

Benewah County Free Library District Personnel Policy

Approved by the Board of Trustees

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The District is a political subdivision of the state of Idaho, though it is not a part of state government. The Board of District Trustees ("Board") serves as the governing body of the District, carrying out local legislative duties and fulfilling other obligations as required by law. The Board is the general policymaker for the District and has primary authority to establish terms and conditions of employment with the District.

Each employee should recognize that although he/she may serve as an employee supervised by a department head, he/she remains an employee of the District, and not of the person who supervises his/her work. The terms and conditions set forth in this policy, and in the resolutions and policy statements that support it, cannot be superseded by any other person, without the express written agreement of the Board. That is particularly true for terms or conditions that would establish a current or future financial obligation for the District. You may, however, work for a department with an operational policy that provides additional direction to employees on expectations and procedures unique to that department.

This policy is designed to introduce you to the District, familiarize you with various policies, practices and procedures currently in effect in the District, and help answer many of the questions that may arise in connection with your employment.

This policy is not a contract of employment and does not create a contract of employment. This policy does not create a contract, express or implied, guaranteeing you any specific term of employment, nor does it obligate you to continue your employment for a specific period of time. Its purpose is simply to provide you with a convenient explanation of present policies and practices of the District.

All employees of the District are for-cause and are employed at the discretion of the Board. Only a written contract expressly authorized and signed by the Board can alter the terms of employment regardless of anything written or spoken by an individual Board member or supervisor. Employees have no right to continued employment or employment benefits, except as may be agreed to in writing and expressly approved by the Board. All provisions of this Policy will be interpreted in a manner consistent with this paragraph. In the event of any irreconcilable inconsistencies, the terms of this paragraph will prevail.

The District reserves the right to modify any of the policies, benefit offerings, and procedures, including those covered in this policy, at any time, without prior notice to, and consent of, District employees. Changes may be made in the sole discretion of the Board.

III. DISTRICT CODE OF CONDUCT

Employees are expected to conduct themselves in a professional manner that is both civil and cooperative. District employees are public employees and therefore are exposed to additional public scrutiny in both their public and personal conduct. This Code of Conduct has been established to aid employees in understanding both expected and prohibited conduct. Violations of the Code of Conduct will be grounds for disciplinary action up to and including termination of employment. This list is illustrative and not all inclusive. Other behaviors and acts of misconduct not specifically detailed here may be grounds for disciplinary action as well. Nothing contained herein is intended to limit the reasons for which an employee may be disciplined.

Each employee is expected to conduct himself/herself in a professional manner. In order to accomplish this, each employee must:

1. Be respectful, courteous and professional. Work cooperatively and constructively with fellow workers and members of the public.
2. Be prompt and regular in attendance at work for defined work schedules or other required employer functions, and follow procedures for exceptions to the normal schedules, including the scheduling and taking of vacation and sick leave.
3. Comply with dress standards established in the department for which the employee works. In the absence of any departmental dress standards, clothing will be appropriate for the functions performed and will present a suitable appearance to the public.
4. Abide by all departmental rules and direction of a supervisor whether written or oral. No employee will be required to follow the directive of a supervisor that violates the laws of the local jurisdiction, state or nation.
5. Maintain the confidential nature of records that are not open to the public in accordance with the direction of the responsible official.
6. Maintain a current appropriate driver's license when work for the District requires the employee to drive a vehicle as part of his/her responsibilities. Each such employee must report any state-imposed driving restrictions to his/her immediate supervisor and notify his/her supervisor if his/her driving abilities are impaired.
7. Follow all workplace safety rules whether established formally by the department or by outside agencies.
8. Report all accidents that occur or are observed on the job, or that involve District property, and cooperate as requested in the reconstruction of any such accident.
9. Avoid conflicts of interests in appointments and working relationships with other employees, contractors and potential contractors in the District and related agencies.
10. Adhere to any code of ethics in the employee's profession.

B. Prohibited Conduct

Employees are expected to refrain from behaviors that reflect adversely upon the District, including:

