

**MONROE COUNTY PUBLIC LIBRARY
BOARD OF TRUSTEES**

**WORK SESSION
Wednesday, May 11, 2011
5:45 p.m.
Meeting Room 1B**

AGENDA

1. Call to Order – Kari Isaacson, President
2. Resolution to Offer One-time Career Service Benefit (page 1-8) – Kyle Wickemeyer-Hardy
3. Update to Personnel Policy Manual to Reflect Union Agreement (page 9-25) – Kyle Wickemeyer-Hardy
4. Update to Personnel Policy Manual Relating to Exempt Employees (page 26-29) – Kyle Wickemeyer-Hardy
5. Public Comment
6. Adjournment

MONROE COUNTY PUBLIC LIBRARY BOARD OF TRUSTEES

**RESOLUTION TO PERMIT THE ONE-TIME OFFER OF A
CAREER SERVICE BENEFIT
FOR RETIRING AND TERMINATING EMPLOYEES
FROM JULY 1, 2011 THROUGH NOVEMBER 6, 2011**

BE IT RESOLVED that the Board of Trustees of Monroe County Public Library, 303 E. Kirkwood Avenue, Bloomington, Indiana shall permit the one-time offer of a Career Service Benefit, as outlined in attached documents, for qualified terminating and retiring employees from July 1, 2011 through November 6, 2011.

During the period of this one-time offer only, the Board shall suspend implementation of this provision included in personnel policy 4.2 "Unused sick leave will not be converted to cash upon termination of employment unless employee retires under PERF."

BE IT FURTHER RESOLVED that this resolution will become effective immediately.

ADOPTED THIS ____ 18th _____ DAY OF ____ May _____, 2011

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Monroe County Public Library

Career Service Benefit Offer

July 1, 2011 – November 6, 2011

Career Service Benefit

The Monroe County Public Library (MCPL) is offering a one-time Career Service Benefit for any eligible employee who voluntarily elects to terminate employment with MCPL between July 1, 2011 and November 6, 2011, and who have unused Sick Leave accrued in excess of 150 hours on by their termination date. The Career Service Benefit is based on accrued unused sick time in excess of 150 hours at a rate of one hour pay for two hours sick leave, up to a maximum of 150 hours.

During the time frame of this offer, the last line of the MCPL Personnel Manual, Section 4.02 Sick Leave, will be temporarily suspended for those electing to participate in the CSB. become suspended *Unused sick leave will not be converted to cash upon termination of employment unless employee retires under PERF.* (see Public Employees' Retirement Fund & Other Retirement Benefits)

MCPL Retirement under PERF

Please note that for those retiring under PERF during the time of this offer, the Career Service Benefit is **in addition to** the benefit of Credit for Unused Accrued Sick Leave, as described by MCPL Personnel Policy 4.09.2. The calculation total of the Career Service Benefit, plus the pay for unused sick leave outlined in 4.09.2, is limited to the available sick leave balance for the employee.

Eligibility for the Career Service Benefit

In order to be eligible for the Career Service Benefit, the employee electing to terminate employment must meet the following requirements:

1. The employee must have voluntarily terminated employment, including voluntary resignation or early or regular retirement, anytime between July 1, 2011, and November 6, 2011; and
2. The employee must have accumulated more than 150 hours of accrued unused sick time as the benefit is based on accrued unused sick time in excess of 150 hours.

Limitations of the Career Service Benefit

1. The Career Service Benefit will only be available to employees terminating employment between July 1, 2011, and November 6, 2011 and may or may not be offered in the future.

2. The maximum Career Service Benefit will not exceed 150 hours of the employee's hourly wage or salary wage equivalent calculated by the hour.
3. Payment of the Career Service Benefit will be made in a lump sum in the payroll for the last pay period worked.
4. The Career Service Benefit payment will be subject to all normal payroll taxes and deductions.
5. The termination of employment may affect other benefits, including health insurance and retirement benefits, to which the eligible employee may be entitled. Please reference the MCPL Personnel Manual and the attached Human Resources documents entitled:
 - Voluntary Termination and Retirement Benefit Policies
 - Continuation of Health Insurance
 - Career Service & Retirement Benefit Calculation Tool

A general review of the Career Service Benefit calculation is as follows:

Accrued Sick Leave Balance at termination	XXX	A
Subtract 150 hours	-150	
Accrued Sick Leave Balance over 150 hours	XXX	B
Rate of one hr. paid per 2 hrs. available	half of B	C
Maximum C.S.B. hours to be paid	150	D
Payment based on the smaller of C or D		

*A combined *Career Service & Retirement Benefit Calculation Tool* and related information is available on Lint at <http://lint.monroe.lib.in.us/personnel>

Career Service Benefit Election Procedure

Any eligible employee electing to terminate his or her employment, other than by retirement, between July 1, 2011, and November 6, 2011, must file a **Notice of Intent to Terminate Employment**, a copy of which is attached, with the MCPL HR Office, on or before September 30, 2011.

