**EAST CENTRAL ARKANSAS REGIONAL LIBRARY**

**EMPLOYMENT POLICY**

**(Rev. 11/15)**

**Notice: By adopting this policy, the Regional Library Board chooses at will employment as the default employment policy for the Library. The Regional Library Board acts as a legislative and supervisory body on behalf of the Quorum Courts of Cross and Woodruff Counties. “A county acting through its Quorum Court may exercise local legislative authority not denied by the Constitution or by the law.”**

**Subsection 1(a) of Amendment 55. The Quorum Court may “adopt ordinances necessary for the government of the county.” Section 4 of Amendment 55. A county government, acting through its county quorum court, may exercise local legislative authority not expressly prohibited by the Arkansas Constitution or by law for the affairs of the county. These powers include, but are not limited to, the power to: i) fix the number and compensation of deputies and county employees; ii) fix the compensation of each county officer within a minimum and maximum to be determined by law; exercise other powers, not inconsistent with law, necessary for effective administration of authorized services and functions. A.C.A. 14-14-801. The Quorum Court’s legislative power expressly includes “any legislative authority with regard to employee policy and practices of a general nature, including, but not limited to, establishment of general vacation and sick leave policies, general office hour policies, general policies with reference to nepotism, or general policies to be applicable in the hiring of county employees. A.C.A. 14-14-805(2). These constitutional and statutory provisions charge the quorum court with responsibility for shaping general policy on such uniformly applicable issues as leave and vacation time and normal working hours. This assignment of responsibility is consistent with the quorum court’s role as the guardian of the public fisc.**

**Based on the “Arkansas Regional Library Law”, ACA 13-2-905. Powers and duties of Regional Library Boards include: (A) Adopt such bylaws, rules and regulations, and policies for their own guidance, including personnel policies, and for the governing of the regional library system as they deem reasonable and necessary; (D) Employ a system director (Executive Director), who shall serve at the will of the board, which shall prescribe his or her duties and fix his or her compensation. The Regional Library Board employees the system director based on the following requirements: (c)(1) There shall be one (1) regional library director for each system. (2) The director shall have a master’s degree from an accredited American Library Association program. (3) The system director shall administer and establish procedures in accordance with policies established by the board. (4) The director’s duties shall include: (A) Employment and supervision of system staff; (B) Financial and statistical management of the system, including initial preparation of the annual budget; (C) Reporting to the board on system operations and services; and (D) Other acts necessary for the orderly and efficient administration of the system. The “Arkansas Regional Library Law also states: (d)(1) If not provided for by the system or by one (1) of the participating jurisdictions of the system, all eligible employees of a system shall be entitled to comparable fringe benefit and retirement benefit coverage as are other county employees in the headquarters county. (2) Costs for these benefits shall be apportioned among the participating municipalities and counties of the system.**

1. PURPOSE [modified on 09/2/14]

1. The purpose of this document is to establish at-will employment as the default employment policy for the East Central Arkansas Regional Library and to state the **General Employment Policies** issued by the Library Board in its capacity as a representative of the Cross and Woodruff County governments. The General Employment Policies set forth herein apply uniformly to all Library employees because they relate exclusively to “employee practices and policies of a general nature.” *Source*: AG Opinion 2000-151.
2. Each and every Library employee is entitled to request a hearing before the Library Board’s

Personnel Committee in the event the employee believes that the executive decision of the Executive Director or supervisor violates the Constitution, the Law, or the General Employment Policy duly adopted by the Library Board.

1. Nothing in the General Employment Policy adopted by the Library Board creates a property right in employment nor establishes grounds upon which discipline or dismissal must be based.

# 2. GENERAL LIBRARY POLICY

1. The Library System is to treat all employees and citizens in a manner that is: (1) rationally related to the effectuation of legitimate library objectives and (2) uniformly applied to all persons similarly situated.
2. No official or employee of the Library is to abuse or misuse his or her governmental power.
3. No official or employee is to engage in any overt act that is either illegal (contrary to applicable statutes or judicial rulings) or unconstitutional (contrary to the U.S. Constitution or the Arkansas Constitution).
4. No official or employee is to omit the performance of any duty that is *affirmatively* required by applicable laws (statutes or judicial rulings).
5. No official or employee of the Library shall “be interested, either directly or indirectly, in any contract or transaction made, authorized, or entered into on behalf of the Library…or accept or receive any property, money, or other valuable thing, for his [or her] use or benefit on account of, connected with, or growing out of any contract or transaction of the Library.” Ark. Code Ann. 14-14-1202.
6. No official of the Library is to engage in any act that would constitute “corruption, gross immorality, criminal conduct, malfeasance, misfeasance, or nonfeasance in office.” Ark. Code Ann. 14-14-1311.
7. Each employee of the Library is to fully and completely administer the day-to-day affairs of his or her job on behalf of the Library, in a manner that is in accord with applicable laws (statutes or judicial rulings), the constitutions (U.S. and Arkansas), and this general Library policy.

# 3. LIBRARY EMPLOYMENT POLICY

1. Pursuant to its authority as allowed by the “Arkansas Regional Library Law”, the Regional Library Board adopts “at will” employment as the default employment policy for each Library employee. At will employment is not for a specific period of time and employment may be terminated at any time, without notice or liability of any kind (except for wages earned and unpaid) and with or without cause. If, notwithstanding this document, any employee contends that he or she has a property right in his or her employment or a substantial expectancy of continued employment (express, implied, written, or oral) until “just cause” exists for reduction or removal in pay or position, then that employee shall assert such contention at a “property right” grievance hearing requested in the time and manner set

forth in this policy.

1. It is the Library’s policy to provide equal opportunity for all qualified persons; to prohibit unlawful discrimination in employment practices, compensation practices, personnel procedures, and administration of benefit plans; and to otherwise provide the same or similar treatment and opportunities to all persons similarly situated.

# 4. DISCIPLINARY ACTION

In the case of inappropriate behavior or inferior performance, the Library System will utilize a system of progressive discipline in attempts to correct behavior and/or performance issues. The steps of this system of progressive discipline are as follows:

1. Verbal Warning
2. Written Warning/Corrective Counseling
3. Suspension without pay (for a period set by the Library Director from 3 days up to two weeks) D. Reduction of Pay

E. Removal of Position (Termination)

The Executive Director may use one or multiple steps within this progression depending on the severity of the offense. The Executive Director or the Regional Library Board may reduce or remove pay or position for any reason that is rationally related to the effectuation of any conceivable legitimate library objective.

A. Examples: It is not possible to list all "rational bases" for disciplinary action; however examples include (without limitation):

1. Misrepresentation, dishonesty, or self-dealing conduct;
2. Insubordination, including the failure or refusal to follow the legal orders of your supervisor or other supervisors;
3. Negligent, reckless, knowing, or intentional destruction of library property;
4. Abuse or misuse of your position as a library employee;
5. Any conduct, acts, or omissions that interfere with or impair your ability to properly and effectively perform your duties as a library employee;
6. Fraud in securing appointment;
7. Incompetence or poor performance;
8. Inefficiency;
9. Improper attitude;
10. Neglect of duty;
11. Drunkenness while on duty or being impaired while on duty due to the misuse or abuse of illegal or prescription drugs;
12. Conviction of a felony;
13. Discourteous treatment of the public;
14. Willful disobedience;
15. Political activity while working;
16. Misuse of government or library property;
17. Misuse of sick leave benefits, including an employee using sick leave for a reason other than

those stated. Failure to regularly attend work, or failure to notify the Director of an upcoming absence.