1. Not initiate or participate, or encourage others, in acts or threats of violence, bullying, malicious gossip, spreading of rumors, or any other behavior designed to create discord and lack of harmony, or that willfully interferes with another employee's ability to do his/her job.
2. Not engage in abusive conduct or language, including profanity and loud, threatening or harassing speech, toward or in the presence of fellow employees or the public.
3. Not engage in conduct at or away from work that may reflect adversely upon the District or its officials or otherwise impair the employee's ability to perform.
4. Not engage in prolonged visiting with co-workers, children, friends or family members that interfere with work in the department in which the employee serves.
5. Not use work time for personal business, including the selling of goods or services to the general public.
6. Not use phones or computers in the workplace in a manner that violates policy or that disrupts workplace productivity, including time spent on social media.
7. Not use work time or public premises to promote religious beliefs to members of the public or fellow employees.
8. Not use work time or public premises to counsel patrons on medical or personal matters.
9. Not have non-District employment, or serve on any board or commission, that conflicts with duties performed for the District in any meaningful way. Individual departments may determine permissible examples of outside employment.
10. Not knowingly make any false report or complaint regarding behavior of others, or participate in such report or complaint.
11. Not release any public record, including personnel records, without the express authority of the public official responsible for custody of the record
12. Not use any substances, lawful or unlawful, that will impair the employee's ability to competently perform his/her work or threaten the safety and well-being of other workers or the public. If the employee is prescribed a medication that may impair the employee's ability to safely do his/her job, the employee is required to provide a physician's note explaining the possible effects of the medication on the employee's ability to do his/her job and the length of the time that the employee will be required to take the medication. The employee may be required to take leave while taking the medication.
13. Not destroy, alter, falsify or steal the whole or any part of a police report or any record kept as part of the official governmental records of the District (I.C. §§ 18-3201 and 18-3202).

14. Not engage in political activities while on duty.
15. Not provide false or misleading information on employment applications, job performance reports or any other related personnel documents or papers.
16. Not engage in conduct that violates the laws of the state of Idaho, including but not limited to I.C. §18-1356 (accepting gifts that exceed a value of \$50), I.C. §74-401 *et seq.* (Ethics in Government Act), I.C. §74-501 *et seq.* (Prohibitions Against Contracts) and I.C. §18-1359 (Using Public Position for Personal Gain).
17. Not accept gifts or gratuities in any personal or professional capacity that, although it may be legal, could create the impression that the giver was seeking favor from the employee or official in violation of I.C. § 18-1356 and I.C. § 18-1357.
18. Not engage in criminal conduct of any kind while on or off duty.

IV. WORKPLACE VIOLENCE

The District seeks to provide a violence-free workplace. Violence in the workplace poses a threat to the safety of employees and the public. The District will not tolerate acts and behaviors that are likely to result in workplace violence, including, but not limited to, abusive language, hitting or shoving, threats of bodily harm, threats or acts of violence, brandishing of an object which may be used as a weapon, sending threatening, harassing or abusive e-mail and faxes, using the workplace to violate protective orders and stalking.

All employees are responsible for minimizing workplace violence. All acts or threats of violence should be promptly reported to a supervisor or Board member. Employees should also report situations that they believe could lead to workplace violence, including but not limited to protective orders or other no-contact orders.

Any employee who is determined to be responsible for acts or threats of violence, or other conduct listed in this section, will be subject to prompt disciplinary action up to and including termination of employment.

V. UNLAWFUL WORKPLACE DISCRIMINATION, HARASSMENT AND RETALIATION

The District strives to maintain a supportive and civil workplace—one in which employees treat each other with respect and dignity. In keeping with these values, the District prohibits and does not tolerate unlawful workplace discrimination, harassment or retaliation.

The following defined terms are applicable to this section:

Legally protected class means a personal characteristic that is protected by law. This includes race, color, national origin, religion, sex, age (40 and over), disability, or any other characteristic protected by law.

Participation in the workplace includes all aspects of being an employee at the District, including recruitment, hiring, job performance, performance reviews, training, development, promotion, demotion, transfer, compensation, benefits, educational assistance, layoff and recall, participation in social and recreational programs, termination and/or retirement.

A. Workplace Discrimination

Workplace discrimination is when one or more persons in a **legally protected class** are treated adversely with respect to their **participation in the workplace**. Adverse employment actions usually involve decisions made by supervisors, department heads, or the Board that affect the workplace status and benefits of employees.

Unlawful adverse employment actions may include, but are not limited to, not hiring a qualified applicant due to his/her age, not promoting an employee due to his/her religious beliefs, denying an employee a raise due to his/her race, disciplining an employee more harshly than others due to his/her sex, and terminating an employee due to his/her national origin.

B. Workplace Harassment

Workplace harassment is unwelcome conduct that is directed to one or more persons in a **legally protected class** that interferes with their **participation in the workplace**. The offensive conduct must be *severe or recurring* such that it creates a work environment that a reasonable person would consider intimidating, hostile or abusive. Petty slights, annoyance, and isolated incidents (unless extremely serious) will not rise to the level of unlawful conduct.

Offensive conduct may include, but is not limited to, offensive jokes, slurs, epithets or name calling, physical assaults or threats, intimidation, ridicule or mockery, insults or put-downs, offensive objects or pictures.

C. Workplace Sexual Harassment

Sexual harassment is a specific type of workplace harassment. Since it is particularly destructive to the work environment it is more thoroughly addressed here.

Sexual harassment occurs when one or more persons are subject to unwelcome sexual advances, request for sexual favors, or other verbal, non-verbal, visual or physical harassment of a sexual nature that is so *severe or recurring* such that it creates a hostile or offensive work environment.