Retirement Procedure

Any eligible employee electing to terminate his or her employment by retirement, between **July 1, 2011, and November 6, 2011**, must file a **Notice of Intent to Retire**, a copy of which is attached, with the MCPL HR Office on or before September 30, 2011.

Please contact Human Resources for assistance with any questions relating to this Career Service Benefit or the effect of termination of employment on any other benefits, including health insurance and retirement benefits, *before* electing to terminate employment.

NOTICE OF INTENT TO RETIRE

Name

_____-_____-_____
Social Security Number

Note: To be effective, this original, completed Notice of Intent to Retire (“Notice”) must be received by the Monroe County Public Library (MCPL) HR Office on or before 5 p.m., September 30, 2011.

By this document, I give MCPL notice that I intend to retire from MCPL. My employment with MCPL will terminate on the date that I have designated below (“Retirement Date”).

I am retiring with the understanding that I am eligible for participation in the following benefit(s).

_____ Career Service Benefit (Offered July 1, 2011 through November 6, 2011).

_____ MCPL Retirement under PERF

I have been given the opportunity to review and ask questions about the Career Service Benefit documents and worksheets. I have reviewed MCPL’s retirement policies and their interaction with other benefits to which I may be entitled.

I understand I am responsible for notifying PERF and any other retirement plans/benefits for which I may be eligible.

My retirement is voluntary.

Retirement Date: _____
(Retirement Date must be between July 1, 2011, and November 06, 2011.)

Employee Signature

Date Submitted/prior to September 30, 2011

Supervisor

Date

Director

Date

NOTICE OF INTENT TO TERMINATE EMPLOYMENT

Name

_____-_____-_____
Social Security Number

Note: To be effective, this original, completed Notice of Intent to Terminate Employment (“Notice”), must be received by the Monroe County Public Library (MCPL), HR Office on or before September 30, 2011.

By this document, I give MCPL notice that I intend to terminate my employment with MCPL. My employment with MCPL will terminate on the date that I have designated below (“Termination Date”).

I am terminating my employment with the understanding that I am eligible for participation in the Career Service Benefit which is being offered July 1, 2011 through November 6, 2011.

I have been given the opportunity to review and ask questions about the Career Service Benefit documents and worksheets and the effect of the termination of my employment on other benefits to which I may be entitled.

My termination of employment is voluntary.

Termination Date: _____
(Termination Date must be between July 1, 2011, and November 6, 2011.)

Employee Signature

Date Submitted/prior to September 30, 2011

Supervisor

Date

Director

Date

MCPL Voluntary Termination and Retirement Benefits Policy Considerations

3.16 EMPLOYMENT TERMINATION

Termination of employment is an inevitable part of personnel activity within any organization, and many of the reasons for termination are routine. Below are examples of some of the most common circumstances under which employment is terminated.

Resignation: Voluntary employment termination initiated by the employee. Although advance notice is not required, MCPL requests at least two (2) weeks notice from the employee. For professional positions, a four (4) week notice is requested.

Discharge: Involuntary employment termination initiated by MCPL.

Retirement: Voluntary employment termination initiated by the employee meeting state and/or MCPL retirement criteria, such as age and length of service. Employees will receive their final pay in accordance with applicable law.

3.17 RESIGNATION AND RETIREMENT

Resignations and retirement shall be submitted in writing to the employee's supervisor and to the Library Director. Professional employees are expected to give a minimum of four week notice; all are expected to give a minimum of two weeks' notice.

Retirement for employees will be consistent with Federal law and provisions under PERF. Employees who retire under PERF may receive benefits for sick days.

The Human Resources Department will request an exit interview with employees who are terminating employment. (Data from these interviews will be anonymous and can provide the library important information on policies and practices that should be revised.) Employees are required to complete a Final Checklist with the Human Resources Department before receiving their final pay checks and other compensation.

4.09.1 RETIREMENT DEFINITION

To receive the additional library retirement benefits of sick leave credit and insurance continuation explained below, the library's definition of a retirement is when a full-time staff member who is vested and who is eligible to retire under PERF regulations submits an application for retirement benefits with PERF and has completed a minimum of ten (10) years of full-time service with the Monroe County Public Library.

4.09.2 CREDIT FOR UNUSED ACCRUED SICK LEAVE

The MCPL Board of Trustees agrees to compensate employees who retire under PERF prior to January 1, 2008 for two (2) unused accrued sick days for every full year credited to PERF. The maximum amount of sick days paid is sixty (60) (30 years under PERF).

The MCPL Board of Trustees agrees to compensate employees who retire under PERF on or after January 1, 2008 for one (1) unused accrued sick day for every full year credited to PERF. The maximum amount of sick days paid is thirty (30) (30 years under PERF).