1. Tardiness;
2. Any other violation of the policies in this handbook

In the event that Removal of Position (Termination) is necessitated, the Executive Director shall consult with the Regional Board Chair prior to taking action, and report such actions to the Board of Trustees.

# 5. CONSTITUTIONALLY PROTECTED CONDUCT

1. It is the policy of the Library System not to violate the Constitution or the laws of Arkansas or the United States.
2. Should any applicant or employee contend that he or she has been unlawfully discriminated against because of race, color, religion, gender, national origin, age, or disability or that he or she has been unlawfully punished for the exercise of a constitutionally protected liberty right (e.g., free speech, free association, political patronage, access to courts, privacy, etc.) or treated in any other unlawful or unconstitutional manner, the applicant or employee shall request, in the time and manner set forth in the Library employment policy, a “liberty right" hearing before the Library Board’s Personnel Committee to provide the Board as final policymaker with authority an opportunity to learn of the alleged unlawful discrimination or unlawful punishment and to thereby have an opportunity to voluntarily conform the conduct of library officials and employees to the requirements of library policy.

# 6. HIRING AND PROMOTING

A. The at-will employee policy set forth herein applies equally to hiring and promoting. Nothing herein shall create a property right in employment, entitlement to be hired or promoted, or any expectancy of continued employment. Nothing herein establishes grounds upon which hiring or promoting must be based.

B. Prospective employees who are required to register with the selective service system must certify compliance with the Military Selective Service Act as a condition for employment.

# 7. EMPLOYEE BENEFITS

Eligibility for paid leave or other employee benefits does not create any property right in employment or any expectancy of continued employment.

# 8. INFORMAL PROCEDURE FOR REPORTING/RESOLVING PERCEIVED HARRASSMENT

1. This policy provides an informal procedure for reporting any conduct or condition perceived to be race, color, religion, gender, sex, sexual orientation, national origin, age, or disability harassment to enable the library administration to receive timely notice and to act affirmatively, if needed, to assure compliance with the law. If this informal procedure does not achieve the desired result, the affected person should utilize the Grievance Hearing procedure to bring the matter before the Library Board’s Personnel Committee.
2. Race, color, religion, gender, sex, sexual orientation, national origin, age, or disability harassment (by conduct or condition) is prohibited.
3. If you consider a library official’s or an employee’s conduct or a workplace condition to be race, color, religion, gender, sex, sexual orientation, national origin, age, or disability harassment, report it immediately to any supervisor or the Executive Director.
4. The supervisor receiving any such report shall report the matter to the Executive Director or officials which, for the implementation of this procedure, shall be the official(s) responsible for managing the day-to-day affairs of the library in which the alleged harassment occurred or in which the alleged harasser works.
5. Any supervisor or the Executive Director, upon receiving any report of race, color, religion, gender, sex, sexual orientation, national origin, age, or disability harassment shall take appropriate action to remedy any race, color, religion, gender, sex, sexual orientation, national origin, age, or disability harassment and shall respond to the person reporting the matter so the person originating the report can be informed of the action taken.
6. If the person reporting the alleged harassment is not satisfied with the action taken or if the alleged harassment continues, that person shall report the matter to Library Board’s Personnel Committee, in writing.
7. If the person reporting the alleged harassment is not satisfied with the action taken or if the alleged harassment continues, that person shall report the matter to the Cross County Prosecuting Attorney or Deputy Prosecuting Attorney.
8. Except to the extent needed to implement this policy and remedy the alleged harassment, the identification of the person reporting the conduct or condition shall remain confidential.
9. Reporting conditions or conduct reasonably believed to be prohibited harassment shall not adversely affect the reporting citizen or employee.

# 9. GRIEVANCE HEARING PROCEDURE

CAVEAT: The purpose of this Grievance Hearing Procedure is to establish a required procedure to resolve applicant and employee grievances, and to thereby enable the Library to voluntarily conform the conduct of Library officials and employees to the requirements of Library policy. If the applicant or employee does not follow this affirmatively required grievance hearing procedure, the Library System will raise waiver and estoppel as affirmative defenses to any claims against the Library System filed by the applicant via any administrative or judicial procedures otherwise available for redress of grievances.

1. Availability of Property Right Hearings

* 1. At-will employment may be terminated by either the Library System or the employee at any time without prior notice, without cause, and without any property right hearing.

* 1. Any claim that any employee is a permanent employee or that the employee has a

constitutionally protected property right in employment, entitling the employee to continued employment until "just cause" for discipline or dismissal is proved by the Library System at a pre-deprivation hearing, must be timely asserted in writing by the affected employee in accordance with this Grievance Hearing Procedure, or the property right claim will be waived by the employee.

1. Availability of Liberty Right Hearings

* 1. Any claim of illegal employment discrimination on the basis of race, color, religion, gender, national origin, sex, sexual orientation, age, or disability or because the Library System is acting in a manner that is arbitrary, capricious, or unreasonable, in hiring, compensation, conditions of employment, discipline, or dismissal must be timely made in writing by the affected applicant or employee in accordance with this grievance hearing procedure.

* 1. Any claim that any employee treatment, discipline, or dismissal is un-constitutional

punishment due to the employee's exercise of a constitutionally protected “liberty right" or other constitutionally protected activity of the employee must be timely made in writing by the affected employee in accordance with this grievance hearing procedure.

* 1. Any claim that any employee treatment, discipline, or dismissal is contrary to the public policy of Arkansas must be timely made in writing by the affected employee in accordance with this grievance hearing procedure.

1. Availability of Name Clearing Hearings

Any claim that any employee's liberty interest in future employment has been damaged as a result of any "stigmatizing charge" publicly communicated by the Library System must be timely asserted by the affected employee in accordance with this grievance hearing procedure.

1. Availability of Hearings Generally

* + 1. A grievance hearing requested by an applicant or employee is not required to be held unless it is timely requested in the manner required by this Grievance Hearing Procedure and required by the constitution or by this policy.

* + 1. Neither liberty rights nor property rights are created by this document.

* + 1. The Library System may, in its discretion, hold a hearing prior to any decision or deprivation.

1. Timely Requests for Grievance Hearings

* + 1. It is the applicant's or employee's duty to request a grievance hearing.

* + 1. The applicant or employee must timely file a written grievance hearing request after any claimed deprivation of the applicant's liberty or employee's liberty or property, or any right to a hearing or to object to the deprivation shall be waived.

* + 1. The grievance hearing request should state, in writing:

* + - 1. the grievance for which a hearing is requested;
      2. the factual basis of the grievance; and
      3. the relief sought

* + 1. The written grievance hearing request shall be delivered to the Library Board’s Personnel Committee in care of the Executive Director no later than four-thirty o'clock *(4:30)* p.m. on the third full business day (weekends and holidays excluded) after any claimed deprivation for which a grievance hearing is requested.