Sexual harassment includes sexually harassing others of the same and/or different gender, gender identity or gender expression.

Sexual harassment is unlawful whether it involves co-workers, supervisors, elected officials, or customers of the District.

Sexual harassment may include, but is not limited to:

1. Leering, making sexual gestures, or displaying derogatory and or sexually suggestive objects, pictures, cartoons, posters or drawings;

2. Sexually degrading language, derogatory comments, epithets, slurs, sexually explicit jokes or comments;
3. Verbal or non-verbal unwanted sexual advances or propositions;
4. Threatening or making reprisals after a negative response to sexual advances;
5. Offering employment benefits such as raises, promotions and job retention in exchange for sexual favors;
6. Unwanted physical conduct such as touching, massaging, pinching, patting, hugging; and
7. Physical interference with normal work or movement including impeding or blocking movement.

D. Hostile Work Environment

A hostile work environment is discrimination or harassment in the workplace in which comments or conduct based on a **legally protected class**, unreasonably interfere with **participation in the workplace**. To a reasonable person, the comments or conduct must be *severe or recurring* such that it creates an intimidating or offensive work environment. Isolated incidents, petty slights, occasional teasing or impolite behavior are generally not sufficient to create a hostile work environment.

Examples of a hostile work environment may include, but are not limited to, being subjected to daily racial slurs, recurring derogatory comments about job performance based on gender, continuous sexual advances or propositions, frequently receiving sexually explicit emails from a coworker, physical harassment like hitting, pushing, groping and other touching.

E. Workplace Retaliation

Workplace retaliation is when an employee is punished or negatively treated because the employee engaged in legally protected activity, including initiating a complaint of discrimination or harassment, providing information for, or assisting in, an investigation or refusing to follow orders that would result in discrimination or harassment. Retaliation can result from employment action taken by a supervisor, department head or the Board or from acts of other employees.

Examples of conduct that might be considered retaliation for engaging in protected activity include assigning the employee to less desirable tasks or shifts in the office, denying an employee a promotion or raise, socially isolating an employee, playing practical jokes on the employee, and allowing other employees to be critical of an employee for participating in a workplace investigation into alleged discrimination or harassment.

F. Responsibilities

1. Employee Responsibilities

Employees should report incidents of discrimination, harassment, sexual harassment, hostile work environment or retaliation as soon as possible after the occurrence. Reporting should be made to any of the following:

- Designated Official – (Director)
- Head Librarian
- Any Board Member
- Legal Counsel for the District

If the employee's supervisor is the subject of the incident, the employee should instead report the incident to one of the other listed persons. Reporting should be made regardless of whether the offensive act was committed by a supervisor, co-worker, vendor, visitor or customer.

2. Head Librarian/Director

All supervisors are expected to ensure that the work environment is free from unlawful discrimination, harassment, sexual harassment, retaliation or the development of a hostile work environment. They are responsible for the application and communication of this policy within their work areas. Supervisors should:

- Encourage employees to report any violations of this policy before the harassment becomes *severe or recurring*.
 - Make sure the Director or Head Librarian is made aware of any inappropriate behavior in the workplace.
 - Create a work environment where sexual and other harassment, discrimination, or retaliation is not permitted.
 - Correct any behaviors they observe that could constitute unlawful discrimination, harassment, sexual harassment or hostile work environment.
 - Report any complaint of unlawful discrimination, harassment, sexual harassment, retaliation or hostile work environment to the Designated Official.
3. The District designates the Director, or his/her designee, as the Designated Official who will be responsible for directing the procedures of this policy.

G. Procedure for Reporting and Investigating

The following steps must be followed to report and investigate incidents of unlawful discrimination, harassment, sexual harassment, retaliation, or the development of a hostile work environment.

1. A person who believes he/she has been unlawfully discriminated, harassed or retaliated against, or who observes or knows about behavior in the workplace that could be unlawful discrimination, harassment or retaliation, should report it to the Designated Official, his/her supervisor, Board member, or legal counsel for the District. The individual receiving the report must then forward it to the Designated Official. If the Designated Official is the subject of the complaint, the report must then be forwarded to one of the listed persons.
2. Once a complaint has been made, the complaint cannot be withdrawn by the complainant without a determination that it was made erroneously.
3. The Designated Official should promptly review the complaint and consult with legal counsel for the District and the Board.
4. In appropriate circumstances, the person who is alleged to have committed the offense may be placed on paid or unpaid administrative leave pending a resolution of the allegations.
5. The Designated Official, in consultation with legal counsel for the District, should engage a neutral party to investigate the complaint.
6. The investigator should interview the complainant, the person alleged to have committed the offenses, and any relevant witnesses to determine whether or how the alleged conduct occurred.
7. At the conclusion of the investigation, the investigator will submit a report of the findings to the Designated Official, who will then route it as appropriate.
8. The Designated Official and/or the appropriate supervisors and legal counsel for the District will meet separately with both the complainant and the person alleged to have committed the offenses to notify them in person of the findings of the investigation.
9. The complainant and the person alleged to have committed the offenses may submit written statements to the Designated Official and/or supervisors challenging the factual basis of the findings. Unless circumstances prevent, the statement must be submitted no later than 5 working days after the meeting in which the findings of the investigation are discussed.
10. After the Designated Official and/or supervisors have met with both parties and reviewed the documentation, and after consultation with legal counsel for the District, a decision will be made as to what action, if any, should be taken by the Board or department head.
11. At the conclusion of this complaint procedure, the complainant should be informed that appropriate action, if any, has been taken. Because disciplinary personnel