Continuation of Health Insurance

COBRA for Retiring Employees

MCPL Personnel Manual

4.09.3 Continuation of Health Insurance Coverage:

As amended by the MCPL Board of Trustees September 12, 2007; effective January 1, 2008

Indiana law states that public employers providing group insurance to its employees must provide continuation of health insurance coverage for retirees who have reached fifty-five (55) years of age on or before the employee's retirement date but who will: 1) not be eligible for Medicare coverage as prescribed by 42 U.S.C. 1395 et seq.; 2) have completed twenty (20) years of creditable employment with a public employer on or before the employee's retirement date, ten (10) years of which must have been completed immediately preceding the retirement date; and 3) have completed at least fifteen (15) years of participation in the retirement plan of which the employee is a member on or before the employee's retirement date. Retiree is responsible for 100% of premium payment. Specific provisions of this state law can be found under Indiana Code 5-10-8-2.6.

The MCPL Board of Trustees agrees to provide the library's monthly contribution for health insurance coverage, the same amount as that of active employee or \$416.67, whichever is less, for full-time employees retiring after age sixty (60) who elect continuation of health benefits coverage and agree to pay the balance of the premium.

Such retiree coverage and the MCPL Board of Trustees' contribution, ceases at age sixty-five (65), unless the retiree elects to discontinue such coverage earlier or retiree fails to pay employee's share of premium.

In order to be eligible for the library's contribution for continued health insurance coverage, the retiree must have completed ten (10) years of service with the Monroe County Public Library, must have been enrolled in the library's insurance plan for ten (10) years prior to the time of retirement, and must be eligible to retire under PERF regulations.

All retirees that elect the continuation health insurance coverage must pay their share of the premium and dependent coverage if applicable. Each retiree's share of the premium payment will be paid one (1) month in advance and deposited in an individual "Retired Employee's Insurance Fund". A negative balance in a Retired Employee's Insurance Fund will cause an automatic cancellation of that retiree's continuation of health insurance benefits. The Human Resources Manager will notify retirees' thirty (30) days in advance of any increase in the employee's share of the insurance premium.

COBRA for Terminating Employees

MCPL Personnel Manual

4.18 BENEFITS CONTINUATION (COBRA)

The Federal Consolidated Omnibus Budget Reconciliation Act (COBRA) gives employees and their qualified beneficiaries the opportunity to continue health insurance coverage under the employer's health plan when a "qualifying event" would normally result in the loss of eligibility. Some common qualifying events are resignation, termination of employment, or death of an employee; a reduction in an employee's hours or a leave of absence; an employee's divorce or legal separation; and a dependent child no longer meeting eligibility requirements.

Under COBRA, the employee or beneficiary pays the full cost of coverage at the employer's group rates plus an administration fee.

MCPL or agents acting in behalf of MCPL provides each eligible employee with a written notice describing rights granted under COBRA when the employee becomes eligible for coverage under the employer's health insurance plan. The notice contains important information about the employee's rights and obligations.

Note: COBRA beneficiaries generally are eligible for group coverage during a maximum of 18 months for qualifying events such as employment termination. Certain qualifying events, or a second qualifying event during the initial period of coverage, may permit a beneficiary to receive a maximum of 36 months of coverage.

To learn more about COBRA benefits, visit <http://www.dol.gov/ebsa/pdf/faq-consumer-cobra.pdf>

**Career Service Benefit and
PERF Sick Leave Benefit
Calculation Tool**

Career Service Benefit	EXAMPLE	
Accrued Sick Leave Balance at termination	780.00	A
Subtract 150 hours	150.00	
	<hr style="border: 1px solid black;"/>	
Accrued Sick Leave Balance over 150 hours	630.00	B
Rate of one hr. paid per 2 hours available (half of B)	315.00	C
Maximum C.S.B. hours to be paid	150.00	D
Payment based on the smaller of C or D	150.00	Hours. Benefit
Hourly rate equivalent	\$19.13	
Total Career Service Benefit	<hr style="border: 1px solid black;"/>\$2,869.50	

PERF Eligible Retiree			
Remainder of Accrued Sick Leave Balance.	630.00	B	A Hrs Ben.
Years of Service	28	F	30 Day Limit
Total of Service Credit (Hours) F times 7.5	210	G	
Limit (30 Days) times 7.5	225	H	
	210.00		Smaller of G or H
Hourly rate equivalent	\$19.13		
Total PERF Sick Leave Benefit	<hr style="border: 1px solid black;"/>\$4,017.30		
 Total - Career Service & PERF Retirement Sick Leave Benefit	 \$6,886.80		

Personnel Manual Updates to Reflect Joint Agreement
Draft 4/28/2011

2.06 ORIENTATION

All new employees must meet with the Human Resources Department before beginning employment. All new employees will be shown how to access the MCPL Personnel Manual, which outlines the organization of MCPL, working conditions and policies. All new employees will acknowledge in writing their responsibility to read and to understand the policies contained in the personnel manual and any subsequent revisions. Department managers will oversee their new employees' on-the-job orientation to their department. All new employees will attend the General Team Orientation offered by the Library within two months of hire.