* + 1. Any dismissal decision shall automatically be a suspension with pay for three full business days (weekends and holidays excluded) during which time the employee subject to dismissal may request a pre-deprivation hearing, in which case the suspension with pay shall continue until the conclusion of the Library Board Personnel Committee hearing. (In no event shall a suspension with pay status extend more than 14 days, unless the suspension with pay status is extended by decision of the Library Board’s Personnel Committee. All accrued but unpaid leave time will automatically run concurrent with the period of suspension with pay, unless the employee prevails in his or her grievance.)

Any discipline decision that will result in reduction or removal of pay or position shall automatically be deferred for three full business days (weekends and holidays excluded) during which time the employee subject to discipline may request a pre-deprivation hearing, in which case the deferral shall continue until the conclusion of the Library Board’s Personnel Committee hearing.

* + 1. The Personnel Committee shall respond in writing to all timely submitted Grievance Hearing

Requests stating:

* + - * 1. the time and place of the hearing, if the hearing request is granted, and
        2. the reason for denial, if the hearing request is denied.

1. Hearing Procedures:

* + 1. NOTICE: After an employee requests a grievance hearing, the employee shall be notified of the date, time, and place of hearing.

* + 1. SUSPENSION WITH PAY: If it is determined that the grieving employee should continue

to work until the hearing is concluded, the employee may be requested to perform duties for the benefit of the Library with pay pending the outcome of the hearing.

* + 1. HEARING RECORD: The hearing may be reported by a court for transcription upon request by either party at the expense of the requesting party. Otherwise, a tape recording of the hearing shall be kept.

* + 1. PROCEDURAL ISSUES: At the hearing, on the record, the parties shall suggest any desired hearing procedures and state any complaints regarding:

a) the notice; b) the date, time, or place of the hearing; c) the opportunity to refute fairly the charges; and d) the impartiality of the decision maker(s).

5. RULES OF PROCEDURE AND EVIDENCE: Informal rules of procedure and evidence (A.C.A. 25-15-208) shall be followed:

* + - 1. witnesses shall testify under oath;
      2. parties shall be allowed, at their expense, to obtain and use legal counsel for representation;
      3. parties shall be allowed to obtain and use the presence of witnesses for examination, cross-examination, and rebuttal; and
      4. parties should be granted a reasonable continuance if requested prior to the hearing in writing and if reasonably necessary for stated reasons to prepare adequately for the hearing.

* + 1. PUBLICATION: The Library Board’s Personnel Committee shall hear the evidence offered by the parties, hear any argument desired by the parties, and vote without public discussion or deliberation. Only the decision and not the factual or legal reasons therefore, shall be announced publicly. The hearing shall be held in public if so required by the Freedom of Information Act; however, the employee may, at any time, decline the hearing and accept the intended discipline or dismissal.

* + 1. CONFIRM IN WRITING: After the hearing, the grieving applicant or employee shall be sent a letter stating the factual and legal bases found by the Library Board’s Personnel Committee for any refusal or removal of pay or position.

1. Hearing Issues and Burdens of Proof:

1. Property Interest Hearings

* + - 1. Since this Library System employment policy affirmatively creates at-will employment as the default employment policy of the Library System, the employee has the burden of proving by a preponderance of the evidence that he or she has a

property interest in his or her employment.

* + - 1. Where the employee meets his or her burden of proof, the supervisory

official has the burden of proving “just cause" for the supervisory officials’ intended discipline or dismissal of the employee.

2. Liberty Interest Hearings

a. Claim of Arbitrary Discrimination (Unequal Treatment)

The grieving employee has the burden of proving by a preponderance of the evidence that he or she is being treated differently than another person otherwise similarly situated with the employee.

Where the employee meets his or her burden of proof, the supervisory official has the burden of proving by a preponderance of the evidence that the reason for the difference in treatment is rationally related to the effectuation of a legitimate Library objective.

b. Claim of Unconstitutional Punishment

The employee has the burden of proving by a preponderance of the evidence that he or she has engaged in constitutionally protected conduct that was a substantial or motivating factor in any adverse employment decision, discipline, or dismissal.

Where the employee meets his or her burden of proof, the supervisory official has the burden of proving that the adverse employment decision, discipline, or dismissal would have occurred even in the absence of the Constitutionally protected conduct.

c. Claim of Discrimination due to Race, Color, Religion, Gender, Sex, Sexual Orientation or

National Origin

The grieving applicant/employee has the burden of proving by preponderance of the evidence that he or she is being treated or effected differently than another person who, other than for race, color, religion, gender, sex, or national origin, is similarly situated with the applicant or the employee.

Where the applicant or employee meets his or her burden of proof, the supervisory official has the burden of proving by a preponderance of the evidence that the proven inequality of treatment or effect is necessary to effectuate a compelling Library objective.

d. Claim of Discrimination Due to a Disability

* + - * 1. The grieving applicant or employee has the burden of proving by a preponderance of the evidence that he or she is a qualified individual with a disability who, because of the disability, is being treated or effected differently than another person in regard to job application, procedures, advancement, dismissal, compensation, training, or other terms, conditions, or privileges of employment.

* + - * 1. Where the applicant or employee meets his or her burden of proof, the supervisory official has the burden of proving by a preponderance of the evidence that the proven difference in treatment or effect is job-related and necessary to effectuate a legitimate county objective, that performance of the job cannot be accomplished by reasonable accommodation, or that the needed accommodation would result in undue hardship on the Library System.

* + - * 1. Definitions: The following definitions apply to claims of discrimination due to a disability.

a. “Disabled" or "disability": A physical or mental impairment that substantially limits one or more of the major life activities of an individual; having a record of such an impairment; or being regarded as having such an impairment.

b. “Regarded as having such an impairment": includes those with conditions such as obesity or cosmetic disfigurement, and individuals perceived to be at high risk of incurring a work-related injury.

c. “Discrimination” includes:

(1) Limiting, segregating, or classifying a job applicant or employee in a manner that adversely affects his or her opportunities or status; Participating in contractual or other arrangements that have the effect of subjecting individuals with disabilities to discrimination;

(2) Using standards, criteria, or methods of administration in such a manner that results in or perpetuates discrimination;

(3) Imposing or applying tests and other selection criteria that screen out or tend to screen out an individual with a disability or a class of individuals with disabilities unless the test or selection criteria are job-related and consistent with business necessity;

(4) Failing to make reasonable accommodations to the known limitations of a qualified individual with a disability, unless the covered entity can demonstrate that an accommodation would impose an undue hardship on the operation of the business;

(5) Denying employment opportunities because a qualified individual with a disability needs reasonable accommodations.

d. “Reasonable accommodation" examples include:

(1) Making existing facilities used by employees readily accessible to the disabled;  
(2) Job restructuring;

(3) Flexible or modified work schedules;

(4) Reassignments to other positions; and

(5) The acquisition or modifications of equipment or devices.

e. “Undue hardship": an action requiring "significant difficulty or expense,” considering:

The overall size of the Library System with respect to the number of employees, number and type of facilities, and size of the budget;

The type of operation maintained by the Library System including the composition and structure of the work force of that entity; and

The nature and cost of the accommodation needed.

f. “Qualified individual with a disability”: an individual with a disability who, with or without reasonable accommodation, can perform the “essential functions” of the employment position held or desired.

e. Claim of a Completely Arbitrary Decision

1. The grieving employee has the burden of proving by a preponderance of the evidence that the action taken against him or her is not rationally related to the effectuation of any conceivable legitimate governmental objective of the Library System.