matters are confidential, details of the specific discipline should not be shared with the complainant.

H. Disciplinary Action

1. If it is determined that unlawful discrimination, harassment or retaliation has occurred, an appropriate course of action will be taken by the District. The action will depend on the following factors:
 - a. The severity, frequency and pervasiveness of the conduct;
 - b. The conduct of the respective employees;
 - c. Prior complaints made against the person alleged to have committed the offenses; and
 - d. The quality of the evidence (first-hand knowledge, credible corroboration etc.).
2. If problematic conduct is revealed in the investigation, corrective action may be taken even if the investigation is inconclusive or if it is determined that there has been no unlawful discrimination, harassment or retaliation.

I. Confidentiality

Confidentiality will be maintained to the fullest extent possible in accordance with applicable federal, state and local law. However, a complete and thorough investigation of the allegations will require the investigator to inform witnesses of certain aspects of the complaint in order to obtain an accurate account of the actions of the parties involved. The District's insurer may also be engaged to assist in all phases of any proceeding or investigation.

VI. GENERAL POLICIES

A. Attendance and Punctuality

It is important for employees to report to work on time and to avoid unnecessary absences. The District recognizes that illness or other circumstances beyond an employee's control may cause him/her to be absent from work from time to time. However, frequent absenteeism or tardiness may result in disciplinary action, up to and including discharge. Excessive absenteeism or frequent tardiness puts an unnecessary strain on co-workers and can have a negative impact on the success of the District.

Employees are expected to report to work when scheduled. Whenever an employee knows in advance that he/she is going to be absent, the employee should notify his/her immediate supervisor or the designated manager. If the absence is unexpected, the employee should attempt to reach his/her immediate supervisor as soon as possible, but in no event later than one hour before you are due at work. In the event the immediate supervisor is unavailable, the employee must speak with the supervisor's designated

representative. If the employee must leave a voicemail, he/she must provide a number where the supervisor may reach the employee, if need be.

B. Substance Abuse

The District recognizes alcohol and drug abuse as potential health, safety and security problems. The District expects all employees to assist in maintaining a work environment free from the effects of alcohol, drugs or other intoxicating substances. Compliance with this substance abuse policy is made a condition of employment, and violations of the policy may lead to discipline and/or discharge.

All employees are prohibited from engaging in the unlawful manufacture, possession, use, distribution or purchase of illicit drugs, alcohol or other intoxicants, as well as the misuse of prescription drugs on District premises or at any time and any place during working hours. While we cannot control your behavior off the premises on your own time, we certainly encourage you to behave responsibly and appropriately at all times. All employees are required to report to their jobs in appropriate mental and physical condition, ready to work.

Substance abuse is an illness that can be treated. Employees who have an alcohol or drug abuse problem are encouraged to seek appropriate professional assistance. You may inform your immediate supervisor, Director, or Board member for assistance in seeking help to address substance abuse.

When work performance is impaired, admission to or use of a treatment or other program does not preclude appropriate action by the District.

C. Relationship Policy

Any supervisor involved in a romantic relationship with a subordinate must immediately notify his/her superior or the Board of the existence of any such relationship. Efforts should be made to eliminate supervisory responsibility for one who is romantically involved with a subordinate. Employees involved in such relationship bear a responsibility to the District to cooperate in any effort to avoid the potential conflicts that can arise from such personal relationships in the workplace. Such relationship may result in a change of employment duties.

D. No Smoking Policy

The District buildings and facilities are non-smoking in accordance with state and federal requirements. Use of tobacco products of any kind or e-cigarettes is not allowed within all indoor spaces of the District's buildings and facilities or in District vehicles. Smoking is only permitted outside of District buildings and facilities at least 25 feet away from entrances.

VII. EMPLOYEE DISCIPLINE

A. Performance/Discipline Framework

The following framework provides discipline options that may be taken when an employee violates employment policies or fails to adequately perform his/her duties. Nothing contained herein is intended to change the at-will nature of the employee's employment or limit the reasons for which the employee may be disciplined, including termination of employment. Progressive steps may be implemented in order to encourage improved performance or attitude but are not required. The District may take any of the following disciplinary actions, or any other action, in any order when a supervisor deems an action or performance of the employee to be serious enough to warrant a certain discipline.