For additional notification requirements for newly hired bargaining unit employees, see Joint Agreement, Article XVI, Section 10.

2.11 ACCESS TO PERSONNEL FILES

Bargaining unit employees see Joint Agreement, Article X.

Managerial/supervisory/confidential employees.

The only *official* file kept on employees will be located in the HR Office. Access to confidential personnel files shall be limited to the employee, or former employee, the Human Resources Department and other persons authorized by the Library Director on a need-to-know basis.

Personnel files are property of MCPL and access to the information they contain is restricted. Only officials or representatives of MCPL who have a legitimate reason to review information in a file are allowed to do so. With reasonable advance notice, an employee or former employee may review material in his/her file. Upon request MCPL will provide the employee copies of any documents contained in his/her personnel file.

The file may be reviewed in the HR Office or a written request for copies of documents to be removed from the file can be made. A fee of ten cents per page will be charged to former employees for copies that they request from their files.

No information shall be provided to any person concerning the employment of current employees other than job title, department, date of hire, date of termination, and wages.

3.10 JOB CLASSIFICATION/PAY SYSTEM MAINTENANCE

Decisions related to the job classification system are based on planning priorities, organizational consistency, workflow changes, needs of individual departments, budget considerations, and other factors that may arise in the on-going assessment of staffing at MCPL.

When MCPL needs to add a position not currently classified, or reclassify, eliminate, or substantially modify the hours of an existing position, the changes will be reviewed by a Job Classification Committee composed of the relevant Department Manager, two representative of the Employee Forum Action Committee, and two representatives of the Staff Association. The Library Director, a representative of the Board of Trustees, and a representative of Human Resources will be present, but not voting members of the committee. In the event that one of the committee members is unable to effectively participate (e.g., due to a conflict of interest or scheduling issues), a substitute from the same group he or she represents will serve in his or her place. This committee will review and make recommendations to the Board of Trustees on matters pertaining to the classification system and the job chart, by majority vote if necessary. The Library Director retains the privilege of making a dissenting or alternative recommendation to the Board of Trustees.

Formal procedures have been developed to guide the committee.

Input from the affected individual or individuals will be considered.

A system-wide evaluation of all positions, job descriptions, and salaries may also be conducted periodically by an outside firm designated by the Library Board of Trustees. Reports from any outside firm will be reviewed by the Job Classification Committee, and a recommendation will be made to the Board of Trustees to approve or reject the findings of the report in whole or in part. The Board of Trustees would approve/reject any recommendations from reports from any outside firm or from the Job Classification Committee as required by Indiana Code 36-12-2-24.

For positions covering by the bargaining unit, see also the Joint Agreement, Article V, Section 7.

3.11 COMPENSATION

The MCPL Board of Trustees sets the minimum and maximum pay rates for all positions annually. These annual pay increases are authorized by the MCPL Board of Trustees as funding is available.

Pay increases may take any form chosen by the MCPL Board of Trustees. Possible types of pay increases include, but are not limited to:

- Cost of Living Adjustment (COLA): Approved COLA pay rates become effective at the beginning of the next budget year, unless otherwise indicated.
- Seniority increments are pay increases authorized by the MCPL Board of Trustees annually as funding is available. Seniority increments are not given to employees at the cap of the pay grade. Seniority increments are paid according to employee anniversary month [except for those employees hired into their current positions prior to July 1, 1987]. An upward change in classification changes the anniversary month. All appropriate MCPL documentation must be provided to the Human Resources Department prior to an employee being compensated.
- Stipends: Stipends are pay increases that occur as a one-time payment to staff.

Stipends may also be granted by the Library Director for work above and beyond the employee's regular job responsibilities and scheduled work time, such as special projects/assignments-i.e., strategic planning process, drafting policies and/or procedures, etc.

Non-exempt employees may not volunteer, without compensation, additional time to do the same work for which they are employed.

For temporary reassignment of a bargaining unit employee to duties of another bargaining unit classification with a higher scheduled rate of pay, see also Joint Agreement, Article XV.

3.13 MULTIPLE POSITIONS

Non-exempt employees working in more than one MCPL position shall count the combined hours worked in more than one position in determining overtime obligations under the FLSA. If this situation occurs, the staff member's pay rate for the overtime hours will be that of the position being performed during those hours.

In general, employees may not hold more than one MCPL position because of budgetary impact with benefits provided. Temporary positions may be held with regular positions.

For temporary reassignment of a bargaining unit employee to duties of another bargaining unit classification with a higher scheduled rate of pay, see also Joint Agreement, Article XV.

3.15 PAY DEDUCTIONS/GARNISHMENTS

MCPL is legally required to make certain deductions from each employee's paycheck, including federal, state and local income taxes. MCPL must also deduct social security taxes on each employee's earnings.

MCPL offers programs and benefits authorized by the MCPL Board of Trustees. Eligible employees may voluntarily authorize deductions from their paychecks to cover costs to participate in these programs.

MCPL will comply with federal law or applicable state laws that regulate garnishments.

