

Jessamine County Public Library

Personnel Policy

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JCPL

**JESSAMINE COUNTY
PUBLIC LIBRARY**

**Jessamine County Public Library Personnel Policy
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SECTION I

INTRODUCTION

1.1 Introduction

This Personnel Policy outlines policies, benefits, practices, and procedures applicable to employment with Jessamine County Public Library (hereinafter "JCPL"). It is intended as a guide to achieve consistent treatment of employees in reoccurring situations. It is not intended to constitute a contract, and JCPL reserves the right to amend, add to, repeal, or deviate from any or all of the policies and benefits described or referred to in this document whenever JCPL, acting through its Board of Trustees, believes it is necessary or desirable to do so.

All of the policies and benefits currently contained or referred to in this document, or which may be added or otherwise established by JCPL in the future, represent the policies and benefits established by JCPL for its employees in relation to the particular subject addressed by the policies. It is the intention of JCPL that its policies and benefits be used by its employees in meeting their responsibilities to JCPL. Violation of a policy or abuse of a benefit can be the basis for discipline or discharge. However, because these policies and benefits relate to the establishment and maintenance of high standards of performance, under no circumstances shall any policy or benefit be interpreted or construed as establishing a minimum standard, or an element of a minimum standard, of the safety, due care, or any other obligation which may be owed by JCPL, or its employees, to another person.

Every employee is expected to be familiar with these personnel policies. All employees will receive a copy of these policies. Any changes or revisions to the policy will be distributed to the employees, who shall be responsible for maintaining their copies. For further information or clarification of anything contained or referred to in this policy, employees should contact their supervisor or the Executive Director.

If there is any disagreement or misunderstanding concerning the meaning or application of any of the policies or benefits contained or referred to in this document, the decision of the JCPL's Board of Trustees shall control and shall be final.

1.2 Employment At Will

All employment at JCPL is "employment at will". This means that either the employee or JCPL can terminate the employment relationship immediately, without notice, at any time and for any reason.

No contract, implied or otherwise, will be considered to exist between JCPL and any employee unless expressly authorized by resolution of the Board of Trustees. No representative of JCPL is authorized to modify this policy for any employee or to enter into any agreement, oral or written, contrary to this policy without the express authorization of the Board.

Nothing in this document shall be considered as altering the employment at will relationship or as creating an express or implied contract or promise concerning the policies or practices that the Board of Trustees has implemented or will implement in the future. Accordingly, the Board retains the right to establish, change, and abolish its policies, practices, rules, and regulations at will, as it sees fit.

1.3 Productive Work Environment

It is the policy of JCPL to promote a productive work environment and not to tolerate verbal or physical conduct by any employee that harasses, disrupts, or interferes with another's work performance, or which creates an intimidating, offensive, or hostile environment.

Employees are expected to act in a positive manner and to contribute to a productive work environment that is free from harassing or disruptive activity. No form of harassment will be tolerated. A confirmed incident of harassment will result in disciplinary action, which may include immediate termination.

Any employee who believes that the actions or words of a supervisor or another employee constitute unwelcome harassment has the responsibility to report the situation immediately, following the guidelines of the grievance procedure stated in this policy (see 7.1).

1.4 Code of Employer-Employee Relations

It is the policy of JCPL to implement fair and effective personnel policies and to require all employees to serve the organization's best interest.

JCPL will:

- a. Provide equal employment opportunity and treatment regardless of race, religion, color, sex, age, national origin, disability, sexual orientation, or veteran status;
- b. Comply with all applicable wage and hour laws;
- c. Provide compensation and benefits commensurate with the duties and responsibilities of the position;
- d. Establish reasonable hours of work based on the organization's needs;
- e. Monitor and comply with applicable federal, state, and local laws and regulations concerning employee safety;
- f. Offer training opportunities for those whose needs and capabilities warrant such training, as determined by the department manager or Executive Director;
- g. Provide guidance and training for those who need to meet state certification requirements;
- h. Be receptive to constructive suggestions that relate to the job, working conditions, or personnel policies; and
- i. Establish appropriate means for employees to discuss matters of interest and concern with their supervisors.

JCPL expects all employees to:

- a. Deal with customers in a professional manner;
- b. Report to work punctually as scheduled;
- c. Work a flexible schedule that may include evenings and weekends;
- d. Give proper advance notice whenever unable to work or report on time (see 4.1);
- e. Perform assigned tasks in an efficient and thorough manner;
- f. Demonstrate a considerate, friendly, and constructive attitude toward fellow employees;

- g. Attend mandatory staff meetings and trainings;
- h. Attend classes and training sessions that lead toward state certification, if applicable;
- i. Adhere to the policies adopted by the Board of Trustees;
- j. Complete 30/60/90 day and one year evaluations satisfactorily during the first year in a new position. After the first year, employees must satisfactorily complete yearly evaluations;
- k. Report suspicious, unethical, or illegal conduct;
- l. Follow JCPL procedures in resolving employment problems (see 7.1); and
- m. Be responsible for any personal belongings brought into the workplace, as JCPL is not responsible for any lost or stolen articles.

JCPL retains the sole right to exercise all managerial functions including, but not limited to, the rights:

- a. To hire, assign, supervise, discipline, and dismiss employees;
- b. To determine and change starting times and quitting times;
- c. To transfer employees within departments or into other departments and positions;
- d. To determine and change the size and qualifications of the work force;
- e. To determine and change methods by which operations are to be carried out;
- f. To determine and change the location, services, quantity, and continued operation of the organization; and
- g. To delegate duties to employees in accordance with the organization's needs and requirements.

1.5 Requirements of Employment

Employees are chosen based on the evaluation of qualifications, including skills, previous work experience, training, and applicable licensure or certification, if any. Employees must be able to communicate and exchange information with coworkers and customers, follow directions, have the maturity and ability to deal effectively with the demands of the job, and pass any required examinations. They must have reliable transportation and a telephone number through which they can be reached. Applicants shall consent to a criminal records check. A satisfactory result is necessary for employment.

Prior to assuming the duties outlined in their job descriptions, new hires shall attend employee onboarding, including diversity orientation, as designated by the Operations Manager or the supervisor and sign appropriate forms acknowledging that policies of JCPL are understood. New hires shall complete the necessary verification of identity, eligibility to be employed, and Form I-9 as required by the Immigration Reform and Control Act of 1986.

1.6 Management of Personnel Practices

The Board of Trustees is the principal policy-making body. The Board hires the Executive Director. The Executive Director, in turn is responsible for the hiring and supervision of all other staff.

The Executive Director has responsibility for administering written personnel policies which have been approved by the Board of Trustees. To handle situations not covered by written policies, the Executive Director may take problem solving action without Board approval, keeping the President, and/or the Board informed of significant outcomes which may indicate need for future development of formal policies. Change or amendments to personnel policies may be approved by the Board at any time.

Employees should consult the Executive Director on questions of interpretation before decisions are made or actions taken. In the absence of the Executive Director, employees may consult the Assistant Director. In the absence of both the Executive and Assistant Directors, the President of the Board of Trustees assumes responsibility for these matters.

1.7 Personnel Selection

The Executive Director will prepare a job description and salary for each managerial position prior to recruitment. Managers will work with the Executive Director to prepare and approve job descriptions for positions within each department prior to recruitment. The Executive Director will maintain a list of positions and job descriptions. The Board of Trustees must approve positions that require additional funding.

Internal Candidates

As vacancies occur, qualified candidates presently employed by JCPL are eligible for consideration.

Solicitation and Advertising

Personnel responsible for hiring will follow the standard and customary procedures in recruiting and advertising new and vacant positions and, wherever possible, interview at least three (3) applicants per position.

Screening Applications

Personnel responsible for hiring will determine if each applicant meets minimum qualifications for the job, identify the most qualified applicants, and contact them to schedule interviews.

1.8 Organization of JCPL

An Organization Chart will be on file with the Executive Director.

1.9 Absence of the Executive Director

In the event that the Executive Director must be away from the library for more than three weeks, the Assistant Director will serve as supervisor of the library until the Executive Director returns. If the Assistant Director is unavailable, the most senior manager will serve as supervisor of the library until the Executive or Assistant Director returns.

1.10 Board of Trustees

JCPL is governed by a five-member Board of Trustees operating under a set of established bylaws. Board members are appointed by the County Judge Executive for a maximum of two consecutive four-year terms. The Board of Trustees determines the Library's mission, purpose, and policies. It also is responsible for the fiscal and fiduciary aspects of the Library. The Board of Trustees appoints members of an Advisory Board that serve renewable three-year terms.

JCPL shall not newly employ as a member of its library staff any member of the Board of Trustees or any person related closer than a second cousin to any member of the Board. A paid employee of JCPL cannot serve on the Board of Trustees during the term of his or her employment.