2. Where the employee meets his or her burden of proof, the supervisory official has the burden of proving by a preponderance of the evidence that the action taken against the grieving employee is rationally related to the effectuation of a conceivable legitimate governmental objective of the Library System.

3. Name Clearing Hearings

(a) The grieving applicant or employee has the burden of alleging that a “stigmatizing charge” has been publicly communicated by the Library System or a Library System official or employee and requesting an opportunity to publicly clear his or her name.

(b) Where the applicant or employee meets his or her burden of proof, the Library System shall provide the applicant or employee a public hearing opportunity to clear his or her name.

# 10. LIBRARY BOARD PERSONNEL COMMITTEE

1. The purpose of the grievance hearing is to enable the Library Board, through its Personnel Committee, to hear from both the employee and the employee's supervisory official and to thereafter determine whether or not an executive decision of the official or employee violates the Constitution or the Law. If the decision being challenged in the Grievance Hearing process is determined by the Personnel Committee to violate the Constitution or the Law, then the Committee shall declare the decision to be unconstitutional or illegal and shall direct the supervising official to modify that executive decision to conform that decision to the requirements of the Constitution or the Law.

1. The Committee is not to substitute its operational judgment for that of any library official if the decision of the library official or employee does not violate the Constitution or the Law.

# 11. RELEASE OF EMPLOYEE GRIEVANCE RECORDS

Public access to employee grievance records is authorized only if approved by the effected employee or authorized by the Arkansas Freedom of Information Act.

# 12. FMLA LEAVE POLICY

1. Purpose. The purpose of the Family and Medical Leave Act (FMLA) of 1993 is to balance the needs of families with the demands of the workplace. It was designed to promote our country's interest in preserving family unity while accommodating the legitimate interests of employers.

1. Equality. The FMLA legislation seeks to minimize the potential for employment discrimination on the basis of gender consistent with the Equal Protection Clause of the Fourteenth Amendment by assuring that leave is available when necessary for both men and women.

1. Basic Leave Entitlement. The Library System will provide up to twelve (12) weeks of unpaid, job-

protected leave per year to eligible employees for certain family and medical reasons.

1. Eligible employees. Employees are eligible for FMLA leave if they have been employed for at least one year, and have worked at least 1,250 hours during the previous twelve (12) months, and if the employee works at a location where at least 50 employees are employed at the location or within 75 miles of the location.

1. Purposes for which basic family medical leave can be taken. Eligible employees are entitled to take up to twelve (12) weeks of unpaid, job-protected FMLA leave per year for any of the following reasons:

* 1. for incapacity due to pregnancy, prenatal medical care or child birth;
  2. to care for the employee’s child after birth, or placement for adoption or foster care;
  3. to care for the employee's spouse, son or daughter, or parent, who has a serious health condition; or
  4. for a serious health condition that makes the employee unable to perform his or her job.

1. Purposes for which military family leave can be taken.

* 1. Eligible employees with a spouse, son, daughter, or parent on active duty or call to active duty status in the National Guard or Reserves in support of a contingency operation may use their 12-week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.

* 1. FMLA also includes a special leave entitlement that permits eligible employees to take up to 26 weeks of leave to care for a covered service member during a single 12-month period. A covered service member is a current member of the Armed Forces, including a member of the National Guard or Reserves, who has a serious injury or illness incurred in the line of duty on active duty that may render the service member medically unfit to perform his or her duties for which the service member is undergoing medical treatment, recuperation, or therapy; or is in outpatient status; or is on the temporary disability retired list.

1. Intermittent leave. Eligible employees may take FMLA leave on an intermittent basis or work a reduced work schedule when medically necessary. Employees must make reasonable efforts to schedule leave for planned medical treatments so as not to unduly disrupt work operations. Leave due to qualifying exigencies may also be taken on an intermittent basis.

1. Notice required. Notice must be provided to the employee’s department head, and the Executive Director, of the employee’s intention to take FMLA leave, at least thirty *(30)* days in advance, if the need to take leave is foreseeable. When thirty *(30)* day’s notice is not possible, the employee must provide notice as soon as practicable and must generally comply with their supervisor or department head’s normal call-in procedures. The notice must provide sufficient information in order to determine if the leave may qualify for FMLA and the anticipated timing and duration of the leave. The notice must also state whether or not the requested leave is for a reason for which FMLA leave was previously taken.

1. Medical certification. The Library System requires medical certification to support a request for FMLA leave that is necessary due to the employee’s own serious health condition or that of a family member. The Library System may, at the Library System’s expense, require a second medical opinion. If the first and second opinion differ; the Library System may request a third opinion, at the Library System’s expense, which is then binding.

1. Continuation of benefits. For the duration of FMLA leave, the Library System will maintain the employee’s group health insurance coverage under the same terms and conditions as if the employee were working. The employee will still be required to pay his or her share of the premium. Leave under this Act is not a "qualifying event” under COBRA. If the employee does not return to the job at the end of the FMLA

leave, the employee shall be liable to the Library System for re-payment of health insurance benefits paid by the Library System during the employee's FMLA leave.

1. Return to the job. Upon return from FMLA leave, an employee is entitled to be restored to their original or equivalent position with equivalent pay, benefits and other employment terms and conditions.

1. Concurrent leave. FMLA leave will automatically run concurrent with all other available paid leave time.

# 13. OVERTIME

1. As authorized by the Fair Labor Standards Act (FSLA), overtime compensation pay will be allowed to non-exempt employees for time worked in excess of the normal work period.

1. The normal work period shall be 40 hours per workweek for all employees, except employees designated as part time employees. The normal work week for part time employees shall be those hours advertised within the job vacancy notice.

1. Only employees defined by the Fair Labor Standards Act (Title 29, Part 541of the Code of Federal Regulations) as "non-exempt" (other than bona fide executive, administrative, or professional capacity) will be entitled to overtime compensation.

1. The Library System’s non-exempt employees shall receive compensatory time at a rate of one and onehalf times the time worked in excess of the normal work period.

1. No overtime hours shall be worked without the approval of the Executive Director or such supervisory personnel designated by the Executive Director to approve the overtime.

1. Paid leave days shall not count toward calculating overtime unless the employee actually worked on a paid leave day (a holiday worked by an employee).

1. A person who accepts employment with the Library System or continues in its employment shall be considered or deemed to have agreed to receive compensatory time off in lieu of overtime pay.

# 14. ELIGIBILITY FOR EMPLOYMENT

1. The Library System is an equal opportunity employer and Library System policy is to comply with the provisions of all state and federal non-discrimination requirements.

1. Applications for employment will be accepted from any person who wishes to apply upon forms provided by the Library System, however, persons desiring to become employees of the Library System must meet state and federal guidelines with regard to age.

1. Applicants shall possess or obtain at their own expense any special certification or permits which may be required by law to perform the job they are seeking. (Example, a commercial driver’s license, juvenile probation officer certification, etc.)

1. All hiring shall be done by the Executive Director or designated supervisors, with the exception of the Executive Director, who is hired by the Board of Trustees.