Questions concerning paycheck deductions and/or methods of calculation should be directed to the Human Resources Department.

Bargaining unit employees – See also Joint Agreement, Article VI.

3.18 LAYOFFS AND RECALL

Bargaining unit employees: See Joint Agreement, Article XIII, Seniority, and XIV, Layoff and Recall.

Managerial/supervisory/confidential employees.

Under some circumstances, MCPL may need to restructure its operations or reduce its work force.

If this becomes necessary, MCPL will attempt to provide advance notice to employees so as to minimize the impact on those affected. If possible, employees subject to layoff will be informed of the nature of the layoff and the foreseeable duration of the layoff.

In determining which employees will be subject to layoff, MCPL will consider, among other things, operational requirements; the skill, productivity, past performance, and attendance of those involved; and length of service.

All MCPL benefits will terminate at the time of layoff. Insurance coverage, though not provided, will remain available under the provisions of COBRA. Information concerning employee rights under COBRA will be provided to affected employees by the Human Resources Manager.

If an employee on layoff is recalled and does not accept the recall within three workdays, the employee will be terminated, and will be considered to have voluntarily quit. If an employee on layoff is not recalled by MCPL within 90 calendar days, the employee will be terminated and will be considered to have been terminated due to lack of work.

6.01 EMPLOYEE CONDUCT AND WORK RULES

Employees are expected to maintain high standards of personal appearance, conduct, cooperation, efficiency and economy in their work. All employees should attempt to correct any faults in their performance that are called to their attention and should also avoid behavior and actions that conflict with MCPL rules and regulations.

For unauthorized activities of bargaining unit employees, see also Joint Agreement, Article XVI.

6.09 DISCIPLINE PROCEDURES

MCPL uses progressive disciplinary action in the event a staff member fails to perform his/her job satisfactorily or is found in violation of the Library's stated policies, procedures and/or practices. Because circumstances may vary with each infraction, each situation will be handled on an individual basis. In arriving at a decision for action, the following will be considered:

- Seriousness of the infraction;
- Past record of the employee;
- Circumstances surrounding the matter; and
- Evidence provided for decision-making.

Bargaining unit employees, see Joint Agreement, Article VIII, Discipline.

Managerial/supervisory/confidential employees.

The Library normally follows these steps in the disciplinary process. The Library reserves the right to skip steps in the disciplinary process in the event of extreme behavior.

Coaching/Counseling

When a supervisor identifies a performance issue or discipline problem, the supervisor should usually first address the issue informally with the employee. The appropriateness of the steps to be taken should be considered on a case-by-case basis. Except in the case of an egregious infraction meriting serious disciplinary action, the supervisor should consider steps such as:

- Providing counseling to the employee about the problem and the need to change.
- Providing training to the employee to make sure the employee has the knowledge and skills needed to do the job properly.
- Removing any obstacles or interference that prevents the employee from performing properly.
- Providing consequences for good job performance.
- Providing feedback to the employee.

The supervisor should document these efforts on the Counseling Memorandum Form (attached), which will be signed by the employee and the supervisor. The form will be maintained in the employee's personnel file as a record of training.

The meaning of "discipline" is training, and the purpose is to ensure optimal performance. Constructive criticism, coaching, and other informal teaching methods should be exhibited by supervisors as a means of training employees and setting expectations for continued employment. This ongoing training is not part of the progressive disciplinary process and is expected to be part of the normal, day-to-day interaction between all employees-supervisors and colleagues.

[\[see "Counseling Memorandum"\]](#)

The types of formal discipline that may be imposed include but are not limited to: verbal warnings, written reprimands, suspension (with or without pay), and/or termination.

[\[see "Corrective Action Plan"\]](#)

Verbal Warning

If a performance issue has been addressed and insufficient or no improvement has resulted, the first step of the progressive disciplinary process is a Verbal Warning. The Verbal Warning is a written document, signed by the employee, the supervisor, and the next level supervisor or the Human Resources (HR) Manager. The Verbal Warning is maintained in the employee's personnel file.

This method should be used with the employee in a private area and as each infraction occurs rather than letting infractions build up over time. It should be stated to the employee that unless corrective action is taken, further disciplinary action could result, up to and including termination of employment. The date and time each infraction takes place should be noted on the Corrective Action Plan Form (attached). An employee may submit a written statement or rebuttal to a Verbal Warning which will be attached to the Form. The Form will be kept in the employee's personnel file in the Human Resources Office (HR).

See section 6.11 for further clarification on appeals.

Written Reprimand

The Written Reprimand is used if verbal warnings do not correct or improve employee behavior or performance. The written reprimand should be noted on the Corrective Action Plan Form (attached) and signed by both the supervisor and employee. It should be stated to the employee that unless corrective action is taken, further disciplinary action could result, up to and including termination of employment. This document will be kept in the employee's personnel file in HR.

Any employee receiving what he/she feels to be an unwarranted written reprimand may respond in writing to the document and the response will be attached to the reprimand retained in the employee's personnel file.