The Board of Trustees meet monthly to review the Library's progress and programs and develop any new policies that are needed to fulfill the Library's mission.

SECTION II

EMPLOYMENT POLICIES

2.1 Equal Employment Opportunities

It is the policy of JCPL to provide equal opportunity and employment to all employees and applicants for employment. No person is to be discriminated against in employment because of race, religion, color, sex, age, national origin, sexual orientation, veteran status, or disability. It is policy to hire individuals solely upon the basis of their qualifications and ability to perform the job to be filled.

2.2 Americans with Disabilities Act (ADA)

JCPL complies with the Americans with Disabilities Act and does not discriminate on the basis of disability. Qualified applicants and employees with disabilities are protected from discrimination in hiring, promotion, discharge, pay, job training, fringe benefits, and other aspects of employment.

Should an employee become disabled, that employee may request that JCPL make reasonable accommodation for the employee's disability. JCPL will make every reasonable effort to accommodate the employee's disability in the fulfillment of his or her essential job functions. If the disabled employee is unable to fulfill these essential functions with reasonable accommodation, JCPL will make every effort to find a comparable position.

2.3 Sexual Harassment

JCPL prohibits sexually harassing or offensive conduct in the work place. Sexual harassment includes, but is not limited to:

- a. Sexual flirtation, touching, advances, or propositions;
- b. Verbal abuse of a sexual nature;
- c. Graphic or suggestive comments about an individual's dress or body;
- d. Sexually degrading words used to describe an individual;
- e. Jokes and stories of a sexual nature; and
- f. The display of sexually offensive objects or pictures, including nude images.

An employee who believes that he or she has been the subject of sexual harassment has a responsibility to report the alleged act immediately to his or her supervisor. If the complaint involves his or her supervisor, the employee should report the alleged act immediately to another supervisor.

No supervisor, employee, or non-employee may threaten or insinuate, either explicitly or implicitly, that an employee's negative response to sexual harassment will adversely affect the employee's hiring, retention, evaluation, wages, advancement, assigned duties, or any other condition of employment.

Any employee found to have engaged in sexual harassment will be subject to appropriate disciplinary action, which may include immediate termination of employment.

2.4 Drug-Free Work Place

It is the policy of JCPL to maintain a work place that is free from the effects of illegal drugs and alcohol. Employees will be subject to disciplinary action, including termination of employment, for violation of this policy. Such violations include, but are not limited to:

- a. Possessing illegal drugs or illegal pharmaceuticals at work or during work hours;
- b. Being under the influence of such substances while working; or
- c. Dispensing, distributing, manufacturing, or selling illegal drugs, illegal pharmaceuticals, or alcoholic beverages on JCPL premises.

If reasonable suspicion exists to support a belief that an employee is under the influence of drugs or alcohol at work or that the employee's behavior and performance at work are being affected by drugs or alcohol, the employee may be required to take a test to determine the presence of drugs or alcohol. An employee testing positive for illegal drugs or alcohol is in violation of this policy and may be subject to appropriate disciplinary action, which may include immediate termination.

Any employee who uses legal prescription drugs during work hours and has any reason to expect that such use may affect the ability to perform the duties of the position should report this fact to the supervisor.

2.5 Personnel Records

It is the policy of JCPL to maintain personnel records for current and former employees in order to document employment-related decisions, evaluate and assess policies, and comply with government record-keeping and reporting requirements. JCPL strives to balance its need to obtain, use, and retain employment information with each individual's right to privacy. JCPL maintains only that information which is necessary for the conduct of its business or required by federal, state, or local law.

Employees have a responsibility to make sure that their personnel records are up to date and should notify the Operations Manager in writing of any changes in the following:

- a. Name;
- b. Address;
- c. Telephone number;
- d. Marital status;
- e. Number of dependents;
- f. Beneficiary designations for any insurance, disability, retirement, etc.;
- g. Persons to be notified in case of emergency;
- h. Any other changes of which the employee feels the personnel office should have notice.

JCPL requires information regarding changes in marital status for benefits and tax withholding purposes. Information regarding number of dependents is needed for tax withholding purposes. Employees who have a change in the number of dependents or marital status must

complete a new Form W-4 within ten days of the change, if the change affects the number of dependents claimed.

Employees who feel that any file material is incomplete, inaccurate, or irrelevant may submit a written request that files be revised accordingly. If such a request is not granted, the employee may place a written statement of disagreement in the file and pursue the matter further using the grievance procedure as outlined. Only supervisory and managerial employees who have an employment-related need to access information about another employee may inspect the file of that employee.

2.6 Employment of Relatives

JCPL discourages the employment of more than one member of a family. It is the responsibility of employees and applicants for employment to bring such situations to the immediate attention of the relevant supervisor. Relatives are defined as parents, siblings, children, grandparents, grandchildren, spouses, significant others, or in-laws. Under no circumstances shall an employee have supervisory responsibility for an employee with whom the supervisor has any of these relationships.

2.7 Pre-Employment Screening

If an applicant is deemed qualified for a position after the interview and any appropriate testing, JCPL may undertake personal and/or professional references and criminal records checks. If the records check or any other subsequent investigation discloses any misrepresentation on the application form or information indicating that the individual is not suited for employment, the applicant may not be offered employment.

2.8 Medical Examinations

On occasions when there is a question concerning the employee's ability to perform his/her duties, JCPL may require a letter from a doctor certifying that the employee is medically able to perform such duties.

Medical examinations required by JCPL will be paid for by JCPL and must be performed by a physician or licensed medical facility designated or approved by JCPL.

JCPL reserves the right to require confirmation of the nature and extent of any illness or injury that requires an employee to be absent from scheduled work. Employees returning from a disability leave or an absence caused by health problems may be required to provide a doctor's certification of their ability to perform their regular work satisfactorily without endangering themselves or others. JCPL also reserves the right to require a second opinion in such cases. Any fees for a second opinion will be paid for by JCPL.

2.9 Social Media

Social media is defined as any website, application, or online account which allows users to share information and/or opinions. JCPL uses social media to facilitate online exchanges between library users or between JCPL staff on library-related subjects and issues.

Only those officially designated by JCPL have the authorization to speak on behalf of the Library.

All content on JCPL-approved social media will be professionally presented and must be compliant with JCPL personnel policies and discrimination and harassment workplace rules.

Staff who contribute to or moderate social websites on behalf of the Library must follow specific rules to maintain the reputation of the Library as well as to protect the First Amendment rights of citizens. Once social media has been used, allowing users to communicate with the Library and each other online (e.g. via blog post comments), the resulting discussions become public forums and are protected by the First Amendment. To protect customers' free speech rights and the Library, specific guidelines for how customers may participate are detailed in JCPL's Social Media Policy.

Content shared on social media during work time may be public record, as it is produced while working for a public, tax payer-supported agency. As such, items posted are potential liabilities to the Library and may be subject to state record retention schedules.

If management finds that an employee's use of social media on or off the job violates any JCPL policy or adversely affects his/her performance, that of other employees, or JCPL's interests, the employee will be subject to disciplinary action, which may include dismissal. Although JCPL recommends the use of a disclaimer that the thoughts and opinions of an employee are their own and do not necessarily represent JCPL, such disclaimers do not exempt an employee from disciplinary action.

2.10 Reference Responses

Any employee receiving a request for employee reference should refer the request to the Executive Director or his/her immediate supervisor. Only the dates of employment and termination are required to be given to anyone requesting references on employees or past employees.

2.11 Personal Visitors

Employees may not have personal visitors while working except with supervisor approval.

2.12 Building Access

Employees should not enter the library building outside of operating hours unless work duties make it necessary. Employees must never share a keycard or keycode with anyone, including

coworkers and family members. If an employee's keycard is lost, the Operations Manager should be notified immediately.

2.13 Dealing with Vendors

It is the policy of JCPL to maintain impartiality in its relationships with representatives of commercial firms. Neither JCPL nor any employee may:

- a. Accept any gift, special favors, or any other item which may be suspect;
- b. Accept commissions, rebates, or gifts which may imply any obligation on the part of JCPL or the employee;
- c. Solicit contributions for JCPL on the promise of special business favors or on the withholding of business.

2.14 Commercialism

No employee may engage in commercial exploitation of library services generally or JCPL specifically.

2.15 Solicitation and Distribution

Employees of JCPL may not solicit during working time for any purpose. Working time means the working time of both the employee doing the soliciting and an employee to whom the soliciting is directed. Working time does not include periods such as meal times when employees are not required to be working.