1. The Executive Director nor any supervisor shall be allowed to hire any relative in his or her immediate family to work within the office or department he or she supervises and for which he or she is responsible. Immediate family shall include spouse, parent, child, brother, sister, grandparent, grandchild, mother-in-law, father-in-law, son-in-law, or daughter-in-law, sister-in-law, and brother-in-law. Any employee who was hired before the passage of this policy shall be grandfathered and allowed to continue in their employment.

1. All newly hired personnel must file the following items with the Executive Director’s office before they may begin work for the Library System. Failure to provide the following items to the Executive Director’s office prior to beginning work for the Library System will result in a delay in the issuance of the employee’s first paycheck.

* 1. A Job Application and a copy of the applicant’s Driver’s License and Social Security Card or other such identification as may be deemed acceptable by the Executive Director’s office .
  2. A Federal form W-4
  3. A Federal form I-9
  4. A Form stating that the applicant has received a copy of the Library System’s Employment Policy and that they have read and understand the same.
  5. A Cafeteria Plan Election form.
  6. A Library System Group Health Insurance Enrollment form, if the applicant wishes to accept coverage, or a waiver form if the applicant wishes to waive coverage.
  7. APERS enrollment forms, if the applicant meets eligibility requirements to be enrolled in APERS.
  8. A Life Insurance Enrollment form if the applicant meets the eligibility requirements.
  9. Any other documentation or forms as required by the Executive Director’s office, including proof of educational attainment or other documentation.

11. Undergo pre-employment drug test and agree to random drug tests, if required by the Cross County Government.

# 16. GENERAL EMPLOYMENT PRACTICES

A. Operating hours of the libraries will be set by the Library Board.

B. Employees shall be in attendance at their work in accordance with the rules and hours established by their supervisor or the Executive Director. Varying times for lunch periods should be scheduled by each supervisor official. All state and federal regulations regarding rest periods and meal periods shall be followed.

C. Each department head shall keep daily attendance records (time sheets) on each employee. These records shall be reviewed and then signed by both the department head and the employee as to correctness prior to submittal of the time sheets to the Executive Director’s Office at the end of each bi-weekly pay period. All Library System employees with the exception of salary/exempt employees, are required to submit timesheets, which are to be kept by the Executive Director’s office as a permanent record. Timesheets are due in the Executive Director’s Office no later than 1:00 PM on the Friday prior to the end of the bi-weekly pay period.Employee paychecks will be issued toemployees no later than Noon on the Wednesday following the end ofthe bi-weekly pay period. Employees will be paid 26 times per year using a bi-weekly payroll schedule.

D. Employee employment records shall be established and maintained in the Executive Director’s office in a confidential and secure manner. Employment records contain pertinent employee information including, but not limited to employment applications, tax withholding forms, emergency contacts and telephone numbers, payroll history, leave time records, retirement data forms, and unemployment claims.

E. Absence of an employee from work, including any absence for a single or part of a day that is not authorized by the elected official or department head, shall be deemed to be an absence without leave. Any such absence shall be without pay and an employee who is absent for three (3) consecutive days without approved leave shall be deemed to have resigned.

F. System-owned vehicles are to be used for system business only, unless the employee’s supervisor has granted prior authorization for personal use. Any employee that is caught in violation of this policy will, upon the 1st offence, be suspended without pay for three (3) days and on the second offence be terminated.

G. Mileage reimbursement, for travel that is related to legitimate library business, will be paid, for each mile of travel from the normal workplace address to the destination address and the return trip only. MapQuest will be used by the Library System office to determine the appropriate mileage. The rate of reimbursement per mile shall be the same rate that is being utilized by the State of Arkansas at that time. Any mileage reimbursement and use of a personal vehicle must be approved prior to making any such trip.

H. Meals are reimbursed for overnight travel on library business only. The current reimbursement rate for meals shall not exceed $50.00 per day. Reimbursement requests will only be considered for payment if accompanied by ***itemized*** receipts. Tips, Gratuities, and Alcoholic Beverages are not reimbursable expenses. Credit and debit card receipts are not acceptable unless itemized.

I. Lodging will be reimbursed for overnight travel on library business when accompanied by an itemized receipt. Personal entertainment, valet services, gratuities, hotel telephone, room service charges and other “extra” charges will not be reimbursed. Lodging will only be reimbursed for meetings over 100 miles from an employee’s duty location. The Library System will make lodging arrangements ahead of time whenever practical.

17. Dating Policy

An environment where employees maintain clear boundaries between employee personal and business interactions is most effective for conducting business. Although this policy does not prevent the development of friendships or romantic relationships between co-workers, it does establish very clear boundaries as to how relationships will progress during working hours and within the working environment. Individuals in supervisory relationships or other influential roles are subject to more stringent requirements under this policy due to their status as role models, their access to sensitive information and their ability to influence others.

Procedures:

* 1. During working time and in working areas, employees are expected to keep personal exchanges limited so that others are not distracted or offended by such exchanges and so that productivity is maintained.

* 1. During non-working time, such as lunches and before and after work periods, employees are not precluded from having appropriate personal conversations in non-work areas as long as their conversations and behaviors could in no way be perceived as offensive or uncomfortable to a reasonable person.

* 1. Employees are strictly prohibited from engaging in physical contact that would in any way be deemed inappropriate by a reasonable person while anywhere on county premises, whether during working hours or not.

* 1. Employees who allow personal relationships with co-workers to affect the working environment will be subject to appropriate disciplinary action which may include counseling for minor problems. Failure to change behaviors and maintain expected work responsibilities is viewed as a serious disciplinary matter.

* 1. Employee off-duty conduct is generally regarded as private, as long as such conduct does not create problems within the workplace. An exception to this principle, however, is romantic or sexual relationships between supervisors and subordinates.

* 1. Department heads, supervisors or anyone else in sensitive or influential positions must disclose the existence of any relationship with another co-worker that has progressed beyond a platonic friendship.

Disclosure must be made to the employee’s department head or the elected official responsible for that department. This disclosure will enable the Library System to determine whether any conflict of interest exists because of the relative positions of the individuals involved.

* 1. Where problems or potential risks are identified, the Library System will work with the parties involved to consider options for resolving the conflict. The initial solution will be to make sure that the parties involved no longer work together on matters where one is able to influence the other or take action for the other. Matters such as hiring, firing, promotions, evaluations, financial transactions, etc. are examples of situations that may require reallocation of duties to avoid any actual or perceived reward or disadvantage.

* 1. In some cases, more extreme measures may be necessary such as transfer to other positions or departments. The individual with the more senior position will be considered for transfer first to avoid any perception of retaliation against the less senior person.
  2. Refusal of reasonable alternative positions, if available, will be deemed a voluntary resignation.

* 1. Continued failure to work with the Library System to resolve such a situation in a mutually agreeable fashion may be ultimately deemed insubordination; and therefore serve as cause for immediate termination.

* 1. The provisions of the policy apply regardless of the sexual orientation of the parties involved.

* 1. Where doubts exist as to the specific meaning of the terms used above, employees should make judgments on the basis of the overall spirit and intent of this policy.