See section 6.11 for clarification on appeals.

Suspension

Suspensions, with or without pay, may be issued to any employee who does not correct the behavior addressed in a written Reprimand or as a result of continued misconduct or documented poor performance. The suspension should be noted on the Corrective Action Plan Form (attached) and signed by the supervisor, the employee and the HR Manager or next level supervisor.

It should be stated to the employee that unless corrective action is taken, further disciplinary action could result, up to and including termination of employment. This document will be added to the employee's personnel file in HR.

A suspension can last from one to five working days at the discretion of the Director and taking into account the seriousness of the infraction cited. In addition, paid suspensions may be authorized by the Director while an investigation of wrongdoing is taking place.

See section 6.11 for clarification on appeals.

Termination

Termination may result when any employee fails to correct behavior following a suspension, as a result of continued misconduct, documented poor performance, or any of the more serious infractions listed in Section 6.10. The Director or designee will give written notice to any employee being dismissed - either in person or via certified U.S. mail. The employee shall be given an opportunity to remove all personal belongings from his/her work area and will be escorted during this time by library security personnel. The employee will be given an opportunity to discuss his/her termination of employment at the Director's discretion.

See section 6.11 for clarification on appeals.

Formal written documentation must be kept in all phases of disciplinary action. Any/all documentation associated with disciplinary action will be retained in the employee's personnel file in HR.

6.10 EMPLOYMENT TERMINATION

The MCPL Library Board of Trustees delegates the discharge of any employee to the Library Director or his/her designee. The Board is informed, in a timely manner, of any employees that are discharged. The progressive disciplinary steps listed above are expected to be followed in most instances, noting that there are some infractions designated serious enough for immediate termination of employment. These include but are not limited to the following infractions:

- Falsification of information on the employment application or other job related forms or verbally to supervisors, other management, or administrative personnel.
- Ignoring, bypassing, or otherwise altering standard Library procedures or policies for personal gain or for the advantage of others without due cause or prior approval of the supervisor or administrative personnel.
- False claims of injury or illness.
- Theft.
- Unlawful or negligent handling of public monies.
- Absence from work for more than two days without notifying the Library.
- Threatening or intimidating fellow employees or the public.
- Misusing MCPL property.
- Insubordination.
- Altering another employee's records - i.e., time sheet.
- Possessing firearms or other tools believed to be intended for use in an act of violence.
- Reporting to duty under the influence of, use, possession, distribution, or sale of drugs or alcohol while on the Library's premises or while conducting Library business.
- Failing to submit to a blood test, urinalysis, or breathalyzer examination pursuant to the Drug-Free Workplace Policy.
- Misusing or removing MCPL records, information, and/or equipment without prior authorization.
- Disclosing confidential information or material to unauthorized personnel.
- Excessive absenteeism or tardiness.
- Conviction of a felony.
- Use or threat of physical violence or abuse against other staff or the public during the performance of Library business or employment.
- Violating MCPL's Sexual Harassment policy.
- Violation of the MCPL Internet, computer, or email policies.

Employees may be required at any time to submit to a medical exam, at the Library's expense and selection of physician, to determine if the employee is physically and/or mentally fit to perform the duties of his/her position.

The Library will contest unemployment compensation claims filed by any staff member who was discharged for just cause under the unemployment compensation laws of the State.

For termination of a bargaining unit employee following disciplinary action, see Joint Agreement, Article VIII.

For impact on seniority of bargaining unit members who are terminated and then reemployed, see Joint Agreement, Article XIII, Section 2.

For limited conditions of reemployment following termination for unauthorized activities by bargaining unit employees, see Joint Agreement, Article XVI, Section 1.

6.11 PROBLEM RESOLUTION

Bargaining unit employees. See Joint Agreement, Article IX, Grievance Procedure.

Managerial/supervisory/confidential employees only.

The Library intends that all staff will be treated justly and considerately at all times.

If at any time an employee feels that he/she has been treated unfairly, the employee should request a meeting *within five working days of the incident* to discuss the matter openly with his/her immediate supervisor. In most cases this is believed to be the most effective means of dealing with a problem and obtaining a resolution.

The Supervisor should meet with the employee *within five working days of his/her request*. If, following the meeting, the employee does not feel there is an adequate resolution to the issue, he/she may then follow the same steps up the chain of command in seeking a resolution, utilizing the Employee Appeal Form. The Library Director is the final step in this process.

6.12 APPEAL PROCESS

Bargaining unit employees. See Joint Agreement, Article IX, Grievance Procedure.

Managerial/supervisory/confidential employees only.

MCPL also provides employees with a defined process for appealing certain disciplinary matters to ensure that a final resolution is reached in a timely and equitable manner. Again, the spirit of this policy is to facilitate open discussion between supervisors and employees in order to resolve issues in an environment of mutual respect and objectivity without retaliation.