2.16 Sarah Rice Withers Award

The Sarah Rice Withers Award for Library Excellence is given two times per year to a staff member who has exhibited excellence while working as a part of the JCPL team. The winner will be selected through a nomination process. The nominations will be submitted by the JCPL staff only; management will be excluded from nominating and being nominated. Each winner will receive a gift of \$100.00, and the winner's name will be added to a plaque to be on display in the library.

SECTION III

EMPLOYEE COMPENSATION

3.1 Employment Status Categories

The employment status for a position is defined in the job description.

1. Full-Time Exempt Employee – A full-time exempt employee is employed to work on a regular basis for thirty-eight and one half (38.5) hours or more per week. Employees in this category are eligible for all employee benefits.
2. Full-Time Non-Exempt Employee – A full time employee is employed to work on a regular basis for thirty-eight and one half (38.5) hours per week. Employees in this category are eligible for all employee benefits.
3. Part-Time Non-Exempt Employee – (There are 3 categories in this section.)
 - a. An employee who is employed to work on a regular basis *over* twenty-three (23) hours but *under* thirty-eight and a half (38.5) hours per week. Employees in this category are eligible for part-time leave benefits and must participate in the County Employee Retirement System (CERS).
 - b. An employee who is employed to work on a regular basis between twenty (20) and twenty-three (23) hours per week. Employees in this category are eligible for part-time leave benefits.
 - c. An employee who is employed to work on a regular basis less than twenty (20) hours per week. Employees in this category are not eligible for benefits.

All exempt employees are paid on a salary basis. Non-exempt employees are paid on an hourly basis. According to the Fair Labor Standards Act (Sections 13(a)(1) and 13(a)(17)), in order for a position to be qualified as “exempt”, all of the following requirements must be met:

1. The employee must be paid on a salary basis;
2. The employee must be paid at least the minimum salary for exemption required by the Department of Labor;
3. The position’s job duties must fall under one or more of the following categories:
 - a. Executive employee whose primary duty is managing the enterprise or a subdivision, directs the work of at least two other full-time equivalent employees, and has the authority to change status of other employees;
 - b. Administrative employee whose primary duty is office work directly related to the management or general business operations of the employer and whose duties include the exercise of discretion and independent judgment with respect to matters of significance;
 - c. Learned professional whose primary duty is the performance of work requiring advanced knowledge in a field of science or learning which was acquired by a prolonged course of specialized intellectual instruction;
 - d. Creative professional whose primary duty is the performance of work requiring invention, imagination, originality, or talent in a recognized field of artistic or creative endeavor;
 - e. Computer employee compensated on a salary or fee basis as a systems analyst, computer programmer, software engineer, or other similarly skilled position, whose primary duty consists of systems analysis or the design, development,

documentation, analysis, creation, testing, or modification of computer systems or programs;

- f. Outside sales employee whose primary duty is making sales or obtaining orders or contracts for services and is customarily and regularly engaged away from the employer's place of business;
- g. Highly compensated professional performing office or non-manual work and paid total annual compensation of \$100,000 or more while performing at least one of the duties of an exempt executive, administrative, or professional employee.

3.2 Pay Rates and Increases

JCPL bases pay rates for each position on the level of education and/or responsibility required. The employee will be informed of the salary or wage and provided with a description of the position for which he or she is being hired.

It is the policy of JCPL to pay compensation that is nondiscriminatory and that is competitive with rates being paid for similar jobs by other employers in the community.

Pay rates are reviewed annually with the authorization of the Personnel Committee of the Board of Trustees. New hires who are in their first 90 days of employment are ineligible for an annual raise.

3.3 Timecards

All employees are responsible to confirm that the timecard is an accurate record of their work. Failure to do so may result in a delay of payment.

3.4 Direct Deposit

Direct deposits are issued bi-weekly. These reflect remuneration for the preceding two weeks, through the Saturday immediately preceding the payday.

3.5 Payroll Deductions

All applicable federal, state, city, and county taxes will be withheld from each paycheck. Federal deductions include social security and Medicare taxes. A retirement contribution is a required deduction for employees working 23.07 or more hours per week on a regular basis. In addition, employees may give authorization to make deductions for increased federal withholding. Eligible employees may elect to participate in payroll-deducted benefit programs offered by JCPL during applicable open enrollment or qualifying event periods.

3.6 Overtime and Exemptions

Under the Fair Labor Standards Act (FLSA) non-exempt employees must be compensated at the overtime rate of 1.5:1 (time-and-a-half) for all time worked above 40 hours per workweek (any fixed and regularly recurring period of 168 hours - seven consecutive 24-hour periods).

Overtime must be pre-approved by the Executive Director or as specifically addressed in this document.

Exempt employees are not covered by the overtime provisions of the FLSA and are ineligible for overtime pay. Full-time exempt employees will accrue comp time at the standard rate of 1:1 for all time worked over 77 hours in a pay period. No more than 240 hours of comp time may be accrued; hours worked above the 240 hours allowed comp accrual will be paid at the standard rate of 1:1 via payroll. Unused comp hours will not be paid to an exempt employee upon separation.

SECTION IV

WORKING HOURS AND LEAVE

4.1 Working Hours

The normal work week for full-time employees is thirty-eight and one half (38.5) hours. Each full-time employee works an average of 7.7 hours per day.

Employees have the option of taking or waiving an unpaid meal break of thirty (30) or sixty (60) minutes. This will be scheduled accordingly by the employee's immediate supervisor.

By law each employee is entitled to at least a ten (10) minute rest period during each four (4) hours worked. The standard practice of JCPL is to provide fifteen (15) minute rest periods per four (4) hours worked. This is not to be taken adjacent to the lunch hour, during the last hour of a shift, or to offset work hours.

The normal work week for part-time employees will be established on an individual basis by their supervisors.

All changes to an employee's regular schedule must be approved by the department supervisor. Permanent changes must be approved at least two weeks in advance.

If an employee must be absent or late to work unexpectedly, he or she must notify his or her supervisor as soon as reasonably possible, but no later than one hour in advance of the scheduled work time on each day missed. For an expected absence, one week notice is required (if possible).

4.2 Holidays

The following holidays are observed by JCPL:

- New Year's Day
- Martin Luther King Day
- Presidents' Day
- Memorial Day
- Juneteenth
- Independence Day
- Labor Day
- Thanksgiving Day
- Friday following Thanksgiving (full-time only)
- Christmas Eve
- Christmas Day
- New Year's Eve

Part-time employees who are scheduled to work on a paid holiday will be compensated for their regularly scheduled number of hours. Full-time employees who are scheduled to work on a paid holiday receive 7.7 hours for the day. If an observed holiday falls on a day when a full-time employee is not scheduled to work, the employee will accrue 7.7 hours vacation time.

The library will close on Easter Sunday. That day will be paid for scheduled employees only.

4.3 Emergency Closing

When the Board President and the Executive Director determine that the library must close or change operating hours due to inclement weather or other emergency conditions, employees will be notified in accordance with established procedures.

All employees that were scheduled to work during the closed hours will be paid as if the library remained open.

When the library remains open, employees who miss work time because of inclement weather or other natural disasters must notify the immediate supervisor of their difficulties at the start of the workday. In such cases the employee will not be compensated as they would be if the library was closed. At the supervisor's discretion, the employee may be permitted to compensate for lost hours by extending their work hours using available vacation time, or taking leave without pay.

4.4 Travel and Compensation

Attendance at Professional Meetings

Employees attending professional meetings and educational programs that are directly related to the employee's position with the Library will be compensated for all time spent in the meeting or program, excluding non-working meal periods.

Travel Time

The Fair Labor Standards Act (FLSA) establishes the following requirements for compensation of travel time for non-exempt employees:

- a. Time commuting between home and work at the beginning and end of the workday is not work time (FLSA, 29 CFR § 785.35);
- b. Travel between home and work may be compensated if the employee, after completing a day's work, is subsequently called back in for an emergency situation (FLSA, 29 CFR § 785.36);
- c. Travel in excess of the employee's normal commute time for a special one-day assignment in another city may be compensated (FLSA, 29 CFR § 785.37);
- d. When a professional meeting begins and ends on the same day and no overnight stay is involved, the employee must be compensated for all travel time (FLSA, 29 CFR § 785.38);
- e. When travel keeps the employee out of town overnight, the employee must be compensated for any travel time that corresponds with the employee's normal scheduled hours. "Normal scheduled hours" refers not only to hours scheduled on regular working days, but also the same schedule on non-working days (FLSA, 29 CFR § 785.39);

- f. When an employee is offered public transportation but requests to drive a personal car instead, the shorter duration between the public and private transportation will be counted as the employee's travel hours (FLSA, 29 CFR § 785.40).
- g. If an employee is required to perform work while traveling, including driving or working while riding, that time must be compensated, regardless of whether it corresponds to the employee's normal scheduled hours (FLSA, 29 CFR § 785.41).