B. Disciplinary Actions Available

1. The following actions are among the disciplinary actions that may be taken in response to personnel policy violations or performance deficiencies:
 - a. Oral warning
 - b. Written warning or reprimand
 - c. Suspension without pay
 - d. Demotion
 - e. Dismissal
2. Conditions of maintaining employment that relate to particular performance/behavior issues may be established in conjunction with any of these actions.

C. Opportunity to be Heard—Proposed Discipline or Failure to Perform

1. All employees have the right to be heard in the event of contemplated demotion with a reduction in pay, suspension without pay or dismissal from employment related to job performance or conduct issues.
2. The opportunity to be heard is designed to be informal, allowing the employee to discuss the facts surrounding the proposed disciplinary action or performance-based personnel action and to provide any additional documentation that the employee believes would be helpful in explaining his/her actions, attitudes or behavior.
3. The following steps should be followed:
 - a. The employee will be provided with a written notice of the reasons for the proposed personnel action, along with an explanation of the District's supporting information.

- b. The written notice will include a date, time and place for the employee to be heard to discuss the proposed personnel action.
- c. The notice should state whether the employee is being placed on suspension pending the outcome of the opportunity to be heard, and whether any such suspension will be with or without pay.
- d. If the employee is unable to participate in the scheduled opportunity to be heard, he/she may request an alternate date. Any approved alternate date that falls after the originally scheduled date may continue the suspension without pay, at the discretion of the District.
- e. The employee must notify the District within two (2) business days of the date of the notice that he/she desires to be heard as scheduled. If notice of acceptance of the opportunity to be heard is not received within two business days, the opportunity to be heard will be vacated and deemed waived.
- f. As an alternative to an opportunity to be heard, the employee may choose to provide a written response to the bases for the proposed personnel action. This written response must be submitted no later than the scheduled date and time initially set for the opportunity to be heard.
- g. The opportunity to be heard, if chosen, will be conducted by the Board and will last no longer than one hour, unless otherwise approved by the Board. It will be limited to discussion of the issues contained in the notice and to any allegations by the employee of unlawful discrimination, harassment or retaliation in employment as provided for in the next section.
- h. The employee may have an attorney present and assist him/her at the employee's own expense. The employee must give the District notice at least twenty-four (24) hours before the hearing if he/she intends to have an attorney present.
- i. The employee will be allowed to present written statements from witnesses about the issues contained in the notice.
- j. The Board may ask the employee questions.
- k. The Idaho Rules of Evidence do not apply to the opportunity to be heard.
- l. There will be a record maintained, including a tape recording of the discussion.
- m. The Board will render a written decision after considering employee's responses, if any, to the allegations set out in the notice.
- n. Failure to participate in the opportunity to be heard constitutes a failure to exhaust administrative remedies under this policy.

D. Opportunity to be Heard—Name-Clearing Hearing

1. In addition to the pre-decision opportunity to be heard provided for in the previous section, a public employee who is being terminated, or demoted with a reduction in pay, based upon allegations of *dishonesty, immorality or criminal misconduct* is constitutionally entitled to a post-decision name-clearing hearing when one is requested.
2. Failure by the employee to pursue this hearing procedure constitutes a waiver of this opportunity.
3. Issues involving dishonesty, immorality or criminal misconduct are the only issues that will be heard in this procedure.
4. The procedure for the hearing is as follows:
 - a. Within 14 days of his/her termination or demotion, the employee may submit to the Board a written request for a name-clearing hearing and state the basis for it.
 - b. A request for hearing will be denied if the employee misses the deadline for submittal of the request or does not state a valid reason. An employee will be notified if a requested hearing is either granted or denied.
 - c. An employee granted a hearing will meet with the Board. The hearing will not exceed 1 hour in duration.
 - d. An audio recording of the hearing will be made and maintained as part of the personnel record.
 - e. The employee's supervisor may provide a brief written statement at least 24 hours prior to the hearing. The Board may require the supervisor to participate in the hearing.
 - f. The employee will be provided an opportunity to present evidence upon which the claims are based.
 - g. The Board may ask questions during this process.
 - h. The Idaho Rules of Evidence do not apply to this hearing.
5. After the hearing, the Board will consider the information submitted, and other information as might be in the District's records, to arrive at a decision and will issue a written statement setting forth the reasons for the decision.

