribute literature, nor solicit employees or visitors at any time on our Library’s grounds or inside our offices.

**POST NOTICES**

Only governmental notices required to be posted due to federal or state regulations may be posted on Library property.

**NON-INTERFERENCE**

As more fully described in the Library’s Statement of Rights Under the NLRA, this policy is not intended to interfere with, restrain, or prevent employee communications regarding terms and conditions of employment or to otherwise interfere with employees' rights under the National Labor Relations Act.

## 3.08 STANDARDS OF CONDUCT

The Library expects employees to follow basic, common-sense rules of conduct that will protect everyone's safety and security.

**FORMS OF UNACCEPTABLE BEHAVIOR**

It is not possible to list all forms of behavior that are considered unacceptable in the workplace, but the following are examples of behaviors that are considered unacceptable and may result in disciplinary action, including suspension, demotion or termination of employment:

* Falsification of employment records, employment information or other records or work-related information of the Library;
* Recording the work time of another employee, allowing any employee to record another employee's work time, or allowing falsification of any **timesheet/record**, whether the employee’s or another employee's;
* Theft or damage of any Library property or the property of any employee or patron;
* Use of Library materials, supplies, or tools for personal reasons without advanced permission from the Director;
* Violation of the Library’s electronic resources in a manner that interferes with the employee's work performance or violates a Library policy;
* Possessing, distributing, selling, transferring, using or being under the influence of alcohol or illegal drugs in the workplace;
* Provoking a physical fight or engaging in physical fighting in the work environment, during working hours, at a work event or on premises owned or occupied by the Library;
* Carrying firearms, weapons or dangerous substances at any time, on premises owned or occupied by the Library, unless state law provides otherwise;
* Using violent, threatening or unlawfully harassing language at any time in the work environment, during working hours or while on premises owned or occupied by the Library;
* Making knowingly false statements concerning the Library or any employee or patron;
* Failing to obtain permission to leave work or be offline during scheduled working time (not including unpaid meal and rest breaks) unless the reason is legally protected;
* Working overtime without authorization or refusing to work assigned hours;
* Violating any policy, rule or procedure of the Library;
* Failure to demonstrate immediate and consistent improvement in poor work performance;
* Committing a fraudulent act or intentional breach of trust under any circumstances; and
* Discrimination or harassment in violation of the Library’s **Equal Employment Opportunity (EEO)** or **Harassment & Discrimination Prevention** policies **[or insert name of applicable policy or policies]** against any employee, client, contractor, visitor or other individual involved in the operations of the Library based upon race, religion, age, sex, national origin, disability or any other protected characteristic under applicable federal, state or local law.

**CORRECTIVE ACTION**

Before taking corrective action, the supervisormay meet with the employee to explain why the need for corrective action is warranted.

Depending upon the severity of the matter, disciplinary measures may include counseling, verbal warning, written warning, suspension, demotion, transfer, or termination. The Library will determine the appropriate corrective action and does not guarantee that one form of action will necessarily precede another.

**AT-WILL EMPLOYMENT**

This statement of prohibited conduct does not alter or limit the policy of at-will employment, where applicable. Either the employee or the Library may terminate the employment relationship at any time for any reason, with or without cause, and with or without notice.

**NATIONAL LABOR RELATIONS ACT DISCLAIMER**

As more fully described in the Library’s Statement of Rights Under the NLRA, this policy in no way prohibits employee affiliations or activities that are protected under applicable local, state and federal laws, including but not limited to any activity that is protected under Section 7 of the National Labor Relations Act (NLRA), which includes the right of employees to organize collectively and to speak with others about their terms and conditions of employment.

**SECTION FOUR**

# BENEFIT PROGRAMS

## 4.01  HOLIDAYS

**Library Name** observes the following holidays each year. Time off for observance of holidays is **paid** for eligible employees**/unpaid [include, if holidays are unpaid:**, except that exempt employees will receive holiday pay in compliance with federal and state wage and hour laws.]

**OBSERVED HOLIDAYS**

**New Year’s Day Labor Day**

**Memorial Day Thanksgiving Day**

**Independence Day Christmas Day**

**FLOATING HOLIDAYS [Optional]**

**[**In addition to the holidays listed above, our Library provides **how many** floating holidays per year. Floating holidays are designated by the Library each year.**]**

**OR**

**[**In addition to the above holidays, employees are granted **how many** floating holidays per year to be taken at the employee’s discretion. The supervisor’s approval must be obtained before using a floating holiday.**]**

**ELIGIBILITY [Include one of the following, if holidays are paid]**

**[Which** non-exempt employees receive paid holidays after completing **how many** months of employment with the Library. Exempt employees will receive holiday pay in compliance with federal and state wage and hour laws.**]**

**OR**

**[**All employees are eligible for these paid holidays immediately upon hire.**]**

**[Optional:** To receive holiday pay, eligible non-exempt employees must work their scheduled shift before and after the holiday, unless federal or state law requires otherwise.**]**

**HOLIDAY PAY**

**[Include if holidays are paid:** Holiday pay for non-exempt employees is calculated based on the employee's straight time pay rate (as of the date of the holiday), equivalent to the number of hours the employee would have otherwise worked on that day.**]** **[Optional:** Holiday pay is not counted for the purpose of calculating an employee's overtime hours of work or overtime premiums.**]**

**[Optional:** Except in cases of intermittent leave, employees who are on a leave of absence are not eligible to receive holiday pay.**]**

**[Include if employees work on the holiday:** Non-exempt employees who work on a designated holiday will be paid **one and one-half times/two times** their regular rate of pay for all hours worked.

**OR**

Non-exempt employees who work on a designated holiday will receive an alternate day off (**include any additional details related to the alternate day off**).**]**

**[Optional:** Holiday pay is not counted for the purpose of calculating an employee's overtime hours of work or overtime premiums.**]**

**HOLIDAY DURING VACATION/PTO [Include if holidays are paid]**

Eligible employees who are on **vacation/PTO** when a paid holiday is observed will receive pay for the holiday at their straight time hourly rate and will not be charged for the **vacation/PTO** day.**]**

**WEEKEND HOLIDAYS [Include applicable option]**

When one of the observed holidays falls on a Saturday, the Library will generally be closed on the preceding Friday. When a holiday falls on Sunday, it will generally be observed on the following Monday.

**OR**

When one of the above-mentioned holidays falls on a weekend it is not observed by the Library.

**FLOATING HOLIDAYS UPON TERMINATION**

Floating holidays are **paid/not paid** upon termination of employment.

## 4.02 SICK LEAVE

The Library provides eligible employees with unpaid sick leave in accordance with the requirements of New York's mandatory sick leave law.

ELIGIBILITY

All employees (whether full-time, part-time, temporary, seasonal, per diem) working in New York are eligible to accrue/receive unpaid sick leave.

[Include if using an accrual method:

ACCRUAL SICK LEAVE

Eligible employees begin to accrue sick leave upon hire.

Sick leave is accrued at a rate of one hour for every 30 hours worked, up to a maximum accrual of 40 hours each leave year. For purposes of this policy the “leave year” is [the calendar year from January 1 to December 31/the year based on the employee’s anniversary date/the Library’s fiscal year or insert the company's preferred 12-month period.]

Only actual hours worked count toward the employee’s sick leave accrual. Employees do not accrue sick time for hours not worked including use of sick leave under this policy as well as PTO, vacation, personal days or holidays.

[Include if using a frontload method:

SICK LEAVE

Eligible employees will receive 40 hours of sick leave upon hire.

Each eligible employee’s full allotment of sick leave will be granted on the first day of each leave year. [Optional: During the initial year of employment, employees will receive a pro-rated amount of leave based on the number of hours they are expected to work for the remainder of that leave year.]

[Optional: Part-time, temporary, seasonal, per diem will receive a pro-rated amount of leave based on the number of hours they are expected to work in a leave year.]

For purposes of this policy the “leave year” is [the calendar year from January 1 to December 31/the year based on the employee’s anniversary date/the Library’s fiscal year or insert the company's preferred 12-month period.]

USE OF SICK LEAVE

Employees may use accrued leave for the following reasons impacting the employee or a member of their family for whom they are providing care or assistance with care:

Sick Leave

* For mental or physical illness, injury, or health condition, regardless of whether it has been diagnosed or requires medical care at the time of the request for leave; or
* For the diagnosis, care, or treatment of a mental or physical illness, injury or health condition; or need for medical diagnosis or preventive care.

Safe Leave

* For an absence from work when the employee or employee’s family member has been the victim of domestic violence as defined by the State Human Rights Law, a family offense, sexual offense, stalking, or human trafficking due to any of the following as it relates to the domestic violence, family offense, sexual offense, stalking, or human trafficking:
* to obtain services from a domestic violence shelter, rape crisis center, or other services program;
* to participate in safety planning, temporarily or permanently relocate, or take other actions to increase the safety of the employee or employee’s family members;
* to meet with an attorney or other social services provider to obtain information and advice on, and prepare for or participate in any criminal or civil proceeding;
* to file a complaint or domestic incident report with law enforcement;
* to meet with a district attorney’s office;
* to enroll children in a new school; or
* to take any other actions necessary to ensure the health or safety of the employee or the employee’s family member or to protect those who associate or work with the employee.

An individual is not eligible for safe leave where that individual has committed such domestic violence, family offense, sexual offense, stalking or human trafficking, regardless of any family relationship.

DEFINITION OF FAMILY MEMBER

For purposes of this policy "family member" means an employee's child, spouse, domestic partner, parent, sibling, grandchild or grandparent; and the child or parent of an employee's spouse or domestic partner.

For purposes of this policy "parent" means a biological, foster, step- or adoptive parent, or a legal guardian of an employee, or a person who stood in loco parentis when the employee was a minor child.

For purposes of this policy "child" shall means a biological, adopted or foster child, a legal ward, or a child of an employee standing in loco parentis.

INCREMENTS OF USE

Sick leave may be used in [insert the smallest increment of time, not to exceed four hours] increments.

Eligible employees may use up to 40 hours of sick leave in any leave year.

INTERACTION WITH OTHER LEAVES AND BENEFITS

Sick leave will run concurrently with leave under any applicable federal and state law or Library policy, to the extent permitted by law.

The Library is committed to complying with all applicable laws. Employees should contact the Director for information about other federal and state medical, victim or family leave rights.

**EMPLOYEE'S RESPONSIBILITY**

Employees may provide verbal or written request of the need for leave to the Director.

**QUESTIONS REGARDING ACCRUAL AND USE**

Employees should contact the Director with any questions regarding records of individual accrual or use of sick leave.

CARRYOVER OR PAY OF UNUSED LEAVE

Unused sick leave will be carried over to the next leave year. [Optional: However, employees may not use more than 40 hours of sick leave in a leave year.]

CONFIDENTIALITY

Employees are not required to disclose confidential information relating to a mental or physical illness, injury, or health condition of such employee or such employee's family member, or information relating to absence from work due to domestic violence, a sexual offense, stalking, or human trafficking, as a condition of receiving sick leave.

**REINSTATEMENT**

Employees utilizing sick leave will be returned to the same position they held immediately prior to the use of leave with the same pay and other terms and conditions of employment.

**NO RETALIATION**

Employees have the right to request and use sick leave in a manner consistent with state law. The Library will not discriminate or retaliate, or tolerate discrimination or retaliation, against any employee who seeks or obtains leave under this policy or who otherwise exercises their rights under this policy. Employees who feel they have been retaliated against for such activity should immediately contact the Director.

**MISUSE OF LEAVE**

An employee who uses leave for purposes other than those provided for under this policy, or who lies in connection with taking such leave, will be subject to disciplinary action, up to and including termination.

## 4.02 PAID SICK LEAVE

The Library provides eligible employees with paid sick leave in accordance with the requirements of New York's mandatory sick leave law.

ELIGIBILITY

All employees (whether full-time, part-time, temporary, seasonal, per diem) working in New York are eligible to accrue/receive paid sick leave.

[Include if using an accrual method:

ACCRUAL OF PAID SICK LEAVE

Eligible employees begin to accrue paid sick leave upon hire.

Paid sick leave is accrued at a rate of one hour for every 30 hours worked, up to a maximum accrual of 40hours each leave year. For purposes of this policy the “leave year” is [the calendar year from January 1 to December 31/the year based on the employee’s anniversary date/the Library’s fiscal year or insert the company's preferred 12-month period.]

Only actual hours worked count toward the employee’s sick leave accrual. Employees do not accrue sick time for hours not worked including use of sick leave under this policy as well as PTO, vacation, personal days or holidays.

[Include if using a frontload method:

PAID SICK LEAVE

Eligible employees will receive 40 hours of paid sick leave upon hire.

Each eligible employee’s full allotment of paid sick leave will be granted on the first day of each leave year. [Optional: During the initial year of employment, employees will receive a pro-rated amount of leave based on the number of hours they are expected to work for the remainder of that leave year.]

[Optional: Part-time, temporary, seasonal, per diem will receive a pro-rated amount of leave based on the number of hours they are expected to work in a leave year.]

For purposes of this policy the “leave year” is [the calendar year from January 1 to December 31/the year based on the employee’s anniversary date/the Library’s fiscal year or insert the company's preferred 12-month period.]

USE OF PAID SICK LEAVE

Employees may use accrued leave for the following reasons impacting the employee or a member of their family for whom they are providing care or assistance with care:

Sick Leave

* For mental or physical illness, injury, or health condition, regardless of whether it has been diagnosed or requires medical care at the time of the request for leave; or
* For the diagnosis, care, or treatment of a mental or physical illness, injury or health condition; or need for medical diagnosis or preventive care.

Safe Leave

* For an absence from work when the employee or employee’s family member has been the victim of domestic violence as defined by the State Human Rights Law, a family offense, sexual offense, stalking, or human trafficking due to any of the following as it relates to the domestic violence, family offense, sexual offense, stalking, or human trafficking:
* to obtain services from a domestic violence shelter, rape crisis center, or other services program;
* to participate in safety planning, temporarily or permanently relocate, or take other actions to increase the safety of the employee or employee’s family members;
* to meet with an attorney or other social services provider to obtain information and advice on, and prepare for or participate in any criminal or civil proceeding;
* to file a complaint or domestic incident report with law enforcement;
* to meet with a district attorney’s office;
* to enroll children in a new school; or
* to take any other actions necessary to ensure the health or safety of the employee or the employee’s family member or to protect those who associate or work with the employee.

An individual is not eligible for safe leave where that individual has committed such domestic violence, family offense, sexual offense, stalking or human trafficking, regardless of any family relationship.

DEFINITION OF FAMILY MEMBER

For purposes of this policy "family member" means an employee's child, spouse, domestic partner, parent, sibling, grandchild or grandparent; and the child or parent of an employee's spouse or domestic partner.

For purposes of this policy "parent" means a biological, foster, step- or adoptive parent, or a legal guardian of an employee, or a person who stood in loco parentis when the employee was a minor child.

For purposes of this policy "child" shall means a biological, adopted or foster child, a legal ward, or a child of an employee standing in loco parentis.

INCREMENTS OF USE

Paid sick leave may be used in [insert the smallest increment of time, not to exceed four hours] increments.

Eligible employees may use up to 40 hours of paid sick leave in any leave year.

PAY DURING LEAVE

An employee’s sick leave pay is based on the number of hours the employee is regularly scheduled to work at the employee’s normal rate of pay or the applicable minimum wage, whichever is greater. Employees who are paid at more than one rate of pay will be paid based on the weighted average of those rates.

INTERACTION WITH OTHER LEAVES AND BENEFITS

Paid sick leave will run concurrently with leave taken under or any applicable federal and state law or Library policy, to the extent permitted by law.

**[**The employee may not supplement their New York Paid Family Leave (PFL) benefit with paid sick leave.**]**

**OR**

**[**The employee may elect to supplement their New York Paid Family Leave (PFL) benefit, or any other job protected leave with paid sick leave in increments of **[**insert the smallest increment of time, not to exceed four hours].**]**

The Library is committed to complying with all applicable laws. Employees should contact the Director for information about other federal and state medical, victim or family leave rights.

**EMPLOYEE'S RESPONSIBILITY**

Employees may provide verbal or written request of the need for leave to the Director.

**QUESTIONS REGARDING ACCRUAL AND USE**

Employees should contact the Director with any questions regarding records of individual accrual or use of sick leave.

CARRYOVER OR PAY OF UNUSED LEAVE

Unused sick leave will be carried over to the next leave year [Option 1: or employees may elect to be paid in lieu of taking sick leave prior to the end of the leave year]. [Option 2: The Library does not offer pay in lieu of taking paid sick leave.]

[Optional: If sick leave is carried over, employees may not use more than 40 hours of paid sick leave in a leave year.]

CONFIDENTIALITY

Employees are not required to disclose confidential information relating to a mental or physical illness, injury, or health condition of such employee or such employee’s family member, or information relating to absence from work due to domestic violence, a sexual offense, stalking, or human trafficking, as a condition of receiving sick leave.

**REINSTATEMENT**

Employees utilizing paid sick leave will be returned to the same position they held immediately prior to the use of leave with the same pay and other terms and conditions of employment.

**NO RETALIATION**

Employees have the right to request and use sick leave in a manner consistent with state law. The Library will not discriminate or retaliate, or tolerate discrimination or retaliation, against any employee who seeks or obtains leave under this policy or who otherwise exercises their rights under this policy. Employees who feel they have been retaliated against for such activity should immediately contact the Director.

**MISUSE OF LEAVE**

An employee who uses leave for purposes other than those provided for under this policy, or who lies in connection with taking such leave, will be subject to disciplinary action, up to and including termination.

**PAID SICK LEAVE AT SEPARATION**

Unused sick leave **is/is not** paid upon separation from employment.

## 4.03 BENEFITS [OPTIONAL]

**Library Name** provides eligible employees with a comprehensive benefits package including **[include all benefits offered by the company:** **medical, dental and vision insurance, a Premium Only Plan (POP), a Health Reimbursement Account, a Health Savings Account, supplemental short-term disability insurance, long-term disability insurance, life insurance and a 401(k)-retirement plan.]**

**PLAN INFORMATION**

Information regarding benefits provided to eligible employees will be distributed upon hire and during the annual open enrollment. Benefits are controlled by the terms of the applicable plan documents and insurance policies.

A more thorough explanation of the plans is contained in the respective Summary Plan Descriptions, plan documents and insurance policies available from the Director. In the event of a discrepancy between the terms of this policy and the official plan documents, the official plan documents will control. **Library Name** and, if applicable, the benefit plan administrators or insurance companies, reserve the maximum discretion and right permitted by law to administer and interpret the health plan, as well as to amend, modify or terminate the plan at any time for any reason.

**ADDITIONAL INFORMATION**

Employees may meet with the Director to discuss benefit options and/or to obtain copies of plan documents.

## 4.04  CONSOLIDATED OMNIBUS BUDGET RECONCILIATION ACT (COBRA)

The following is a summary of the Federal Consolidated Omnibus Budget Reconciliation Act (COBRA) and New York health continuation coverage or “mini-COBRA” law. These laws require most employers to offer employees and their families continued group health insurance coverage at group rates in certain circumstances.

**CONTINUATION COVERAGE**

Federal law requires most employers to offer employees and their families the opportunity to temporarily continue group health insurance coverage (called "continuation coverage") at group rates in specified circumstances where coverage under the plan would otherwise end. COBRA continuation coverage for **Library Name** applies to **medical/dental/vision/FSA/EAP**. New York’s mini-COBRA law also requires temporary continuation of medical coverage by the applicable insurance carrier if (i) the employer has less than 20 employees and is thus not subject to federal COBRA or (ii) federal COBRA continuation coverage was exhausted or otherwise is not available.

**ELIGIBILITY**

Employees of the Library who are covered by Library group **medical/dental/vision/FSA/EAP** coverage have a right to choose this continuation coverage if they lose their group **medical/dental/vision/FSA/EAP** coverage because of a reduction in their hours of employment or the termination of their employment (for reasons other than gross misconduct on the employee’s part), among certain other qualifying events.

The spouse or dependent child of an employee covered by the Library group **medical/dental/vision/FSA/EAP** coverage also has the right to choose continuation coverage if they lose group health coverage under certain qualifying events.

**OPTIONS**

If an employee does not choose continuation coverage, their group health insurance coverage will end. If an employee chooses continuation coverage, the Library is required to give the employee coverage that is identical to the coverage provided under the plan to similarly situated active employees or family members. Employees may be required to pay the entire premium for their continuation coverage, plus a small administrative fee.

At the end of the continuation coverage period, employees must be allowed to enroll in an individual conversion health plan if such option is available under the Library’s group **medical/dental/vision/EAP** coverage.

If an employee does not choose continuation coverage of **medical/dental/vision/FSA/EAP** benefits, the employee may submit claims only for eligible **medical/dental/vision/FSA/EAP** expenses incurred through the last day of coverage. If an employee chooses COBRA continuation **medical/dental/vision/FSA/EAP** benefits, the employee may obtain reimbursement of eligible expenses incurred during the COBRA continuation period, provided the employee continues to pay contributions to the plan plus a small administrative charge.

**ALTERNATIVES TO COBRA**

An employee may have other options available when losing group health coverage. For example, an employee may be eligible to buy an individual plan through the Health Insurance Marketplace. By enrolling in coverage through the Marketplace, an employee may qualify for lower costs on monthly premiums and lower out-of-pocket costs. Additionally, an employee may qualify for a 30-day special enrollment period for another group health plan for which the employee is eligible (such as a spouse’s plan), even if that plan generally does not accept late enrollees.

*This policy is only a summary of the employee’s rights under the continuation coverage provisions of the law. Additional information regarding employee rights is contained in the plan’s general COBRA notice or can be obtained from the Director. In the event of a discrepancy between the terms of this policy and the official plan documents, the official plan documents will control.*

## 4.04 CONTINUATION OF BENEFITS (MINI-COBRA)

The following is a summary of the New York health continuation coverage or “mini-COBRA” law. This law requires most employers to offer employees and their families continued group health insurance coverage at group rates in certain circumstances.

**CONTINUATION OF BENEFITS (MINI-COBRA)**

New York’s mini-COBRA law requires temporary continuation of medical coverage by the applicable insurance carrier if COBRA does not apply where either (i) the employer has less than 20 employees or (ii) federal COBRA continuation coverage was exhausted or otherwise is not available.

Employees should contact the Director for additional information.

## 4.05  SHORT-TERM DISABILITY INSURANCE

New York employees who are temporarily disabled by a nonwork-related injury or illness (including a disability due to pregnancy) may be eligible to receive disability benefits.

**ELIGIBILITY**

All employees who cannot work due to a non-job-related disability are covered under this short-term disability insurance program if they meet the eligibility requirements of the New York State Disability Benefits Law.

**BENEFITS**

Disability benefits are not paid during the first seven consecutive days of any period of disability. Benefits begin on the eighth consecutive day of a disability and may continue being paid for up to a maximum of 26 weeks during any one period of disability or in a 52-week period. Eligible employees will receive a weekly benefit amount equal to 50 percent of their average weekly wage for the eight weeks immediately prior to their disability, up to a maximum weekly benefit amount of $170.00.

Employees will generally not be eligible to receive disability benefits if they are receiving workers' compensation, permanent disability or unemployment. Likewise, employees are ineligible for disability benefits if they perform any type of work for which they receive wages or profit, even if that work is performed at home.

INTERACTION WITH OTHER BENEFITS

Employees cannot collect both disability benefits and New York Paid Family Leave (PFL) benefits concurrently. An employee who is eligible for both PFL benefits and disability benefits in the same 52-week period may not receive more than 26 total weeks of combined PFL and disability benefits during that period.

