

CHEMUNG COUNTY LIBRARY DISTRICT POLICY MANUAL

Policy No. 510

SUBJECT: EQUAL EMPLOYMENT OPPORTUNITY

The Chemung County Library District is an equal opportunity employer and does not discriminate against any employee or applicant for employment on the basis of race, color, national origin, sex, disability, or age. Further, the Library District does not discriminate on the basis of religion or creed, sexual orientation, military status, genetic status, marital status, domestic violence victim status, criminal arrest or conviction record, or any other basis prohibited by state or federal non-discrimination laws.

Investigation of Complaints and Grievances. The Library District will act to promptly, thoroughly, and equitably investigate all complaints, whether verbal or written, of discrimination, and will promptly take appropriate action to protect individuals from further discrimination. All such complaints will be handled in a manner consistent with the District's policies, procedures, and/or regulations regarding the investigation of discrimination and harassment complaints, including, but not limited to, Policy 211: Complaints and Grievances by Employees and Policy 251: Nondiscrimination and Anti-Harassment.

Prohibition of Retaliatory Behavior. The Board prohibits any retaliatory behavior directed against complainants, victims, witnesses, and/or any other individuals who participated in the investigation of a complaint of discrimination. Complaints of retaliation may be directed to the Civil Rights Compliance Officer. In the event the Civil Rights Compliance Officer is the alleged offender, the report will be directed to an alternate Civil Rights Compliance Officer, if the District has designated another individual to serve in such a capacity, or to the Library Director, or to the Board President if the complaint involves the Library Director.

Where appropriate, follow-up inquiries will be made to ensure that discrimination has not resumed and that all those involved in the investigation of the discrimination have not suffered retaliation.

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Policy No. 520

SUBJECT: JOB DESCRIPTIONS

The Chemung County Library District shall create and maintain a job description for each position. The Director shall ensure compliance with the Civil Service Law and the Rules for the Classified Civil Service of Chemung County and the City of Elmira, as applicable.

All job descriptions must be aligned with the mission of the District and with the District's goals, and must specify tasks to be performed in order for employees to support the mission and goals.

In creating job descriptions, management shall:

1. Specify job performance roles and responsibilities;
2. Use objective standards to support meaningful evaluations;
3. Provide effective training, including establishing clear expectations for persons new to the position;
4. Be sensitive to morale issues (fair, clear job descriptions help to prevent "surprises");
5. Be uniform and consistent in developing job descriptions and evaluations.

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Policy No. 525

SUBJECT: EMPLOYEE PERSONNEL RECORDS AND RELEASE OF INFORMATION

Personnel Records. The Library District will maintain a personnel file for each individual employed by the Library District.

Release of Personnel Information. All steps should be taken to protect the privacy of the employees of the Library District. To ensure each individual's privacy, directory or confidential information should not be shared with a third party except in the following situations:

- a) When duly issued legal process, such as a subpoena, is received.
- b) When the employee grants permission.
- c) When otherwise required by law (e.g., disclosure to ERS or Social Security).

Procedures for obtaining consent for release of records to third parties shall be developed by the Director.

Release of Information Concerning Former Employees. The Library District shall not release information concerning the employment records, personnel file, or past performance of a former employee unless such information is required to be disclosed by law. Only the initial and final dates of employment and the position held shall be provided through a written response to a written request. The former employee may authorize the release of any additional information.

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Policy No. 530

SUBJECT: CODE OF ETHICS FOR ALL DISTRICT PERSONNEL

Standards of Conduct. Every Board member or employee of the Chemung County Library District shall be subject to and abide by the following standards of conduct:

Gifts. Pursuant to General Municipal Law Section 805-a, he/she shall not, directly or indirectly, solicit any gift or accept or receive any gift having a value of seventy-five dollars (\$75) or more, whether in the form of money, services, loan, travel, entertainment, hospitality, thing or promise, or any other form, under circumstances in which it could reasonably be inferred that the gift was intended or expected to influence him/her in the performance of official duties or was intended as a reward for any official action on his/her part.

Confidential Information. He/she shall not disclose confidential information acquired by him/her in the course of his/her official duties or use such information to further his/her personal interest.

Disclosure of Interest in Contracts. Any Library District officer or employee, as well as his/her spouse, who has, will have, or later acquires an interest in any actual or proposed contract, purchase agreement, lease agreement or other agreement, including oral agreements, with the District shall publicly disclose the nature and extent of such interest in writing to his/her immediate supervisor and to the Board of Trustees as soon as he/she has knowledge of such actual or prospective interest. Such written disclosure shall be made part of and set forth in the Board minutes.

Representation Before One's Own Agency. He/she shall not receive, or enter into any agreement, express or implied, for compensation for services to be rendered in relation to any matter before any municipal agency of which he/she is an officer, member, or employee or before any municipal agency over which he/she has jurisdiction or to which he/she has the power to appoint any member, officer, or employee.

Representation Before Any Agency for a Contingent Fee. He/she shall not receive, or enter into any agreement, express or implied, for compensation for services to be rendered in relation to any matter before any agency of his/her municipality, whereby his/her compensation is to be dependent or contingent upon any action by such agency with respect to such matter, provided that this paragraph shall not prohibit the fixing at any time of fees based upon the reasonable value of services rendered.