For a quick-reference chart on Travel Time Compensation, see the Appendix.

Mileage Reimbursement

Employees should never purchase fuel for a personal vehicle using a library credit card. Per the mileage reimbursement policy set by the Commonwealth of Kentucky in 200 KAR 2:006, JCPL will reimburse employees for the use of a personal vehicle for work-related travel at the mileage rate set by the state Finance Cabinet. Such mileage should be reported on an Expense Voucher and submitted to the employee's manager for approval. If an employee is leaving directly from home or returning directly to home from work-related travel, JCPL will reimburse the shorter distance between home and the destination or work and the destination (as per recognized software such as Google Maps, Apple Maps, Waze, or MapQuest).

Meal Reimbursement

JCPL employees may request a standard meal *per diem* for qualified work-related travel outside of the county that is approved by the employee's manager. During such qualified travel, an employee may receive a meal *per diem* for the following times:

- Breakfast – when leaving at or before 7:30am and returning at or after 9:30am;
- Lunch – when leaving at or before 11:30am and returning at or after 1:30pm;
- Dinner – when leaving at or before 5:30pm and returning at or after 7:30pm.

Employees should not purchase food using a library credit card, but should rather apply for reimbursement using an Expense Voucher. Current meal *per diem* rates are set by the state Finance Cabinet and listed on the Expense Voucher. Employees may request the meal *per diem* in advance of travel so that the employee has money in hand.

4.5 Leave

The effective date of Section 4.5 policy is July 1, 2001.

4.5a Paid Sick Leave

JCPL provides paid sick leave to all employees who are regularly scheduled to work at least twenty (20) hours per week.

The purpose of paid sick leave is to aid eligible employees in avoiding a major loss of pay. Eligible employees will be required to exhaust all available paid sick leave before any unpaid medical leave will be granted pursuant to the Medical Unpaid Leave section (see 4.7). Paid sick leave benefits are not to be regarded as "earned" time off or as being "vested" at any time. (See Section 5.2 for retirement and unused sick leave.)

Accrual of Sick Leave

Full-time staff will accrue sick leave at the rate of one (1) work day (7.7 hours) at the conclusion of each month of employment. Eligible Part-time Staff will accrue sick leave at the rate of four (4) hours at the conclusion of each month of employment.

Employees acquire the designated amount of paid sick leave benefit in any calendar month in which the employee is employed for at least fifteen days. The fifteen days may include jury duty, witness leave, or military leave, but no other unpaid leave of absence. Sick leave becomes available for use at 12:01am on the first calendar day of the calendar month following the month in which the leave was accrued.

Maximum Accrual of Sick Leave

No employee may accrue more than 1000 hours maximum sick leave.

Notice of Intent to Use Sick Leave

For scheduled sick leave, an employee will request leave of his or her supervisor no less than 24 hours in advance.

For unscheduled sick leave, an employee will notify his or her supervisor of the intent to use sick leave. Notification must come as soon as reasonably possible, but no later than one hour in advance of scheduled time on each day missed.

Employees may be required to supply a physician's certification of the illness or serious health condition.

Return to Work

An employee returning to work following sick leave must be able to perform the duties of his or her job title without posing a direct threat to the health or safety of himself/herself or to others. The employee may be required to supply a physician's certification of fitness to return to work if his/her sick leave time has been in excess of three days.

Termination of Employment

In the event an employee's employment with the Library terminates for whatever reason, the employee is not entitled to receive a cash equivalence of any unused paid sick leave balance and any such lost paid sick leave is not reinstated in the event the employee is re-hired by the Library. (See Section 5.2 for retirement and unused sick leave.)

Change of Employment with JCPL

In the event a full-time employee becomes a part-time (twenty [20] or more hours) employee or vice versa, without termination of employment between the two types of employment, his

or her available but unused paid sick leave benefit accumulation existing at the time of the change will carry over and remain in effect under the new employment subject to stated maximum accrual rate for the new employment status.

4.5b Paid Vacation Leave

JCPL provides paid vacation leave benefits to all employees who are regularly scheduled to work at least twenty (20) hours per week.

The purpose of the Library's paid vacation leave benefit is to provide the opportunity for the employee to take actual time off from work without loss of pay for rest and recreation, or for such other purposes as the employee believes may be beneficial thereby increasing the employee's performance in the future. An employee will be entitled to receive the cash equivalence of the employee's accumulated but unused paid vacation leave upon termination.

Accrual of Vacation Leave

Employees acquire the designated amount of vacation leave benefit in any calendar month in which the employee is employed for at least fifteen days. For this purpose, an employee is considered to be employed on all calendar days worked during the calendar month except any day on which the employee is on an unpaid leave of absence other than jury duty leave of absence, witness leave of absence, or military leave of absence. Vacation leave becomes available for use at 12:01am on the first calendar day of the calendar month following the month in which the leave was accrued.

Provided that pre-approval is obtained from the supervisor or the Executive Director, vacation leave may be used upon accrual. Vacation leave shall not be taken in advance of accrual.

Full-time employees accrue ten (10) days of vacation leave per year from their date of hire through their fifth year of employment. They accrue fifteen (15) days per year from their sixth year through their tenth year of employment, and twenty (20) days per year thereafter. Previously employed persons who are rehired shall accrue leave at the rate of a new employee.

Part-time employees who work twenty (20) hours or more per week on a regular basis accrue four (4) hours of vacation leave per month.

Maximum Carry Over

A maximum of seventy-seven (77) hours of accrued but unused vacation leave benefits may be carried over to September 1 each year. Excess hours are lost, and the employee is not entitled to receive the cash equivalence of such lost vacation leave benefit hours. An employee cannot use more than four weeks of vacation leave in one fiscal year without the approval of the Executive Director.

Request for Leave

An employee must submit a written request for leave to his or her supervisor via the approved procedure. For an employee to use paid vacation leave benefits, the time must be scheduled

with and approved at least one week in advance or at the discretion of the employee's supervisor.

A supervisor may deny requests for vacation leave or cancel vacation leave if she or he determines that unforeseen circumstances have occurred which require cancellation. However, an effort will be made to accommodate requests for vacation leave. In all cases the work requirement of the Library must take priority.

4.6 Family and Medical Leave

The Family and Medical Leave Act of 1993 (FMLA) requires covered employers to allow eligible employees to take up to twelve (12) weeks of job-protected leave in a twelve (12) month period for qualified family or medical circumstances.

JCPL determines the twelve (12) month period to be a rolling period measured backward from the date an employee uses FMLA leave. Each time an employee uses FMLA leave, the balance of available leave is twelve (12) weeks minus any FMLA taken during the immediately preceding twelve (12) months.

An employee does not need to use the twelve (12) weeks of FMLA-protected leave in one block. Leave may be taken intermittently or on a reduced leave schedule when medically necessary. Eligible employees may choose to use accrued paid leave, if available, for some or all of the leave period.

Eligibility

In order to qualify for protection under FMLA, an employee must have:

- a. Been employed at JCPL for a period of twelve (12) months as of the date the FMLA leave is to start and
- b. Worked at least 1,250 hours during the twelve (12) month period immediately before the date the FMLA leave is to start.

Qualifying Circumstances

JCPL will provide FMLA protections to eligible employees for any of the following reasons:

- a. The birth of a child and to bond with the newborn child within one year of birth;
- b. The placement with the employee of a child for adoption or foster care and to bond with the newly-placed child within one year of placement;
- c. A serious health condition (defined as an illness, injury, impairment, or physical or mental condition that involves an overnight stay in a medical care facility or continuing treatment by a health care provider) that makes the employee unable to perform the functions of the job, including incapacity due to pregnancy and for prenatal medical care;
- d. To care for the employee's spouse, son, daughter, or parent who has a serious health condition, including incapacity due to pregnancy and for prenatal medical care. For purposes of this section, a son or daughter is:
 - i. A biological, adoptive, or foster child of the employee;
 - ii. A stepchild of the employee;

- iii. A legal ward of the employee; or
- iv. A person for whom the employee serves *in loco parentis* and who is under 18 years of age or is 18 years of age or older and incapable of self-care due to a disability as defined by the Americans with Disabilities Act (ADA) or a serious health condition.

Benefits and Protections

Except as authorized by law, on return from authorized FMLA-protected leave, an eligible employee shall be entitled:

- a. To be restored to the position of employment held by the employee when the leave commenced, or
- b. To be restored to an equivalent position with equivalent pay, benefits, and other employment terms and conditions.

FMLA does not protect leave that exceeds twelve (12) weeks within a twelve (12) month period. Leave requested in excess of twelve (12) weeks must be authorized by the Executive Director.