18. Inclement Weather

If in an employee’s opinion, conditions are too hazardous for him or her to get to work safely, (or to remain at work, in the case of inclement weather during working hours) he or she may, with supervisor approval, have the option of taking the time off without pay or using accrued paid leave time. Regardless of the situation, an employee shall give his or her supervisor immediate notice if he or she is unable to report for work.

If, in the opinion of the Executive Director, conditions are too hazardous to open libraries, personnel scheduled to work during that time period shall take the time off with pay. All inclement weather closings or delayed opening decisions shall be made by 8:00 AM and will be communicated to affected employees.

19. Computer Usage, Internet Usage and e-Mail Privileges with Respect to Employees

Computers and access to the internet and e-mail are considered resources of the library, and are intended to be used for library purposes only. Employees should have no expectation of privacy when using these resources for library-related or personal reasons, and should not use the library’s computer systems to transmit any messages or to access any information that they would not want a third party to hear or see.

All data that may exist at any time on the library’s computer system is considered the exclusive property of the library. The library may, from time to time and without notice, inspect the library’s computers to determine if this policy or any other policies of the library have been violated.

20. Probationary Period

An employee filling a vacancy will serve a probationary period. NO appointment may be considered as permanent until the probationary period is completed. The probationary period shall be utilized for the most effective adjustment of the new employee and for the elimination of any employee whose performance does not, in the judgment of the Executive Director or supervisor, meet the required standard of performance.

Duration: A new employee hired to fill a vacancy will be on probation for a period of twelve (12) months worked from the date of hire during which time the employee may be terminated for any reason. The employee’s supervisor shall evaluate probationary employees within the last thirty (30) days of the probationary period. The supervisor shall communicate to the employee as to whether or not the employee will be placed on full-time status, part-time status, or terminated. Should the recommendation be termination, a written report must include the reason for such action and must be signed by the Director and a copy thereof delivered to the employee either personally or by certified mail.

An employee awarded a vacancy by promotion, transfer, or other action shall be on probation in the new assignment for a period of ninety (90) days worked. Within that time the employee may be reassigned by the Director if the employee does not meet the requirements of the position. In such a case, the employee shall be returned to his former position or a similar position.

21. Resignation

Any employee shall have the right of resignation without prejudice provided the employee gives two (2) weeks-notice prior to effective date of resignation. The penalty not to do so will result in forfeiture of employee's accrued vacation and sick pay.

A permanent employee who gives two weeks-notice will be entitled to compensation for accumulated sick leave of seventy-five percent of the first one hundred twenty days and fifty percent of the remaining days.

22. Reduction In Force

The Library Board may reduce the number of persons employed in the Library work force whenever it is necessary by reason of shortage of funds or work, or by reason of a bona fide abolishment of/or change duties of a position, or when a unit is reorganized and the need for the position is eliminated.

When a layoff is deemed necessary by the Board, the Executive Director will establish the order or preference of layoff for as many employees as are to be separated. No full-time employee with regular (non-probationary) status is to be separated by layoff while there is extra help or probationary employees serving in the department in the same or equal or lower level position for which such full-time, regular status employee or employees are qualified and available for reassignment.

In determining the order of layoff of employees with permanent status, the Director may consider on a consistent and equitable basis such factors as qualifications, performance, appraisals, work record, conduct, and seniority.

23. Temporary Hires

The Library System, from time to time, may hire persons on a temporary basis for specific tasks or based on workforce needs, generally not to last for period of more than twelve (12) months. Such persons hired on a temporary basis are ineligible for fringe benefits as provided by the Library System.

24. Contract Workers

The Library System may contract with external contractors or agencies to meet staffing needs for specific tasks or based on workforce needs. In such cases, workers are under the supervision of library personnel, but work under the employment policies of their employing agency/contractor and are ineligible for any fringe benefits which are offered to permanent library employees.

25. Employee Performance Appraisal and Advancement

After the completion of the probationary period, all employees will be evaluated yearly based on their performance, work traits, and related factors. Any and all salary increases and promotions will be dependent upon availability of funds in the library's budget and are subject to the approval of the Board of Trustees.

24. New Positions

Any new positions to be created other than those adopted and budgeted for prior to the beginning of the fiscal year must be approved by the Board of Trustees.

25. Continuing Education for Staff

The Library System encourages all staff to continually add to their personal knowledge and job proficiency through ongoing education.

Webinars, Workshops, Collaboratives, Formal education and training, Other online opportunities and Training and networking opportunities provided by career-related professional organizations (ALA, PLA, ARSL, ArLA) are all supported.

If the training requires travel, staff shall be reimbursed based on policies found elsewhere in this manual. No training shall be undertaken which would incur costs to the Library System without prior approval of the Executive Director.

26. Arkansas State Library Scholarship Assistance

The Library System will participate in the Scholarship Assistance Programs offered by the Arkansas State Library for graduate study in Library and Information Science after the applicant has completed the first twelve hours of study towards the degree. The Executive Director must recommend the applicant for such support to the Arkansas State Library. Employees must follow any guidelines or procedures put into place by the Arkansas State Library Board, including requirements for post-graduate work within the ECARL facilities.

27. Keys

Keys and security alarm codes for building entry may be provided to employees of the Library System. The Executive Director will set policies and procedures in place to govern such distribution and maintain the safety and security of library facilities. All keys are the property of the Library System and must remain in the possession and custodial protection of the employee to which it was assigned at all times.. All alarm codes are considered highly secure by the Library System and cannot be shared with anyone. Failure to abide by these policies will result in immediate termination of employment.

28. Fringe Benefits

For purposes of fringe benefits, full-time employees are defined as those employees who are budgeted to work at least 40 hours per week.

A. HOLIDAYS

All **full-time** employees are entitled to paid holiday leave that will be taken the same as State Offices. These holidays include: Employees Birthday, New Year’s Day, Martin Luther King Jr’s Birthday, Presidents Day, Memorial Day, Independence Day, Labor Day, Veteran's Day, Thanksgiving Day, Day after Thanksgiving by proclamation of the Governor, Christmas Eve, and Christmas Day.

If the holiday falls on a Saturday, the holiday will be observed on the preceding Friday. If the holiday falls on a Sunday, the holiday will be observed on the following Monday.

Employee’s birthdays will be used as a floating holiday to be used in the month that the employee’s birthday falls. Must be approved by supervisor.

As allowed in the Library’s Service Policies, the Executive Director may close the libraries for staff training purposes for not more than three days per calendar year.

B. EMERGENCY LEAVE

In case of death, serious illness, or injury in the immediate family, an employee ***may*** be granted, ***with supervisor approval,*** emergency leave of up to five working days per year per family member. This shall be leave with pay in addition to other available leave time. Immediate family shall include spouse or domestic partner, parent, child, brother, sister, grandparent, grandchild, mother-in-law, father-in-law, son-in-law, and daughter-in-law. Anytime an employee needs more than five days off, due to the serious illness or injury of an immediate family member, the employee may utilize the unpaid leave available under the conditions set forth in the Family Medical Leave Act (FMLA).