Disclosure of Interest in Resolution. To the extent that he/she knows thereof, a member of the Board of Trustees or employee of the Chemung County Library District, whether paid or unpaid, who participates in the discussion or gives official opinion to the Board of Trustees on any resolution before the Board of Trustees shall publicly disclose on the official record the nature

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and extent of any direct or indirect financial or other private interest he/she has in such resolution.

Investments in Conflict with Official Duties. He/she shall not invest or hold any investment directly or indirectly in any financial, business, commercial, or other private transaction, that creates a conflict with his/her official duties.

Private Employment. He/she shall not engage in, solicit, negotiate for or promise to accept private employment or render services for private interests when such employment or service creates a conflict with or impairs the proper discharge of his/her official duties.

Future Employment. He/she shall not, after the termination of service or employment with the Library District, appear before any board or agency of the Library District in relation to any case, proceeding, or application in which he/she personally participated during the period of his/her service or employment or which was under his/her active consideration.

Legal Remedies

District Officers. In accordance with the Penal Law Section 60.27(5), if a Library District officer is convicted of a violation against the District under Penal Law Article 155 relating to larceny, the courts may require an amount of restitution up to the full amount of the offense or reparation up to the full amount of the actual out-of-pocket loss suffered by the Library District.

Board Members and Employees. Nothing herein shall be deemed to bar or prevent the timely filing by a present or former Board of Trustees member or employee of any claim, account, demand or suit against the Chemung County Library District, or any agency thereof on behalf of himself/herself or any member of his/her family arising out of any personal injury or property damage or for any lawful benefit authorized or permitted by law.

Distribution/Posting of Code of Ethics. The Library Director shall cause a copy of this code of ethics to be distributed to every Board of Trustees member and employee of the District within thirty (30) days after the adoption of this policy. Each Board of Trustees member and employee elected or appointed thereafter shall be furnished a copy before entering upon the duties of his/her office or employment. The Library Director shall also cause a copy of General Municipal Law Article 18 to be kept posted in each building in the Library District in a place conspicuous to its Board of Trustees members and employees. Failure to distribute any such copy of this code of ethics or failure of any Board of Trustees member or employee to receive such copy, as well as failure to post any such copy of General Municipal Law Article 18, shall have no effect on the duty of compliance with such code of ethics or General Municipal Law Article 18, nor with the enforcement of provisions thereof.

Penalties. In addition to any penalty contained in any other provision of law, any person who shall knowingly and intentionally violate any of the provisions of this code may be fined, suspended, or removed from office or employment, as the case may be, in the manner provided by law.

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Policy No. 531

SUBJECT: PROHIBITION OF SUPERVISION OF RELATIVES

Employment of Relatives. A member of an employee's immediate family may be considered for employment and employed by the Library District, provided the applicant possesses all the qualifications for employment.

An immediate family member may not, however, be employed or assigned to a position that would:

- a) Create either a direct supervisor/subordinate relationship with an immediate family member; or
- b) Create a prohibited conflict of interest under Article 18 of the General Municipal Law.

This prohibition will also apply when transferring or promoting an employee.

Definitions. Direct supervision means the immediate level of supervision above an employee and/or when the supervisor is a decision-maker on the employee's evaluation, discipline, or selection for appointment, promotion, or transfer.

For purposes of this policy, "immediate family" includes: the employee's spouse, brother, sister, parents, children, step-children, father-in-law, mother-in-law, sister-in-law, brother-in-law, daughter-in-law, son-in-law, and any other member of the employee's household.

Indirect Supervision. It is further the intent of this policy to avoid the creation of an indirect supervisor/subordinate relationship with an immediate family member. If, however, an assignment with indirect supervision is necessary, a plan to avoid conflicts shall be developed and submitted to the Library Director or his designee. The purpose of the plan is to specifically outline how the indirect supervision shall occur and how any potential conflict of interest or appearance thereof will be mitigated. When a plan is filed, the Library Director shall be notified and he/she shall notify the Board of Trustees. If an assignment should occur where there are problems mitigating potential conflicts of the supervisor/subordinate relationship, transfers or re-assignment shall be implemented after discussion with the affected employees and in accord with any applicable collective bargaining or civil service requirements.

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Policy No. 540

SUBJECT: EVALUATION OF PERSONNEL

The Chemung County Library District is committed to supporting the development of effective library staff. To this end, the Library District shall provide procedures for the evaluation of all Library District staff, in accordance with applicable collective bargaining agreements.

Evaluation of the Library Director will be conducted pursuant to Policy 314.

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Policy No. 545

SUBJECT: PROFESSIONAL GROWTH AND STAFF DEVELOPMENT

It is the policy of the Library District that attention be given to in-service, pre-service, and other staff development programs which are believed to be of benefit to the Library District and its patrons.

The Library Director may arrange in-service programs and other staff development opportunities, with the object of improving professional competencies.