Employees may use any accrued but unused **vacation/PTO or sick leave** prior to receiving disability benefits. **[OPTIONAL:** Employees may also choose to use accrued but unused **vacation/PTO or sick leave** to supplement disability benefits received; if the employee chooses to do so, the Library will integrate all paid benefits so that the employee will not be paid more than their regular compensation at any time.**]**

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**[OPTIONAL: COMPANY PAID SUPPLEMENTAL SHORT-TERM DISABILITY INSURANCE**

The **Library** also provides supplemental short-term disability insurance at no additional cost to the employee. The weekly state insurance benefit is integrated with this additional supplemental benefit. This supplemental benefit continues for **up to X days.** Combined short-term disability benefits are **X percent** of an employee’s average weekly wage, up to a maximum weekly benefit of **$xx.]**

**[OPTIONAL: EMPLOYEE PAID SUPPLEMENTAL SHORT-TERM DISABILITY INSURANCE**

Employees have the option to purchase supplemental short-term disability insurance coverage at their own expense. The weekly state insurance benefit is integrated with this additional supplemental benefit. These optional benefits continue for up to **X days**. Combined short-term disability benefits are **X percent** of an employee’s average weekly wage, up to a maximum weekly benefit of **$XX.]**

**COST**

Disability benefits are funded by employee contributions made through payroll deductions. The amount of an employee's contribution depends on the employee's average weekly wage. The maximum deduction amount will be adjusted periodically by the state. The amount of any deduction taken will be reflected on an employee's pay statement.

**OR**

**[**Disability benefits are fully funded by the **Library**.**]**

**[Include one of the following options if employers offer supplemental insurance]**

**[**The cost of the supplemental or optional disability insurance is paid for by the employee.**]**

**OR**

**[**The cost of the supplemental or optional disability insurance is paid for by the **Library**.**]**

**LEAVE ENTITLEMENT**

The disability benefits described in this policy are a partial wage replacement benefit, not a protected leave of absence. Employees are required to obtain approval for a leave of absence by contacting the Director and to comply with applicable eligibility, notice, and certification requirements when required by Library policy or applicable law.

When applicable, disability benefits will run concurrently with leave time available under the **[**Library’s **Disability Leave** policy**]**, **[**the Federal Family and Medical Leave Act**]** and any other applicable law. [See the Disability Leave policy **[**and the Federal Family and Medical Leave Act policy**]** for additional information.]

EMPLOYEE'S RESPONSIBILITY

Absences greater than seven days, may qualify for short-term disability insurance benefits. Employees must notify the Director immediately if they anticipate being on a medical leave beyond seven calendar days.

When filing a claim for disability benefits, employees will be required to submit a Notice and Proof of Claim for Disability Benefits and required certifications to **[insert whichever is applicable:** the Library orthe insurance carrier**]** within 30 days of becoming disabled.

**NO DISCRIMINATION AND NO RETALIATION**

The Library takes its disability benefits obligations very seriously and will not interfere, restrain or deny the exercise of any right protected under the New York disability benefits law. If an employee believes that their New York disability benefits rights have been violated in any way, they should immediately report the matter to the Director.

**ADDITIONAL INFORMATION**

Employees may also contact the Director with questions regarding this policy.

*This is intended as a brief introduction to the Short-Term Disability Insurance. A more thorough explanation of the plan is contained in the Summary Plan Description and plan documents available from the Director. In the event of a discrepancy between the terms of this policy and the official plan documents, the official plan documents will control.*

## 4.06 DISABILITY LEAVE

Our Library offers employees an unpaid leave of absence due to an injury or illness, including pregnancy-related disability, consistent with applicable law. During an unpaid disability leave, employees may be eligible to receive wage replacement benefits which will provide pay during leave.

**ELIGIBILITY**

All employees are eligible for this leave.

**LENGTH OF LEAVE**

Leave will be provided as medically necessary and consistent with the operational needs of the Library. The Library will comply with the requirements of **[include if 15 or more employees:** the Americans with Disabilities Act and**]** state law.

**PAY DURING LEAVE**

Disability leaves are unpaid except to the extent an employee is eligible to receive wage replacement benefits while on leave including workers’ compensation benefitsor short-term disability benefits. In addition, employees **(may use/are required to use)** their **PTO/vacation, sick leave or personal** timewhile on leave, to the extent permitted by law**]**.

**[Optional:** Employees who receive workers’ compensation or short-term disability **[or long-term disability]** benefits while on leave may choose to supplement their benefit with available **PTO/vacation, sick leave or personal leave** to receive up to 100 percent of their average weekly wage.**]**

Employees should be aware workers’ compensation or short-term disability insurance benefits are partial wage replacement benefits, not a job-protected leave of absence. Therefore, having applied for, or receiving these benefits, is not an automatic designation of leave under this policy, and employees are required to obtain approval for a leave of absence by contacting the Director and complying with the medical certification requirements of this policy.

**MEDICAL CERTIFICATION**

Prior to the granting of such leave, employees must provide the Director with a health care provider’s certificate justifying the medical need for the disability leave and providing the expected date of return.

INTERACTION WITH OTHER LAWS AND LEAVES

Leave under this policy may be provided as a reasonable accommodation under state law **[include if the client has 15 or more employees:** and the Americans with Disabilities Act (ADA)].

Where applicable, this leave will run concurrent with leave under [the **Family and Medical Leave (FMLA)** and/or] any other leave required by law provided the employee is eligible for that leave.

HEALTH INSURANCE DURING LEAVE

Our **Company** will continue to provide health insurance coverage for employees on authorized disability leave for **how long**. Employees are required to pay their portion of the premium on the **first day** of each month. Coverage will cease if an employee's premium payment is more than 30 days late.

**[Include statement for FMLA covered employers:** If an employee qualifies for leave under the Family and Medical Leave Act, they will receive health benefits during their FMLAleave under the same terms and conditions as if they were on the job (see the Family and Medical Leave Act policy).**]**

CONTINUATION OF BENEFITS DURING LEAVE [Optional]

**[Include if this is consistent with other types of leave: PTO/vacation, sick leave or personal leave**, and seniority or service time do not continue to accrue, except in cases of intermittent leave.**]**

**RETURN TO WORK**

Before returning to work, employees are required to present documentation from a health care provider certifying they can return to work with or without a reasonable accommodation.

**JOB REINSTATEMENT**

We will make all reasonable efforts to return employees to the same or similar position as held prior to the disability leave, subject to our staffing and business requirements and applicable law. An employee’s continued absence from work beyond the period of disability may be deemed a voluntary termination of employment.

## 4.07 NEW YORK PAID FAMILY LEAVE BENEFITS

New York’s Paid Family Leave (PFL) law provides job protected leave and wage replacement to eligible employees for qualifying events.

**ELIGIBILITY**

To be eligible, employees must: regularly work 20 or more hours per week and have been employed for at least 26 consecutive workweeks preceding the first full day family leave is taken; or regularly work less than 20 hours per week and have worked for at least 175 days preceding the first full day family leave is taken. Paid time off can be counted toward an employee’s eligibility determination. Employees are eligible for PFL regardless of citizenship and/or immigration status.

PFL is granted to eligible employees who request time off for the following qualifying events:

* To participate in providing care, including physical or psychological care for a “covered family member” with a “serious health condition”;
* To bond with a child during the first 12 months after the child’s birth, adoption or foster care placement with the employee; or
* Due to a qualifying exigency for the employee’s spouse, domestic partner, child, or parent who is on active military duty or has been notified of an impending call to active duty.

**“COVERED FAMILY MEMBER” WITH A “SERIOUS HEALTH CONDITION”**

Covered “family members” include:

* Spouse;
* Domestic partner (including same and different gender couples; legal registration not required);
* Child/stepchild and anyone for whom the employee has legal custody;
* Parent/stepparent;
* Parent-in-law;
* Grandparent;
* Grandchild; or
* Sibling.

A “serious health condition” is an illness, injury, impairment, or physical or mental condition that involves: (a) inpatient care in a hospital, hospice or residential health care facility; or (b) continuing treatment or continuing supervision by a health care provider.

**LENGTH OF LEAVE AND BENEFITS**

Eligible employees may receive up to 12 weeks of job protected, paid time off for a PFL-qualifying reason within a 52-week period. Employees taking PFL will receive 67% of their average weekly wage, or 67% percent of the state average weekly wage, whichever is less.

PFL may be taken on a continuous or intermittent basis. Employees who take PFL on a continuous basis (e.g., in weekly increments) are eligible for the maximum number of weeks of leave, as indicated above.

Employees who take PFL in daily increments (intermittent leave) are eligible for paid leave based on the average number of days worked per week during a base period.

**INTERMITTENT USE**

Eligible employees may take leave under the PFL on an intermittent basis, in full-day increments. Employees may not take partial day leave under PFL.

When an employee takes intermittent PFL, the employee must provide notice to the Director as soon as is practicable before each day of intermittent leave.

**[Optional: For employers subject to FMLA**

An employee’s use of intermittent FMLAleave on a partial-day basis may, under certain circumstances, reduce an employee’s PFL benefit amount. Specifically, when an employee takes multiple partial-day intermittent FMLA leaves for a qualifying reason that would also be covered by PFL, which add up to the number of hours in an employee’s usual workday, the Library will deduct one day of PFL benefits from the employee’s annual PFL benefit allotment.**]**

**[Optional: MULTIPLE EMPLOYEES REQUESTING LEAVE**

More than one employee of Library Name cannot use the same period of PFL to bond with the same child or to care for the same qualifying family member.]

**EMPLOYEE NOTICE REQUIREMENTS**

In the case of a foreseeable leave, a covered employee must provide **WHO** with advance notice 30 days before the date on which the leave would begin. If the employee is unable to provide 30 days’ notice, they must provide notice as soon as it is practicable under the circumstances. Usually, this means giving notice the same day the employee receives notice or the next business day. If an employee does not give the Director timely notice, the employee’s PFL leave may be delayed or denied.

In giving notice, an employee must provide sufficient information for **[PFL Insurance Carrier Name/the PFL insurance carrier]** to determine if the leave qualifies for PFL and the anticipated timing and duration of the leave.

**PROCEDURE FOR REQUESTING LEAVE**

Employees must complete and submit a Request for Paid Family Leave Form (PFL-1) with supporting documentation as follows to **[PFL Insurance Carrier Name/the PFL insurance carrier]**:

(1) Bonding Certification: PFL-2 Form plus documentation;

(2) Health Care Provider Certification: PFL-4 Form plus Personal Health

 Information (PHI) Release (PFL-3 Form); or

(3) Military Qualifying Event: PFL-5 Form plus documentation.

The Forms can be obtained from the Directoror **[PFL Insurance Carrier Name/the PFL insurance carrier]**.

To submit a request for PFL, employees must:

* Complete the employee’s portion of the PFL-1 Form.
* Submit the PFL-1 Form to the Director.
* The Library will complete its portion of the PFL-1 Form and return it to the employee within three business days.
* If the Library fails to respond, the employee may submit all materials directly to **[PFL Insurance Carrier Name/the PFL insurance carrier]**.
* Depending on the type of PFL leave the employee is seeking, the employee will be required to complete additional PFL forms as described in the letter from **[PFL Insurance Carrier Name/the PFL insurance carrier]**. Employees must submit the completed PFL forms to **[PFL Insurance Carrier Name/the PFL insurance carrier]** before or within 30 days after the start of their leave. **[PFL Insurance Carrier Name/the PFL insurance carrier]** must pay or deny leave requests within 18 calendar days of receiving an employee’s completed forms.

**CONTINUATION OF BENEFITS DURING LEAVE**

Employees are entitled to continue group health benefits under the same terms and conditions as if they were on the job during PFL. Employees are required to pay their portion of the premium **by when**. The Library’s obligation to maintain health insurance coverage may cease if an employee's premium payment is more than 30 days late. If the health care premium is overdue, the Library will notify the employee in writing at least 15 days before coverage is to cease, advising that coverage will be dropped on a specified date at least 15 days after the date of the letter, unless payment has been received by that date.

If group health plan benefits lapse because an employee has not made the required premium payments, then upon the employee's return from PFL, the employee will be restored to coverage/benefits equivalent to those the employee would have had if Paid Family Leave had not been taken and premium payment(s) had not been missed, including family or dependent coverage.

If an employee chooses not to retain group health plan coverage during PFL, then upon the employee's return from leave, the employee shall be reinstated into the health plan on the same terms the employee had prior to taking leave.

An employee’s use of PFL will not result in the loss of any employment benefits that accrued prior to the start of PFL.

**[Optional statement for employers who permit PFL to be supplemented with paid time off:** Employees who choose to supplement PFL with accrued **PTO/vacation, sick leave or personal leave** will receive benefits, including seniority under the same terms and conditions that were in effect prior to the start of PFL.**]**

All other employee-paid benefits will be retained as long as the employee continues to make premium payments.

**[Optional, but only include if this is consistent with other types of leave: PTO/vacation, sick leave or personal leave**, and seniority or service time do not continue to accrue, except in cases of intermittent leave.**]**

**CONCURRENCE WITH OTHER LEAVES/BENEFITS**

**[**Employees may choose tosupplement PFL benefits with applicable **PTO/vacation/sick leave/personal leave** to receive full salary.**]**

**OR**

**[**Employees **may not** supplement PFL benefits with applicable **PTO/vacation, sick leave or personal leave**.**]**

Employees should refer to the applicable paid time off policies for information regarding minimum increments applicable to such leave.

**FMLA [Include statement for FMLA subject employers only]**

If an employee takes PFL leave for an event that also qualifies as leave under the FMLA the employee’s PFL leave will run concurrently with available FMLA leave.

**Short-Term Disability**

Employees cannot use PFL and short-term disability benefits at the same time, but can use them consecutively, up to a maximum of 26 weeks of disability and PFL benefits combined in a rolling 52-week period. If an employee is unable to work and qualifies for workers’ compensation benefits, the employee may not use PFL benefits at the same time the employee is receiving workers’ compensation benefits. An employee receiving reduced earnings may be eligible for PFL.

**COST**

**[**PFL premiums are paid for by the employee and are deducted from the employee’s paycheck on an after-tax basis. The deduction amount is set annually by the Department of Financial Services.**]**

**OR**

**[**The Library has opted to pay the cost of PFL benefits. Employees are subject to income and employment tax on the employer contribution.**]**

**WAIVER OPTION**

Employees have the option of filing a waiver for PFL benefits if:

* The employee’s regular employment schedule is 20 hours or more per week, however the employee will not work 26 consecutive weeks; or
* The employee’s regular employment schedule is less than 20 hours per week and the employee will not work 175 days in a 52-consecutive-week period.

Employees who are eligible to waive PFL benefits and wish to do so must complete and submit a waiver form to the Director. Employees who submit a waiver form will not make any contributions for PFL benefits and will not be eligible to receive PFL benefits. If the employee voluntarily revokes the waiver, or the employee’s schedule changes such that it is anticipated that the employee will become eligible to receive PFL benefits, the waiver will be revoked, the employee must start making contributions on a going forward basis and must pay retroactive contributions to the employee’s date of hire.

**PERIODIC STATUS REPORTS AND RETURN FROM LEAVE**

The Library may require an employee on PFL leave to report periodically on the employee’s status and intent to return to work to the extent permitted by law.

Any employee who exercises their right to PFL will receive job protection. This means that upon the expiration of that leave, the employee will be entitled to return to the same position the employee held when leave began, or to an equivalent position with equivalent pay and other terms and conditions of employment.

**Questions and Additional Information**

Employees who have questions regarding this policy should contact the Director. For additional information concerning leave entitlements and obligations that might arise when PFL is either not available or exhausted, employees should consult the Library’s other leave policies or contact the Director. The Library is committed to complying with PFL and shall interpret and apply this policy in a manner consistent with the PFL law and regulations. Employees who disagree with a denial of their claim for PFL may submit their dispute to arbitration. Employees will be provided with information about how to request arbitration with their PFL denial.

Employees are protected from discrimination and retaliation for requesting or taking PFL. If an employee believes their rights have been violated and/or job restoration has been denied as a result of requesting and/or taking PFL, the employee must send the Director a formal request for job reinstatement using the Formal Request for Reinstatement Regarding Paid Family Leave (Form PFL-DC-19), which can be found in the forms section of the New York Paid Family Leave website (https://www.ny.gov/PaidFamilyLeave). Employees must file the completed form with the Library and send a copy to: Paid Family Leave, P.O. Box 9030, Endicott, NY 13761-9030. If the Library does not comply with an employee’s request for reinstatement within 30 days, the employee may file a PFL discrimination complaint with the Workers’ Compensation Board using the Paid Family Leave Discrimination Complaint (Form PFL-DC-120), which is also available on the New York Paid Family Leave website. Once an employee’s complaint is received, the Board will assemble the employee’s case and schedule a preliminary hearing in front of a Workers’ Compensation Law Judge.

## 4.08  BONE MARROW & BLOOD DONATION LEAVE

In accordance with New York State law, our Library offers employees a leave of absence for the purpose of bone marrow or blooddonation.

**TIME AWAY FROM WORK**

**Bone Marrow Donation**

Employees who work at least 20 hours per week who seek to undergo a medical procedure to donate bone marrow will be granted a leave of absence no longer than 24 work hours. This leave is **paid/unpaid**.

**Blood Donation**

Employees who work at least 20 hours per week may be granted up to three hours of **paid/unpaid** leave in any 12-month period for the purposes of donating blood.

**COMPANY-SPONSORED BLOOD DONATION DRIVES**

If the Library sponsors a blood drive, employees donating blood will be granted paid leave time without requiring the employee to use **PTO/vacation, sick leave or personal leave**.

**PAY DURING LEAVE**

Employee may use available **PTO/vacation, sick or personal time** for leave granted under this policy. Exempt employees will receive pay in compliance with federal and state wage and hour laws.

**VERIFICATION**

Employees are requested to give as much advance notice as possible to the Director. Employees who donate bone marrow must provide the Director with verification from a physician as to the purpose and length of leave requested.

**[Optional:** Employees who donate blood off-premises must provide the Director with proof of their blood donation.**]**

## 4.09 TIME OFF FOR CANCER SCREENING

In accordance with Civil Service Law Sections 159-b, the Library provides paid time off for employees to be screened for cancer. Employees are eligible to receive up to four hours of paid time off for cancer screening, per calendar year.

**ELIGIBILITY**

Upon hire, all employees are eligible to receive paid time off to be screened for cancer. Employees must complete a “Time-Off for Cancer Screenings Form” and return it to the Director.

**[**The form may be obtained from the Director.**]**

**OR**

**[**The form is located **where]**.

**EMPLOYEE’S RESPONSIBILITY**

Once the employee has attended the screening appointment, the employee must return the “Verification of Time-Off for Cancer Screenings Form” to the Director to receive compensation for the time off.

**ADDITIONAL INFORMATION**

Any questions regarding this policy should be directed to the Director.

## 4.10  JURY DUTY & COURT ATTENDANCE

Our Library considers service on a jury to be an important civic duty.

**JURY DUTY PAY**

**[**All employees called to serve on jury duty will be paid by the Library the New York State mandated per diem for the first three days of jury service. Exempt employees will be paid their full weekly salary if they work any part of the week in which they perform jury service.**]**

**OR**

**[Full-time, part-time, regular, part-time** employees who are called to serve on jury duty will be paid their regularly scheduled wages for **up to X days.** Thereafter, any necessary time off for jury duty service is unpaid paid. Exempt employees will be paid their full weekly salary if they work any part of the week in which they perform jury service.

**[Include statement if only select employees are paid for jury service:** All other employees called to serve on jury duty will be paidby the Library the New York State mandated per diem for the first three days of jury service.**]**

**OR**

**[Full-time, part-time, regular, part-time** employees are paid regular wages during the first three days of jury duty and then paid the difference between regular wages and the amount of jury duty pay received from New York State **up to x weeks**. Thereafter, any necessary time off for jury duty service is unpaid paid. Exempt employees will be paid their full weekly salary if they work any part of the week in which they perform jury service.**]**

**[Include statement if only select employees are paid for jury service:** All other employees called to serve on jury duty will be paidby the Library the New York State mandated per diem for the first three days of jury service.**]**

**DOCUMENTATION**

Employees must submit a copy of the Jury Duty Attendance Certificate to their supervisor indicating the dates served. Employees must ask the court to provide a copy of the attendance certificate when their jury duty is complete.

**TIME AWAY FROM WORK**

In fairness to the Library, employees are expected to return to work if they are excused from jury duty during their regular working hours.

**COURT ATTENDANCE**

Employees who are subpoenaed to appear in court as a witness in a criminal proceeding will be granted unpaid time off for their attendance.

## 4.11 CRIME VICTIM LEAVE

Our Library provides employees with time away from work if they are a victim of a crime or to participate as a witness of a crime.

**ELIGIBILITY**

Eligible employees who are the victim of a crime or subpoenaed to attend a criminal proceeding as a witness, may take time off from work to (1) testify in a criminal proceeding (including time off to consult with the district attorney); (2) give a statement at a sentencing proceeding; (3) give a victim impact statement at a pre-sentencing proceeding; or (4) give a statement at a parole board hearing.

Employees are eligible for time off under this policy if they are:

* The victim of the crime at issue in the proceedings;
* The victim's next of kin, if the victim is deceased as a result of the offense;
* The victim's representative (a person who represents or stands in the place of another person, including an agent, attorney, guardian, conservator, executor, heir, or parent of a minor);
* A good Samaritan (someone who acts in good faith to: (1) apprehend a person who has committed a crime in their presence; (2) prevent a crime or an attempted crime from occurring; or (3) aid a law enforcement officer in effecting an arrest); or
* Pursuing an application or the enforcement of an order of protection as provided under relevant law.

**CRIME VICTIM LEAVE PAY**

Time off under this policy is unpaid except that exempt employees will not incur any reduction in pay for a partial week's absence for leave under this policy. **[Optional:** However, the employee may supplement time off with paid **PTO/vacation, sick leave or personal leave**.**]**

**OR**

If an employee needs crime victim leave, they are paid regularly scheduled wages for **up to X days**. **[Optional:** Employees who need additional time may supplement time off with paid **PTO/vacation, sick leave or personal leave**.**]**

Exempt employees will not incur any reduction in pay for a partial week's absence for leave under this policy.

**DOCUMENTATION**

Employees must notify the Director of the need to take a leave under this policy no later than the day before the absence. In addition, employees must provide the Director with verification of their service upon request.

**TIME AWAY FROM WORK**

In fairness to the Library, employees are expected to return to work if they are excused from proceedings during their regular working hours.

**NO RETALIATION**

The Library will not retaliate or tolerate retaliation against any employee who seeks or obtains leave under this policy.

## 4.12 DOMESTIC VIOLENCE VICTIM LEAVE

The Library will reasonably accommodate employees who are the victim of domestic violence with time off in compliance with the New York State Human Rights Law. Employees should also refer the Library’s Paid Sick Leave policy for additional benefits that may be available.

**REASONABLE ACCOMMODATIONS**

The Library will reasonably accommodate employees who are the victim of domestic violence and who need a reasonable amount of time off for the following reasons, unless providing such accommodation would result in an undue hardship:

* Seek medical attention for injuries caused by domestic violence, including for a child who is a victim of domestic violence, provided that the employee is not the perpetrator of the domestic violence against the child;
* Obtain services from a domestic violence shelter, program or rape crises center;
* Obtain psychological counseling related to domestic violence incidents, including for a child who is a victim of domestic violence, provided that the employee is not the perpetrator of the domestic violence against the child;
* Participate in safety planning or other actions to increase safety from future incidents of domestic violence, including temporary or permanent relocation; or
* Obtain legal services, assist in the prosecution of an offense, or appear in court in relation to an incident of domestic violence.