C. OCCUPATIONAL INJURY LEAVE

The Library System provides workers’ compensation coverage for its employees as required by the Constitution and by law. (ACA 11-9-101 et seq). In the event an employee sustains a compensable occupational injury which results in loss of work time, the Library System will pay the injured employee full salary the first seven (7) days of lost time, if so requested by the employee. Thereafter, the Library System will pay the difference between the employee’s regular salary and the amount paid by the worker’s compensation coverage, if requested by the employee. All such aforementioned payments by the Library System shall be charged against the employee’s accrued paid leave time at the ratio of the supplemental payment to the employee’s regular salary. When all accrued leave time is used in this manner, payment from the Library System will cease.

D. MILITARY LEAVE

1. TRAINING: All employees who request a leave of absence for the purpose of participating in the military training programs of the National Guard, or any of the reserves, shall be entitled to such leave for a period of fifteen (15) days, plus necessary travel time, for annual training performed in any one (1) year. In addition, leave that is not used in a year may be carried forward to the next year for a maximum of thirty (30) days of military leave in any one (1) year. The leave of absence shall be in addition to regular leave time allowed to the employee. Employees shall be entitled to their regular salary during periods of such leave. (A.C.A. 21-4-102)

2. CALLED TO DUTY IN EMERGENCIES: Employees who are members of the National Guard, or any of the reserves, who are called to duty in “emergency situations” by the Governor or President shall be granted leave with pay not to exceed thirty (30) working days, after which leave without pay will be granted. **This leave shall be in addition to all other leave.** (A.C.A. 21-4-102) According to AG Opinion No. 2002-342, the employee shall be entitled to paid leave up to thirty (30) days, regardless of whether he/she had already collected his full quota of paid leave for regular annual training.

3. USERRA: Under the federal Uniformed Services Employment and Reemployment Rights Act (USERRA), an employee is entitled to return to his/her job, with accrued seniority, provided he meets the following five eligibility criteria:

a. Must hold or have applied for a Library System job;

b. Must have given written or verbal notice to the employer prior to leaving the job;

c. Must not have exceeded the 5-year cumulative limit on periods of service;

d. Must have been released from service under conditions other than dishonorable; and

e. Must report back to the Library System job in a timely manner or submit a timely application for reemployment.

If a service member is on active duty for more than thirty (30) days, that member and his dependents should be covered by military health insurance. However, USERRA gives an employee the right to elect continued health insurance coverage (COBRA) through the Library System, for himself and his dependents, for up to 18 months. If military service is for thirty (30) or fewer days, the employee and his family can continue coverage at the same cost as before service. USERRA also gives the employee the right to immediate reinstatement of Library System health insurance coverage upon return to the job.

USERRA provides that a reemployed person must be treated as not having incurred a break in service with an employer maintained pension plan. Also, military service must be considered service with an employer for vesting and benefit accrual purposes. For Library System employees who are members of the Arkansas Public Employees Retirement System (APERS), a copy of the member’s DD214 must be submitted to APERS once the service member has completed service. APERS will then contact the Library System, by letter, requesting a listing of the salary that would have been reported. Upon receipt of the salary information, the Library System is then notified to remit the employer contributions that are due to update the member’s salary and service record.

E. CITIZENSHIP LEAVE

Employees shall be granted leave, with pay, when summoned for Jury Duty, subpoenaed as a witness in a judicial proceeding or other citizenship obligations with advance notice to and approval from the employee’s supervisor.   
  
Employees serving as paid poll workers shall be granted leave without pay.

F. SICK/VACATION/CATASTROPHIC LEAVE

Under no circumstances may an employee take sick or vacation leave until such leave is earned.

All full time and part time employees of the Library System shall be eligible to take sick leave after one full month of continuous service. Sick leave is authorized at a rate of one day per month. There is no limit to the amount of sick leave which can accrue.

Absences chargeable as sick leave in excess of a three (3) day period shall be supported by written medical verification. When sick leave is used four or more times per month inconsecutively, medical verification may be required. An employee whose medical leave use is extensive may be required to provide certification for all absences.

Abusive (fraudulent) use of sick leave could be cause for discipline up to and including discharge. Abusive use of sick leave includes using sick leave when the employee or family member is not in fact sick, failing to follow the proper procedures for requesting sick leave, and failing to provide medical verification when required.

Sick Leave is authorized for the following purposes and no other:

1. Illness of an employee to a degree sufficient to prevent his normal duties on the job.

2. Medical treatment, hospitalization, or convalescence.

3. Medical, dental, or optical examinations.

4. Other medical reasons recommended in writing by the attending physician.

5. Required care of a member of an employee's immediate family.

6. To prevent the spreading of a contagious disease or illness to other employees and/or the public.

Full time employees working at least 30 hours per week shall receive Annual/Vacation leave as follows:

|  |  |  |
| --- | --- | --- |
| **Years of Service** | **Hours Earned Per Month** | **Hours per Year** |
| Through 3 years | 8 hours | 96 hours |
| 3 through 5 years | 10 hours | 120 hours |
| 5 through 12 years | 12 hours | 144 hours |
| 12 through 20 years | 14 hours | 168 hours |
| Over 20 years | 16 hours | 192 hours |

Full time employees will be allowed to carry over up to 10 days per year.

Part time employees working less than 30 hours per week shall receive Annual/Vacation leave at one-half of the above-listed rate. There are no carry-over allowances for Annual/Vacation for part time employees.

All employees shall earn vacation time for each month employed but shall not be entitled to take any vacation leave until after the completion of six (6) months of continuous employment.

A permanent employee who gives two weeks-notice will be entitled to compensation for accumulated Annual/Vacation leave of one hundred percent of the first 80 hours and fifty percent of the remaining hours up to the allowed maximum total number of vacation hours which the employee could have earned in a given year based on the chart above. They will be entitled to compensation for accumulated sick leave of seventy-five percent of the first 80 hours and fifty percent of the remaining days, up to a maximum of 160 total hours.

All planned leave (vacations, maternity leave, known medical, dental and optical appointments etc.) must be prearranged with the employee’s supervisor a minimum of two (2) weeks prior to taking the planned leave. Sick leave use due to illness or emergencies must be arranged and reported to the employee’s supervisor within 30 minutes prior to the start of the employee’s scheduled shift, or immediately if an employee has already begun their scheduled work shift.

Failure to report in a timely manner prior to scheduled shift may result in disciplinary measures as allowed elsewhere in these policies.

In case of conflicts in scheduling, full time status shall and employee seniority shall prevail, in that order.

An employee having once made the choice, may change the date of his annual leave only if convenient to their supervisor and/or the employee is able to arrange an exchange with another employee.

An employee may not earn leave when on leave without pay for 10 or more cumulative days within a calendar month.

G. CATASTROPHIC LEAVE POLICY  
  
A Library System full-time employee may elect to donate a maximum of 40 hours per year to another Library System full-time employee or employees who are paid out of the same fund who is suffering from a catastrophic illness. Written records of the donation, its acceptance, and any subsequent actions will be placed in the employee’s permanent employment file which is kept in the Executive Director’s office. Catastrophic illness is defined as an employee’s personal illness or accident that prevents the employee from returning to their normal work schedule for a minimum of thirty (30) calendar days. The illness or accident must be verified in writing by a licensed physician before the employee is eligible to receive any donated sick leave. Such transactions shall be approved by the Executive Director. Employee must first use all vacation, compensation time and regular sick days.