While an employee is on FMLA-protected leave, JCPL will continue any group health insurance coverage as if the employee was not on leave. All other payroll-deducted benefit plans will also be maintained. If the employee is not using sufficient accrued paid leave to cover payroll-deducted premiums, the employee will be responsible for payment of the employee portions. In the event the employee does not return to JCPL, the employee shall be held responsible for employer premiums paid on behalf of the employee, unless the employee's failure to return to work is beyond the employee's control, including a serious medical condition.

The taking of FMLA-protected leave shall not result in the loss of any employment benefits accrued prior to the period of FMLA leave. During an employee's exercise of FMLA-protected leave under this section, the Library shall allow vacation and sick leave to accrue during paid leave time only.

Nothing in this policy shall be construed to entitle any restored employee to:

- a. Protection from actions that would have been in effect if the employee had not been on FMLA leave, such as the elimination of a shift;
- b. The accrual of any seniority or employment benefits during a period of unpaid leave; or
- c. Any right, benefit, or position of employment other than those to which the employee would have been entitled had the employee not taken the leave.

JCPL is not required by law to protect the positions of the highest-paid 10% of employees. Decisions concerning these employees will be made on a case-by-case basis. These employees may use all paid leave in the instances enumerated above. The philosophy of JCPL is such that efforts will be made to facilitate family leave for those employees whenever possible.

Employee Responsibilities

Employees must provide thirty (30) days' advance notice of the need to take FMLA leave when it is foreseeable. When thirty (30) days' notice is not possible, the employee must provide notice as soon as practicable. In cases in which the necessity for leave is foreseeable based on

a planned medical treatment, the employee should make reasonable efforts to schedule the treatment so as not to disrupt unduly the operations of the Library, subject to the approval of the health care provider.

Employer Responsibilities

Within five (5) business days of an employee's request for FMLA-protected leave, JCPL must provide the employee with an Eligibility Notice identifying whether the employee is eligible for FMLA leave and whether the leave qualifies for FMLA protection. If the request is granted, JCPL must also provide a Rights and Responsibilities Notice detailing the specific expectations and obligations of the employee relating to the FMLA leave.

Certification

When leave is requested because of a serious health condition of the employee or the employee's qualifying family member, the employee's request for leave shall be accompanied by a certification issued by a health care provider. (Certification forms are available from the Operations Manager.) The certification shall include the following information:

- a. Contact information for the health care provider, including name, address, telephone number, fax number, and type of medical practice/specialty;
- b. The date when the serious health condition began;
- c. The expected duration of the serious health condition;
- d. If the employee is the patient - a statement that the employee is unable to perform the functions of the employee's job position and the likely duration of this inability;
- e. If a qualifying family member is the patient - a statement that the eligible employee is needed and an estimate of the frequency and duration of the leave required;
- f. Whether the employee's need for leave is continuous or intermittent; and
- g. Appropriate medical facts about the condition, which may include information on symptoms, treatment schedule, and doctor's visits, but cannot require disclosure of a diagnosis.

Once the employee has provided satisfactory certification of a serious health condition, JCPL may contact the health care provider only for purposes of authentication and/or clarification of the medical certification. Under no circumstances shall the employee's direct supervisor contact the employee's health care provider; such contact may only be made by the Operations Manager or Executive Director. JCPL shall not ask health care providers for additional information beyond what is in the certification form.

JCPL reserves the right to require, at its expense, that an eligible employee obtain an opinion from a second health care provider designated or approved by the Library concerning any information required by the above certification. In any case in which the second opinion differs from the opinion of the original certification provided by the employee, the Library may require, at its expense, that the employee obtain the opinion of a third health care provider approved jointly by the Library and the employee concerning the information so certified. The opinion of the third health care provider concerning the information certified shall be binding on the Library and the employee. While waiting for additional opinions, the employee is provisionally entitled to FMLA protections.

JCPL reserves the right to require that eligible employees obtain subsequent recertification on a reasonable basis as requested.

As a condition of restoration of employment for an employee who has taken leave for a serious medical condition, the Library requires that each employee acquire, at the employee's cost, a fitness-for-duty certification from an appropriate health care provider stating that the employee is able to resume the position which the employee previously held.

Military Family Leave

Eligible employees are entitled to two types of FMLA-protected leave related to military service: Qualifying Exigency Leave and Military Caregiver Leave. Unlike non-military FMLA leave, with Military Family Leave an employee's son or daughter refers to a son or daughter of any age.

Qualifying Exigency Leave arises from the foreign deployment of the employee's spouse, son, daughter, or parent on active duty, under call to active duty, or having been notified of an impending call or order to active duty with the Armed Forces (including the National Guard and Reserves). Qualifying exigencies may include:

- a. Issues arising from the military member's short notice deployment (seven (7) days of notice or fewer);
- b. To make or update financial and legal arrangements to address a military member's absence;
- c. To attend counseling for the employee, the military member, or a child of the military member when the need for that counseling arises from the active duty or call to active duty status of the military member and the counseling is provided by someone other than a health care provider;
- d. To attend military events and related activities, including official military ceremonies and programs or informational briefings related to the military member's active duty and sponsored or promoted by the military or military service organizations;
- e. To spend up to fifteen (15) calendar days with a military member who is on rest and recuperation leave;
- f. Certain childcare and related activities for the military member's child while the military member is on active duty, if the military member is the parent, spouse, or child of the employee taking leave and if the child for whom the employee is arranging or providing care is the child of the military member;
- g. Certain parental care activities for the military member's parent who is incapable of self-care, if the military member is the parent, spouse, or child of the employee taking leave and the parent receiving assistance is the parent of the military member;
- h. To attend post-deployment activities within ninety (90) days of the end of the military member's active duty;
- i. To attend to issues arising from the death of a military member while on active duty;
- j. Any other event that the employee and employer agree is a qualifying exigency.

When Qualifying Exigency Leave is requested under Military Family Leave, JCPL may request the following information as certification:

- a. A copy of the military member's orders;
- b. Appropriate facts regarding the qualifying exigency;
- c. The approximate date on which the leave began or will begin;
- d. How long and/or how often leave will be needed; and
- e. Contact information for any meeting with a third party and a brief description of the purpose of the meeting.

Military Caregiver Leave will be granted to eligible employees who are the spouse, son, daughter, parent, or next of kin of a covered servicemember with a serious injury or illness. Such employees are permitted to take up to a total of twenty-six (26) weeks of leave during a single twelve (12) month period to provide care for the servicemember. A covered servicemember is either:

- a. A current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy; is otherwise in outpatient status; or is otherwise on the temporary disability retired list for a serious injury or illness; or
- b. A veteran who was discharged within the previous five (5) years before the employee takes medical caregiver leave and is undergoing medical treatment, recuperation, or therapy for a serious injury or illness.

When Military Caregiver Leave is requested, JCPL may require certification by a Department of Defense (DOD), Veterans Affairs (VA), or TRICARE health care provider, or by a private health care provider. Second or third opinions and recertifications cannot be required when the servicemember obtains certification from a DOD, VA, or TRICARE provider.

Nothing in this Policy shall be construed to limit the rights, duties, and obligations of the Library and the employee to comply with the provisions of the Family and Medical Leave Act of 1993. JCPL expressly reserves the right to exercise any right granted to it under federal or state law with respect to the provision of family or medical leave.

4.7 Medical Unpaid Leave of Absence

Employees who are not eligible for Family and Medical Leave pursuant to Section 4.6 may take an unpaid medical leave of absence under the following conditions:

- a. Medical leave of absence may be used by non-probationary employees who must be absent from work for periods exceeding their available annual leave and sick leave because of illness, injury, or pregnancy and childbirth;
- b. An employee is considered to be on medical leave after ten (10) days of continuous absence for medical reasons;
- c. Employees shall use sick leave and vacation leave in that order before taking leave without pay for medical reasons;
- d. A physician's certification of illness may be required at the discretion of the supervisor or the Executive Director;
- e. A physician's certification of fitness to return to work may be requested;

- f. Employees shall inform their supervisor of matters related to the scheduling of unpaid medical leave and progress toward resuming employment;
- g. The position of an employee not eligible for Family and Medical Leave Act protections who takes an extended medical leave of absence may be held open for no longer than ninety (90) days. Because of the Library's staffing requirements, it may be necessary to fill the position at an earlier date. If the employee's position is filled while the employee is on medical leave, the employee will be considered for the first comparable job to become available within one year of the employee's replacement by the Library.