All employee appeals must be submitted on the *Employee Appeal Form*. This form will be utilized throughout the appeal process and forwarded to HR upon completion of the process. All appeal documents will be maintained in the employee's personnel file in the Human Resources Office.

Listed below are the methods available to employees to appeal the following types of disciplinary action.

Verbal Counseling/Verbal Warning

A written rebuttal of the infraction and/or incident for which the warning was issued may be submitted by the employee and received by the supervisor *within five working days from the date the counseling/warning was issued*. It will be placed in his/her personnel file in HR. The appeal process for verbal counseling/warnings stops with the submission of a written rebuttal by the employee.

Written Reprimand

A written rebuttal to the reprimand may be submitted to the supervisor *within five working days from the date the reprimand is issued*. It is then attached to the reprimand and stored in the employee's personnel file in HR. The employee may also request a hearing by completing the Employee Appeal Form with the HR Manager *within five working days from the date the reprimand is issued*.

The next supervisor up the chain of command must then hold a hearing, conduct an investigation, and subsequently make a ruling on the initial reprimand *within five working days after the appeal is filed in HR*.

Any disciplinary action that is ultimately overturned will be signed and dated accordingly in the employee's personnel file. The appeal process for a written reprimand stops with the appropriate Associate Director or Director.

Suspension

A suspension, with or without pay, may be appealed *within five working days following the employee's return to work or immediately following the ruling* for suspension if the appeal supervisor can arrange for a hearing to be conducted prior to the start of the suspension.

If a suspension without pay is overturned and the appeal process takes place following a payroll period, the employee will be fully reimbursed for his/her time away as quickly as possible with the issuance of a separate check.

Any disciplinary action that is ultimately overturned will be signed and dated accordingly in the employee's personnel file. The appeal process for a suspension stops with the appropriate Associate Director or Director.

Termination

The employee shall have the opportunity to appeal his/her termination of employment by the Library Director to the Library Board in an Executive Session at its next regularly scheduled meeting. This appeal *must be filed within five working days of the termination of employment.*

The Board may request that certain staff members be made available to them as a resource during this meeting. The Board will then present a written decision to the employee either overturning or reaffirming the termination of employment notice within five working days after the meeting takes place.

Witnesses

Requests for someone to sit in as a witness in disciplinary conferences will be allowed only during the appeal process. Only one person will be allowed to serve as a witness for the employee during an appeal conference and it must be an employee of the Library. A witness is allowed to speak only if he/she has direct knowledge of the issue at hand. Otherwise he/she serves merely as a witness to the event unfolding and will have no other obligation once the conference is declared over. (The witness will be required to sign a waiver stating he/she was in attendance and understands that this process is a confidential matter.)

An HR staff member may be requested to serve as witness during an appeal hearing, or the HR Office will maintain a list of staff members who have volunteered to serve as witnesses, or staff members may select their own witness. Employee witnesses who participate in this process may do so on work time, or may be paid for the time spent in the conference itself if it takes place when they are not scheduled for duty.

The HR Manager should be notified (by the appealing employee) that a witness will be attending an appeal conference at least 48 hours in advance of the scheduled meeting and will coordinate a suitable meeting room for the conference and notify all parties involved of its date, time, and place.

~~6.13 PERSONNEL FILE~~

~~The only *official* file kept on employees will be located in the HR Office. An employee or former employee may request access to his/her personnel file at any time. The file may be reviewed in the HR Office or a written request for copies of documents to be removed from the file can be made.~~

~~A fee of ten cents per page will be charged to former employees for copies that they request from their files.~~

~~For bargaining unit employees, see also Joint Agreement, Article X, Personnel Files.~~

Personnel Manual Updates to Clarify Exempt Employee Timekeeping Draft 4/28/2011

3.1 WORK HOURS

Regular work hours are established for each position based on staffing requirements for MCPL.

3.2 WORK WEEK

A standard work week starts at 12:01 a.m. on Monday and ends at 12:00 midnight on Sunday.

3.3 EVENING AND WEEKEND HOURS

All employees will be expected to be available for work evenings and weekends. No overtime compensation is paid for evenings and weekends unless a non-exempt employee works over 40 hours in a work week.

Staff may be required to be available at specific times and to change their schedules to accommodate variations in work demands. Administration and supervisors will provide advanced notice, whenever possible, while retaining the flexibility to respond to unanticipated situations.

~~3.6~~ 3.5 OVERTIME

Each MCPL employee holds a position that is designated as either NON-EXEMPT or EXEMPT from federal and state wage and hour laws.

NON-EXEMPT employees are entitled to overtime pay at the rate of 1 ½ or compensation time off at the rate of 1 ½ under the specific provisions of federal and state laws. For purposes of calculation of overtime, sick leave, personal leave, and holidays shall not be included as time worked. Overtime work must be approved in advance by the employee's supervisor, the department manager, and the Library Director.

Overtime Pay: Overtime pay is based on 1 ½ times the regular hourly rate which shall include the base rate plus any other pay above the base rate for all time worked above forty (40) hours in a work week.