**EMPLOYEE’S RESPONSIBILITY**

Employees must give the Library reasonable advance notice of their intention to take leave for this purpose unless such advance notice is not feasible. An employee who cannot give reasonable advance notice must provide certification supporting the need for leave within a reasonable time after the absence.

Acceptable forms of certification include:

* A police report indicating the employee or the employee's child is a victim of domestic violence;
* A court order protecting or separating the employee or their child from the perpetrator of domestic violence;
* Other evidence from the court or prosecuting attorney that the employee appeared in court; or
* Documentation from a medical professional, domestic violence advocate, health care provider or counselor that the employee or their child was undergoing counseling or treatment for physical or mental injuries or abuse resulting from an act of domestic violence.

When taking leave under this policy, an employee **may/must** use any available paid leave, including Library-provided paid time off, **such as PTO/vacation, sick leave or personal leave**. Otherwise, leave will be unpaid. During the leave, the Library will maintain any health insurance coverage being provided in the same manner as if the employee had not taken leave.

**CONFIDENTIALITY**

Except as otherwise required by law, the Library will maintain the confidentiality of any information regarding an employee's status as a victim of domestic violence.

**NO RETALIATION**

The Library will not discriminate or retaliate against an employee because the employee is a victim of domestic violence or requests leave in accordance with this policy.

## 4.13  MILITARY LEAVE [NEW YORK-PRIVATE EMPLOYERS]

The **Company** recognizes the obligation of those employees serving in any branch of the military or other uniformed services of the United States. Employment status within the **Company** is protected by the Uniformed Services Employment and Reemployment Rights Act of 1994 (“USERRA”) and applicable state military leave provisions.

**ELIGIBILITY FOR LEAVE**

The **Company** provides military leaves of absence to employees who serve in the “uniformed services” as required by USERRA and applicable state laws.

The uniformed services are defined as:

* The Armed Forces;
* The Army National Guard and the Air National Guard when engaged in active duty for training, inactive duty training or full-time National Guard duty;
* The commissioned corps of the Public Health Service;
* The commissioned officer corps of the National Oceanic and Atmospheric Administration;
* Members of the National Urban Search and Rescue Response System during a period of appointment into federal service under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act);
* Intermittent personnel who are appointed into Federal Emergency Management Agency (FEMA) service under the Stafford Act or to train for such service; and
* Any other category of persons designated by the President in times of war or national emergency.

**REASONS FOR LEAVE**

For purposes of this policy, "service in the uniformed services" means the following duties on a voluntary or involuntary basis:

* Active duty;
* Active duty for training;
* Initial active duty for training;
* Inactive duty training;
* Full-time National Guard duty;
* State active duty for a period of 14 days or more in response to a national emergency or major disaster declared by the President or pursuant to a call of the governor of New York or any other state;
* Time off for an examination to determine fitness to perform any such duty;
* Time off for members of the National Urban Search and Rescue Response System due to an appointment into federal service under the Stafford Act;
* Time off due to an appointment into service in FEMA as intermittent personnel under the Stafford Act;
* Funeral honors duty; and
* Time off to attend a military service academy.

**LEAVE AND REEMPLOYMENT**

**LIBRARY NAME** is committed to preserving the job rights of employees absent on military leave in accordance with law.

Employees who serve on active or reserve duty will be granted a leave of absence up to the maximum time required by law, not to exceed five years, with some exceptions (certain categories of service are exempt from the five-year limitation).

**PAY DURING LEAVE**

Subject to any applicable and more generous state law, an employee's period of military leave **[Insert one of the following, as applicable:**

**[Option 1:** is unpaid. Employees on unpaid military leave may choose to apply **PTO/vacation, sick leave or personal leave** benefits to their absence.**]**

**OR**

**[OPTION 2:** is paid at 100% of their base pay for up to **[insert time period]** from the date that military leave begins], after which time leave will be unpaid.]

**OR**

**[Option 3:** is paid as the difference between an employee's base pay and military pay for a period of up to **[insert time period]** from the date that military leave begins, after which time leave will be unpaid. For any period during which the **Company** pays the difference between base pay and military pay, an employee must provide copies of their military paystubs.] **]**

Exempt employees will not incur any reduction in pay for a partial week's absence for leave under this policy.

HEALTH CARE CONTINUATION

During a military leave of less than 31 days, an employee is entitled to continued group health plan coverage under the same conditions as if the employee had continued to work. For military leaves of more than 30 days, an employee may elect to continue their health coverage in accordance with USERRA and COBRA. For additional information on health care continuation contact **WHO**.

**[Include this paragraph for employers with 20 or more employees:**

**SPOUSAL LEAVE**

In accordance with New York State law, spouses of members of the U.S. armed forces, National Guard or reserves that have been deployed to a combat area during a period of military conflict are entitled to up to 10 days of unpaid leave. The spouse must work on average at least 20 hours per week to be eligible for this leave. The military personnel must be on leave at the time the spousal leave is taken.]

Where applicable, this leave may run concurrently with any available New York State Paid Family Leave, **[for employers with 50 or more employees:** theFamily and Medical Leave Act (FMLA)**]** or any other leave benefit that may be required by state law.

Employees should also refer to the New York State Paid Family Leave policy **[for employers with 50 or more employees:** and the Family and Medical Leave Act policy**]** to determine if they are also eligible for benefits under **[that policy/either of those policies**.**]**

EMPLOYEE’S RESPONSIBILITY

Employees are expected to inform their **supervisor/manager** of their need for military or spousal leave as far in advance as possible unless giving notice is impossible, unreasonable, or precluded by military necessity. Employees also must submit a copy of the military orders to **WHO**.

Employees must also notify **WHO** before returning to work. For service of less than 31 days, the service member must return at the beginning of the next regularly scheduled work period on the first full day after release from service, taking into account safe travel home plus an eight-hour rest period. If this is impossible or unreasonable, then as soon as possible. For service of more than 30 days but less than 181 days, the service member must submit an application for reemployment within 14 days of release from service. If this is impossible or unreasonable through no fault of the employee, then as soon as possible. For service of more than 180 days, an application for reemployment must be submitted within 90 days of release from service. Reporting or application deadlines are extended for up to two years for persons who are hospitalized or convalescing.

**REEMPLOYMENT RIGHTS**

Unless an exception applies (e.g., initial enlistments lasting more than five years, periodic National Guard and Reserve training duty, and involuntary active duty extensions and recalls), if the military leave is less than five (5) years, returning service members are reemployed in the job that they would have attained had they not been absent for military service (the "escalator" principle), with the same seniority, status and pay, as well as other rights and benefits determined by seniority. The **Company** will make reasonable efforts (such as training or retraining) to enable returning service members to refresh or upgrade their skills to help them qualify for reemployment. The **Company** will explore alternative reemployment positions if the service member cannot qualify for the "escalator" position.

**NON-DISCRIMINATION AND NON-RETALIATION**

Any employee who believes they have been discriminated against, harassed or retaliated against based on their past, present, or future participation in the uniformed services, request for military leave, complaint or participation in any investigation of a complaint of discrimination or retaliation based on a military leave request or service participation, or any other situation protected under this policy or applicable law should notify **WHO** immediately.

**Policy Notes**

**Pay During Leave.** USERRA requires employers to provide employees on military leave with the same benefits it offers to employees on comparable non-military leaves of absence and furloughs. Employers who offer paid time for non-military leaves such as jury duty and bereavement should consider offering comparable paid leave or seek guidance from their legal counsel before stating leave is unpaid due to developing case law.

**State National Guard.** New York also provides employment protections for employees who have been away from work on state active duty with the National Guard pursuant to a call of the governor of New York or any other state. This law took effect immediately upon signing on September 27, 2024, and applies to employers of all sizes.

**NYS Public Employers.** [Section 242](https://www.nysenate.gov/legislation/laws/MIL/242) of the Military Law for New York does provide benefits for public employees who are absent due to military duty which would run concurrently with federal [USERRA](https://webapps.dol.gov/elaws/vets/userra/).

Every public officer or employee shall be paid their salary or other compensation as such public officer or employee for any periods of absence while engaged in the performance of ordered military duty, and while going to and returning from such duty, not exceeding a total of thirty days or twenty-two working days, whichever is greater, in any one calendar year and not exceeding thirty days or twenty-two working days, whichever is greater, in any one continuous period of such absence.

## 4.13 MILITARY LEAVE

The Library recognizes the obligation of those employees serving in any branch of the military or other uniformed services of the United States. Employment status within the Library is protected by the provisions of Sections 242 and 243 of the New York State Military Law and the Uniformed Services Employment and Reemployment Rights Act of 1994 (“USERRA”) and state military leave provisions.

**ELIGIBILITY**

Employees who need to be absent on military duty as members of the organized militia, reserve forces or reserve components of the armed forces of the United States.

Under state military leave law eligible employees do not include those holding a position in the exempt class of the civil service whose appointment is terminated or whose position is filled by someone other than a substitute appointee.

**LEAVE AND REEMPLOYMENT**

Employees who serve on active or reserve duty will be granted a leave of absence up to the maximum time required by law. The Library is committed to preserving the job rights of employees absent on military leave in accordance with law.

Eligible employees may take leave for uniformed service as defined under USERRA or ordered military duty as defined under state law.

**PAY DURING LEAVE**

The Library will grant leave with pay not exceeding a total of thirty days or twenty-two working days, *whichever is greater*, in any one calendar year and not exceeding thirty days or twenty-two working days, *whichever is greater*, in any one continuous period of such absence.

**[Option 1:** Military leave beyond the 22 workdays or 30 calendar days in a calendar year will be unpaid, however employees may choose to apply **PTO/vacation /sick leave/personal leave** benefits to their absence at any time during the leave.**]**

**OR**

**[Option 2:** Employees on military leave beyond the 22 workdays or 30 calendar days in a calendar year will be paid the difference between their normal weekly compensation (base rate) and military duty pay for **how long.** Employees on unpaid military leave may choose to apply **PTO/vacation /sick leave/personal leave** benefits to their absence at any time during the leave.**]**

In accordance with applicable state law, employees may keep all pay received for military service.

**EMPLOYEE’S RESPONSIBILITY**

Employees are expected to inform the Director of their need for military leave as far in advance as possible and submit a copy of the military orders to the Director.

**BENEFITS CONTINUATION**

While on leave, employees will be treated as continuously employed and will not directly or indirectly suffer any loss or reduction of service time, seniority, **PTO/vacation/sick leave/personal leave,** holiday privileges or any other right or privilege. However, during leave **PTO/vacation/sick leave/personal leave** doesnot accrue during the period of military service.

**Health Insurance**

During a military leave of less than 31 days, an employee is entitled to continued group health plan coverage under the same conditions as if the employee had continued to work. For military leaves of more than 30 days, an employee may elect to continue their health coverage in accordance with COBRA. For additional information on health care continuation contact the Director.

**Retirement Plan**

Employees may continue to have deductions made from their salary or other compensation toward any pension or retirement system. If the amount to be contributed exceeds the amount of compensation the employee is entitled to during their absence the employee may elect to pay the additional amount.

**[Include and edit statement if offer these benefits: Life insurance, supplemental short-term disability, long-term disability insurance** or any other premium related benefits will be retained if employees continue to make premium payments.**]**

**VETERANS BENEFITS**

Employees who are veterans are eligible for up to five days of paid leave per calendar year for any healthcare related services that are the result of their prior military service.

Veterans must provide a copy of their DD-214, certificate of release or discharge from active duty or other applicable department of defense documentation to the Director.

**SPOUSAL LEAVE [Include for employers with 20 or more employees]**

In accordance with New York State law, spouses of members of the U.S. armed forces, National Guard or reserves that have been deployed to a combat area during a period of military conflict are entitled to up to 10 days of unpaid leave. The spouse must work on average at least 20 hours per week to be eligible for this leave. The military personnel must be on leave at the time the spousal leave is taken.

**CONCURRENCE WITH OTHER LEAVES**

Where applicable, this leave may run concurrently with any available Family and Medical Leave, or any other leave benefit that may be required by state law.

**NO RETALIATION**

Employees who request military leave will not be retaliated against or penalized in any manner. Any employee who believes they have been retaliated against in violation of this policy should notify the Director immediately.

## 4.14 VOTING LEAVE

Our Library believes that all employees should have the opportunity to exercise their right to vote in elections.

**TIME AWAY FROM WORK**

Employees who do not have sufficient time to vote outside their working hours will be allowed the necessary time off to vote at the beginning or the end of their shift. Up to two hours will be paid time off. No time off will be allowed in any election where the polls are open at least four consecutive hours before or after the employee's shift.

Employees must return to work immediately after voting if their shift has not ended.

**ADVANCE NOTICE**

Employees intending to take leave to vote must inform the Director not more than ten but at least two working days prior to Election Day. The employee's supervisor will designate when the leave should be taken (e.g., at the beginning or end of the shift).

##

## 4.15 VOLUNTEER FIREFIGHTER & AMBULANCEPERSONNEL LEAVE

Our Library recognizes the obligations that our employees who serve as volunteer firefighters and ambulance personnel may have in times of emergency.

**ELIGIBILITY**

Employees who are volunteer firefighters or ambulance personnel are permitted unpaid time off (unless payment is required by law) in the event that a State or local state of emergency has been declared by the Governor or a local government executive (such as a city mayor) and the employee’s duties as a volunteer are related to handling/resolving the declared emergency.

**NOTIFICATION**

Employees who request time off under the policy must notify the Director immediately after the need for the leave becomes known. If the Library grants an employee time off pursuant to this law, the employer may request the employee provide appropriate documentation from the head of the volunteer fire department or ambulance service certifying the period(s) of time that the employee spent responding to the declared emergency.

## 4.16  SOCIAL SECURITY

All employees are covered by this federal program, which is funded through payroll taxes known officially as the Federal Insurance Contributions Act (FICA) taxes.

**BENEFITS**

Social Security is an important benefit for employees and their families as it provides death, disability, and retirement benefits.

**COST**

The cost of this coverage is determined by law. The rates are subject to change in accordance with legislated amendments by Congress. The required amount of an employee’s contribution will be deducted automatically from their paycheck.

**ADDITIONAL INFORMATION**

Questions regarding the Social Security program should be directed to the Social Security Administration, which has answers to many common questions on its website at www.ssa.gov. Questions regarding an individual’s FICA or other payroll tax deductions should be directed to the Director.

## 4.17  WORKERS' COMPENSATION

Our Library carries a workers' compensation insurance policy which covers all employees in the event that they are injured or become disabled due to occupational illness or injury while on the job.

**BENEFITS**

For employees who are injured while on the job or who develop an occupational illness, medical expenses, and loss of earnings up to the specified maximum normally will be covered by our workers' compensation insurance policy. Compensation under this plan is based on a formula using the employee’s average weekly wages.

**ELIGIBILITY**

Benefits for lost earnings begin after the seventh day of disability. If disability continues beyond two weeks, the benefits will also be paid for the first week of disability. Payment of medical expenses begins on the first day of disability.

**LEAVE ENTITLEMENT**

Employees are eligible for a Disability Leave. This leave runs concurrently with any leave benefit that may be required by state law. See the Disability Leave policy for more information.

**COST**

The Library pays the entire premium for this insurance policy.

**REPORTING ACCIDENTS**

Reports of accidents or injuries, even if minor, must be filed within 24 hours with the supervisor or Director. Failure to receive medical treatment in a timely manner may result in serious complications and may jeopardize eligibility for medical benefits.

## 4.18 EMPLOYEE ASSISTANCE PROGRAM

On occasion, everyone has personal problems. Usually, these problems are resolved with the support of relatives and close friends. But sometimes, employees or members of their family may find that they would benefit from the assistance of a trained counselor. It is for this reason that **Library Name** provides an Employee Assistance Program (EAP) to employees and family members who may need help with personal or behavioral problems.

**ELIGIBILITY**

Our EAP is available to all employees and their family members.

**BENEFITS**

Through this program, confidential advice and short-term counseling are provided for any employee or member of an employee's family who requests it or for an employee who is referred by the Director. Common problems addressed through counseling include alcoholism, drug abuse, financial difficulties, family tensions and conflicts with co-workers.

The privacy of employees and their family members is always protected. The Library is not informed when anyone seeks assistance, unless the individual so requests or the Library refers the employee to the program as a requirement of continued employment.

**COST**

**Library Name** pays the full cost of the Employee Assistance Program. Employees are responsible for the cost of outside referrals. However, the cost for outside referral help may be covered by **Library Name** group health insurance program.

**ADDITIONAL INFORMATION**

Employees can find information regarding our EAP on the **intranet and/or Company bulletin boards**. If it is a crisis situation, employees should call 911. If it is not a crisis situation, employees may contact 2-1-1 /LIFE LINE at 1-877-356-9211, by dialing 211 or by visiting http://211lifeline.org/. The 2-1-1 /LIFE LINE offers referrals for emergency food, shelter, clothing, crisis counseling, substance abuse issues, employment, financial and legal issues and physical and mental health needs.

**SECTION FIVE**

# SAFETY POLICIES

## 5.01 ACCIDENT REPORTING AND INVESTIGATION

Properly reporting accidents and/or unsafe conditions is the key to creating a safe workplace. Employees have both a right and responsibility to report work-related injuries and illnesses and unsafe working conditions.

Employees should also refer the Workers’ Compensation policy for additional information.

**PURPOSE**

The purpose of accident reporting and investigation is to discover the cause(s) so proper action may be taken to prevent a recurrence. Every accident indicates that proper preventive action must be taken. Employees have both a right and responsibility to report accidents and work-related injuries and illnesses.

**NO RETALIATION**

Employees have the right to report unsafe conditions, accidents, and work-related injuries or illnesses without fear of reprisal. It is the policy of **Library Name** that any employee or intern who makes a complaint regarding safety and/or reports a work-related injury will not be retaliated against in any way. Employees or interns who feel that they have been retaliated against for such activity should immediately contact the Director.

RESPONSIBILITIES

The Director is responsible for promptly investigating unsafe working conditions and accidents as soon as they are reported.

A good accident investigation will:

* Assist in determining the principal or underlying cause.
* Determine how to initiate significant corrective action.

The supervisor is required to fill out accident/injury investigation reports and report all accidents to the Director. The Director will fill out and distribute workers’ compensation reports and disability paperwork as needed. The Director is responsible for reviewing each accident/injury investigation report, and with the supervisor, determining the proper corrective action to take.

The Director is responsible for implementing identified corrective action(s).

PROCEDURE

The following procedure should be adhered to in the event that there is an accident and/or injury in the workplace:

* When an accident occurs, the supervisorwill immediately take action to prevent further injury or damage.
* The Director will interview employee(s) and witnesses as soon after the accident as possible. A fact-finding approach will be maintained.
* The Director will determine causes of the injury, illness, or property damage.
* The Director will establish corrective action(s) for managing and rectifying the cause of the accident.
* The Director will ensure compliance with any reporting obligations (i.e., OSHA, Workers’ Compensation).
* The Director will ensure that all reports are recorded and retained. Accurate information must be available regarding the accident, the injury or damage which occurred, the corrective action identified and when the corrective action was implemented.
* The Director will conduct a periodic review of the accident investigation reports to identify the need for retraining, problem areas, operations that need attention or trends in frequency which indicate a need for added prevention activities and/or training.

GENERAL INVESTIGATION GUIDELINES

The investigative process will:

* Analyze the working conditions and/or incident to determine the cause or causes.
* Inspect the location and equipment involved.
* Inquire about similar incidents which have occurred.
* Review records.
* Interview those involved and witnesses.
* Create a plan of corrective actions to eliminate the causes.
* Assign responsibility for the corrective actions.
* Ensure the plan is carried out.
* Monitor effectiveness of the corrective action.

## 5.02 ALCOHOL & DRUG-FREE WORKPLACE

The Company strives to provide a safe environment for employees and others and to minimize the risk of accidents and injuries. Accordingly, each employee has a responsibility to co-workers and patrons to deliver services in a safe and conscientious manner. As a condition of employment with our Library, all employees are required to fully comply with the provisions of this policy.

**DEFINITION OF CONTROLLED SUBSTANCES**

"Controlled substances" are defined as those drugs listed in Schedules I through V of Section 202 of the Federal Controlled Substances Act, 21 U.S.C. 812 and include, but are not limited to: marijuana, cocaine (including "crack" and other cocaine derivatives), morphine, codeine, phenobarbital, heroin, amphetamines and many barbiturates.

**UNAUTHORIZED PRESENCE OF CONTROLLED SUBSTANCES AND/OR**

**ALCOHOL IN THE WORKPLACE**

The unauthorized or illegal use, sale, purchase, possession, distribution, dispensation, formulation, manufacture or transfer of controlled substances or alcohol on Library property or any location at which Library business is conducted, including Library vehicles and any private vehicle parked on Library premises or work sites, is strictly prohibited.

**PRESCRIPTION AND OVER-THE-COUNTER DRUGS**

This policy does not prohibit the possession and proper use of lawfully prescribed or over-the-counter drugs. However, an employee taking medication should consult with a health care professional or review dosing directions for information about the medication's effect on the employee's ability to work safely, and promptly disclose any work restrictions to the Director. Employees are not required to reveal the name of the medication or the underlying medical condition. The Library will evaluate and respond to this information on a case-by-case basis and consistent with its reasonable accommodation process. Consistent with applicable policies, the Library will maintain the confidentiality of the information provided.

The Library reserves the right to transfer, reassign, place on leave of absence or take other appropriate action regarding any employee during the time the employee uses medication that may affect their ability to perform safely. The Library will comply with all requirements pertaining to providing reasonable accommodations to the extent required by applicable law.

Any employee who cannot work safely and who does not advise the Library about warnings accompanying lawfully prescribed or obtained medications will be subject to disciplinary action up to and including possible termination of employment. An employee's lack of knowledge concerning such warnings will not excuse a violation of this rule where an employee has failed to make the inquiries required by this policy.

**TESTING [Optional]**

The Library has implemented a drug testing program in compliance with federal, state and local law.

**REMOTE WORK [Optional]**

Remote work employees are also required to adhere to this policy while working remotely. Remote employees are prohibited from using controlled substances during working hours. Any employee deemed to be in violation of the Library’s policy will be subject to an investigation which may result in termination of the employee’s ability to work remotely and will also result in disciplinary action, up to and including termination of employment.

**COUNSELING AND REHABILITATION [Optional]**

Employees who voluntarily seek help for substance abuse (self-referral) by contacting the Library will be provided an opportunity to pursue counseling and rehabilitation. The Library will make available information about counseling and rehabilitation services. An employee who is receiving counseling and/or treatment for substance abuse may use available **PTO/vacation, sick leave or personal leave, or, if eligible, Family and Medical Leave (FMLA)** or other job-protected leave.

Health insurance may cover the costs of such services, but costs not covered must be paid by the employee. Employees cannot return to work until released by a treatment provider, and upon successfully passing a drug and/or alcohol test (as appropriate for that individual). In addition, the employee may be asked to submit to follow-up testing for a period following the return to work.