4.8 Non-Medical Unpaid Leave of Absence

On rare occasions, non-medical unpaid leave may be requested for special circumstances. An employee who requests such leave must submit a written leave request to his or her supervisor stating the purpose and dates of the leave. The decision to grant leave without pay will be made by the Executive Director upon recommendation of the employee's supervisor. JCPL will attempt but cannot guarantee that the employee's position will be held open for more than thirty (30) days during non-medical leave without pay that does not meet the criteria for family leave. Eligible employees may continue to participate in benefit coverage by assuming full responsibility for the employer and employee costs of such benefits during their absence to the extent allowed by each insurance carrier.

4.9 Disability Leave Due to Job-Related Injury or Illness

Employees who suffer on-the-job injury or the supervisor of an employee who suffers an on-the-job injury shall report the injury to the workers compensation provider as soon as possible.

Any employee who suffers injury or illness as a result of a service-connected accident or illness shall be compensated at the negotiated rate with the worker's compensation insurance company. Employees may use sick leave until worker's compensation payments are approved; upon receipt of worker's compensation insurance retroactive to the first day absent, the employee shall reimburse the Library for sick leave used during the period, and the Library shall reimburse the employee for the sick leave hours.

Employees shall not accrue sick leave or vacation leave while receiving worker's compensation insurance payments; however, upon returning to work the employee shall be credited with sick and vacation leave that would have been accrued during the period for a length of time not to exceed six months for each accident or illness.

The Library will continue to pay the employer's share of the employee's health insurance premium costs while on disability leave due to service connected accident or illness; however, if the Library's medical professional advises that the employee is capable of returning to work and the employee does not return to work, payment for medical insurance may be discontinued.

4.10 Bereavement Leave

Paid bereavement leave of up to three (3) days may be granted by the Executive Director to an employee with regularly scheduled hours upon the death of a member of the employee's immediate family. "Immediate family" is defined as spouse or partner, parent, child, sibling, stepparent, stepchild, stepsibling, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, grandparent, grandchild, or the spouse of a grandparent or grandchild. Bereavement leave is normally scheduled within two weeks of the family member's death.

4.11 Jury Duty

Employees with regularly scheduled hours who are on jury duty must inform their supervisors of the times when they will be required to appear and serve on jury duty. The employee shall be paid at his or her regular rate following endorsement of the juror's stipend check to JCPL. Employees are paid only for days actually served on jury duty. Proof of jury service and the amount of the stipend received must be presented to the employee's immediate supervisor. When an employee is not actually participating in jury duty or related activities, the employee is expected to work during normal scheduled hours.

4.12 Voting Leave

If a full-time employee's work schedule does not allow him/her to vote during polling hours, the employee may request unpaid voting leave from his/her supervisor.

4.13 Military Leave

Pursuant to KRS 61.394, employees who are members of the Kentucky National Guard or of any reserve component of the Armed Forces of the United States, or of the reserve corps of the United States Public Health Service, are entitled to a leave of absence from their respective duties without loss of time, pay, regular leave, impairment of efficiency rating, or of any other rights or benefits to which they are entitled while in the performance of duty or training in the service of the state of Kentucky or of the United States under competent orders. In any one (1) federal fiscal year (October 1-September 30), employees on military leave shall be paid their salaries or compensations for a period or periods not exceeding the number of working days specified by state statute. Any unused military leave in a federal fiscal year shall be carried over to the next year. Any unused military leave shall expire two (2) years after it has accrued.

Additional days absent from work for military duty beyond those compensated under state law shall be charged to accrued leave, or to unpaid leave should no accrued leave be available. No vacation or sick leave is accrued during unpaid military leave.

Employees who are ordered to active military duty for extended periods are urged to discuss their schedules and plans with their supervisors as soon as possible. Once relieved or discharged from military duty, such employees have a period of ninety (90) days (or if

hospitalized or in treatment, a period of up to one (1) year after discharge) to notify JCPL of their intent to return by either reporting to work or applying for reemployment.

Rights Under USERRA

Under the Uniformed Services Employment and Reemployment Rights Act (USERRA), employees who leave the job to perform military service have the right to be reemployed if:

- a. JCPL receives advanced written or verbal notice of the service,
- b. The employee has five (5) years or less of cumulative military service while with JCPL,
- c. The employee returns to work or applies for reemployment in a timely manner after conclusion of service, and
- d. The employee has not been separated from service with a disqualifying discharge or under other than honorable conditions.

If the employee is eligible for reemployment, JCPL will return the employee to a position of like seniority, status, and pay. An employee restored from military leave is treated as though he or she was in continuous service.

An employee on Military Leave may elect to continue existing employer-based health plan coverage for the employee and dependents for up to twenty-four (24) months. If the service member elects not to continue health plan coverage during military service, the employee will be reinstated in the employer-based health plan when reemployed, generally without any waiting periods or exclusions except for service-connected illnesses or injuries.

4.14 Leave Sharing

An employee may have a family medical emergency or be affected by a major disaster, resulting in a need for additional time off in excess of available accrued leave. In such extraordinary cases (as determined by the Executive Director), eligible coworkers will be allowed to donate unused accrued leave to the employee in need of additional time off in accordance with the following:

- a. To be eligible to donate accrued leave or receive a donation of paid leave, an employee must be employed with JCPL for a minimum of one year;
- b. A **medical emergency** shall be defined as a medical condition of an employee or immediate family member that will require the prolonged/extended absence of the employee from work and will result in a substantial loss of income to the employee due to the exhaustion of all accrued paid leave;
- c. A **major disaster** shall be defined as an event that has caused severe hardship to an employee or immediate family member that requires the employee to be absent from work and will result in a substantial loss of income to the employee due to the exhaustion of all accrued paid leave;
- d. The donation of accrued paid leave must be completely voluntary;
- e. The identities of the donor and the recipient should not be disclosed;
- f. The minimum amount of accrued paid leave that may be donated is 7.7 hours;

- g. The maximum amount of accrued paid leave that an employee may donate in one calendar year is 77 hours, not to exceed 50% of available accrued leave;
- h. The maximum amount of accrued paid leave that an employee may receive from donors in one calendar year is 240 hours;
- i. Employees may not borrow against future paid leave accrual to donate.

SECTION V

EMPLOYEE BENEFITS

5.1 Health insurance

Full-time employees are eligible to participate in JCPL's health insurance plan. Employees who wish to add family members to their policies may do so, though they are fully responsible for all additional costs to their premium. These costs will be paid by means of payroll deduction.

Health insurance coverage takes effect the first day of the month following the employee's completion of sixty (60) continuous days of employment with JCPL.

5.2 Retirement

Employees who work 23.07 hours or more per week must participate in the County Employees Retirement System administered by Kentucky Public Pension Authority (kyret.ky.gov).

Participating employees contribute a percentage of their gross pay set by the retirement system, and JCPL contributes the employer rate set by the state legislature.

Participation in the Kentucky Public Pension Authority takes effect on the employee's first day of work.

The JCPL Board of Trustees has made provisions that allow retiring employees to receive service credit for unused sick leave. See KRS 78.616(3).

The Board has also made arrangement for eligible employees to participate in an installment purchase plan in order to buy service credit. Such payments must be paid by means of payroll deduction. Pursuant to Kentucky Revised Statutes.

5.3 Supplemental Benefits

Employees who work thirty (30) or more hours per week are eligible to purchase additional supplemental benefits from companies with which JCPL has participation agreements.

In addition to the benefit options, employees who work thirty (30) or more hours per week are eligible for a pre-taxed Flexible Spending Account, which can be used for Unreimbursed Medical Expenses and/or Dependant Child Care.

Participation in any supplemental benefits plan cannot begin until the first day of the month following the employee's completion of sixty (60) continuous days of employment with JCPL.

For additional information on supplemental benefits, please contact the Operations Manager.

5.4 Continuation of Insurance Benefits

Federal law requires group health and dental insurance carriers to allow insured group members to convert their group policies to individual policies when they lose the status that made them eligible for group coverage. Examples of this change in status include termination of employment, retirement, loss of dependant status, reduction of hours, death, and divorce. Coverage can be extended for up to eighteen (18) months.

The insured employee must decide whether or not to continue coverage within sixty (60) days after coverage termination. He or she is responsible for the full cost of the insurance premium.

5.5 Deferred Compensation

JCPL allows eligible employees to invest earnings by payroll deduction to a 457(b), 401(k), 401(k) Roth, Deemed IRA Traditional, or Deemed IRA Roth, through the Kentucky Public Employees Deferred Compensation Authority (www.kentuckydcp.com).

Under the Setting Every Community Up for Retirement Enhancement Act of 2019 (“SECURE Act”), a federal law effective January 1, 2021, any employee who works at least five hundred (500) hours in each year for three (3) consecutive years must be offered the opportunity to make a 401(k) deferral election. Eligible employees will be given the opportunity to elect or decline contributions to a deferred compensation 401(k).