VIII. HIRING POLICIES

A. Equal Employment Opportunity

1. All selection of employees and all employment decisions, including classification, transfer, discipline and discharge, will be made without regard to race, religion, sex, age, national origin, or non-job-related disability, or any other characteristic protected by law. No job or class of jobs will be closed to any individual except where a mental or physical attribute, sex or age is a bona fide occupational qualification.
2. All objections to hiring or other employment practices will be brought to the attention of the immediate supervisor, Director, Board or in the case of objection to actions undertaken by that person, to legal counsel for the District.
3. Employees can raise concerns and make reports without fear of retaliation. Anyone found to be engaging in any type of unlawful discrimination or retaliation will be subject to disciplinary action, up to and including termination of employment.
4. The District will endeavor to make reasonable accommodations for qualified individuals with known disabilities, unless doing so would result in an undue hardship. An employee should advise either the supervisor or department head if he or she requires an accommodation to enable the employee to perform the essential tasks of the job.
5. The District will also endeavor to make reasonable accommodations for its employees' religious needs and practices, including those related to appearance and observance of holidays. An employee should advise either the supervisor or the Board if he or she requires accommodation for religious reasons.

B. Preference for Hiring from Within

Qualified District employees may be given preference over outside applicants to fill vacancies in the work force without following the notice and selection procedures normally required for hiring new employees. If the internal preference process is used, it should be completed prior to seeking outside applicants for the position.

C. Veteran's Preference and Rights

1. The District will grant a preference to U.S. Armed Services veterans, or certain of his/her family members, in accordance with provisions of Idaho Code, Title 65, Chapter 5. In the event of equal qualifications for an available position, a veteran or family member who qualifies for the preference will be employed.
2. Employees who are qualified veterans returning to employment with the District following qualified military leave shall have the rights and responsibilities provided by Idaho Code §65-508 and the Uniformed Services Employment and Reemployment Rights Act, 38 U.S.C. §4301, et seq. The returning veteran will be restored to his/her position with the same seniority, status and pay that he/she would have had if there

had been no military leave. In addition, in accordance with the provisions of these laws, the veteran will not be discharged from his/her position without cause for a period of 1 year after the restoration of his/her employment with the District.

D. Nepotism/Hiring of Relative

1. No person will be employed by the District when the employment would result in a violation of provisions found in Idaho Code, including but not limited to I.C. Title 74, Chapter 4, I.C. §18-1359 and their successors. Any employment made in violation of these sections may be void. The appointment or employment of the following persons is expressly prohibited:
 - a. No Board member or other public servant, including employees, will appoint or vote for the appointment of any person related to him/her by blood or marriage within the second degree to any compensated office, position, employment or duty. This means no one related within the second degree to anyone involved in any way in the hiring process can be hired and/or that no one related to an applicant within the second degree can take part in the hiring process.
 - b. An employee who's relative is subsequently elected to the Board may be eligible to retain his/her position and receive pay increases as allowed by relevant provisions of Idaho law, including Idaho Code § 18-1359(5).

IX. EMPLOYEE PERSONNEL FILES

A. Personnel Records

1. The official employee records for the District will be kept by the District Clerk or Director.
2. The personnel files should contain records related to employee performance, employee status, and other relevant materials related to the employee's service with the District.
3. The employee's supervisor, Director, Board or the employee himself/herself may contribute materials to the personnel files deemed relevant to the employee's performance.

B. Access to Personnel Files

1. Only the employee's supervisors, the Board when acting as a board in the course of its official business, attorneys for the District, and the employee him/herself are authorized to view materials in a personnel file. Access of others to such files will be allowed only when authorized after consultation with legal counsel for the District.
2. Information regarding personnel matters will only be provided to outside parties with a release from the employee, when deemed necessary by legal counsel for the District, or pursuant to a Court order or a proper subpoena.

3. The District reserves the right to disclose the contents of personnel files to outside state or federal agencies, its insurance carrier or its carrier's agents for risk management purposes, or when necessary to defend itself against allegations of unlawful conduct.
4. Copies of materials in an employee's personnel file are available to that employee without charge, subject to exceptions provided by statutes.

C. Management of Information in Personnel Files

Each employee will be provided an opportunity to contest the contents of his/her personnel file at any time by filing a written objection and explanation that will be included in the file along with the objectionable material. In the sole judgment of the supervising official, after consultation with legal counsel for the District, any material may be removed upon a finding by the District that it is false or unfairly misleading. In general, there is a presumption that materials are to remain in personnel files accompanied by the employee's written objection and explanation to provide a complete employment history. Any such approved removal of information will be documented in writing and maintained in the employee's personnel file.

X. EMPLOYEE CLASSIFICATION

1. Part-Time Regular Employees

All employees of the Benewah County Free Library District are part-time employees. These employees work 20 hours per week or less. The exception to this is when a special event is held or if an employee travels to a conference or training which may last more than a day. Employees may work more than 20 hours per week if it is cleared in advance with the Director. Employees do not receive health insurance benefits. The number of hours worked may affect the employee's obligation to participate in certain mandatory state benefit programs. Certain benefits may not be available because qualifying thresholds have not been reached.

2. Fill – In Employees

Employees who work on an irregular basis are fill-in employees. Fill-in employees receive no health insurance benefits. These employees are asked to work when other employees are ill or have requested time off. Fill-in employees are guaranteed 8 hours of work per month.