An employee's decision to seek help voluntarily will not be used as a basis for disciplinary action, although the individual may be transferred, given work restrictions or placed on leave, as appropriate. A request for help is considered voluntary only if it is made before the employee is asked to submit to any drug or alcohol test or is discovered to have otherwise violated this policy.

**EMPLOYEE ASSISTANCE PROGRAM (EAP) [INCLUDE IF EAP IS OFFERED]**

**Library Name** provides an EAP for employees and their family members. Employees are encouraged to use the EAP whenever they feel the need to discuss personal issues. For employees who have difficulty handling drugs or alcohol, the EAP can provide information on treatment. The EAP is a confidential service.

**VIOLATION OF POLICY**

Violations of this policy will lead to disciplinary action, up to and including termination.

## 5.03 WORKPLACE SEARCHES [OPTIONAL]

In order to ensure the safety of the workplace, prevent theft of Library and personal property and/or enforce Library policies, unless otherwise prohibited by applicable law, **Library Name** reserves the right to conduct searches of any person, vehicle or object on Library property with or without reasonable suspicion that a policy or legal violation has occurred.

**SEARCHES**

Please be aware that the Library reserves the right to search **lockers, desks, files or file cabinets, briefcases, baggage, toolboxes, lunch bags, clothing, purses, vehicles** parked on Library property and any other item in which dangerous, stolen or unauthorized objects may be hidden. **[Include statement for employers with Library vehicles:** Additionally, the Library may search Library-owned vehicles that are primarily used by the employee, regardless of whether the vehicle is located on Library property at the time. Searches may be conducted by Library management.**]** The Library also reserves the right to authorize searches by law enforcement on its property with or without the employee being present.

**NATIONAL LABOR RELATIONS ACT DISCLAIMER**

As more fully described in the Library’s Statement of Rights Under the NLRA, nothing in this policy is intended to interfere with employees’ exercise of their rights under Section 7 of the National Labor Relations Act (NLRA).

## 5.04 EMERGENCY EVACUATION

**Library Name** is committed to ensuring employees understand their roles and responsibilities in the event of an emergency.

**IN AN EMERGENCY**

In the event of a fire or hazardous material emergency, the emergency fire alarm system should be activated by pulling one of the fire alarms. The source of a potential fire or hazardous material emergency should not be investigated. Any employee who suspects an emergency should report it immediately. In any emergency, reporting is the first essential step to protecting oneself and others.

When the emergency fire alarm system is activated, all employees and visitors are expected to evacuate the building by exiting in an orderly manner through the nearest exit.

When exiting, employees should not use elevators and should descend stairwells in an orderly manner. After exiting, employees should report to the area away from the building exits designated as the meeting location. Once employees arrive at the designated area, they should immediately report to the Director and remain at that location until accounted for and authorized to leave.

No reentry to the building will be permitted until an official all-clear notification is given.

**EMPLOYEE’S RESPONSIBILITY**

Employees should review this policy and the evacuation procedures and notify the Director if they believe they might require an accommodation or assistance in order to comply with these procedures in the event of an emergency.

**ADDITIONAL INFORMATION**

For additional information regarding the Library’s evacuation procedures employees should refer to the **Emergency Action Plan/Fire Prevention Plan** in the Library’s **Safety and Procedures Manual/Safety Manual**.

## 5.05 INFECTIOUS DISEASE [OPTIONAL]

It is the goal of **LIBRARY NAME** during a period of an infectious disease outbreak or pandemic to maintain essential functions and services and provide a safe and healthy work environment for employees, **customers/clients**, vendors and the public. **LIBRARY NAME** is committed to establishing methods for monitoring the severity and duration of an outbreak or pandemic, implementing measures to minimize exposure in the workplace and sustaining essential functions until the organization can resume normal operations.

**COMMUNICATION**

**WHO** will oversee the implementation of this policy and coordinate communications from management to employees and other stakeholders. Duties include:

* Monitoring and coordinating training and communications regarding an infectious disease outbreak or pandemic; and
* Creating work rules that could be implemented to promote safety through infection control.

Oversight includes the maintenance of a current list of contacts including:

* Government agencies;
* Emergency response and healthcare facilities and services; and
* Equipment suppliers and service contractors who can or have agreed to assist during and after an outbreak or pandemic.

**SAFETY AND HEALTH MEASURES**

**LIBRARY NAME** will implement disease mitigation and protective measures for employees working onsite and offsite and for interactions with **customers/clients**, vendors and the public during the outbreak or pandemic. **LIBRARY NAME** is committed to providing the most current and credible information about the disease, including the way it spreads, symptoms and preventive measures.

**Reducing Transmission**

To ensure a clean and safe workplace, **LIBRARY NAME** will conduct regular cleaning of frequently used objects and areas, including:

* Conference rooms;
* Bathrooms;
* Cafeterias and break rooms;
* Door handles;
* Shared electronics, such as computers, tablets, touch screens, controls and keyboards;
* Telephones; and
* Hand railings.

Employees and other individuals who enter the workplace are advised to follow personal hygiene practices to prevent infection (e.g., hand washing with soap and water or the use of hand sanitizer with at least 60% alcohol, avoid touching the face) and are provided access to basic hygiene supplies (e.g., soap, water, hand sanitizer, etc.).

**Exposure Risk Assessment**

Specific measures to minimize the spread of infection at each work location may be based on the risk level of exposure to employees. **LIBRARY NAME** may install protective devices or adopt other interventions to prevent or mitigate exposure to an infectious disease when and where feasible. Controls may include:

* Physical barriers to control the spread of the disease (e.g., plastic sneeze guards);
* Administrative controls, such as staggered work schedules to minimize the number of individuals at the workplace or allow for thorough cleaning and disinfection between work shifts; and
	+ Recommended or required personal protective equipment (PPE) depending on the nature of the infectious disease.

**Health Monitoring**

**Supervisors/Managers** or other designated personnel are trained to identify persons with signs and symptoms of infectious disease as described in the guidance provided by the Centers for Disease Control and Prevention (CDC) (e.g., fever, cough shortness of breath, rash) and to determine the appropriate course of action. This may include separating the person or persons from others or removing them from the workplace (e.g., sending them home). Such personnel are also trained in other techniques to minimize disease exposure and direct person-to-person contact, including physical distancing (i.e., avoiding large gatherings and maintaining distance from others when possible (e.g., breakrooms and cafeterias)).

All employees will be notified on how to self-monitor for symptoms and report to a **supervisor/manager** or management when they are ill or experience infectious disease symptoms.

**Stay Home When Sick**

Employees are urged not to report to work when they are feeling ill or are experiencing symptoms of an infectious disease. An employee who appears to exhibit infectious disease symptoms upon arrival at work or who becomes sick during their time at work will be separated from others and sent home.

If an employee is confirmed to have contracted an infectious disease and was present in the workplace, **LIBRARY NAME** will inform other employees of their possible exposure in the workplace, but the confidentiality of the infected employee will be maintained as required by federal or state law. The employee's co-workers will be instructed to self-monitor for symptoms and be provided with guidelines for doing so.

**Remote Work**

Employees who normally work on-site and are also capable of performing work from home or remotely may be encouraged or told to do so during an infectious disease outbreak or pandemic. The arrangement may be temporary or long-term depending on pandemic-related/contagion-related conditions such as public shelter-in-place orders, quarantines, childcare service disruptions or school closings and other related factors.

All remote or telework arrangements or requests are determined on a case-by-case basis, taking into account various factors including:

* Appropriateness of the job for remote work;
* Tenure;
* Seniority;
* Employee performance;
* Flexibility;
* The reason(s) for remote work; and
* The ability to work independently.

**LIBRARY NAME** will determine what equipment, if any, to provide to the employee to facilitate the remote work arrangement.

The employee may designate a workspace or off-site work area for installing any equipment to be used while working remotely. The employee will be expected to maintain the workspace in a safe condition, free from hazards to people and equipment.

**[**See the **Company’s Remote Work** Policy for additional information.**]**

**Physical Distancing**

**LIBRARY NAME** may implement physical distancing guidelines to reduce the spread of infectious diseases in the workplace based on applicable public health guidance.

In accordance with CDC recommendations, employees and other individuals who enter the workplace based on applicable public health guidance may be encouraged to maintain a minimum distance from any other person during an infectious disease outbreak or pandemic. All business meetings may be held via phone or video conference. Employees and others may be prohibited from congregating in meeting rooms, common areas and all other onsite locations.

**Cleaning and Disinfection**

If an employee or any other person at the workplace tests positive for an infectious disease, cleaning and disinfection protocols will be implemented in accordance with CDC recommendations, which may include instructions and supplies for employees to disinfect their personal work areas. Employees should make efforts to avoid using other employees' phones, desks, offices or other work tools and equipment, when possible. If necessary, employees should clean and disinfect them before and after use.

**LIBRARY NAME** will take steps to clean and disinfect all facility areas that have been used or may have been used by a person with a confirmed positive test result for the disease or who exhibited disease symptoms.

**Business Travel Restrictions**

**LIBRARY NAME** will evaluate the risk of employee exposure to the infectious disease from business travel and may restrict, cancel or ban business travel as necessary to minimize or prevent risk of infection. In making such determinations, consideration will be given to any travel bans or advisories issued by government agencies, including the U.S. Department of State and the CDC.

**Non-Essential Activities**

During an infectious disease outbreak or pandemic, **LIBRARY NAME** may postpone or cancel all nonessential activities, including meetings, gatherings and training sessions. Affected employees will be notified as soon as practicable.

**Relocation of Essential Activities**

**LIBRARY NAME** will notify all affected employees if essential onsite facilities or activities must be relocated and will provide instructions to continue or resume essential functions.

**ATTENDANCE AND LEAVE**

**Attendance**

**LIBRARY NAME’s** attendance policies will remain in place during an infectious disease outbreak or pandemic unless otherwise notified. If an employee has a challenge (e.g., childcare issues in the event of a school closure), they should speak to their **supervisor/manager** to determine an alternative plan.

Employees will be notified of any work schedule changes caused by an infectious disease outbreak or pandemic. Requests to adjust individual work schedules will be addressed on a case-by-case basis.

**Leave**

If an employee is out of work because of exposure to an infectious disease, or other illness or condition recognized by federal, state or local law, the employee may be required to submit additional information for the absence. See the [**Individuals with Disabilities** Policy] for more information.

**[Insert if the employer offers or is required to offer sick, family or other leave:** To the extent permissible by law, **LIBRARY NAME** may modify its normal leave policies to reflect conditions during a declared infectious disease outbreak or pandemic.]

**RETURN TO WORK**

Employees who have tested positive for an infectious disease and who have been isolated or quarantined with symptoms of infection may return to work when they meet the criteria outlined by applicable public health guidance.

**LIBRARY NAME** understands that doctors and other health care professionals may be too busy during and immediately after an outbreak to provide fitness-for-duty documentation. **LIBRARY NAME** may rely on other credible sources such as local clinics to provide a form, a stamp or an email to certify that an individual does not have an infectious disease.

**COMPENSATION**

Employees will be paid for all hours worked during an infectious outbreak or pandemic.

Employees will be notified of any changes in pay rates for non-exempt employees' hourly rate of pay or exempt employee salary as a result of long-term business needs caused by significant business disruption or economic shutdown due to an infectious disease outbreak or pandemic.

**FURLOUGHS/LAYOFFS AND CLOSINGS**

Employees will be provided with as much notice as practicable concerning a layoff or business closing due to unforeseen business circumstances related to the infectious disease outbreak or pandemic, including an explanation of why the notice was not provided if the layoff is implemented without advance notice.

Employees subject to a furlough/layoff under this policy will be notified about available benefits and where to obtain additional information and guidance.

**ONSITE WORK PROHIBITED**

**LIBRARY NAME** reserves the right to prohibit an employee or another individual with a confirmed positive test for an infectious disease from entering onsite facilities, programs and functions if a determination is made that the entry introduces a recognized hazard to the workplace and the restriction protects the safety and health of employees, **customers/clients** and others. **[Optional:** Every effort will be made to accommodate employees prohibited from onsite work with remote work, or other alternative work.**]**

**CONFIDENTIALITY**

Infectious disease-related diagnostic information about employees will be treated as confidential, privileged information. All information about an employee's illness will be treated as a confidential medical record in compliance with federal, state or local laws. The **Company** will adhere to all federal, state and local public health reporting requirements.

**NON-RETALIATION**

Employees who raise a concern or make a complaint regarding any aspect of this policy in good faith will not be retaliated against or penalized in any manner. Any employee who believes they have been retaliated against in violation of this policy should notify **WHO** immediately.

**ADDITIONAL INFORMATION**

Employees may contact **WHO** with questions regarding this policy.

## 5.06 VIOLENCE IN THE WORKPLACE

**Library Name** is committed to providing a safe environment for employees, patrons, and visitors. The Library has a zero-tolerance policy concerning workplace violence. Employees who display any violence or threaten violence including talk of committing violence or joking about committing violence in the workplace are subject to disciplinary action, up to and including termination.

**DEFINITION**

Violence in the workplace includes but is not limited to physically harming another or one’s self, shoving, pushing, brandishing weapons and explicit or implicit threats or talk of committing violence.

**WEAPONS**

All employees are prohibited from carrying a weapon while in the course and scope of performing their job for **Library Name**, whether they are on Library property at the time or not and whether they are licensed to carry a handgun or not. This policy also prohibits weapons at any Library-sponsored functions such as parties or picnics.

**[Optional:** Unless this prohibition is contrary to state or local law, the workplace specifically includes Library parking areas and Library vehicles. Employees are not permitted to transport or store weapons in vehicles owned or leased by the Library and used by the employee for work purposes, unless the employee is required to transport or store a weapon as part of their duties and they have written permission from the Director.**]**

This prohibition specifically includes guns, rifles, and firearms of any type, including those for which the holder has a legal permit. Other examples of prohibited weapons include, but are not limited to knives, ammunition, bombs, bows and arrows, clubs, slingshots, blackjacks, metal knuckles and similar devices that by their design or intended use are capable of inflicting serious bodily injury or lethal force. **[Optional:** Products such as mace, pepper spray and other defense devices including stun guns and tasers are also prohibited.**]**

Failure to abide by this policy may result in disciplinary action, up to and including termination. Further, carrying a weapon onto Library property in violation of this policy will be grounds for immediate removal from Library property and may result in prosecution. This policy shall not be construed to create any duty or obligation on the part of the Library to take any actions beyond those required of an employer by existing law.

**REPORTING VIOLENCE**

It is everyone's responsibility to prevent violence in the workplace. Employees must immediately report what they see or hear in the workplace that could indicate that a co-worker may be a threat to the safety of the workplace. Employees should report any incident that may involve a violation of the Library’s policies that are designed to provide a safe workplace environment. Concerns may be presented to the employee’s supervisor or any other member of management.

**REPORTING DOMESTIC VIOLENCE**

Domestic violence perpetrated by or against an employee of the Library is considered a workplace issue as these situations may create safety concerns within the workplace. Employees are encouraged to report if they are the victim of domestic violence or if they suspect that a co-worker may be the target of or the perpetrator of domestic violence to the Director. Supervisors made aware of employee-related domestic issues are encouraged to immediately notify the Director.

Employees who obtain or are the subject of a restraining order are encouraged to immediately notify the Director, so the Library may assist in preventing an individual who may display or carry out an act of violence from obtaining access to Library premises.

Employees who have questions or concerns related to domestic violence may contact the Director. Employees experiencing issues with domestic violence may also contact the National Domestic Violence Hotline at 1-800-799-7233.

**REPORTING SUICIDAL THOUGHTS AND BEHAVIOR**

Self-harm may be considered a form of violence. Employees who are having thoughts of suicide or become aware of a co-worker having suicidal thoughts and/or displaying suicidal behavior should immediately notify the Director. Supervisors made aware of suicidal ideation by an employee must immediately notify the Director.

Employees who have questions or need assistance with the topic of suicide may contact the Director. Employees who need assistance may also contact the National Suicide Prevention Lifeline at 988.

If there is a concern of imminent harm employees should contact the local police department by dialing 911.

**TRAINING PROGRAMS [Optional]**

As part of its commitment to preventing workplace violence, the Library has established training programs for all employees. Training is included as part of the orientation. Thereafter, employees will be scheduled for annual refresher training.

**EMPLOYEE ASSISTANCE PROGRAM (EAP) [INCLUDE STATEMENT FOR EMPLOYERS WHO OFFER EAP]**

**Library Name** provides an EAP for employees and their family members. Employees are encouraged to use the EAP whenever they feel the need for guidance with personal problems, including difficulty handling drugs or alcohol. The EAP is a confidential service that can provide information on counseling or treatment.

**INCIDENT MANAGEMENT [Optional]**

In the event of a major workplace incident that affects or has the potential to affect the mental health of our employees, the Library may provide initial counseling and support services to employees and immediate family members.

**CONFIDENTIALITY AND RETALIATION**

It is the policy of **Library Name** that any employee making a report or participating in the investigation of workplace violence will not be retaliated against in any way. Reports will be investigated promptly, and confidentiality will be maintained to the greatest degree possible, consistent with our obligation to thoroughly investigate the allegation and consistent with applicable law and the need to facilitate an investigation and/or a solution to the problem. Employees who feel that they have been retaliated against for reporting workplace violence, domestic violence, or suicidal behaviors, or for participating in the investigation of an alleged incident, should contact the Director.

**CORRECTIVE ACTION**

If a report of workplace violence is found to be valid, immediate, and appropriate corrective action will be taken. Employees who violate this policy, including the provision against retaliation, will be subject to disciplinary action up to and including termination. This determination will be based on all the facts of the case.

**SECTION SIX**

# EMPLOYEE PROGRAMS&PROCEDURES

## 6.01  MEDIA RELATIONS

Communication with news reporters and other journalists is, at times, sensitive in nature. Therefore, media requests for official statements from the Library may be handled only by designated senior managers.

**MEDIA REQUESTS FOR OFFICIAL STATEMENT**

Any telephone calls, electronic communications or visits from members of the media requesting the Library’s official statement should be directed to the Director.

## 6.02  CHANGES IN PERSONAL INFORMATION

Employees are responsible for notifying the Library when there is a change in their personal data. This information needs to be kept up to date, so benefit plans and payroll withholdings are properly administered. Timely notification of these changes will also enable **Library Name** to assist employees and their family in matters of personal emergency.

NOTIFICATION [OPTION 1]

Notify the Director in writingif any of the following change:

* Name
* Address
* Telephone numbers
* Number of dependents
* Change in familial status and/or beneficiaries
* Emergency contact

SELF-SERVICE [OPTION 2: Include this option for employers with a self-service platform]

Employees should update information in the self-service/ADP Workforce Now/Paychex Online/Paylocity/Other system if any of the following change:

* Name
* Address
* Telephone numbers
* Number of dependents
* Change in familial status and/or beneficiaries
* Emergency contact

## 6.03 PROTECTION OF EMPLOYEE PERSONAL INFORMATION

**LIBRARY NAME** recognizes the importance of maintaining employment-related data in a confidential and secure manner. This policy describes our general practices regarding the privacy and security of employment-related data.

**COLLECTION OF PERSONAL INFORMATION**

We collect and maintain personal information from applicants and employees, and a limited amount of information about employees' family members, for employment-related purposes. We collect and use this information responsibly and maintain it lawfully. **[OPTIONAL:** To the extent practicable, we limit requests for information to that which is minimally necessary.**]**

**USE OF PERSONAL INFORMATION**

When practicable, the **Company** informs employees about the reason for requesting personal information, the intended purpose of that information, whether providing the information is mandatory, and any consequences of not providing the requested information. Examples include:

* The **Company** collects and uses certain employee personal information to process payroll, administer benefits, meet legal obligations, and for disaster recovery and business continuity efforts.
* The **Company** may share certain employee personal information with its service providers, including in connection with legal proceedings or investigations, as required by law, or in the event of a potential sale, transfer or joint venture.

The **Company** does not otherwise share employee personal information with third parties except with employee consent or as required by law.

**RETENTION AND DESTRUCTION OF PERSONAL INFORMATION**

**LIBRARY NAME**’s data retention and destruction policies and processes are intended to ensure that the **Company** does not maintain employee personal information for longer than necessary for the purposes for which it is collected and used.

**[OPTIONAL:** To the extent practicable, the **Company** uses appropriate technical and organizational security measures to protect employee personal information against accidental or unlawful destruction, loss, alteration, disclosure or access.]

**ADDITIONAL INFORMATION**

Privacy and data protection laws vary based on jurisdiction and other factors, and **LIBRARY NAME** follows all applicable laws. This policy describes general practices only. It is not intended to meet specific notice requirements of any state-specific data protection law.

Employees should contact **WHO** with any questions or concerns related to this policy.

## 6.03A PERSONNEL FILES [NEW YORK - PUBLIC EMPLOYERS]

The **Town/Village/Fire District/Library** maintains an official personnel file for each employee that contains necessary job-related and personal information. These files are confidential, and guidelines exist to safeguard against improper disclosure.

**ACCESS TO PERSONNEL FILE**

Current employees may see information kept in their personnel file upon written request, except for confidential materials such as job references or information relating to other employees. Employees may make arrangements with **WHO** to see these documents. Employees may request and receive copies of all documents they have signed at the time they are signed.

Internal availability and access to personnel files are limited to those with proper authorization and a business need to know.

**INQUIRIES ABOUT EMPLOYEES**

All inquiries or requests for information about employees (active or inactive) from people outside the **Town/Village/Fire District/Library** should be referred to **WHO**. This applies to all requests, whether written or verbal.

In some cases, employers are required by federal, state or local law to disclose information to the government or other authorized entities even if **LIBRARY NAME** would ordinarily keep such information confidential. **LIBRARY NAME** will comply with all laws that require disclosure of employee information upon receipt of a properly authorized request.

**DISCIPLINARY RECORDS REQUEST**

Employees will be promptly notified by **LIBRARY NAME** if an individual or outside entity requests their disciplinary records as part of the Freedom of Information Law (FOIL).

**PROTECTION AND DISPOSAL OF PERSONAL RECORDS**

**LIBRARY NAME** is committed to ensuring that records containing personal identifying information are protected and disposed of in accordance with state law. Personal information is disposed of in a manner that ensures no unauthorized person will have access to employee personal information.

**Policy Notes**

Effective September 4, 2024, public employers are required to notify employees if their disciplinary records are requested as part of a Freedom of Information Law (FOIL) request. This legislation applies to all entities covered by FOIL.

## 6.04  PROTECTED HEALTH INFORMATION

 **PRIVACY**

For employers with self-insured medical plans or a medical flexible spending account plan, the Health Insurance Portability and Accountability Act (HIPAA) privacy rules require group health plans like **Library Name**’sgroup health plan to take steps to ensure the privacy of personally identifiable health information (PHI) and provide notice of the plan’s legal duties and privacy practices to participants. Generally, the plan cannot use or disclose PHI without written authorization except for the purposes stated in the plan’s Notice of Privacy Practices. The summary below briefly describes some of the aspects of how medical information may be used and disclosed by **Library Name**’sgroup health plan and how employees can get access to this information. A more complete summary is contained in the plan’s Notice of Privacy Practices.

**USE AND DISCLOSURE OF PHI**

The plan is required to provide an employee access to certain PHI in order to inspect or copy it. Use and disclosure may also be required by the Department of Health and Human Services to enable the Department to investigate or determine compliance with the privacy regulations.

EMPLOYEE RIGHTS

Employees may request that the plan restrict the use and disclosure of PHI to carry out treatment, payment, or health care operations. Employees also may request that the plan allow the use and disclosure of PHI to relatives, friends or other individuals identified by the employee. However, there is no requirement that the request be granted.