SECTION VI

USE OF LIBRARY EQUIPMENT & ELECTRONICS

6.1 Use of Library Equipment

The use of JCPL equipment and all forms of Internet/intranet access is for JCPL business and for authorized purposes only. Brief and occasional personal use of JCPL equipment is acceptable as long as it is not excessive or inappropriate, occurs during personal time (meal or other breaks), and does not result in expense or harm to JCPL or otherwise violate this or other JCPL policies. Use is defined as "excessive" if it interferes with normal job functions, responsiveness, or the ability to perform daily job activities. Electronic communication should not be used to distract, intimidate, or harass coworkers or third parties; disrupt the workplace; or solicit or sell products or services that are unrelated to JCPL's business.

All employees are responsible for diligence in the protection of the JCPL premises, equipment, systems, networks, files, and supplies. Library equipment, files, and/or supplies will be removed from the premises only for legitimate library business and with appropriate approval.

Employees may be individually liable for any and all damages incurred as a result of violating JCPL Information Security Policy, copyright, and licensing agreements.

6.2 Computers, Networks, and Internet Access

Misuse of JCPL computers and networks may result in disciplinary action, up to and including termination and/or criminal prosecution. Inappropriate conduct carried out on such systems includes, but is not limited to:

- a. Accessing personally identifying information (PII) outside of normal job duties;
- b. Participating in any way in the creation or transmission of unsolicited e-mail ("spam") that is unrelated to legitimate JCPL purposes;
- c. Engaging in personal use of instant messaging, chat rooms, and online forums during work time;
- d. Accessing networks, servers, drives, folders, or files to which the employee has not been granted access or authorization from someone with the right to make such a grant;
- e. Making unauthorized copies of JCPL files or other JCPL data;
- f. Unauthorized deletion or modification of JCPL files or other JCPL data, or otherwise making such files or data unavailable or inaccessible to JCPL or to other authorized users of JCPL systems;
- g. Downloading and/or installing new programs or applications to JCPL equipment without supervisor and IT approval;
- h. Misrepresenting one's identity or JCPL;
- i. Violating the laws and regulations of the United States or any state, city, or other local jurisdiction in any way;
- j. Engaging in malicious activities;
- k. Creating or distributing any virus or other cybersecurity threat designed to disrupt, disable, impair, or otherwise harm either JCPL's networks or systems or those of any other individual or entity;
- l. Using abusive, profane, threatening, racist, sexist, or otherwise objectionable language in either public or private messages;

- m. Sending, receiving, or accessing pornographic materials;
- n. Failing to log off or lock any JCPL computer or other form of electronic data system to which one is assigned, leaving it prone to unauthorized access;
- o. Defeating or attempting to defeat security restrictions on JCPL systems and applications.

The Board President and/or Executive Director have authorization to comply with requests from law enforcement and regulatory agencies for logs, archives, or files on individual Internet activities, e-mail use, and/or computer use.

6.3 Ownership and Access

JCPL owns the rights to all data and files created or modified using library equipment or during library work time. JCPL also reserves the right to monitor electronic messages (including but not limited to personal/private/instant messaging systems) and their content when accessed on library equipment or accounts. JCPL has the right to inspect any and all files stored on the network, cloud, individual computers, or storage media in order to assure compliance with JCPL policies and state and federal laws.

No employee may access another employee's computer, computer accounts, computer files, or electronic mail messages without prior authorization from either the employee or an appropriate JCPL official.

Employees should assume that whatever they do, type, enter, send, receive, and view on JCPL electronic information systems is electronically stored and subject to inspection, monitoring, evaluation, and use at any time, as described in the Open Records Act (KRS 61.872). Further, employees who use JCPL systems and Internet access to send or receive files or other data that would otherwise be subject to any kind of confidentiality or disclosure privilege thereby waive whatever right they may have to assert such confidentiality or privilege from disclosure.

JCPL has licensed the use of certain commercial software application programs for business purposes. No employee may create, use, or distribute copies of such software that are not in compliance with the license agreements for the software. Violation of this policy can lead to disciplinary action, up to and including dismissal.

6.4 Internet/Intranet/Cloud Access Policy

The Internet is to be used to further JCPL's mission, to provide effective service of the highest quality to JCPL's customers and staff, and to support other purposes directly related to the job. The various modes of Internet/Intranet/Cloud access are JCPL resources and are provided as business tools to employees who may use them for research, professional development, and work-related communications.

All JCPL policies and procedures apply to employees' conduct on the Internet.

6.5 Telephones

An employee may have a cell phone in work areas for work purposes. Inappropriate use of cell phones may result in disciplinary action. Personal calls or texts of an urgent nature, such as those which must be made or received to address a personal emergency, may be made or received at any time.

Library staff must keep personal calls or texts to a minimum both in the number of calls and in the length of calls. Personal calls or text conversations exceeding five minutes should be made on the employee's personal phone and on his or her own time. All personal phone conversations must take place in non-public areas.

All personal calls made and received on JCPL phone lines are to be kept as brief as possible. Personal long distance phone calls may not be charged to JCPL.

6.6 Postage

It is a violation of local and federal law for JCPL employees to utilize the JCPL postage machine for personal mailings. JCPL employees may include their personal stamped mail in the outgoing mail bin to be collected by the postal carrier.

6.7 Library Vehicles

Library-owned vehicles are available for JCPL business only. Employees wishing to use a library vehicle must reserve it using the established reservation system and must document their use in the vehicle's log. Employees who drive a library vehicle, or who drive a personal vehicle on library business, are responsible for maintaining proper licensing and observing all traffic laws.

SECTION VII

CONFLICT RESOLUTION

7.1 Grievance Procedure

It is the policy of JCPL that employees should have the opportunity to present work-related complaints. If an agreement or understanding cannot be reached, or if the employee feels it necessary from the outset, the employee has the right to appeal decisions through a dispute resolution or grievance process. JCPL will attempt to resolve promptly all grievances that are appropriately handled under this policy.

An appropriate grievance may be:

- a. A belief that policies, practices, rules, regulations, or procedures have been applied to the employee's detriment;
- b. Treatment that an employee considers to be unfair, such as coercion, reprisal, harassment, or intimidation;
- c. Allegations of discrimination on the basis of race, color, sex, age, religion, national origin, marital status, sexual orientation, or disability; or
- d. Administration of employee benefit or conditions of employment that the employee finds to be unfair or improper.

NOTE: No employee who has been terminated may initiate the grievance procedure to address their termination, as this decision is final.

When filing a grievance, employees should complete a Grievance Procedure Form (provided in the Appendix of this policy) and direct it to the Operations Manager within seven (7) calendar days of the event giving rise to a grievance. The Operations Manager will direct the form to the supervisor of the person against whom the grievance is filed. If the grievance involves the Operations Manager, the form should be given to the Executive Director; if the grievance involves the Executive Director, the Operations Manager will direct the grievance to the Personnel Committee of the Board of Trustees. If the grievance involves both the Executive Director and Operations Manager, the employee should direct the grievance to the Personnel Committee of the Board of Trustees.

There are three levels of review in the grievance procedure:

1. The **Department Manager** will investigate the grievance by conferring with the employee and others (if appropriate and necessary) and will attempt to resolve it. The department manager shall give a decision to the employee within two weeks of receipt of the grievance form and prepare a written summary of the grievance and the proposed resolution.
2. If the employee is not satisfied with the department manager's decision regarding the grievance, the employee may appeal the grievance to the **Executive Director**. An appeal must be submitted in writing within seven (7) calendar days of receipt of the department manager's decision. The Executive Director will confer with the employee, the department manager, and others if appropriate and necessary. The Executive Director shall attempt to resolve the grievance, and shall communicate a written decision to all parties involved within two weeks of receipt of the grievance form.
3. If the employee is dissatisfied with the Executive Director's decision, he or she may appeal in writing to the **Personnel Committee of the Board of Directors** within seven (7)

calendar days of being notified of the Executive Director's written decision. The Personnel Committee shall review the Executive Director's decision, investigate the grievance, attempt to resolve it, and give a recommendation to the Board of Trustees. The Board will decide by a vote and will respond to the aggrieved employee in writing. The decision shall be final and is not subject to further appeal. Where appropriate, the decision may provide for action retroactive to the date of the employee's original grievance. Grievances are decided on a case by case basis. Information concerning an employee grievance will be held in strict confidence.

Employees shall not be penalized for proper use of the grievance procedure. An employee shall not abuse the procedure by raising a grievance in bad faith or solely for purposes of delay or harassment, or by repeatedly raising grievances that a reasonable person would find to be without merit. An employee's initiation of the grievance procedure does not limit JCPL's right to proceed with any disciplinary action.