EXEMPT employees are not eligible for overtime under the Fair Labor Standards Act and are exempt from specific provisions of federal and state wage and hour laws. They therefore do not receive pay or additional time off for working beyond the regular workday/workweek and are not entitled to overtime compensation or compensatory time off under specific provisions of federal and state laws.

- Work performed in addition to the regular work hours is customary with professional, exempt employee responsibilities. This applies to all full-time and part-time exempt staff.
- Departments may allow alternate or flexible work schedules that support operational needs.
- In recognition that the responsibilities of professional exempt staff may require work outside of regular work hours, periods of *absence that are less than half a day (per hours status)* should not be charged to accumulated Personal or Sick Leave, or taken without pay, except as provided under the Family Medical Leave Act (FMLA).
- To be considered exempt, a position must comply with federal regulations and laws regarding exempt status.

~~Flextime— Full time exempt employees who work thirty seven and one half (37 1/2) hours in a normal seven (7) day work week are required to work a total of seventy five (75) hours in a fourteen (14) day, two week payroll period.~~

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~~With approval of the department manager or designee, full time exempt employees may flex work schedules during the two week payroll period provided that they work a total of seventy five (75) hours in the fourteen (14) day, two week payroll period.~~

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~~Part time exempt employees who work twenty (20) hours in a normal seven (7) day work week are required to work a total of forty (40) hours in a fourteen (14) day, two week payroll period. With approval of the department manager or designee, part time exempt employees may flex work schedules during the two week payroll period provided that they work a total of forty (40) hours in the fourteen (14) day, two week payroll period.~~

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~~Part time exempt employees who work twenty five (25) hours in a normal seven (7) day work week are required to work a total of fifty (50) hours in a fourteen (14) day, two week payroll period. With approval of the department manager or designee, part time exempt employees may flex work schedules during the two week payroll period provided that they work a total of fifty (50) hours in the fourteen (14) day, two week payroll period.~~

3.5 3.6 WORK RECORDS

Falsification of time sheets, timecards, or attendance records is a serious violation of work rules. Violation may subject an employee to disciplinary action, up to and including termination of employment. All employees must maintain time keeping records to satisfy Indiana statutes governing public employers.

NON-EXEMPT

It is each non-exempt employee's responsibility to accurately record all hours worked and benefit leave time/type taken using the library-provided time management system.

EXEMPT

It is each exempt employee's responsibility to record days worked and benefit leave time/type taken using the library-provided time management system.

3.12 ROUNDING

NON-EXEMPT employee work time is to be recorded to the quarter hour, using the seven (7) minute rule (i.e. leeway of seven (7) minutes before and seven (7) minutes after scheduled start and stop times). All non-exempt employee work commenced more than seven (7) minutes before the start time work hour will be rounded to the next later quarter hour; all non-exempt employee work continued more than seven (7) minutes after the end of last work hour will be rounded to the next later quarter hour.

Indiana State Board of Accounts
Accounting and Uniform Compliance Guidelines Manual for Libraries

Chapter 8: Compensation and Benefits

RECORD OF HOURS WORKED

IC 5-11-9-4 requires that records be maintained showing **which hours are worked** each day for **employees employed by more than one political subdivision or in more than one position by the same public agency**. This requirement can be met by indicating the number of hours worked on each Employee's Service Record, General Form No. 99A and/or General Form No. 99B.

The federal Fair Labor Standards Act (FLSA) requires that records of wages paid, daily and weekly hours of work, and the time of day and day of week on which the employee's work week begins be kept for all employees. These requirements can be met by use of the following prescribed general forms:

- General Form 99A, Employee's Service Record
- General Form 99B, Employee's Earnings Record
- General Form 99C, Employee's Weekly Earnings Record

General Form 99C is required only for employees who are not exempt from FLSA, are not on a fixed work schedule, and are not paid weekly.

Additional information regarding FLSA rules and regulations may be obtained from the Department of Labor.

EMPLOYEE'S SERVICE RECORD - GENERAL FORM 99A

This form must be kept by each office or department for each employee in order to properly prepare Payroll Schedule and Voucher, General Form No. 99.

It **records the hours or days worked**, sick leave, vacation and days lost. It may also be used to comply with the requirements of IC 5-11-9-4 regarding recording hours worked each day by an employee. It is suggested that these be arranged alphabetically in a binder.

IC 5-11-9-4
Forms; records

Sec. 4. (a) The state board of accounts is hereby authorized to prescribe the forms of accounts and vouchers provided for by sections 1 and 2 of this chapter.

(b) The state board of accounts shall require that records be maintained showing **which hours were worked each day by officers and employees:**

(1) covered by section 1 or 2 of this chapter; and

(2) employed by more than one (1) public agency or in more than one (1) position by the same public agency described in section 1 or 2 of this chapter.

(Formerly: Acts 1947, c. 14, s. 4.) As amended by P.L. 52-1983, SEC. 3; P.L. 44-1986, SEC. 1.