Employees generally have the right to inspect and copy their PHI. The plan will provide requested information within the federally established timeframe. If the request is denied, the employee will receive a written notice.

Employees have the right to request an amendment of their PHI. The plan will act on the request within the legally required timeframe. If the plan is unable to comply with the request for amendment, the employee will be provided with a written denial that explains the basis for denial. Employees may also submit a written statement disagreeing with the denial.

Employees have the right to request an accounting of disclosures of their PHI. However, such accounting need not include PHI disclosures made to carry out treatment, payment or health care operations or certain other types of disclosures identified in the privacy regulations.

MORE INFORMATION

Requests to restrict use and disclosure, inspect or copy PHI, amend PHI or receive an accounting of PHI should be made to **Designated Individual, Title, telephone, and address**. The plan will make every effort to accommodate the request within a reasonable period of time.

*This policy is a brief summary of some of an employee’s PHI Use and Disclosure Rights under the Health Insurance Portability and Accountability Act. Additional information regarding rights may be found in the plan’s Notice of Privacy Rights which may be obtained from the Director.*

## 6.05 SOCIAL MEDIA

**Library Name** recognizes that many employees engage in social media activity. This policy establishes a set of rules and guidelines for any activity and participation in “social media” by all **Library Name**'s employees. These rules are intended to be adaptable to the changes in technology and norms of online communication and behavior and may be amended by **Library Name** at any time, for any reason, without notice to employees. This policy also applies to social media activity when on or off duty, while using the Library's or personal electronic resources, and whether the employee posts anonymously or using a pseudonym.

**DEFINITIONS**

For purposes of this policy, “social media activity” includes any website or forum that allows for open communication on the internet, including, but not limited to, postings on social networking sites, such as Facebook, Instagram, Snapchat and LinkedIn; blogs and other on-line journals and diaries; bulletin boards and chat rooms; microblogging, such as X (formerly known as Twitter) or Threads; and postings of video or audio on media-sharing sites, such as YouTube or TikTok.

The term “social media” applies to any web-based and mobile technologies, in use now or developed in the future, that enable individuals or entities to disseminate or receive information, communicate, or otherwise interact and includes, without limitation, email, texting, messaging, social networking, blogging, micro-blogging, bulletin boards and so on.

**PERSONAL OPINIONS**

Employees should express only personal opinions online and should never represent themselves as a spokesperson for **Library Name** unless given explicit permission or approval to do so. Employees who choose to post online content relating to **Library Name** should make it clear that they are not speaking on behalf of **Library Name**.

**FOLLOW EXISTING POLICIES AND TERMS OF USE**

Employees are required to observe and follow: (a) existing **LIBRARY NAME** policies and agreements, such as our **Employee Handbook**; (b) the policies and terms of use of the particular social media forum or service that is being used; and (c) applicable laws and regulations. This means that employees should not use social media to post or display comments that are knowingly false, defames the **Library**, or depicts the employee engaging in conduct that is unlawful or in violation of **Library Name**’s workplace policies against workplace violence or discrimination and harassment based on any protected status under federal, state or local law.

Thus, the rules in **Library Name**’s **Employee Handbook** including but not limited to its **Equal Employment Opportunity, Harassment & Discrimination Prevention, Code of Ethics, Standards of Conduct, Electronic Resources and Workplace Violence** policies apply to employee behavior on social media and in public online spaces.

Employees may not post any information or conduct any online activity that violates applicable federal, state or local laws and regulations. Any conduct which is impermissible under the law if expressed in any other form or forum is also impermissible if expressed through social media. In addition, most social media websites/services have rules concerning the use of and activity conducted on their sites. These are sometimes referred to as “Terms of Use.” Employees must follow the established terms and conditions of use that have been established by the venue and not do anything that would violate those rules.

**SAFEGUARD CONFIDENTIAL PERSONAL AND PROPRIETARY INFORMATION**

Employees should exercise caution when posting their own or others' personal information. It is inappropriate to use or disclose “confidential personal information” (as defined below) about another individual or use or disclose **Library Name**’s “proprietary confidential information” in any form of social media.

For purposes of this policy, “confidential personal information” refers to information that could be used to commit identity theft such as an individual's Social Security Number, financial account numbers, date of birth, driver’s license number or personal medical information (including family medical history).

**Library Name**’s “proprietary confidential information” refers to internal information that is not subject to the Freedom of Information Law (FOIL) or subject to Open Meetings.

**[For Private Employers:** Confidential proprietary information does not include information lawfully acquired by non-management employees about wages, hours or other terms and conditions of employment, if used for purposes protected by Section 7 of the National Labor Relations Act such as joining or forming a union, engaging in collective bargaining, or engaging in other concerted activity for their mutual aid or protection.**]**

All **Library Name**’s rules regarding **Library Name**’s confidential proprietary information and confidential personal information, apply in full to social media, such as blogs or social networking sites.

**IDENTIFY YOURSELF IN ENDORSEMENTS**

Employees must clearly and conspicuously disclose their affiliation with **Library Name** if they endorse, comment on or promote the Library’s products or services in social media.

**EXPECTATIONS OF PRIVACY**

Consistent with **Library Name**’s **Electronic Resources** policy, **Library Name** may access and monitor its Information Systems and obtain the communications within the systems, including email, Internet usage and the like, with or without notice to users of the system, in the ordinary course of business when the Librarydeems it appropriate to do so. When using such systems, employees should have no expectation of privacy regarding time, frequency, content or other aspects of use, including the websites the employee visits and other Internet/Intranet activity. The reasons **Library Name** accesses and monitors these systems include, but are not limited to maintaining the system, preventing or investigating allegations of system abuse or misuse, assuring compliance with software copyright laws and complying with legal and regulatory requirements.

**PERSONAL USE OF SOCIAL MEDIA DURING WORKING HOURS [OPTIONAL]**

**Library Name** respects the right of any employee to participate in social media, such as maintaining a blog or participating in online forums. However, to ensure proper employee focus on job duties and adequate functioning of Library equipment, employees are not permitted to engage in social media activities during working time. For purposes of this policy, “working time” is defined as the time during which employees are scheduled to work, but does not include scheduled rest periods, meal breaks and other specified times when employees are not expected to be working. Moreover, during non-working time, employees must avoid usage that may interfere with the system’s productivity, such as large attachments or audio/video segments.

**IDENTIFY ANY COPYRIGHTED OR BORROWED MATERIAL WITH CITATIONS AND LINKS**

When publishing any online material through social media, employees must respect and follow all copyright and other intellectual property laws and should use citations and links to original material, where possible. Employees are prohibited from using the **Library’s** logos for any business/commercial venture without prior written approval.

**ADDRESSING WORK-RELATED CONCERNS**

For the most efficient resolutions employees are encouraged to address work-related concerns consistent with the Library’s **Open Communication** policy by contacting their **supervisor, the Director,** or Board President with whom they feel comfortable rather than through social media.

**DISCLAIMER**

The Library will not enforce the social media policy in a manner that would interfere with employees' rights under the National Labor Relations Act to discuss the terms and conditions of employment.

**ADDITIONAL INFORMATION**

The Library will monitor social media to the fullest extent permitted by applicable law and will take disciplinary action against those who violate the policy.

Contact the Director for additional information or clarification of any aspect of this policy.

## 6.06 PROFESSIONAL ATTIRE [OPTIONAL]

The impression that we make on visitors to **Library Name** is important. There is no substitute for neatness, propriety of dress, good grooming and speech, and a professional attitude. Sensitivity to these areas will ensure that our good relationships with patrons are maintained and fostered.

**DRESS CODE**

Although no formal dress code exists, employees are asked to wear clothing that is appropriate for their position and the work that they do. Clothing should be neat, clean, in good taste and not constitute a safety hazard.

**Library Name** will make accommodations when necessary to comply with federal and/or state law. Please contact the Director with questions regarding this policy.

**NATIONAL LABOR RELATIONS ACT DISCLAIMER**

As more fully described in the Library’s Statement of Rights Under the NLRA, protected concerted activity covered by the NLRA **[or a particular collective bargaining agreement]** is not prohibited by this policy. Employees are not prohibited from displaying insignia, messages or slogans in connection with protected concerted activity or protest of employee wages, hours and other working conditions.

**Library Name** will not enforce this policy in a manner that would interfere with employees' rights to organize and engage in protected concerted activity under the NLRA.

## 6.07 HATE SYMBOLS IN THE WORKPLACE [OPTIONAL]

**Library Name** is committed to creating a workplace free from harassment and discrimination, and we believe that a workplace free from hate symbols is essential for creating a productive and positive work environment.

**DEFINITION OF HATE SYMBOLS**

Hate symbols are defined as any symbols, words, or phrases that are used to promote or express hatred, discrimination against, or harassment of a particular group of people based on protected classes under federal, state, or local law including but not limited to race, religion, ethnicity, national origin, sex, sexual orientation, gender identity, disability, or veteran status.

**DISPLAY OF HATE SYMBOLS**

The display of hate symbols in the workplace are considered a violation of the Library’s policies on **Equal Employment Opportunity, Harassment & Discrimination Prevention and Standards of Conduct** as they can create a hostile work environment for employees who are members of the groups being targeted. Hate symbols can also damage the Library’s reputation and relationships with patrons.

Employees are prohibited from displaying hate symbols in the workplace, including on their clothing, tattoos, or other personal items. This policy applies to all areas of the workplace, including offices, common areas, break rooms, visible areas of a virtual or remote workspace or the Library’s parking lot.

**EXAMPLES OF HATE SYMBOLS**

The following are examples of symbols that have been historically associated with hate:

* Anti-Semitic symbols such as Swastikas;
* Neo-Nazi symbols;
* Numeric hate symbols;
* Certain flags such as the Confederate flag or Nazi Party flag;
* Ku Klux Clan symbols; or
* Any other hostile symbols, images or slogans that target someone’s protected identity.

This list is not exhaustive and there are many other symbols that can be considered hate symbols. If you are unsure whether or not a particular symbol is a hate symbol, please ask the Director.

**TATTOOS**

Employees with hate symbol tattoos are required to cover them up while at work. This can be done by wearing clothing that covers the tattoo, such as long sleeves or pants.

**ENFORCEMENT**

Employees who violate this policy may be subject to disciplinary action, up to and including termination of employment.

**REPORTING VIOLATIONS**

Employees who see someone violating this policy should report it to the Director immediately. Reports will be investigated promptly and confidentially to the greatest extent possible and consistent with the investigation process outlined in our **Harassment & Discrimination Prevention** policy.

**NO DISCRIMINATION AND NO RETALIATION**

The Library will not demote, terminate, discriminate, retaliate or otherwise take adverse action against an employee who makes a complaint or participates in an investigation related to this policy. Employees who feel that they have been discriminated against or retaliated against should report the matter to the Director.

**Policy Note**

All symbols must be evaluated carefully in the context in which they appear. Few symbols represent just one idea or are used exclusively by one group. For additional information on symbols that me be associated with hate, refer to the [Anti-Defamation League’s website for resources including a Hate Symbols Database](https://www.adl.org/resources/hate-symbols/search?gad_source=1&gclid=CjwKCAiA-P-rBhBEEiwAQEXhH5IHRRvnJmv3Abv-bxPr0F2buNd5DwTgllNHLhk2yOtrQ--wrZRugBoCPIAQAvD_BwE&gclsrc=aw.ds).

## 6.08 PERSONAL CALLS & PERSONAL ELECTRONIC DEVICES [OPTIONAL]

While employees are at work, they are expected to perform their job duties and responsibilities. Personal calls and the use of electronic device should take place primarily outside of working time. For purposes of this policy, “working time” is defined as the time during which employees are performing work or are actually scheduled to work, but does not include scheduled rest periods, meal breaks, and other specified times when employees are not expected to be working.

**PERSONAL CALLS**

Personal calls made using the Library’s telephones, including library-provided cellphones, should be limited to business purposes. However, the Library recognizes that employees may occasionally need to use Library telephones, including Library-provided cell phones, for non-business-related matters.

Employees are requested to keep all personal calls to an absolute minimum and, except in the case of an emergency, place calls during non-working periods. The abuse of this privilege would interfere with the efficiency of our operations.

**PERSONAL ELECTRONIC DEVICES [OPTIONAL OR CUSTOMIZE]**

Although the Library permits employees to bring personal electronic devices, including cellphones, tablets and other portable devices, into the workplace, employees are expected to remember that working time is for work. Therefore, employees should only use personal electronic devices (such as engaging in personal phone calls) during non-working time, including meal and rest breaks. Outside of this time, use of personal devices should be kept to a minimum and for emergencies only.

**[Optional:** Personal electronic devices may be used to play music during working time as long as the devices are not distracting to others and do not interfere with work performance. Employees are required to wear **headphones/earbuds** when listening to a personal electronic device.]

**USE OF ELECTRONIC DEVICES WHILE DRIVING**

Employees are required to take all necessary safety precautions and follow all relevant traffic laws while driving. The use of cell phones and portable electronic devices while driving can be a distraction, and **Library** **Name** prohibits distracted driving. Employees must take full responsibility for paying attention to the road and are solely responsible for all traffic violations and all liabilities that may result from their actions while operating a vehicle for work.

**ADDITIONAL INFORMATION**

If personal calls and/or use of personal devices becomes excessive, employees may no longer be able to use their personal devices during work hours. Failure to comply could lead to disciplinary action up to and including termination of employment.

**NATIONAL LABOR RELATIONS ACT DISCLAIMER**

As more fully described in the Library’s Statement of Rights Under the NLRA, in determining the excessiveness of personal calls and the use of personal devices, the Library will not interfere with employees' right to organize or engage in protected concerted activity under Section 7 of the National Labor Relations Act (NLRA) which includes the right of employees to organize collectively and to speak with others about their terms and conditions of employment.

## 6.09 BUSINESS EQUIPMENT AND INFORMATION SYSTEMS USAGE

The **Company** has significantly invested in **[telephone services, copiers, computers, laptops, tablets, mobile phones, messaging systems, hardware, internet access, email, software, networks, computer accounts, data storage, voicemail]** and all other types of business equipment and Business Equipment and Information Systems provided by the **Company** (collectively "Business Equipment and Information Systems"). The **Company**'s Business Equipment and Information Systems are vital to keeping our operations flowing smoothly and effectively.

**MONITORING OF BUSINESS EQUIPMENT AND INFORMATION SYSTEMS; NO EXPECTATION OF PRIVACY**

The Business Equipment and Information Systems provided by the **Company**, and all information and electronic communications transmitted through, received by or stored on the Business Equipment or Information Systems, are the exclusive property of the **Company**.

The **Company** (and/or through its authorized representatives) has the right, without notice, in its sole discretion, to monitor, review, retain, disclose and/or take any other appropriate actions regarding (collectively, "Monitor") any information and electronic communications transmitted through, received by or stored on its Business Equipment and Information Systems. This includes emails and messages sent or received (whether such emails and messages are related to personal or business matters and/or whether they are sent or received using a **Company** mail account; a non-**company** internet-based account, such as yahoo.com, hotmail.com or gmail.com; or a social networking website); faxes; voicemails; internet and intranet communications; access and usage; and documents, files or programs stored on the **Company**'s Business Equipment and Information Systems to the fullest extent permitted by law. The **Company**'s rights regarding monitoring its employees' use of the Business Equipment and Information Systems exist whenever an employee uses the **Company**'s Business Equipment and Information Systems, regardless of whether they are working in the office, at home, or at another location, and whether or not such use is during official business hours or relates to the **Company**'s business. Thus, at no time should employees believe that they have any expectation of privacy while using any of the **Company**'s Business Equipment and Information Systems.

Employees' use of the **Company**'s Business Equipment and Information Systems constitutes their consent to monitoring by the **Company** (and/or its authorized representatives). Therefore, employees should not expect privacy or confidentiality in anything they create, download, display, store, send or receive on the **Company**'s Business Equipment or Information Systems, even if it has been deleted, password-protected, encrypted or is marked "confidential," "private," "personal," "privileged" or other words or phrases intended to convey it is private. In addition, the use of passwords to gain access to the **Company**'s Business Equipment and Information Systems is intended solely to protect the security of the **Company**'s business and does not confer an expectation of privacy for individual employees. If an employee wishes to avoid the **Company** potentially accessing and reviewing their personal communications, documents, files or data, then they should not use the **Company**'s Business Equipment and Information Systems for personal purposes and should not save personal material on the **Company**'s Business Equipment and Information Systems.

**ACCEPTABLE USE**

This policy describes the **Company**'s general guidelines for using its Business Equipment and Information Systems.

Employees should use the **Company**'s Business Equipment and Information Systems with the understanding that these resources are provided for the benefit of the **Company**'s business. Employees may use **Company** email for personal use, during nonworking time, as long as such use complies with **Company** rules and policies and applicable laws. Employees should never use the **Company**'s Business Equipment and Information Systems for personal use in a manner that degrades the functionality of those systems or interferes with their work duties or responsibilities to **customers/clients**.

The following guidelines, which are not all-inclusive, have been established to ensure that employees understand expectations concerning the use of the **Company**'s Business Equipment and Information Systems:

* Employees must comply with the password and other security provisions of the **Company**'s Business Equipment and Information Systems. Employees must not use codes or passwords to gain unauthorized access to other employees' files or **Company** files. Employees must not provide access to the **Company**'s Business Equipment and Information Systems to anyone other than employees of the **Company** who are authorized users and other authorized users.
* Sending, saving, accessing or viewing obscene or vulgar material on the **Company**'s Business Equipment and Information Systems is prohibited. Messages stored and/or transmitted by the **Company**'s Business Equipment and Information Systems must not contain content that may reasonably be considered to be a violation of the **Company**’s **Harassment and Discrimination Prevention** Policy. Prohibited material includes but is not limited to, sexual comments, jokes or images; racial slurs; gender-specific comments; or any comments, jokes or images that would discriminate against or harass someone based on their race, color, sex, age, national origin or ancestry, disability or any other category protected by federal, state or local law. Any use of the **Company**'s Business Equipment and Information Systems to engage in harassment or discrimination prohibited by **Company** policies is unlawful and strictly prohibited.
* The **Company**'s policies apply fully to the use of the **Company**'s Business Equipment and Information Systems. Any use of the **Company**'s Business Equipment and Information Systems that violates a **Company** policy is prohibited.
* The **Company**'s Business Equipment and Information Systems must not be used for solicitation purposes during working time. The **Company**'s no-solicitation rule applies to the use of the **Company**'s Business Equipment and Information Systems.
* Employees may use software on local area networks or multiple machines only in accordance with applicable license agreements.
* Employees may not download software and install it on **Company** Business Equipment and Information Systems. The **Company** reserves the right to audit any **Company** computer or equipment to determine what software is installed on the local drive(s).

**COMPUTER AND SYSTEMS SECURITY**

All **Company** Business Equipment and Information Systems and the data stored on them are, and remain at all times, the property of the **Company**. As such, all messages created, sent or retrieved over the internet or the **Company**'s Business Equipment and Information Systems are the property of the **Company** and should be considered **Company** information. The **Company** reserves the right to retrieve and read any message composed, sent or received using the **Company**'s Business Equipment and Information Systems for any business reason, including but not limited to, ensuring compliance with this policy, applicable law and all **Company** policies.

Employees should be aware that even when a message is deleted or erased, it is still possible to re-create the message; therefore, the ultimate privacy of a message cannot be ensured to anyone. Accordingly, internet, email and other messages are not private. Furthermore, all communications, including but not limited to, text and images can be disclosed to law enforcement or other third parties without prior consent of the sender or the receiver.

Employees should also be aware that duplicates of email or other messages transmitted through a personal, web-based email account using **Company** equipment could be stored on the **Company**'s Business Equipment and Information Systems; likewise, information regarding internet sites that an employee has accessed may also be stored.

**EMAIL AND MESSAGE CONTENT SCREENING**

The **Company** maintains the right to screen all inbound and outbound email and other message content (e.g., instant messages) sent or received on the **Company's** Business Equipment and Information Systems. Messages or attachments that contain obscene or vulgar material may be quarantined and held from transmission or receipt until the sender or recipient can verify the message or attached document is work-related.

If an employee wants to communicate with an attorney or send an otherwise confidential piece of communication that they do not want the **Company** to monitor, the employee should consider using a personal email address and personal computer equipment. If an employee does use **Company** business equipment or information systems, the employee consents to any monitoring by the **Company** and should understand that there is no right to privacy for such communications, to the extent permissible under applicable law.

**[Insert for NY employers, who conduct electronic monitoring:**

**ELECTRONIC MONITORING**

Employees should also refer to **LIBRARY NAME**’s Notice of Electronic Monitoring for additional monitoring practices that may be conducted by the **Company**.

Employees will be required to **[sign an acknowledgment/provide an electronic acknowledgment]** of having received the Notice of Electronic Monitoring **[if a signed acknowledgment is obtained:** and provide it to **WHO]**. A copy of the **[signed acknowledgment/electronic acknowledgment]** will be kept in the employee’s personnel **file/record**.]

**[OPTIONAL:**

**VIRUS PROTECTION**

To prevent computer viruses from being transmitted through the system, employees are not authorized to download any software from the internet onto any **Company** Business Equipment or Information Systems.

The **Company** maintains virus protection software on all network servers and filters all inbound and outbound emails for virus attachments. Email containing a virus will be quarantined and both the sender and recipient will be informed. If the virus can be removed, the message will be forwarded to the recipient.]

**DISCIPLINARY ACTION**

Violations of this policy may result in disciplinary action, up to and including termination of employment.

**[Include for covered employers:**

**NATIONAL LABOR RELATIONS ACT DISCLAIMER**

As more fully described in the **Company**’s Statement of Rights Under the NLRA, the **Company** will not monitor employees for any unlawful purpose including monitoring, or giving the impression of monitoring, employee union activity and protected concerted activity under Section 7 of the National Labor Relations Act (NLRA).]

**Policy Notes**

**National Labor Relations Act.** The [NLRA](https://www.nlrb.gov/resources/faq/nlrb#t38n3208) does not apply to federal, state or local governments including public schools, libraries, and parks, Federal Reserve banks, and wholly-owned government corporations. See this [Jurisdictional Standards page](https://www.nlrb.gov/rights-we-protect/law/jurisdictional-standards) for more information.

## 6.10 OUTSIDE EMPLOYMENT [OPTIONAL]

The Library does not prohibit employees from holding other employment. If the need arises, employees may accept outside employment providing the following provisions are observed.

**CONFLICT OF INTEREST**

Outside employment must not interfere in any way with an employee’s work schedule, job duties, and responsibilities to our Library orcreate an actual or perceived conflict of interest.

The following are examples of conflicts of interest:

* Acting as a director, officer, consultant, agent or employee of a supplier, customer, competitor or other business entity that engages in business with the Library;
* Owning a material interest in, being a creditor of or having other financial interest in a supplier, customer, competitor or other business entity that engages in business with the Library;
* Receiving from or giving to any supplier, customer, patron, or competitor gifts, gratuities, special allowances, discounts or other advantages not generally available to employees of the Library;
* Having any significant direct or indirect personal interest in a business transaction involving the Library;
* Conducting outside activities that materially detract from or interfere with the full and timely performance of an employee's services for the Library; or
* Influencing commercial transactions involving purchases, contracts, or leases in a way that would have a negative impact on the Library or its business.

NOTE: Check your Library’s Conflict of Interest Policy for required disclosures.