XI. COMPENSATION POLICIES

A. Establishment of Employee Compensation

Employees are compensated in accordance with, and subject to, decisions of the Board as annual budgets are set and are subject to increase, reduction, or *status quo* maintenance for any time period. The Director may make suggestions about salary

compensation and other pay system concerns, but the final decision regarding compensation policy rests with the Board.

B. Compliance with State and Federal Pay Acts

The District will comply with all state and federal pay acts governing compensation of its employees.

C. Right to Change Compensation and Benefits

The District may change general compensation for any reason deemed appropriate by the Board. Compensation may also be adjusted based upon job performance and the availability of funds to maintain a solvent District budget. Hours worked may be reduced or employees may be laid off by the Board as necessary to meet budgetary constraints or as work needs change.

E. Reporting and Verifying Time Records

1. Each hourly employee is responsible to timely and accurately record time that he/she has worked in accordance with the procedures authorized by the Board and the payroll office. Each report of non-exempt employees must be signed manually or electronically by both the supervisor and the employee and must contain a certification that it is a true and correct record of the employee's actual time worked and benefits used for the time period covered. Any changes to the time record made by a supervisor or the payroll office to correct mistakes must be acknowledged by the employee. Exempt employees may be required to document time worked or benefits used for accountability purposes.
2. Any employee concerned about his/her compensation, rate of pay, payroll status, deductions, *etc.*, must communicate such concerns to the payroll office or his supervisor as soon as any such concern becomes evident. Documentation of any such issue should be maintained in the employee's personnel file.
3. Employees may not falsify their own timesheet or alter another employee's timesheet in any way. Employees must not under- or over-report hours worked by themselves or other employees, or conceal any falsification of time records, even if instructed to do so by a supervisor, the Board or other person. If instructed to do so, the employee must immediately report it to the legal counsel for the District.

F. Work Periods

The workweek for all non-exempt employees who are subject to the Fair Labor Standards Act (FLSA) begins at 12:00 a.m. on Sunday of each week and concludes at 11:59 p.m. of the succeeding Saturday.

G. Payroll Procedures and Paydays

1. Employees are paid monthly throughout the year. Paychecks are issued on the first day of each month. Paychecks compensate employees for work performed in the pay period preceding the week in which the check is issued.
2. Every effort will be made to ensure that employees are paid correctly. Occasionally, however, inadvertent mistakes can happen. Each employee must monitor the accuracy of compensation received and review his/her paper or electronic paycheck stub when received to make sure it is correct. Information shown on the employee's paycheck stub is provided for information only. Actual practices regarding the issuance of paychecks and allocation of employee benefits must be consistent with official policy of the District. In the event of disagreement between the computer-generated paycheck stub and official policy, as interpreted by the Board, the policy will prevail. Employees are obligated to call to the District's attention any such errors, whether to the advantage or disadvantage of the employee. When mistakes are made and are called to the District's attention, the District will correct the mistake as soon as possible.
3. Employees of the Benewah County Free Library District start at \$8.00 per hour unless otherwise determined by the Board or they are hired as the Head Librarian. The Head Librarian's pay is negotiable depending on experience. The first year of employment is a probationary year. Pay increases are given quarterly in .50 increments for the probationary year. The Library Board makes decisions regarding cost of living raises which are given at the start of the fiscal year which is October 1.

H. Compensation while Serving on Jury Duty or as a Witness in a Court Proceeding

1. The District encourages employees to fulfill their civic responsibilities by serving on jury duty when required. Leave will be granted, and full pay provided to employees called to serve as a court witness in matters specifically related to District operations or called to serve on jury duty.
2. Employees must show the jury duty summons or notice to their supervisor as soon as possible so that the supervisor can make arrangements to accommodate their absence. Employees are expected to report for work whenever the court schedule permits.

I. Military Leave

An unpaid leave of absence will be granted to an employee to participate in ordered and authorized field training in accordance with Idaho Code §§ 46-407 and 46-409, and the Uniformed Services Employment and Reemployment Rights Act (USERRA).

J. Payroll Deductions

No payroll deductions will be made from an employee's paycheck unless authorized in writing by the employee or as required by law (Idaho Code § 45-609).

K. Travel Expense Reimbursement

An employee on approved District business will be reimbursed for expenses incurred in completing his/her assignment in accordance with the policies established by the Board. Each employee is responsible for providing verified receipts for any expenses for which reimbursement is requested.

L. On-the-Job Injuries

Employees are covered by worker's compensation insurance for on-the-job injuries. All on-the-job injuries must be reported to the employee's supervisor as soon as practicable so that a worker's compensation claim can be filed. Return to employment will be authorized on a case-by-case basis in consultation with the supervising official and the State Insurance Fund and may require a fitness for duty medical review. Concerns associated with injured worker status may be brought before the supervisor or Board for review.