The Board of Trustees encourages all employees to improve their competencies beyond that which they may obtain through the regular performance of their assigned duties. Opportunities may be provided for:

- a) Programs, courses, seminars, and workshops offered both within and outside the Library District.
- b) Visits to other libraries, as well as attendance at professional meetings, for the purpose of improving services.
- c) Orientation/re-orientation of staff members to program and/or organizational changes as well as Library District expectations.

Attendance at such professional development programs must be directly linked to the duties and responsibilities comprising the job description of the employee. Consequently, employees are encouraged to participate in the planning of staff development programs designed to meet their specific needs.

Members of the staff are also encouraged to continue their formal education as well as to attend their respective work-related workshops, conferences, and meetings.

Funds for participating at such conferences, conventions, and other similar professional development programs may be budgeted for by the Board of Trustees on an annual basis.

Reimbursement to District staff for all actual and necessary registration fees, expenses of travel, meals and lodging, and necessary tuition fees incurred in connection with attendance at conferences and the like will be in accordance with established policies for conference attendance and expense reimbursement.

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Policy No. 550

SUBJECT: DRUG- FREE WORKPLACE

General Policy. It shall be the general policy of the Board of Trustees to affirm that all programs in the Library District that receive Federal funds shall guarantee that their workplaces are free of controlled substances.

Definition of Controlled Substance. “Controlled substance” means a controlled substance in schedules I through V of Section 202 of the Controlled Substances Act (21 USC 812) and as further defined in regulation at 21 Code of Federal Regulations (CFR) 1308.11-1308.15.

Acknowledgment. An acknowledgment form shall be signed by the Library Director indicating that the Library District is in full compliance with the Drug-Free Workplace Act. This policy shall guarantee that not only federally funded programs but the entire District is free of controlled substances.

Regulations. The Board of Trustees directs the administration to develop regulations to comply with this policy, and further supports such actions and activities of the administration as shall be required to maintain a drug-free workplace.

Prohibition of Alcohol. In addition to complying with Federal legislation regarding the use of drugs, the Board of Trustees prohibits any employee to be under the influence of, to use, to have in his or her possession, or to distribute in any way alcohol on Library District property.

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Policy No. 551

SUBJECT: EMPLOYEE ASSISTANCE PROGRAM

The Board of Trustees recognizes that a wide range of problems that are not directly associated with an employee's job function may have an effect on an employee's job performance. The Library District will provide an Employee Assistance Program for employees who are experiencing personal difficulties. The purpose of the program is to assist employees in obtaining help to resolve such problems in an effective and confidential manner. This program recognizes that the primary obligation to seek assistance and to resolve the problem rests with the employee.

Adopted: April 16, 2015

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Policy No. 560

SUBJECT: DEFENSE AND INDEMNIFICATION OF EMPLOYEES

The Board of Trustees hereby confers the benefits of Section 18 of the New York State Public Officers Law upon the “employees” of the Library District, as defined in Section 18 of the Public Officers Law; and the Library District assumes the liability for the costs incurred in accordance with the provisions of Section 18. The benefits accorded to Library District employees under Section 18 of the Public Officers Law shall supplement and be available in addition to defense or indemnification protection conferred by other enactments or provisions of law.

The term “employees” shall include members of the Board of Trustees; the Library Director; Library District officers; Library District employees; volunteers expressly authorized to participate in a Library District sponsored volunteer program; or any other person holding a position by election, appointment, or employment in the service of the Library District, whether or not compensated. The term “employee” shall also include a former employee, his/her estate, or a judicially appointed representative where claims against the employee him/herself are involved.

Pursuant to the provisions of Section 18 of the Public Officers Law, and upon compliance by the employee with the requirements of this statute, the Library District shall provide for the defense of the employee in any civil action or proceeding, state or federal, arising out of any alleged act or omission which occurred or allegedly occurred while the employee was acting within the scope of his/her public employment or duties.

Furthermore, the Library District shall indemnify and save harmless its employees in the amount of any judgment obtained against such employees in a state or federal court, or in the amount of any settlement of a claim, provided that the act or omission from which such judgment or claim arose occurred while the employee was acting within the scope of his/her public employment or duties. However, in the case of a settlement, the duty to indemnify and save harmless shall be conditioned upon the approval of the amount of the settlement by the Board of Trustees.

The duty to defend and/or indemnify and save harmless, in accordance with Section 18 of the Public Officers Law, shall be conditioned upon the delivery by the employee to the Library District attorney or to the Library Director a written request to provide for his/her defense, together with the original or a copy of any summons, complaint, process, notice, demand or pleading within ten (10) days after he/she is served with such document. Pursuant to Section 18, the full cooperation of the employee in the defense of such action or proceeding and in the defense of any action or proceeding against the Library District based upon the same act or omission, and in the prosecution of any appeal, shall also be required as a condition for the Library District’s duty to defend and/or indemnify and save harmless to exist. Exceptions to Liability Coverage Indemnification coverage and/or provision of legal defense by the Library District will not apply unless the actionable claim is of the type covered by the statute(s) and/or is not otherwise exempt from coverage pursuant to law. Additionally, indemnification coverage

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and/or the duty to provide a defense shall not arise where such action or proceeding is brought by or on behalf of the Library District.