**NOTIFICATION**

If an employee finds that they have, or are considering the assumption of, a financial interest, an outside employment relationship, or other activity that might involve a conflict of interest, as discussed in this policy, or if the employee is in doubt as to whether any conduct or activity may constitute a conflict of interest, the employee must promptly discuss the matter with the Director and refrain from acting on the Library’s behalf in any manner that might reasonably be considered to be a conflict of interest or affected by any adverse interest. If the matter is deemed to be a conflict of interest, the affected employee must withdraw from the matter.

**ADDITIONAL INFORMATION**

The Library will not assume any responsibility for an employee’s outside employment. Specifically, the Library will not provide workers' compensation coverage or any other benefit for injuries occurring from, or arising out of, such outside employment.

**NATIONAL LABOR RELATIONS ACT DISCLAIMER**

As more fully described in the Library’s Statement of Rights Under the NLRA, this policy in no way prohibits employee affiliations, activities or communications that are protected under applicable state and federal laws, including but not limited to any activity that is protected under Section 7 of the National Labor Relations Act (NLRA), which includes the right of employees to organize collectively and to speak with others about their terms and conditions of employment.

## 6.11 USE OF LIBRARY EQUIPMENT AND RESOURCES [OPTIONAL]

When using **[Library vehicles or other property]**, employees are expected to exercise care, maintain the property in safe working order, and follow all operating instructions, safety standards and guidelines.

**LIBRARY EQUIPMENT**

Employees should notify the Director if any **equipment, machines, tools or vehicles** appear to be damaged, defective or in need of repair. Prompt reporting of damages, defects, and the need for repairs could prevent deterioration of equipment and possible injury to employees or others. Employees who have questions about their responsibility for maintenance and care of equipment or vehicles used on the job should consult the Director.

**[Optional for employers who have Library vehicles:** All employees are expected to comply with all federal, state and local laws while operating Library vehicles and other equipment. The Library may discipline employees who engage in unlawful conduct.**]**

**LIBRARY RESOURCES**

The Library has significantly invested in telephone lines, laptops/computers, fax machines, photocopiers and other types of business equipment, internet access and software that are vital to keeping our operations flowing smoothly and effectively. The Library’s resources are limited and, except as provided in the **Electronic Resources** policy, should be used for business transactions only and not for personal use, unless explicitly authorized by the Director.

**USE OF LIBRARY PROPERTY/VEHICLES**

Library property may not be removed from the premises **[**or **vehicles/equipment** may not be operated for personal use**]** without the prior written approval of the Director.

**NATIONAL LABOR RELATIONS ACT DISCLAIMER**

As more fully described in the Library’s Statement of Rights Under the NLRA, **Library Name** will not monitor employees’ use of company-provided equipment for any unlawful purpose including giving the impression of monitoring, employee union activity and protected concerted activity under Section 7 of the National Labor Relations Act (NLRA).

## 6.12 USING YOUR OWN DEVICE [OPTIONAL]

Employees are permitted to use personal electronic devices such as cell phones and smartphones, wearable technology devices (i.e., smart watches, fitness trackers) and personal computers and tablets for business purposes and access to the **Company**’s email/network/applications, provided employees follow the procedures detailed below.

The **Company** reserves the right to terminate the use of personal devices for business purposes if the employee violates any provision of this policy.

**ACCEPTABLE BUSINESS USE**

The **Company** considers acceptable business use as activities that directly or indirectly relate to, concern or support **LIBRARY NAME**'s operations.

**LIBRARY NAME** reserves the right to terminate the use of personal mobile devices for business purposes if the employee violates any provision of this or any other **Company** policy.

**PERSONAL USE**

Employees should aim to keep personal conversations and communications on personal devices to a minimum during working hours. The use of personal devices should not interfere with job duties and responsibilities or impact workplace safety and health. Excessive personal phone calls and communications can lead to interference with employee productivity and distract other employees. For this reason, excessive personal phone calls and communications may result in disciplinary action, up to and including termination of employment.

Employees should primarily engage in personal phone calls and communications during non-working time including breaks and meals. Employees should not engage in personal conversation on personal devices during meetings, training sessions, presentations, or at any time when **customers/clients** are present **[on the shop/retail floor or insert any prohibited locations]** unless advised otherwise by the **Company**. **[Insert for covered employers:** This policy does not prohibit employees from exercising their rights to use their personal devices or to have personal conversations in order to engage in protected concerted activity or union organizing under Section 7 of the National Labor Relations Act (NLRA).]

**RINGERS**

Ring tones from personal electronic devices may create a disruption in the work environment. For this reason, employees are **[encouraged/required]** to silence personal electronic devices when at work or keep them on vibrate.

**PROHIBITED USE**

Personal electronic devices used for business purposes may not be used to store or transmit pornographic, obscene, harassing or offensive material and content; to store or transfer confidential and proprietary information belonging to **LIBRARY NAME** or another individual or company; or to engage in outside business activities unrelated to the employer. In aiming to limit improper use of personal devices, such prohibitions do not apply to communications related to protected concerted activity under Section 7 of the NLRA.

**[OPTIONAL:**

**APPROVAL PROCESS**

To use a personal electronic device for business purposes, it must be explicitly approved by **WHO**. If an employee has a question regarding whether a device is permissible, the employee should contact **WHO**.]

**PERMISSIBLE ACCESS**

Employees may use **company**-provided devices and/or personal devices for business use and to access **LIBRARY NAME**’s networks, services, data and applications. Employees are prohibited from accessing the following websites, services and/or applications: **[insert names and/or addresses of websites and applications]]**., during working hours and while connected to the **Company**'s network

**PASSWORD PROTECTED**

To guard against unauthorized access and use, all personal devices used by employees for business purposes must be password-protected.

**CONFIDENTIAL DATA**

**LIBRARY NAME**’s confidential and proprietary information and trade secrets must not be stored on an employee's personal device. If the employee must store or transmit data from the device, such information should be encrypted so as to protect the confidential information. This provision does not apply to information regarding employees or employee terms and conditions of employment related to employee rights under Section 7 of the NLRA.

**[OPTIONAL:**

**IT SUPPORT**

Employees should contact **WHO** for IT support including connectivity issues or for assistance in loading the proper applications on a personal device for business use.**]**

**COST**

The **Company[insert one of the following phrases as applicable:** **will/will not]** contribute monies to employees to cover the cost of one personal electronic device **[OPTIONAL:** by **[insert description of the process for contributing monies, e.g. stipend]]**. The **Company [insert one of the following phrases as applicable:** **will/will not]** reimburse the employee for the cost of the plan **[insert one of the following words as applicable:** and/or**]** all applicable charges.

**BACK UP**

By using a personal device for business purposes, employees implicitly agree to have information backed up by the **Company**'s server or cloud-based storage.

**MONITORING**

If an employee chooses to use a personal device for business purposes, the employee should understand that by doing so, they implicitly agree to permit **LIBRARY NAME** to monitor all communication occurring on the personal device and that the employee is on notice that the expectation of privacy is limited under these circumstances. **LIBRARY NAME** will not monitor employees for any unlawful purpose including monitoring, or giving the impression of monitoring, employee union activity and protected concerted activity under Section 7 of the NLRA.

**[Include for NY employers, who conduct electronic monitoring:** Employees should also refer to **LIBRARY NAME**’s **Notice of Electronic** **Monitoring** for additional monitoring practices that may be conducted by the **Company**.

**LOSS OF DEVICE OR UNAUTHORIZED ACCESS**

If a personal device used for business purposes is lost, stolen or misplaced, or accessed without authorization by a third party, the employee should notify **WHO** immediately. The **Company** retains the right to remotely wipe the device in order to protect the **LIBRARY NAME**'s systems and to prevent compromising the **Company**’s network.

**VIRUS/SECURITY THREAT**

Employees are required to have all devices contain approved virus detection and prevention software as well as personal firewall protection to separate personal information from business information. In the event of a virus or threat to **Company data**, information or computer networks, the **Company** retains the right to remotely wipe the device in order to protect  **Company** systems.

**SAFE DRIVING**

**[Insert if Operations of Vehicles for Company Business is also included:** Consistent with the guidelines in the Operations of Vehicles for Company Business policy,**]** **[employees/Employees]** are expected to follow all laws regarding the use of cellular phones and personal mobile devices while driving a **LIBRARY NAME** vehicle or while conducting employer-related business on a personal mobile device. This includes the use of a personal mobile device to send or receive text messages or emails or to engage with social media. Employees are not permitted to use a personal mobile device while driving unless using a hands-free feature and must engage in the safe operation of all vehicles.

**APPLICABILITY OF ALL OTHER POLICIES**

Employees must abide by all policies of the employer including those policies regarding discrimination, harassment, confidentiality, and protection of **Company** trade secrets and proprietary information. The provisions regarding the protection of confidential information does not apply to information regarding employees or employee terms and conditions of employment related to employee rights under Section 7 of the NLRA.

**EMPLOYEE TERMINATION**

If the employee separates from the **Company**, the **Company** retains the right to remotely wipe the device in order to protect **Company** systems and networks.

**DISCIPLINARY ACTION**

**LIBRARY NAME** reserves the right to take appropriate disciplinary measures, up to and including termination, if an employee fails to comply with the provisions of this policy.

**NATIONAL LABOR RELATIONS ACT DISCLAIMER**

As more fully described in the **Company**’s Statement of Rights concerted activity covered by the NLRA **[**or the particular collective bargaining agreement**]** is not prohibited by this policy. This policy in no way prohibits employee communications that are protected under applicable state and federal laws, including, but not limited to, any activity that is protected under Section 7 of the NLRA, which includes the right of employees to speak with others about their terms and conditions of employment.

**DEFEND TRADE SECRETS ACT**

Under the Defend Trade Secrets Act of 2016 (DTSA), **LIBRARY NAME** gives notice to employees that an employee will have immunity for the disclosure of a trade secret when reporting a suspected violation of law and/or in an anti-retaliation lawsuit. An employee will not be held criminally or civilly liable under federal or state trade secret law for the disclosure of a trade secret that is made: (i) in confidence to a federal, state or local government official either directly or indirectly, or to an attorney solely for the purpose of reporting or investigating a suspected violation of law; or (ii) in a complaint or other document filed in a lawsuit or other proceeding, if such filing is made under seal. In addition, if an employee files a retaliation lawsuit against an employer for reporting a suspected violation of law, an employee may disclose the trade secret to their attorney and use the trade secret information in the court proceeding, if (i) the employee files any document containing the trade secret under seal; and (ii) does not disclose the trade secret, except pursuant to court order.

**Policy Notes**

**National Labor Relations Act.** The [NLRA](https://www.nlrb.gov/resources/faq/nlrb#t38n3208) does not apply to federal, state or local governments including public schools, libraries, and parks, Federal Reserve banks, and wholly owned government corporations. See this [Jurisdictional Standards page](https://www.nlrb.gov/rights-we-protect/law/jurisdictional-standards) for more information.

**Defend Trade Secrets Act.** The remedies for companies suing former employees for trade-secret misappropriation under the DTSA include punitive damages and attorney fees. In order to take advantage of these remedies, however, a company must advise its employees of the existence of whistleblower immunity.

## 6.13 REMOTE WORK [OPTIONAL]

Remote work is a work arrangement that allows employees to work at home or at some other off-site location for all or some of their regularly scheduled work hours. Although not all jobs can be performed satisfactorily from other locations, **Library Name** recognizes that, in some cases, remote work arrangements can provide a mutually beneficial option for both the Library and employee. Remote work requests as a reasonable accommodation for a disability will administered under the Library’s **Individuals with Disabilities** (or similar state law) policy.

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**ELIGIBILITY**

TheLibrary will consider requests for remote work from **which employees** with **Library Name**.

Eligible employees must also demonstrate good time-management and organizational skills, and be self-motivated, self-reliant and self-disciplined.

**REQUIREMENTS**

The following basic requirements must be met: **[Choose or modify any of the following that applies]**

* Employees must be able to carry out the same duties, assignments, and other work obligations at their home office as they do when working on **Library Name** premises.
* The standard workweek is **40** hours, **Monday through Friday**, with employees scheduled to work **eight** hours per day.
* Employees must be available to their supervisors and co-workers during core work hours. **There are two core periods each day. The first runs from 9:00 a.m. to 11 a.m. and the second from 1:00 p.m. to 3:00 p.m.]**
* Employees must be available to attend scheduled meetings and participate in other required office activities at the home office as needed. Except for extraordinary circumstances, **Library Name** normally provides at least **24** hours' notice for such events.
* The employee’s schedule generally must be fixed for the term of the remote work agreement and cannot vary week to week.
* Employee must abide by the Library’s safety policies.
* Employees must arrange for childcare and pet care during their work hours.

**REQUEST PROCESS**

The employee must submit a written request to the Director setting out a proposed remote work schedule, anticipated duration of the schedule, reason for the request, and expected impact on the employee’s ability to carry out their job duties.

Remote work is approved by the supervisor on an individual basis after considering departmental needs and the individual employee’s eligibility as outlined previously in the policy. Remote work may not be feasible within some departments or for certain positions within departments. Seasonal or cyclical changes in workloads also may restrict the ability of departments to offer remote work during certain times of the year.

Supervisors must forward a copy of all remote work requests and agreements to the Director to be kept on file.

**REMOTE WORKSITES**

The remote worker should designate a workspace, at the off-site work area, for installation of any equipment to be used while working remotely. This workspace should be maintained in a safe condition, free from hazards to people and equipment. The employee will immediately report any injury sustained while working remotely immediately to their supervisor. Prior to granting approval to work remotely, **Library Name** reserves the right to require that employees provide floor plans of their remote worksites and/or be subject to a visit by a representative of **Library Name** to determine the appropriateness and viability of the remote workspace from a technical standpoint. Given a minimum of 24 hours’ advance notice, a **Library Name** representative, trained for the purpose of the visit, may make on-site visits to the remote employee's worksite, including an employee’s residence. The purpose of the visit would be to determine that the worksite is safe and free from hazards and, where appropriate, to maintain, repair, inspect or retrieve equipment, software, data and supplies owned by **Library Name**.

**EQUIPMENT, FURNISHINGS, AND OFFICE SUPPLIES**

**Library Name** **[provides/does not provide]** remote work employees with equipment for their home offices. **[Include, if does not provide:** Employees are responsible for equipping and maintaining their home offices so that they can accomplish their work in an efficient and expeditious manner. Depending on the nature of their jobs, this may require having **computers, printers, computer software, fax machines, data and telecommunications equipment**, and other equipment available for their use. However, the Library will reimburse employees for business related expenses where required by state law.**]**

**Library Name** is not responsible for the maintenance or repair, or associated costs of office equipment or furniture supplied by the employee, unless state law dictates otherwise.

**Library Name** will provide common office supplies, such as **paper, ink cartridges, pencils, pens, and paper clips**, for employees' use for Library business conducted in their home offices.

**RECORDING WORKING HOURS**

Non-exempt **[and exempt]** employees who work remotely will be required to record all hours worked **[on a daily timesheet/in our timekeeping system]**. Hours worked in excess of the agreed-upon hours, including overtime hours, require the advance written approval of the employee’s supervisor. Failure to comply with this requirement may result in disciplinary action as well as immediate termination of the remote work arrangement.

**PROTECTION OF LIBRARY INFORMATION**

Remote work employees will be expected to ensure the protection of Library and patroninformation accessible from their home office consistent with the Library’s expectations of information security. Steps may include the use of locked file cabinets and desks, regular password maintenance, and any other measures appropriate for the job.

**New York Civil Practice Law, Sec. 4509, Library Records**

Library records, which contain names or other personally identifying details regarding the users of public, free association, school, college and university libraries and library systems of this state, including but not limited to records related to the circulation of library materials, computer database searches, interlibrary loan transactions, reference queries, requests for photocopies of library materials, title reserve requests, or the use of audio-visual materials, films or records, shall be confidential and shall not be disclosed except that such records may be disclosed to the extent necessary for the proper operation of such library and shall be disclosed upon request or consent of the user or pursuant to subpoena, court order or where otherwise required by statute.

Employees working remotely may only print documents when essential to do so. If printing, particular care should be taken to maintain any printed documents confidentially and until filed or disposed of in accordance with the Library’s [**Protection of Personal Information and Personnel File** **policy(ies)]** or as instructed by the employee’s supervisor.

**WORKPLACE INJURIES**

Injuries sustained by employees working remotely in the course of their job duties may be covered by **Library Name**’s workers’ compensation policy. Remote work employees are required to notify the Library immediately of any such injuries, in accordance with the Library’s **Accident and Reporting and Investigation** and **Workers’ Compensation** **policies**.

**ALL OTHER POLICIES APPLY**

Employees who are permitted to work remotely must continue to abide by all other policies and procedures including those regarding **Non-Harassment/Non-Discrimination or Sexual Harassment and Non-Harassment**, **Electronic Resources** (voicemail, e-mail, computer and internet use), **Social Media**, and **Confidentiality**.

Remote work employees are also required to adhere to the Library’s **Alcohol & Drug-Free Workplace** policy while working remotely. Any employee deemed to be in violation of the Library’s policy will be subject to an investigation which may result in termination of the employee’s ability to work remotely and disciplinary action, up to and including termination of employment.

**ATTENDANCE AND REQUESTS FOR TIME OFF**

Unless a flexible schedule is agreed to, employees should not permit non-work-related events and activities to disrupt or interfere with scheduled work time.

Employees who will be starting work late or will be absent must report their absence in accordance with the call-in procedure outlined in the Library’s Attendance policy.

Requests to use **PTO/vacation** or other leave must be approved in the same manner as the employee who does not work remotely. Employees may refer to the Library’s **PTO/vacation, Sick Leave, Leave of Absence, Disability Leave, FMLA, or PFL** policiesfor applicable leave request requirements.

**TAX IMPLICATIONS**

The Library makes no representations regarding any tax implications of remote work. Employees who work remotely from another state or work in several states are responsible for determining their taxes correctly. Employees are encouraged to consult a tax professional to determine the correct method for withholding income taxes.

**DURATION OF THE REMOTE WORK ARRANGEMENT**

**[Optional:** After a **six-week** trial period, the supervisor will evaluate whether remote work can be offered to the employee on a continuing basis. Remote work will generally be in effect for **six-month** intervals. The Library will consider the employee’s job performance and Library and patron needs when determining whether the arrangement will be renewed.**]**

All remote work arrangements are granted on a revocable basis. Consequently, in its sole discretion, **Library Name** may discontinue any remote work arrangement at any time, although reasonable advance notice will be provided where practicable.

Unless other arrangements have been made, upon termination of the remote work arrangement or employment, whichever is first, the employee must return all Library property to **Library Name** in good working order, less any normal wear and tear.

**ADDITIONAL INFORMATION**

**[Optional:** As a condition of remote work, all employees who receive permission to work remotely under this policy must first sign a **Remote Work Agreement**.**]**

This policy is not intended to alter the employment at-will relationship in any way. Accordingly, unless an employee has a valid written and signed contract of employment stating otherwise, employment is at-will and can be terminated by the employee or by **Library Name** at any time.

Questions related to this policy may be directed to the Director.

## 6.14 EMPLOYEE RESOURCES AND ANNOUNCEMENTS [OPTIONAL]

Our Library makes every effort to provide helpful resources, information, and announcements that are easily accessible for employees. Employees are encouraged to make a habit of regularly checking these resources to stay in-the-know on the latest relevant Library updates. Our main source for employee information is **[insert method for providing employee information (i.e., break room TVs, etc.)]** **OR** **[**our **Intranet/SharePoint** **site** and can be accessed by visiting **[insert full website address]**.

Additional resources are outlined below for employee convenience. Employees with additional questions or who would like to receive resources and announcements via another method due to a need for an accommodation should contact the Director.

**[Optional, if client has bulletin boards or another method for publishing announcements:**

**ANNOUNCEMENTS**

**[Bulletin boards/TV monitors]** are available **where** and are regularly updated with official notices relating to **Library Name** news, federal and state notices, job opportunities, sponsored activities and more. **[If Library uses bulletin boards:** These boards are for administrative use only, and employees may not post or remove any items on them.**]**

**PAYROLL INFORMATION**

Payroll information and tax forms are available **[where] OR [**from **WHO]**. See the Library’s Pay Practice’s policy for additional information.

**BENEFITS AND TIME AWAY FROM WORK**

Benefits and time off information is available by contacting the Director **OR** **[**can be accessed **where]**. See the Library’s Benefits policy, summary plan descriptions, and/or applicable time off and leave policies for additional information.

**[Optional, if client has a process for promoting internal job ops:**

**INTERNAL JOB OPPORTUNITIES**

Internal job opportunities are posted **where**. **[**See the Library’s Recruitment and Placement policy for additional information.**]**

**[OPTIONAL, if client has an EAP:**

**EMPLOYEE ASSISTANCE PROGRAM**

Employee Assistance Program information is available **where** or by calling **[insert number]**. **[**See the Library’s Employee Assistance Program Policy for additional information.**]**

**IT SUPPORT**

**[Information Technology (IT)/ Information Services (IS)/ Technology Support]** is available for System supported tech issues by opening a ticket with support@owwl.org. [See the Library’s Electronic Resources policy for additional information.]

**SUPPLIES**

Office inquiries, such as office supply requests, desk and cubicle space requests, **kitchen/cafeteria/breakroom**-related requests should be directed to the Director by **[insert method for requesting supplies**.**]**

**[OPTIONAL, if client has a physical worksite:**

**MAINTENANCE**

Maintenance requests should be directed to the Director by

**[insert method for contacting maintenance**.**]**

**WORK-RELATED INJURIES/ILLNESS OR UNSAFE WORKING CONDITIONS**

Work-related injuries/illnesses and unsafe working conditions should be reported to the Director immediately. In cases of severe injury or life-threatening situations, employees should not hesitate to call 911. See the Library’s Accident Reporting and Investigation policy for additional information.

**Policy Note**

This policy, and all elements in it, are optional and can be customized based on the client.

## 6.15 SHOULD YOU LEAVE US

Employees of **Library Name** are employed on an at-will basis. This means that employment may be terminated by either party at any time, with or without cause or notice. Nothing in this policy is intended to limit or alter the at-will nature of your employment. To ensure fairness and consistency throughout our Library, terminations are handled in accordance with applicable federal and state laws and the following provisions.

**TYPES OF TERMINATIONS**

Termination refers to either voluntary resignations initiated by the employee or involuntary terminations initiated by the Library.

**INVOLUNTARY TERMINATION**

An involuntary termination occurs when the Library decides to end the working relationship with an employee. Involuntary terminations may occur for cause or for reasons other than cause.

Involuntary terminations for cause include, but are not limited to, terminations for violating Library policy, misuse or theft of resources, the falsification of information, excessive absence/tardiness, or unsatisfactory work performance.

Involuntary terminations for reasons other than cause include, but are not limited to, a reduction in workforce.

**VOLUNTARY TERMINATION**

A voluntary termination means an employee has made the decision to end the working relationship with the Library. Voluntary terminations include, but are not limited to, written or verbal resignation, retirement, and job abandonment.

**RESIGNATIONS**

Employees resigning voluntarily are expected to give a minimum of **how much** advance notice in writing to the Director so that the proper replacement can be found. An employee's consideration in this situation will be viewed favorably by management should the employee reapply for employment with the Library.

**FINAL WAGES**

Final wages will be paid in accordance with applicable state law.