M. Holidays

The libraries are closed on recognized holidays and staff is not paid for these days. If a staff member chooses to work on one of these days to keep the library open they are paid normal wages for the day. This must be cleared with the staff member's immediate supervisor before the holiday.

Recognized Holidays:

New Year's Day	Labor Day
Martin Luther King, Jr./Human Rights Day	Columbus Day
Presidents' Day	Veteran's Day
Memorial Day	Thanksgiving Day
Independence Day	Christmas Day

XII. Family Medical Leave Act (FMLA)

IMPORTANT NOTE FOR LESS THAN 50 EMPLOYEES!

A. Eligibility Requirements

To be eligible for FMLA benefits, prior to any leave request, the employee:

1. must have worked for the District for at least 12 months, which in some circumstances may include separate periods of employment with the District;
2. must have worked at least 1,250 hours for the District during the previous 12 months; and
3. the District must employ at least 50 employees within 75 miles of the employee's workplace.

B. Employees Not Eligible

Since the District does not employ at least 50 employees, FMLA DOES NOT apply to District employees, and they are not entitled to 12 weeks of job protected FMLA leave.

XIII. AMERICANS WITH DISABILITIES ACT

A. Eligibility

The Americans with Disabilities Act (ADA) and the Americans with Disabilities Amendments Act (ADAAA) prohibit employers with 15 or more employees from discriminating against individuals with disabilities.

B. Reasonable Accommodation

The District will reasonably accommodate qualified individuals with a disability so that they can perform the essential functions of a job, unless:

1. doing so causes a direct threat to these individuals or others in the workplace, and the threat cannot be eliminated by reasonable accommodation; or
2. the accommodation creates an undue hardship to the District.

Employees should contact their supervisor or the Human Resources Office with any questions or requests for accommodation.

XIV. FITNESS FOR DUTY EXAMS

A. Safe Work Environment

The District is committed to maintaining a safe and productive workplace. Every employee is required to report to work fit to perform his/her job in a safe, appropriate and effective manner.

B. Conditions for Exam

The District may require a fitness for duty evaluation as part of a physical exam of the employee to determine the employee's physical, mental and emotional readiness to perform the essential functions of his/her job with efficiency and safety for himself/herself and others. Fitness for duty evaluations may be done in the following circumstances:

1. following a conditional offer of employment;
2. prior to return to work following a leave related to injury or illness;
3. when an employee expresses concern about his/her ability to perform the functions of his/her job; or
4. when there is reasonable belief that the employee can safely perform the functions of his/her job.

XV. IDAHO WHISTLEBLOWER PROTECTION

A. Scope

Idaho Code, Title 9, Chapter 21, provides protections to public employees who experience adverse employment actions as a result of the good faith reporting of the existence of any waste of public funds, property or manpower, or of a violation, or suspected violation, of law, rule or regulation of the District, state of Idaho or the United States of America.

B. Reporting

Any such report must be made at a time, and in a manner, which gives the District a reasonable opportunity to correct the waste or violation.

C. Protection

The District may not take adverse action against an employee because the employee in good faith reports the suspected waste or violation, or participates or gives information in an investigation, hearing, court proceeding or any other form of administrative review of the report.

D. Enforcement of Rights

If the employee believes that he/she has experienced an adverse employment action protected by the Whistleblower Act, he/she may bring a civil action in District Court within 180 days of the occurrence of the violation of the Act.

XVI. SEPARATION FROM EMPLOYMENT

A. Reductions in Force (RIF)

When financial circumstances or changes of workload require, the District may reduce forces in such manner as it deems necessary to maintain the effective functioning of the District services. Employee assignments may be affected by reductions in force made due to economic conditions or to changes in staffing and work needs. The Board may make any changes in the work force or assignment of resources deemed to be in the District's best interests.

B. Exit Interview

Each employee who terminates from employment is encouraged to participate in an exit interview with the designated representative of the District. In such interview, the District should notify the employee when final pay will be issued. The employee should be invited to inform the interviewer about his/her impressions of employment. An employee exit form may be completed and will be retained in the employee's personnel file.

C. Resignation Policy

1. Written and oral resignations are effective upon receipt by a supervisor, director or the Board. Oral resignations should be immediately documented by the person receiving the resignation. Evidence of the written or oral resignation should be provided to the employee and placed in the employee's personnel file.
2. Employees who have unexcused or unauthorized absences of 3 or more working days in a row may be considered to have resigned through abandonment of his/her position. If an employee's words or actions indicate an intent to resign, including having an unexcused or unauthorized absence of 3 or more working days in a row, the District will consider the employee as having resigned and immediately notify him/her of such.

ADOPTED this 9 day of June, 2021.

Board of Benewah County Free Library District Trustees:

Maria Bergant
Chair

6/9/2021
Date

Shelly M. Jammons
Board Member

Susan Elson
Board Member

Attest: Kenise J. Cook
Clerk