7.2 Disciplinary Procedure

All JCPL employees are expected to comply with all library policies, and any failure to comply with these standards must be remedied. JCPL attempts to provide employees with notice of deficiencies and an opportunity to improve. JCPL retains the right to administer appropriate discipline, which may include immediate termination. All JCPL employment is employment at will.

If an employee is not meeting JCPL standards of behavior or performance, the employee's department manager will take one or more of the following actions:

- a. Meet with the employee to discuss the matter;
- b. Inform the employee of the nature of the problem and the action necessary to correct it;
- c. Prepare a written report for the employee's personnel file that includes the content of the discussion, the recommended action, and the signatures of the department manager and the employee; and
- d. Recommend continued employment or termination.

In cases involving serious misconduct, such as a major breach of policy or violation of law, the department manager may recommend immediate termination.

An Employee Conference form is provided in the Appendix of this policy.

7.3 Grounds for Dismissal

An employee may be dismissed for unsatisfactory performance, negligence, or misconduct that may reflect adversely upon JCPL or jeopardize customer well-being or confidentiality.

Committing any violation of a library policy or procedure will be sufficient grounds for disciplinary action, ranging from verbal correction to immediate dismissal, depending on the seriousness of the offense in the judgment of management. The following examples illustrate the type of behavior that may result in dismissal, but do not constitute an exhaustive listing:

- a. Reporting for work under the influence of alcohol or illegal drugs; or the illegal use, sale, or dispensing of alcoholic beverages or drugs on JCPL premises or while working for JCPL off-site;
- b. Brandishing firearms or other deadly weapons on JCPL premises or while working for JCPL off-site;
- c. Conviction of a felony;
- d. Insubordination or the refusal by an employee to follow instructions concerning a job-related matter;
- e. Threatening or intimidating behavior on JCPL premises or while working for JCPL off-site;
- f. Fighting or assault on JCPL premises or while working for JCPL off-site;
- g. Originating or spreading false or disparaging statements concerning fellow employees or JCPL;
- h. Theft, destruction, defacement, or misuse of JCPL property or another employee's property;
- i. Falsifying or altering any employee records;
- j. Falsifying reimbursement documents;
- k. Smoking on JCPL premises;
- l. Leaving work area unattended, wasting time, or sleeping during work hours;
- m. Excessive tardiness or absence; failure to report for work without a satisfactory reason (Employees who are absent from work for two (2) consecutive days without giving notice to their supervisors will be considered as having voluntarily quit their employment.);
- n. Failure to take safety precautions or to abide by safety rules and policies;
- o. Attire or personal appearance which does not comply with the JCPL Dress Code;
- p. Engaging in any form of harassment;
- q. Improper access and/or disclosure of confidential information; and
- r. Any other violation of JCPL policies.

SECTION VIII

SEPARATION FROM EMPLOYMENT

8.1 Voluntary Resignation

If an employee wishes to resign, the employee may do so, at any time, for any reason. Employees who choose to resign are encouraged to submit a written notice of at least two (2) weeks to their supervisor, before leaving JCPL. This written notification should include the effective date of resignation, specific reason(s) for the resignation, the employee's position and department, and the employee's legal signature.

8.2 Retirement

Employees considering retirement should contact the Kentucky Public Pension Authority for pre-retirement information and guidance. The employee's supervisor and the Operations Manager should be notified of the employee's intent to retire.

8.3 Involuntary Termination

All involuntarily terminated employees will receive a letter of termination indicating the effective date of termination.

A terminated employee cannot appeal the termination decision.

Terminated employees shall be entitled to the cash equivalence of the employee's accumulated but unused paid vacation leave. (See Section 4.5b.)

8.4 Return of JCPL Property

When leaving employment at JCPL, name badges, keys, and other JCPL property must be returned to either the Operations Manager or the employee's direct supervisor.

8.5 Effect of Separation on Benefits

The Operations Manager will notify the insurance provider of an employee's separation, and the insurance provider will generate the necessary paperwork procedures regarding continuation of benefits.

Employees in the retirement system who leave JCPL without retiring should contact the Kentucky Retirement System for information on retirement account options.

APPENDIX

Jessamine County Public Library
Grievance Procedure Form

The employee initiating the Grievance Procedure Form should fill out this section

Name: _____ Position: _____

Department: _____ Supervisor's Name: _____

This grievance involves my supervisor. This grievance does not involve my supervisor.

Date of event giving rise to the grievance: _____ Today's date: _____

(This form must be filed within seven (7) calendar days of the event giving rise to the grievance.)

Summary of the grievance:

If necessary, attach a separate sheet that presents the details of the grievance. Include information about the location, time, witnesses, and written or visual evidence.

Upon completion, submit this form to the Operations Manager. *(If the grievance involves the Operations Manager, submit this form to the Executive Director. If it involves both the Executive Director and Operations Manager, submit form to the Personnel Committee of the Board of Trustees.)*

To my knowledge, the information that I have presented here is complete and accurate.

Signature: _____

REVIEW LEVEL ONE: The Department Manager

The person receiving the Grievance Procedure Form should fill out this section

Name: _____ Date of Receipt: _____

I am the appropriate person to receive this form. The employee has responded in the appropriate time frame.

The employee has responded to all the questions. The employee has listed the details of the grievance.

According to Board policy I must investigate the grievance, attempt to resolve it, and give a written decision to the employee within two weeks. Two weeks from today is _____.

Signature _____

I have sent a written decision to the employee. My comments are attached.

Signature _____ Date _____

REVIEW LEVEL TWO: The Executive Director

The person receiving the Grievance Procedure Form should fill out this section

Name: _____ Date of Receipt: _____

I am the appropriate person to receive this form. The employee has responded in the appropriate time frame.

The employee has responded to all the questions. The employee has listed the details of the grievance.

According to Board policy I must investigate the grievance, attempt to resolve it, and give a written decision to the employee within two weeks. Two weeks from today is _____.

Signature _____

I have sent a written decision to the employee. My comments are attached.

Signature _____ Date _____

REVIEW LEVEL THREE: The Personnel Committee of the Board of Trustees

The person receiving the Grievance Procedure Form should fill out this section

Name: _____ Date of Receipt: _____

I am the appropriate person to receive this form. The employee has responded in the appropriate time frame.

The employee has responded to all the questions. The employee has listed the details of the grievance.

According to Board policy, we must investigate the grievance, attempt to resolve it, and give a recommendation to the Board. The Board will vote and respond to the employee within a reasonable period of time.

Signature _____

We have sent a written decision to the employee. Our comments are attached.

Signature _____ Date _____

Jessamine County Public Library
Employee Conference

Employee: _____ Date: _____

Position: _____

Supervisor present: _____

Other Persons Present: _____

Reason for Conference: _____

First Occurrence

Second Occurrence

Third Occurrence

Stated Difficulty:

Corrective Measures:

Action Taken: Reprimand in personnel file Termination - effective _____

Signature of Employee: _____ Employee statement on reverse side

Signatures of Others Present: _____

Travel Time Compensation Chart

Travel Category	Compensable Time	Non-Compensable Time
Commuting	<ul style="list-style-type: none"> • Performing authorized work-related errands while commuting from home to work or from work to home • Transporting other employees to work sites, to the office, or to their homes either before or after the workday at management request 	<ul style="list-style-type: none"> • Ordinary travel between home and work
Travel During the Work Day	<ul style="list-style-type: none"> • Time spent in travel as part of the member's principal job activity (i.e., travel to remote locations, obtaining supplies, etc.) 	
One-Day Travel to Another Town or City	<ul style="list-style-type: none"> • Time spent traveling to and returning from a one-day required assignment in another city or town, regardless of whether the employee is the driver or the passenger, regardless of whether the travel cuts across the normal work schedule (i.e., going to and returning from a conference on the same day) 	<ul style="list-style-type: none"> • Normal commute time (the time the employee normally spends traveling between work and home)
Travel Away from Home That Includes an Overnight Stay	<ul style="list-style-type: none"> • Any portion of authorized travel, including time spent waiting at an airport, bus station, etc., that cuts across the employee's normal work schedule, including non-work days • Any time spent driving a personal vehicle, regardless of whether the travel cuts across the normal work schedule (Note: if public transportation is offered by the employer, but the employee chooses to use a private vehicle, the employer is only required to pay for time that would've been accrued via public conveyance.) • Any time spent performing job duties while traveling, regardless of whether the travel cuts across the normal work schedule 	<ul style="list-style-type: none"> • Any portion of authorized travel, including time spent waiting at an airport, bus station, etc., that falls outside the employee's normal work schedule • Travel between a hotel and meeting site • Travel home when the employer has authorized overnight accommodations <u>and</u> the travel falls outside the employee's normal work schedule • Travel to events or locations not related to the employee's job (i.e., sightseeing, meals outside of conference, etc.)