**UNUSED VACATION/PTO**

**[**Employees who resign voluntarily giving the required advance notice will be paid for earned but unused **vacation/PTO**. Earned but unused **vacation/PTO** will not be paid to employees who resign with less than the required advance notice or to employees who are terminated by the Library.**]**

**OR**

**[**Earned but unused **PTO/vacation** is not paid upon termination.**]**

**UNUSED SICK LEAVE**

Earned but unused sick leave is **paid/not paid** upon termination.

**UNUSED PERSONAL DAYS**

Earned but unused personal days are **paid/not paid** upon termination.

**FLOATING HOLIDAYS**

Floating holidays are **paid/not paid** upon termination of employment.

**TERMINATION OF BENEFITS**

Employees should see the Director for information regarding termination of benefits upon separation.

**REQUESTS FOR REFERENCE CHECKS**

So that the Librarycan handle requests for job references in a consistent, fair and lawful manner, all requests for official job references on behalf of the Library must be forwarded to the Director. No other person or department is authorized to release references for current or former employees. In response to job reference requests, **Library Name** will only confirm current or former employees' dates of employment and job title.

**EXIT INTERVIEWS**

Before leaving **Library Name**, employees may be asked to participate in a voluntary exit interview. This will provide closure to the employee's employment with the Library and will allow the Library to ensure that it has resolved various administrative matters, answered any questions about continuation of benefits and listened to any of the employee's comments or ideas about improving the Library's operations.

**COMPANY PROPERTY**

Upon termination of employment, resignation, retirement or layoff or immediately upon request, employees are expected to return all Library-issued items, including, but not limited to: **keys, key fobs, tools, uniforms, Employee Handbooks, manuals, computers, cell phones, flash drives and** patron information and may not retain any copies of Library information in any form. The Library may also take all action deemed appropriate to recover or protect Library property.

**REHIRES [Optional]**

**Library Name** may consider rehire of former employees who voluntarily left employment or were laid off due to business needs if they had a satisfactory work record while employed by the Library.

**[Option 1, based on years of service:** If a former employee with less than **XX** year's prior service is rehired, the employee will be considered a new employee and will not be eligible for prior service recognition for seniority or benefit plan participation purposes, except where otherwise required by state law.

If a former employee with more than **XX** year's prior service is rehired, the employee’s seniority and eligibility to participate in Library benefits plans will be restored consistent with eligibility at the time of separation.**]**

**OR**

**[Option 2, based on length of separation:** If a former employee is rehired and has been separated from the Library for less than **XX** **months/years**, the employee’s seniority and eligibility to participate in Library benefits plans will be restored consistent with eligibility at the time of separation.

If a former employee is rehired and has been separated from the Library for more than **XX months/years**, the employee will be considered a new employee and will not be eligible for prior service recognition for seniority or benefit plan participation purposes, except where otherwise required by state law.**]**

When recognition of prior service is granted, a rehired employee's service date will be adjusted in accordance with this policy.

## 6.16 USE OF ARTIFICIAL INTELLIGENCE (AI) [OPTIONAL]

This policy outlines guidelines for our **Company**'s responsible and ethical use of Artificial Intelligence (AI) technologies. The purpose is to protect the **Company**’s confidential information, trade secrets, intellectual property, and sensitive information, including client data and Personally Identifiable Information (PII), while leveraging AI for relevant business operations.

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**SCOPE**

This policy applies to all employees, **[insert if applicable:** interns, whether paid or unpaid, anyone who is (or is employed by) a contractor, subcontractor, vendor, consultant, or anyone providing services in our workplace**]** who has access to AI technologies or who utilizes AI in any capacity while working for **LIBRARY NAME**.

**GUIDELINES FOR THE USE OF AI**

Employees must utilize AI technologies in a manner that adheres to the following guidelines:

* **Appropriate Use**: Use of AI technologies must align with **LIBRARY NAME**’s **Code of Ethics, Equal Employment Opportunity, Harassment and Discrimination Prevention, Standards of Conduct, and Business Equipment and Information Systems** policies.

Employees are prohibited from using AI: **[Insert any applicable prohibitions; customize as needed:**

* + To make final decisions related to the terms and conditions of employment with **LIBRARY NAME**;
	+ To make disability-related inquiries;
	+ As a final work product or without properly citing or disclosing when AI has been used as a resource for a final work product;
	+ To surveil or gather information regarding employees and other individuals covered by this policy; or
	+ To submit **Company** or **client/customer** contact information or data in any AI chatbot or an AI search engine**]**.

Employees must also refrain from using AI tools in a manner that may violate any copyright or intellectual property laws.

* **Data Privacy and Protection:** All employees must ensure that their utilization of AI technologies aligns with applicable federal, state, and local privacy laws including the collection, storage, and sharing of confidential information. Employees should refrain from entering private or personal information into any Generative AI (GenAI) platform.

Employees are prohibited from entering any client data, sensitive information, or PII into AI systems or platforms unless the system or platform has been authorized for use by **LIBRARY NAME** for this purpose. Sensitive information and PII may include but are not limited to, passwords and other credentials, names, dates of birth, social security numbers, addresses, banking information, protected health information, or any other non-public **Company** information that might be of use to competitors or harmful to the C**ompany** if disclosed.

* **Access Control:** Access to AI systems containing sensitive information or PII will be restricted to the scope of the employee’s job functions or as authorized by **LIBRARY NAME**, and appropriate access controls will be implemented to safeguard data integrity and confidentiality.
* **Confidentiality:** Employees and others covered by this policy must maintain the confidentiality of any data processed by AI systems and refrain from disclosing it to unauthorized individuals or third parties. Disclosure of **LIBRARY NAME**’s confidential and other proprietary information is prohibited.
* **Data Minimization:** Only the minimum necessary amount of data required for AI processing shall be utilized, and unnecessary data collection or storage must be avoided.

Employees must also exercise caution when providing data inputs to ensure the responsible use of GenAI. Employees should avoid using any data the **Company** would not publicly disclose, as doing so could lead to public disclosure of confidential information and violate our obligations to **clients/customers**, employees, and third-party vendors to maintain the confidentiality and security of sensitive information.

* **Security Measures:** Employees must adhere to the **Company**’s security protocols and guidelines to prevent unauthorized access, data breaches, or other security incidents related to AI systems.
* **Compliance:** Employees are expected to comply with this policy, as well as other relevant **Company** policies; procedures; federal, state, or local laws; and regulatory guidance related to data privacy and protection and acceptable AI usage.
* **[Insert if applicable: Training and Awareness:** Regular training and awareness programs will be conducted to educate employees about the responsible use of AI technologies and the importance of data protection.**]**
* **Reporting Obligations:** Any concerns, incidents, or violations of the use of AI technologies under this policy must be reported immediately to **WHO** for investigation and resolution.

**[Include for covered employers:**

**DISCLAIMER**

In monitoring the acceptable use of AI, nothing in this policy is intended to interfere with employees’ exercise of their rights under Section 7 of the National Labor Relations Act (NLRA).]

**POLICY REVIEW AND UPDATES**

This policy may be reviewed periodically to ensure its effectiveness and relevance to the evolving landscape of AI technologies and data protection regulations. Updates may be made to reflect changes in technology, business practices, or regulatory requirements.

**ADDITIONAL INFORMATION**

In accordance with **Company** policies and applicable federal, state, or local laws, violation of this policy may result in disciplinary action, up to and including termination of employment.

Employees should contact **WHO** if they have questions about **LIBRARY NAME**’s AI usage guidelines.

**Policy Notes**

For employers with an HR Works Employee Handbook, it is recommended that this policy be included in Section 6: Employee Programs & Procedures of the Employee Handbook.

**National Labor Relations Act.** The [NLRA](https://www.nlrb.gov/resources/faq/nlrb#t38n3208) does not apply to federal, state or local governments including public schools, libraries and parks, Federal Reserve banks, and wholly-owned government corporations. See this [Jurisdictional Standards page](https://www.nlrb.gov/rights-we-protect/law/jurisdictional-standards) for more information.

**Customizing this policy.** Employers are encouraged to work with their legal counsel to customize this policy to ensure it aligns with their operational needs and any potential use cases for AI. When developing a customized AI use policy, employers should define the scope and purpose of AI within their organization, ensuring alignment with business objectives and ethical standards. The policy should emphasize data privacy and security, detailing how AI systems will handle personal and sensitive information in compliance with regulations. Addressing potential biases and implementing measures to minimize discriminatory outcomes are crucial for maintaining ethical AI use.

# HANDBOOK ADDENDUM

## SYSTEMS ACCESS AND CONFIDENTIALITY OFLIBRARY RECORDS ACKNOWLEDGEMENT

As an employee of LIBRARY NAME,you have access to library patron’s personally identifiable information (PII) contained in Evergreen, email, reports, calendars, and other local tools. This information is confidential by law and needs to be protected. Your access is contingent on adhering to local policy, state law, and the OWWL Library System’s Systems Access and Confidentiality of Library Records Policy. We encourage you to review local policies and the full System policy (<https://owwl.org/system/systemsaccess>) for all the details. Below is a general overview of policies and law to help better understand this access.

**General Overview of Policies**

* **Use information only for circulation needs**: You may only access and use information to perform tasks related to providing library services such as notifications regarding available holds, checkouts, renewals, overdue materials, and card expirations. You may also directly communicate with a patron about issues with their account. No other access is assumed or approved when accessing personally identifiable information.
* **Keep information confidential**: User information may not be shared with anyone except other authorized users or the patron. This confidentiality continues even after you leave the library.
	+ **Please Note:** Library trustees, volunteers, Friends of the Library, and other patrons are not authorized users and may not be granted access to patron information or records.
* **Keep information secure**: Account access must be protected by using strong passwords (randomly generated, at least 12 characters), by not repeating passwords for different logins, by only accessing accounts on library-owned machines, by not downloading user information to personal devices, and by not sharing account credentials with anyone.
* **Review full policy**: This summary provides a general overview; all related policies and laws should be reviewed in their entirety by all authorized library users. These policies and laws include the Systems Access and Confidentiality of Library Records Policy, Civil Practice Law 4509, and local confidentiality laws.

**Acknowledgment**

**By acknowledging receipt of this handbook**, I affirm that I have been informed of, understand, and agree to comply with the terms and conditions governing my access to this data. I have reviewed all relevant policies and laws and am satisfied with the answers to my questions.

**I further understand** that any violation of policies or laws related to the appropriate release of or disclosure of patron information may result in one or more sanctions, including immediate termination of my access to the Information Systems (including, but not limited to Evergreen and email), criminal penalties, or civil liability.

## NY HERO ACT MODEL AIRBORNE INFECTIOUS DISEASE EXPOSURE PREVENTION PLAN

The purpose of this plan is to protect employees against exposure and disease during an airborne infectious disease outbreak. This plan goes into effect when an airborne infectious disease is designated by the New York State Commissioner of Health as a highly contagious communicable disease that presents a serious risk of harm to the public health. This plan is subject to any additional or greater requirements arising from a declaration of a state of emergency due to an airborne infectious disease, as well as any applicable federal standards.

*Employees should report any questions or concerns with the implementation this plan to the designated contact.*

This plan applies to all “employees” as defined by the New York State HERO Act, which means any person providing labor or services for remuneration for a private entity or business within the state, without regard to an individual’s immigration status, and shall include part-time workers, independent contractors, domestic workers, home care and personal care workers, day laborers, farmworkers, and other temporary and seasonal workers. The term also includes individuals working for digital applications or platforms, staffing agencies, contractors, or subcontractors on behalf of the employer at any individual work site, as well as any individual delivering goods or transporting people at, to or from the work site on behalf of the employer, regardless of whether delivery or transport is conducted by an individual or entity that would otherwise be deemed an employer under this chapter. The term does not include employees or independent contractors of the state, any political subdivision of the state, a public authority, or any other governmental agency or instrumentality.

As of the date of the publication of this document, while the State continues to deal with COVID-19 and a risk still exists, no designation is in effect at this time. Please check the websites of Departments of Health and Labor for up-to-date information on whether a designation has been put into effect, as any such designation will be prominently displayed. No employer is required to put a plan into effect absent such a designation by the Commissioner of Health.

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**I.** **RESPONSIBILITIES**

This plan applies to all employees of , and [all]/[the following work sites]:

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This plan requires commitment to ensure compliance with all plan elements aimed at preventing the spread of infectious disease. The following supervisory employee(s) are designated to enforce compliance with the plan. Additionally, these supervisory employees will act as the designated contacts unless otherwise noted in this plan:

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| **Name** | **Title** | **Location** | **Phone** |
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**II. EXPOSURE CONTROLS DURING A DESIGNATED OUTBREAK**

**A. MINIMUM CONTROLS DURING AN OUTBREAK**

During an airborne infectious disease outbreak, the following minimum controls will be used in all areas of the worksite:

1. **General Awareness:** Individuals may not be aware that they have the infectious disease and can spread it to others. Employees should remember to:
* Maintain physical distancing;
* Exercise coughing/sneezing etiquette;
* Wear face coverings, gloves, and personal protective equipment (PPE), as appropriate;
* Individuals limit what they touch;
* Stop social etiquette behaviors such as hugging and hand shaking, and
* Wash hands properly and often.
1. **“Stay at Home Policy”:** If an employee develops symptoms of the infectious disease, the employee should not be in the workplace. The employee should inform the designated contact and follow New York State Department of Health (NYSDOH) and Centers for Disease Control and Prevention (CDC) guidance regarding obtaining medical care and isolating.
2. **Health Screening:** Employees will be screened for symptoms of the infectious disease at the beginning of their shift. Employees are to self-monitor throughout their shift and report any new or emerging signs or symptoms of the infectious disease to the designated contact. An employee showing signs or symptoms of the infectious disease should be removed from the workplace and should contact a healthcare professional for instructions. The health screening elements will follow guidance from NYSDOH and CDC guidance, if available.
3. **Face Coverings:** When in use, face coverings must cover the nose and mouth, and fit snugly, but comfortably, against the face. The face covering itself must not create a hazard (e.g., have features could get caught in machinery or cause severe fogging of eyewear). The face coverings must be kept clean and sanitary and changed when soiled, contaminated, or damaged.
* **Effective February 10, 2022**: Employees will wear appropriate face coverings in accordance with guidance from State Department of Health or the Centers for Disease Control and Prevention, as applicable. Consistent with the guidance from the State Department of Health, if indoor areas do not have a mask or vaccine requirement as a condition of entry, appropriate face coverings are recommended, but not required. It is also recommended that face coverings be worn by unvaccinated individuals, including those with medical exemptions, in accordance with federal CDC guidance. Further, the State’s masking requirements continue to be in effect for pre-K to grade 12 schools, public transit, homeless shelters, domestic violence shelters, correctional facilities, nursing homes, health care, childcare, group homes, and other sensitive settings in accordance with CDC guidelines. New York State and the State Department of Health continue to strongly recommend face coverings in all public indoor settings as an added layer of protection, even when not required.
1. **Physical Distancing:** Physical distancing will be used, to the extent feasible, as advised by guidance from State Department of Health or the Centers for Disease Control and Prevention, as applicable.

*In situations where prolonged close contact with other individuals is likely, use the following control methods: (****Note to employer:*** *Check off the controls you intend to use and add any additional controls not listed here.)*

[ ]  Restricting or limiting customer or visitor entry;

[ ]  Limiting occupancy;

[ ]  Allowing only one person at a time inside small, enclosed spaces with poor ventilation;

[ ]  Reconfiguring workspaces;

[ ]  Physical barriers;

[ ]  Signage;

[ ]  Floor markings;

[ ]  Telecommuting;

[ ]  Remote meetings;

[ ]  Preventing gatherings;

[ ]  Restricting travel;

[ ]  Creating new work shifts and/or staggering work hours;

[ ]  Adjusting break times and lunch periods;

[ ]  Delivering services remotely or through curb-side pickup;

Additional controls include the following:

1. **Hand Hygiene:** To prevent the spread of infection, employees should wash hands with soap and water for at least 20 seconds or use a hand sanitizer with at least 60% alcohol to clean hands BEFORE and AFTER:
* Touching your eyes, nose, or mouth;
* Touching your mask;
* Entering and leaving a public place; and
* Touching an item or surface that may be frequently touched by other people, such as door handles, tables, gas pumps, shopping carts, or electronic cashier registers/screens.

Because hand sanitizers are less effective on soiled hands, wash hands rather than using hand sanitizer when your hands are soiled.

1. **Cleaning and Disinfection:** See Section V of this plan.
2. **“Respiratory Etiquette”:** Because infectious diseases can be spread by droplets expelled from the mouth and nose, employees should exercise appropriate respiratory etiquette by covering nose and mouth when sneezing, coughing, or yawning.
3. **Special Accommodations for Individuals with Added Risk Factors:** Some employees, due to age, underlying health condition, or other factors, may be at increased risk of severe illness if infected. Please inform your supervisor or the HR department if you fall within this group and need an accommodation.

**B. ADVANCED CONTROLS DURING AN OUTBREAK**

For activities where the Minimum Controls alone will not provide sufficient protection for employees, additional controls from the following hierarchy may be necessary. Employers should determine if the following are necessary:

1. Elimination: Employers should consider the temporary suspension or elimination of risky activities where adequate controls could not provide sufficient protection for employees.
2. Engineering Controls: Employers should consider appropriate controls to contain and/or remove the infectious agent, prevent the agent from being spread, or isolate the worker from the infectious agent. Examples of engineering controls include:
3. Mechanical Ventilation:
4. Local Exhaust Ventilation, for example:
* Ventilated booths (lab hoods);
* Kitchen Vents; and
* Vented biosafety cabinets.
1. General Ventilation, for example:
* Dedicated ventilation systems for cooking areas, malls, atriums, surgical suites, manufacturing, welding, indoor painting, laboratories, negative pressure isolation rooms;
* Increasing the percentage of fresh air introduced into air handling systems;
* Avoiding air recirculation;
* Using higher-efficiency air filters in the air handling system;
* If fans are used in the facility, arrange them so that air does not blow directly from one worker to another; and
1. Natural Ventilation, for example:
* Opening outside windows and doors to create natural ventilation; and
* Opening windows on one side of the room to let fresh air in and installing window exhaust fans on the opposite side of the room so that they exhaust air outdoors. *(Note: This method is appropriate only if air will not blow from one person to another.)*
1. Install automatic disinfection systems (e.g., ultraviolet light disinfection systems).
2. Install cleanable barriers such as partitions and/or clear plastic sneeze/cough guards.
3. Change layout to avoid points or areas where employees may congregate (e.g., install additional timeclocks).

Subject to changes based on operations and circumstances surrounding the infectious disease, engineering controls that are anticipated to be used are listed in the following table:

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| **Engineering Controls Utilized/Location:** |
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| ***Note to Employer:*** *One of the best ways to reduce exposure to infectious agents is to improve ventilation. The aim is to deliver more “clean air” into an occupied area and exhaust the contaminated air to a safe location. In some cases, the air may have to be filtered before it enters the work area and/or before it is exhausted. Direct the contaminated air away from other individuals and from the building’s fresh air intake ports. Consult your ventilation system’s manufacturer or service company to determine if improvements are possible for your system.* |

1. “Administrative Controls” are policies and work rules used to prevent exposure. Examples include:
* Increasing the space between workers;
* Slowing production speed to accommodate fewer workers at a time;
* Disinfecting procedures for specific operations;
* Not shaking out soiled laundry;
* Employee training;
* Identify and prioritize job functions that are essential for continuous operations;
* Cross-train employees to ensure critical operations can continue during worker absence;
* Limit the use of shared workstations;
* Post signs reminding employees of respiratory etiquette, masks, handwashing;
* Rearrange traffic flow to allow for one-way walking paths;
* Provide clearly designated entrance and exits;
* Provide additional short breaks for handwashing and cleaning;
* Establishing pods or cohorts working on same shift;

Subject to changes based on operations and circumstances surrounding the infectious disease, the following specific administrative controls are anticipated to be used:

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| **Administrative Controls Utilized/Location:** |
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1. Personal Protective Equipment (PPE) are devices like eye protection, face shields, respirators, and gloves that protect the wearer from infection. PPE will be provided, used, and maintained in a sanitary and reliable condition at no cost to the employee. The PPE provided to an employee will be based on a hazard assessment for the workplace.

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| **PPE Required - Activity Involved/Location:** |
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| *1 The use of respiratory protection, e.g., an N95 filtering facepiece respirator, requires compliance with the OSHA Respiratory Protection Standard 29 CFR 1910.134 or temporary respiratory protection requirements OSHA allows for during the infectious disease outbreak.**2 Respirators with exhalation valves will release exhaled droplets from the respirators. Respirators are designed to protect the wearer. Surgical masks and face coverings, which are not respirators, are designed to protect others, not the wearer.* |

**C. EXPOSURE CONTROL READINESS, MAINTENANCE AND STORAGE**

The controls we have selected will be obtained, properly stored, and maintained so that they are ready for immediate use in the event of an infectious disease outbreak and any applicable expiration dates will be properly considered.

**III. HOUSEKEEPING DURING A DESIGNATED OUTBREAK**

1. Disinfection Methods and Schedules

Objects that are touched repeatedly by multiple individuals, such as door handles, light switches, control buttons/levers, dials, levers, water faucet handles, computers, phones, or handrails must be cleaned frequently with an appropriate disinfectant. Surfaces that are handled less often, or by fewer individuals, may require less frequent disinfection.

The disinfection methods and schedules selected are based on specific workplace conditions.

The New York State Department of Environmental Conservation (NYSDEC)and the Environmental Protection Agency (EPA) have compiled lists of approved disinfectants that are effective against many infectious agents (see [dec.ny.gov a](https://www.dec.ny.gov)nd [epa.gov/pesticide-registration/selected-epa-registered-disinfectants)](https://www.epa.gov/pesticide-registration/selected-epa-registered-disinfectants). Select disinfectants based on NYSDOH and CDC guidance and follow manufacturer guidance for methods, dilution, use, and contact time.

1. Adjustments to Normal Housekeeping Procedures

Normal housekeeping duties and schedules should continue to be followed during an infectious disease outbreak, to the extent practicable and appropriate consistent with NYSDOH and/or CDC guidance in effect at the time. However, routine procedures may need to be adjusted and additional cleaning and disinfecting may be required.

Housekeeping staff may be at increased risk because they may be cleaning many potentially contaminated surfaces. Some housekeeping activities, like dry sweeping, vacuuming, and dusting, can resuspend into the air particles that are contaminated with the infectious agent. For that reason, alternative methods and/or increased levels of protection may be needed.

Rather than dusting, for example, the CDC recommends cleaning surfaces with soap and water before disinfecting them. Conducting housekeeping during “off” hours may also reduce other workers’ exposures to the infectious agent. Best practice dictates that housekeepers should wear respiratory protection. See [**cdc.gov**](https://www.cdc.gov)for more guidance.

1. If an employee develops symptoms of the infectious disease at work, it is ideal to isolate the area in accordance with guidance issued by NYSDOH or the CDC, before cleaning and disinfecting the sick employee’s work area. This delay will allow contaminated droplets to settle out of the air and the space to be ventilated.
2. As feasible, liners should be used in trash containers. Empty the containers often enough to prevent overfilling.

Do not forcefully squeeze the air out of the trash bags before tying them closed. Trash containers may contain soiled tissue or face coverings.

**IV. INFECTION RESPONSE DURING A DESIGNATED OUTBREAK**

If an actual, or suspected, infectious disease case occurs at work, take the following actions:

* Instruct the sick individual to wear a face covering and leave the worksite and follow NYSDOH/CDC guidance.
* Follow local and state authority guidance to inform impacted individuals.