# H. PARENTAL LEAVE

In addition to any rights afforded by the Family and Medical Leave Act of 1993, a permanent employee who becomes a new parent through birth of a biological child, or adoption of a child shall receive Parental Leave. The parent will receive two weeks leave, with pay, from the date of the birth or receipt through adoption of the child. The new parent may also receive six weeks of unpaid leave after exhaustion of the two weeks paid leave upon request.

I. HEALTH INSURANCE COVERAGE

1. The Library System may, at its discretion, provide group Health Insurance coverage to employees. This coverage may or may not include dental, vision, and prescription drug insurance. There is no charge to the employee for their individual coverage. If an employee wishes to enroll their dependents on the plan, the employee will be responsible for the full cost of the dependent coverage. In order to be eligible to participate in the Group Health Insurance Plan, an employee must be in active employment on a full-time basis, performing all customary duties of his or her occupation and averaging at least 30 hours of work per week. Eligible employees may sign up to participate in the Group Health Insurance Plan upon their starting date. The effective date will be on the first day of the month following thirty day waiting period. If an employee fails to enroll within thirty (30) days of their starting date, coverage will be effective only in accordance with the insurance company’s late enrollment provisions. The Executive Director’s office will advise new employees of the current rates upon their hire. Open enrollment for all employees is held during the month of August. Any employee who wishes to enroll on the Group Health Insurance Plan or make additions, deletions or changes to their existing coverage must do so during this month. In August of each year, the Executive Director’s office will provide, to each eligible employee, information regarding open enrollment, as well as the new insurance rates for the upcoming year.

2. If required by federal rules and guidelines, if an employee is terminated, resigns or has his or her hours reduced to less than 30 per week, after they have been enrolled on the Group Health Insurance Plan; they may continue their health insurance coverage under federal COBRA laws. The total cost of the health insurance will be the responsibility of the employee/former employee. The length of the continued insurance coverage is 18 months. If a dependent of a covered employee loses their dependent status due to the death of the employee, divorce or legal separation from the employee, or the Medicare eligibility of the employee, the dependent may continue their health insurance coverage under federal COBRA laws. The total cost of the health insurance coverage will be the responsibility of the dependent. The length of the continued insurance coverage is 36months.

3. All eligible employees who wish to enroll on the Group Health Insurance Plan may elect to participate in

Cross County’s Cafeteria (Section 125) plan**.** Under the Cafeteria plan, money withheld from the employee’s paycheck for insurance premiums is not taxable. **Please Note: Because insurance premiums withheld from an employee’s paycheck were never taxed, they may not later be claimed as a tax deduction.**

4. Dependent coverage under the Group Health Insurance may not be cancelled during the middle of a plan year.

5. The Library System may, at its discretion, provide life insurance coverage to its employees. Life insurance will be provided by the Library System, at no charge, to each eligible employee working at least 30 hours per week. Dependents may be covered under such insurance through payroll deduction.

J. RETIREMENT

Membership in the Arkansas Public Employees Retirement System (APERS) is compulsory for all employees who are hired with the intent of working at least 90 consecutive calendar days, work at least 70 hours per the Biweekly pay period and earn at least the federal minimum wage.

Effective with the first pay period for salaries earned on or after July 1, 2005, all new hires who meet the eligibility requirements for participation in this retirement plan **must** contribute 5% of their pre-tax earnings to this plan (this is in addition to the employer matching contribution). The only exception would be if a member resigned from an employer covered by APERS and then returned to work for another covered employer within six (6) months. Those members have the option of remaining non-contributory. This mandatory requirement was adopted by the Arkansas General Assembly as Act 2084 of 2005.

A member is eligible for full benefits at:

1. Age 65 with at least 5 years of service.

2. Any age with 28 years of service.

As of January 1, 1997 members of the Arkansas Public Employees Retirement System are vested in the system for retirement benefits with 5 years of actual service. A membership handbook will be mailed to each employee from the APERS office in Little Rock, upon receipt of the employee’s enrollment application. These handbooks give general information about the retirement system and will show you how to calculate your benefits. A benefits calculator and additional information about the retirement system are also available online at [www.apers.org.](http://www.apers.org/)

# K. FLEXIBLE SPENDING ACCOUNTS

The Library System may, at its discretion, provide access to Flexible Spending Accounts (FSAs) for fulltime employees to allow them to save funds to be used for health care and dependent care costs. The costs to administer such a plan shall be borne by the Library System as an employee benefit. Funds deposited into such accounts will be deducted from employee pay biweekly on a pre-tax basis. Employees will be subject to the terms and stipulations of the FSA administrator and any regulations put into place regarding such accounts by the state or federal government. Open enrollment for this benefit will be in December.

L. RAISES

The Library Board/s recognize/s that it is important to reward employees for productivity and improvement, and for meeting their own employment-related and library-related goals and objectives. The Board/s recognize/s that it is also necessary to pay employees in such a manner as may be required to recruit and retain a quality workforce. As such, the Board/s may grant “Merit” and “Cost of Living” raises as it sets each year’s budget, or at other times it may deem necessary when funding is available to sustain such raises.

1. Merit Raises

Merit raises shall be awarded annually only when approved by the Board/s. Generally, an across-the-board percentage for merit raises shall be approved by the Board annually. Exceptions may be recommended, with explanation, by the Regional Librarian for Board approval.

Employees must meet the following criteria in order to be eligible for a merit raise:

• Employee must have received a positive performance evaluation by their supervisor and approved by the Regional Librarian.

• Employees must annually set employment-related and/or library related goals for themselves and their performance for a coming evaluation period, and must demonstrate having met or exceeded those goals to the satisfaction of their supervisor. This is generally completed as a part of the performance evaluation process.

• The employee must meet any continuing education requirements as set by their supervisor or the Regional Librarian. Such requirements may be a part of the employment-related goals or library-related goals of the employee as approved by their supervisor.

• The employee must demonstrate active involvement in a professional organization related to their work or area of expertise. Conference attendance in and of itself does not indicate active involvement in a professional organization.

• The employee must demonstrate involvement in their community either inside or outside of library worktime. This may include participation in community organizations where the library’s interests are represented at the discretion of the employee’s supervisor. This is not to include activities normally considered a part of routine job duties.

The Regional Librarian will set procedures for documenting attainment of these criteria, and may direct that specific continuing education, professional involvement activities and community involvement activities may be undertaken.

2. Cost-of-living Raises

Cost-of-Living raises will be awarded at the discretion of the Board, generally in a set percentage of an employee’s salary/wage, and shall be given across-the-board without merit. Prevailing wages and benefits provided within the region, and for similar positions in other libraries shall be taken into consideration in developing such cost-of-living raises.

3. Nothing in this policy is meant to negate or change any directive regarding raises and budget development and approval as stated in the Bylaws of the Board/s of Trustees.   
 *(NOTE; This section replaced the section formerly titled STAFF BONUS PROGRAM, adopted by the Board/s August 2016.)*

**CERTIFICATION OF RECEIPT**

**I have received a copy of the East Central Arkansas Regional Library’s Employment Policies that were adopted by Board of Trustees. I further state that I have read and understand the policies. I also understand and agree that the East Central Arkansas Regional Library is an "at will" employer and may terminate my employment at any time without prior notice or liability of any kind, except for wages earned and unpaid at the time of such termination.**

# \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Employee Signature

Date: **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**