**V. TRAINING AND INFORMATION DURING A DESIGNATED OUTBREAK**

1. will verbally inform all employees of the existence and location of this Plan, the circumstances it can be activated, the infectious disease standard, employer policies, and employee rights under the HERO Act. (Note: training need not be provided to the following individuals: any individuals working for staffing agencies, contractors, or subcontractors on behalf of the employer at any individual work site, as well as any individual delivering goods or transporting people at, to or from the work site on behalf of the employer, where delivery or transport is conducted by an individual or entity that would otherwise be deemed an employer under this chapter).
2. When this plan is activated, all personnel will receive training which will cover all elements of this plan and the following topics:
3. The infectious agent and the disease(s) it can cause;
4. The signs and symptoms of the disease;
5. How the disease can be spread;
6. An explanation of this Exposure Prevention Plan;
7. The activities and locations at our worksite that may involve exposure to the infectious agent;
8. The use and limitations of exposure controls
9. A review of the standard, including employee rights provided under Labor Law, Section 218-B.
10. The training will be:
11. Provided at no cost to employees and take place during working hours. If training during normal work hours is not possible, employees will be compensated for the training time (with pay or time off);
12. Appropriate in content and vocabulary to your educational level, literacy, and preferred language; and
13. Verbally provided in person or through telephonic, electronic, or other means.

**VI. PLAN EVALUATIONS DURING A DESIGNATED OUTBREAK**

The employer will review and revise the plan periodically, upon activation of the plan, and as often as needed to keep up to date with current requirements. Document the plan revisions below:

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| **Plan Revision History** |
| **Date** | **Participants** | **Major Changes** |  | **Approved By** |
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**VII. RETALIATION PROTECTIONS AND REPORTING OF ANY VIOLATIONS**

No employer, or their agent, or person, acting as or on behalf of a hiring entity, or the officer or agent of any entity, business, corporation, partnership, or limited liability company, shall discriminate, threaten, retaliate against, or take adverse action against any employee for exercising their rights under this plan, including reporting conduct the employee reasonably believes in good faith violates the plan or airborne infectious disease concerns to their employer, government agencies or officials or for refusing to work where an employee reasonably believes in good faith that such work exposes them, other workers, or the public to an unreasonable risk of exposure, provided the employee, another employee, or representative has notified the employer verbally or in writing, including electronic communication, of the inconsistent working conditions and the employer’s failure to cure or if the employer knew or should have known of the consistent working conditions.

Notification of a violation by an employee may be made verbally or in writing, and without limitation to format including electronic communications. To the extent that communications between the employer and employee regarding a potential risk of exposure are in writing, they shall be maintained by the employer for two years after the conclusion of the designation of a high-risk disease from the Commissioner of Health, or two years after the conclusion of the Governor’s emergency declaration of a high-risk disease. Employer should include contact information to report violations of this plan and retaliation during regular business hours and for weekends/other non-regular business hours when employees may be working.

## Acknowledgement and Receipt of Airborne Infectious Disease Exposure Prevention Plan

I acknowledge that I have received and read a copy of **Library Name**’s Airborne Infectious Disease Exposure Prevention Plan (“Plan”). I also acknowledge that the contents of the Plan have been verbally reviewed with me by the Director.

I further acknowledge that the Library reserves the right to revise, delete and add to the provisions of its’ Airborne Infectious Disease Exposure Prevention Plan but that all such revisions, deletions or additions must be in writing.

I understand that this acknowledgment does not prohibit me from exercising my rights under NY Labor Code 218-d or the Library’s Plan including, but not limited to, reporting airborne infectious disease exposure concerns, or seeking assistance or intervention with respect to airborne infectious disease exposure concerns or reporting violations of the law in good faith. I understand that the Library may not discriminate, threaten, retaliate against, or take adverse action against me for doing so.

**I have read and understand the above statements.**

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Employee Signature

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Print Name

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Date

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Library Representative Signature

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Library Representative Job Title

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Date

## New York Civil Rights Law 52-c Notice of Electronic Monitoring

The Library monitors, in its sole discretion, employees' use of its electronic resources. Any and all telephone conversations or transmissions on **Library Name**’s systems, electronic mail or transmissions, or internet access or usage by an employee by any electronic device or system, including but not limited to the use of a computer, telephone, wire, radio or electromagnetic, photoelectric or photo-optical systems may be subject to monitoring at any and all times and by any lawful means.

For additional information, please refer to the Electronic Resources policy or contact the Director.



Policy On The Rights Of Employees To Express Breast Milk In The Workplace

**INTRODUCTION AND PURPOSE**

New York State Labor Law Section 206-c gives all employees in New York the right to express breast milk in the workplace. This law applies to all public and private employers in New York State, regardless of size or the nature of their business.

The New York State Department of Labor has developed the official policy on breast milk expression in the workplace as required by the law, ensuring that all employees know their rights and all employers understand their responsibilities. This policy is the minimum required standard, but employers are encouraged to include additional accommodations tailored to their workplace.

With the information provided below, employees will learn how much time they are allowed for breast milk expression, the kind of space employers are required to provide for breast milk expression, how to notify employers about the need to express breast milk in the workplace, and how to notify the Department of Labor if these rights are not honored.

Employers are required to provide this policy in writing to all employees when they are hired and again every year after. Employers are also required to provide the policy to employees as soon as they return to work following the birth of a child.

**USING BREAK TIME FOR BREAST MILK EXPRESSION**

Employers must provide thirty (30) minutes of paid break time for their employees to express breast milk when the employee has a reasonable need to express breast milk. Employees must be permitted to use existing paid break or meal time if they need additional time for breast milk expression beyond the paid 30 minutes. This time must be provided for up to three years following childbirth. Employers must provide paid break time as often as an employee reasonably needs to express breast milk. The number of paid breaks an employee will need to express breast milk is unique to each employee and employers must provide reasonable break times based on the individual. Employers are prohibited from discriminating in any way against an employee who chooses to express breast milk in the workplace.

An employer is prohibited from requiring an employee to work before or after their normal shift to make up for any time used as paid break time to express breast milk. All employers must continue to follow existing federal and state laws, regulations, and guidance regarding mealtimes and paid break time regardless of whether the employee uses such time to express breast milk. For additional information regarding what constitutes a meal period or a break period under state and federal law, please see the following resources:

* NY Department of Labor Website on Day of Rest, Break Time, and Meal Periods:

**dol.ny.gov/day-rest-and-meal-periods**

* NY Department of Labor FAQs on Meal and Rest Periods: **dol.ny.gov/system/files/documents/2021/03/mealand-rest-periods-frequently-asked-questions.pdf**
* U.S. Department of Labor FLSA FAQ on Meal and Rest Periods:

**dol.gov/agencies/whd/fact-sheets/22-flsa-hoursworked**

* U.S. Department of Labor FLSA Fact Sheet on Compensation for Break Time to Pump Breast Milk: **dol.gov/agencies/whd/fact-sheets/73-flsa-break-timenursing-mothers**

While an employer cannot require that an employee works while expressing breast milk, Labor Law 206-c does not otherwise prevent an employee from voluntarily choosing to do so if they want to. Paid breaks provided for the expression of breast milk must be 30 minutes. An employee must be allowed to use regular break or meal time to take a longer paid break if needed. Employees may also opt to take shorter paid breaks.

Employees who work remotely have the same rights to paid time off for the purpose of expressing breast milk, as all other employees who perform their work in-person.

**MAKING A REQUEST TO EXPRESS BREAST MILK AT WORK**

If an employee wants to express breast milk at work, they must give the employer reasonable advance notice, generally before returning to the workplace if the employee is on leave. This advance notice is to allow the employer time to find an appropriate location and adjust schedules if needed. Employees wishing to request a room or other location to express breast milk in the workplace should do so by submitting a written request to their direct supervisor or individual designated by their employer for processing requests. Employers must respond to this request for a room or other location to express breast milk in writing within five days.

Employers must notify all employees in writing through email or printed memo when a room or other location has been designated for breast milk expression.

**LACTATION ROOM REQUIREMENTS**

In addition to providing the necessary time during the workday, employers must provide a private room or alternative location for the purpose of breast milk expression. The space provided for breast milk expression cannot be a restroom or toilet stall.

The room or other location must:

* Be close to an employee’s work area
* Provide good natural or artificial light
* Be private – both shielded from view and free from intrusion
* Have accessible, clean running water nearby
* Have an electrical outlet (if the workplace is supplied with electricity)
* Include a chair
* Provide a desk, small table, desk, counter or other flat surface

There does not need to be a separate space for every nursing employee. An employer may dedicate a single room or other location for breast milk expression. Should there be more than one employee at a time needing access to a lactation room, an employer may dedicate a centralized location to be used by all employees.

Any space provided for breast milk expression must be close to the work area of the employee(s) using the space. The space must be in walking distance, and the distance to the location should not significantly extend an employee’s needed break time.

Employers located in shared work areas, such as office buildings, malls and similar spaces may work together to establish and maintain a dedicated lactation room, as long as such space(s) are a reasonable distance from the employees using the room. Each employer utilizing this common space is individually responsible for making sure the room meets the needs of their employees.

If there is not a separate room or space available for lactation, an employer may use a vacant office or other available room on a temporary basis. This room must not be accessible to the public or other employees while an employee is using it for breast milk expression.

As a last resort, an available cubicle may be used for breast milk expression. A cubicle can only be used if it is fully enclosed with a partition and is not otherwise accessible to the public or other employees while being used for breast milk expression. The cubicle walls must be at least seven feet tall to insure the employee’s privacy.

To ensure privacy, if the lactation room has a window, it must be covered with a curtain, blind or other covering.

In addition, the lactation space should have a door equipped with a functional lock. If this is not possible (such as in the case of a fully enclosed cubicle), as a last resort, an employer must utilize a sign advising the space is in use and not accessible to other employees or the public.

If the workplace has a refrigerator, employers must allow employees to use it to store breast milk. However, employers are not responsible for ensuring the safekeeping of expressed milk stored in any refrigerator in the workplace. Employees are required to store all expressed milk in closed containers and bring milk home each evening.

The space designated for expressing breast milk must be maintained and clean at all times.

If an employer can demonstrate undue hardship in providing a space with the above requirements, the employer must still provide a room or other location - other than a restroom or toilet stall - that is in close proximity to the work area where an employee can express breast milk in privacy, that meets as many of the requirements as possible.

Undue hardship is defined in the statute as “causing significant difficulty or expense when considered in relation to the size, financial resources, nature, or structure of the employer’s business.” **However, an employer may not deny an employee the right to express breast milk in the workplace due to difficulty in finding a location.**

**NEW YORK STATE DEPARTMENT OF LABOR RESOURCES**

If an employee believes that they are experiencing retaliation for expressing breast milk in the workplace, or that their employer is in violation of this policy, should contact the New York State Department of Labor’s Division of Labor Standards. Call us at **1-888-52-LABOR**, email us at LSAsk@labor.ny.gov, or visit our website at **dol.ny.gov/breast-milk- expression-workplace to file a complaint**.

A list of our offices is available at [dol.ny.gov/location/contact-division-labor-standards.](https://dol.ny.gov/location/contact-division-labor-standards) Complaints are confidential.

*Complaints are confidential.*

**FEDERAL RESOURCES**

The federal PUMP Act went into effect in 2023, expanding protections for almost all employees expressing breast milk at work. Under the PUMP Act, any covered workers not provided with breaks and adequate space for up to a year after the birth of a child are able to file a complaint with the U.S. Department of Labor or file a lawsuit against their employers. For more information, please visit [**dol.gov/agencies/whd/pump-at-work.**](https://www.dol.gov/agencies/whd/pump-at-work)

## Acknowledgement of Receipt of New York Civil Rights Law 52-c Notice of Electronic Monitoring

I acknowledge that I have received and read **Library** **Name**’s Notice to New York Employees of Electronic Monitoring. I understand that any and all of my telephone conversations or transmissions on **Library Name**’s systems, electronic mail or transmissions, or internet access or usage by an employee by any electronic device or system, including but not limited to the use of a computer, telephone, wire, radio or electromagnetic, photoelectric or photo-optical systems may be subject to monitoring by the Library at any and all times and by any lawful means.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Signature and Date

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Print Name

## Notice of Policy on The Rights of Employees to Express Breast Milk in the Workplace

Section 206-c of the New York State Labor Law gives all employees in New York the right to express breast milk in the workplace. This law applies to all public and private employers in New York State, regardless of size or the nature of their business.

The New York State Department of Labor has developed the official policy on breast milk expression in the workplace as required by the law, ensuring that all employees know their rights and all employers understand their responsibilities. This policy is the minimum required standard, but employers are encouraged to include additional accommodations tailored to their workplace.

With the information provided below, employees will learn how much time they are allowed for breast milk expression, the kind of space employers are required to provide for breast milk expression, how to notify employers about the need to express breast milk in the workplace, and how to notify the Department of Labor if these rights are not honored.

Employers are required to provide this policy in writing to all employees when they are hired and again every year after. Employers are also required to provide the policy to employees as soon as they return to work following the birth of a child.

**USING BREAK TIME FOR BREAST MILK EXPRESSION**

Employers must provide reasonable unpaid break time for their employees to express breast milk. In addition, employees must also be permitted to use their paid break time or meal time to express breast milk. This time must be provided for up to three years following childbirth. Employers must provide unpaid break time at least every three hours if requested by the employee. However, the number of unpaid breaks an employee will need to express breast milk is unique to each employee and employers must provide reasonable break times based on the individual. Employers are prohibited from discriminating in any way against an employee who chooses to express breast milk in the workplace.

An employee must be permitted to work before or after their normal shift to make up any time used as unpaid break time to express breast milk, as long as this time falls within the employer’s normal work hours. However, an employee is not required to make up their unpaid break time.

While an employer cannot require that an employee works while expressing breast milk, nothing in Labor Law 206-c prevents an employee from voluntarily choosing to do so. Time working while expressing breast milk must be compensated.

Unpaid breaks provided for the expression of breast milk must be at least twenty minutes. However, if the designated lactation room where such break will be taken is not close to an employee’s work station, the provided break must be at least thirty minutes. An employee must be allowed to take a longer unpaid break if needed. Employees may also opt to take shorter unpaid breaks.

Employees who work remotely have the same rights to unpaid time off for the purpose of expressing breast milk, as all other employees who perform their work in-person.

**MAKING A REQUEST TO EXPRESS BREAST MILK AT WORK**

If an employee wants to express breast milk at work, they need to give employers reasonable advance notice, generally before returning to the workplace if the employee is on leave. This advance notice is to allow employers the time to find an appropriate location and adjust schedules if needed.

Employees wishing to request a room or other location to express breast milk in the workplace should do so by submitting a written request to their direct supervisor or individual designated by their employer for processing requests. Employers must respond to this request for a room or other location to express breast milk in writing within five days.

Employers must notify all employees in writing through email or printed memo when a room or other location has been designated for breast milk expression.

**LACTATION ROOM REQUIREMENTS**

In addition to providing the necessary time during the workday, employers must provide a private room or alternative location for the purpose of breast milk expression. The space provided for breast milk expression cannot be a restroom or toilet stall.

The room or other location must:

* Be close to an employee’s work area
* Provide good natural or artificial light
* Be private – both shielded from view and free from intrusion
* Have accessible, clean running water nearby
* Have an electrical outlet (if the workplace is supplied with electricity)
* Include a chair
* Provide a desk, small table, desk, counter or other flat surface

There does not need to be a separate space for every nursing employee. An employer may dedicate a single room or other location for breast milk expression. Should there be more than one employee at a time needing access to a lactation room, an employer may dedicate a centralized location to be used by all employees.

Any space provided for breast milk expression must be close to the work area of the employee(s) using the space. The space must be in walking distance, and the distance to the location should not significantly extend an employee’s needed break time.

Employers located in shared work areas, such as office buildings, malls and similar spaces may work together to establish and maintain a dedicated lactation room, as long as such space(s) are a reasonable distance from the employees using the room. Each employer utilizing this common space is individually responsible for making sure the room meets the needs of their employees.

If there is not a separate room or space available for lactation, an employer may use a vacant office or other available room on a temporary basis. This room must not be accessible to the public or other employees while an employee is using it for breast milk expression.

As a last resort, an available cubicle may be used for breast milk expression. A cubicle can only be used if it is fully enclosed with a partition and is not otherwise accessible to the public or other employees while being used for breast milk expression. The cubicle walls must be at least seven feet tall to ensure the employee’s privacy.

To ensure privacy, if the lactation room has a window, it must be covered with a curtain, blind, or other covering. In addition, the lactation space should have a door equipped with a functional lock. If this is not possible (such as in the case of a fully enclosed cubicle), as a last resort, an employer must utilize a sign advising the space is in use and not accessible to other employees or the public.

If the workplace has a refrigerator, employers must allow employees to use it to store breast milk. However, employers are not responsible for ensuring the safekeeping of expressed milk stored in any refrigerator in the workplace. Employees are required to store all expressed milk in closed containers and bring milk home each evening.

The space designated for expressing breast milk must be maintained and clean at all times.

If an employer can demonstrate undue hardship in providing a space with the above requirements, the employer must still provide a room or other location - other than a restroom or toilet stall - that is in close proximity to the work area where an employee can express breast milk in privacy, that meets as many of the requirements as possible. Undue hardship is defined in the statute as “causing significant difficulty or expense when considered in relation to the size, financial resources, nature, or structure of the employer’s business.” However, an employer may not deny an employee the right to express breast milk in the workplace due to difficulty in finding a location.

**NEW YORK STATE DEPARTMENT OF LABOR RESOURCES**

If an employee believes that they are experiencing retaliation for expressing breast milk in the workplace, or that their employer is in violation of this policy, they should contact the New York State Department of Labor’s Division of Labor Standards. Call us at 1-888-52-LABOR, email us at LSAsk@labor.ny.gov, or visit our website at dol.ny.gov/breast-milkexpression-workplace to file a complaint.

A list of our offices is available at dol.ny.gov/location/contact-division-labor-standards. Complaints are confidential.

**FEDERAL RESOURCES**

The federal PUMP Act went into effect in 2023, expanding protections for almost all employees expressing breast milk at work. Under the PUMP Act, any covered workers not provided with breaks and adequate space for up to a year after the birth of a child are able to file a complaint with the U.S. Department of Labor or file a lawsuit against their employers. For more information, please visit dol.gov/agencies/whd/pump-at-work.

**ADDITIONAL INFORMATION**

This notice has been adapted from the NY DOL notice titled Policy on the Rights of Employees to Express Breast Milk in the Workplace found at https://dol.ny.gov/system/files/documents/2023/12/p705-policy-on-the-rights-of-employeesto-express-breast-milk-in-the-workplace\_12-2023\_0.pdf.

Please see the Library’s policies on Pregnancy Accommodations and Lactation Accommodation for more details.

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| Harassment Complaint Form  |
| New York State Labor Law requires all employers to adopt a sexual harassment prevention policy that includes a complaint form for employees to report alleged incidents of sexual harassment. If you believe that you have been subjected to sexual or other forms of workplace harassment, you are encouraged to complete this form and submit it to **[insert contact information for individual(s) responsible for complaints (name and/or job title, phone number, email address and/or physical company address)]**. Once you submit this form, **Library Name** will follow its Non-Harassment/Non-Discrimination policy and investigate any claims, as outlined in the Library’s policy. You will not be retaliated against for filing a complaint. If you are more comfortable reporting orally or in another manner, the Library will still follow its Non-Harassment/Non-Discrimination policy and investigate the claim.  |
| **Complainant Information** |

|  |  |  |  |
| --- | --- | --- | --- |
| Name: |  | Date: |  |

|  |  |  |  |
| --- | --- | --- | --- |
| Position/Department: |       | Manager Name: |  |

|  |  |  |  |
| --- | --- | --- | --- |
| Phone Number |       | Email Address |       |

|  |  |  |  |
| --- | --- | --- | --- |
| Name of Accused: |       | Accused’s Position/Department: |       |

|  |  |
| --- | --- |
| Accused’s Relationship to you: | [ ]  Supervisor [ ]  Subordinate [ ]  Co-Worker [ ]  Other |

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| --- |
| **Complaint Information** |

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| --- |
| 1. Please describe what happened and how it is affecting your work. Please use additional sheets of paper if necessary and attach any relevant documents or evidence. |
|  |
| 2. Date(s) incident(s) occurred:  |  |
| 3. Is the conduct still continuing? [ ]  Yes [ ]  No |

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| --- |
| 4. Please list the name(s) and contact information of any witness(es) or individual(s) that may have information related to your complaint.  |
|  |
| ***The next question is optional but may help the investigation.***  |
| 5. Have you previously complained or provided information (verbal or written) about harassment at **Library Name**? If yes, when and to whom did you file the complaint or provide information?  |
|  |
| ***If you have retained legal counsel and would like us to work with them, please provide their contact information below.***  |
| Attorney’s Name: |  |
| Attorney’s Phone Number: |  |
| Attorney’s Email Address:  |  |

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| --- |
| **I acknowledge that all information provided above is true, complete, and accurate to the best of my knowledge.** |

|  |  |  |  |
| --- | --- | --- | --- |
| Completed By: |      |  |       |
|  | Employee Name (printed) |  |  |
|  |  |  |       |
|  | Employee Signature |  | Date |
|  |  |  |  |
|  | Library Representative Receiving Complaint |  | Date |
|  |  |  |  |
|  | Title |  |  |

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| --- |
| EMPLOYEE HANDBOOK RECEIPT |

**The following policies have been revised or updated:**

* Policy **[insert policy number and/or title, description of change based on client preference]**
* Policy **[insert policy number and/or title, description of change based on client preference]**

**The following policies have been added to the Employee Handbook:**

* Policy **[insert policy number and/or title, description of change based on client preference]**
* Policy **[insert policy number and/or title, description of change based on client preference]**

**The following policies have been removed from the Employee Handbook:**

* Policy **[insert policy number and/or title, description of change based on client preference]**
* Policy **[insert policy number and/or title, description of change based on client preference]**

I acknowledge receipt of the updated **Company Name** Employee Handbook. I understand that these policies, as well as the policies contained in the **Company**’s Employee Handbook, are not intended to create a contract of employment nor is any other communication by a management representative, either expressed or implied, intended to be a contract, unless explicitly stated otherwise in a written agreement signed by the **WHO** of the **Company**.

I understand that neither these policies nor other Employee Handbook policies are a guarantee of employment for any set period and that either the **Company** or I may terminate my employment at any time, with or without cause. Furthermore, I understand that the policies and benefits described in the Employee Handbook may be added to, revised or deleted at any time.

I further understand that the benefit information found in this **Handbook** is intended to provide an overview of the benefit plans. The actual benefits may be controlled by the terms of the applicable plan documents and insurance policies. Questions regarding the interpretation of those plans will be answered in accordance with the actual plan documents and insurance policies, rather than the summaries contained in this **Handbook**. Employees may obtain copies of these documents from **WHO**.

**[Insert for NLRA-covered employers:** I also understand and acknowledge that nothing about the policies and procedures set forth in this Manual should be construed to interfere with any employee rights provided under federal, or local state law, including Section 7 of the National Labor Relations Act (NLRA), as more fully described in the **Company**’s Statement of Rights Under the NLRA.]

**I have read, understand and agree to comply with** **these policies**.

If I have any questions about the information contained in this Handbook, I will discuss them with my **supervisor/manager** and/or **WHO**.

Employee's Name (Printed)

Employee's Signature

Date

**ADDITIONAL INFORMATION**