

**Kensington Public Library**  
**Kensington, New Hampshire**

**PERSONNEL POLICY**

Effective as of June 11, 2024

## TABLE OF CONTENTS

1. Introduction.....	3
2. Purpose of the Personnel Policy.....	3
3. Hiring Procedures.....	3
4. Performance Review/Personnel Records/Job Descriptions.....	6
5. Dress Code.....	7
6. Nepotism.....	7
7. Attendance/Punctuality/Call-In Procedure.....	8
8. Work Hours/Breaks/Payroll.....	8
9. Overtime.....	9
10. Payroll Deductions.....	9
11. Holidays.....	10
12. Library Closings/Delayed Openings.....	11
13. Benefits/Leave.....	11
14. Employee Conduct/Disciplinary Action/Removal.....	25
15. Procedures for Resignation.....	25
16. Professional Development.....	26
17. Safety/Workers' Compensation.....	26
18. Hazardous Substances.....	28
19. Alcohol and Illegal Drug Free Workplace.....	28
20. Sexual or Other Unlawful Harassment.....	28
21. Computer Use and Communications Equipment.....	29
22. Personal Calls.....	30
Employee Acknowledgment.....	31

## 1. INTRODUCTION

Welcome to the Kensington Public Library (the “Library”). We wish you every success here. This Personnel Policy has been established as a guide to the policies of the Library for its employees and their supervisors in their relationship to each other and the Library. This Personnel Policy generally describes the policies and practices that the Library follows and the benefits that currently are provided or made available to employees. We hope that you find this information helpful regarding our policies and procedures. The Personnel Policy is available to guide and assist you in performing to the best of your abilities and developing and realizing your potential as one of the Library’s valued employees.

All employee benefit programs, salaries, policies, classifications and pay plans are subject to change and should not be construed as contractual. When specific benefit plans conflict with this Personnel Policy, the benefit document will prevail.

This Personnel Policy supersedes any handbook or policy statements whether written or oral issued prior to the effective date of this version of the Personnel Policy. Any and all other personnel policies, whether written or oral, that existed prior to the issuance of this Personnel Policy are null and void. This Personnel Policy can be modified, revoked, or added to at any time at the sole discretion of the Library’s Board of Public Trustees (the “Library Trustees”). Any revisions will substitute prior policy or procedure statements and become a part of this Personnel Policy.

Please read this Personnel Policy carefully and keep it for reference in the future. If you have any questions about this Personnel Policy, you are encouraged to ask the Library Director or call the Library Trustees. Please acknowledge your receipt and understanding of this Personnel Policy by signing the Employee Acknowledgement.

## 2. PURPOSE OF THE PERSONNEL POLICY

The purpose of this Personnel Policy is to establish goals and procedures, to guide administrative actions relating to personnel and to inform employees by providing notice of information about some of the conditions and policies affecting their employment. Questions regarding this Personnel Policy should be directed to the Library Director.

## 3. HIRING PROCEDURES

- A. **Library Director.** The Library Trustees shall appoint the Library Director, who shall not be a Trustee (RSA 202-A:11-V).
- B. **Other Employees.** The Library Director shall recommend to the Library Trustees the appointment of all employees of the Library (RSA 202-A: 16). In consultation with the Library Director, the Library Trustees shall appoint all other employees of the Library and determine their compensation and other terms of employment (RSA 202-A: 11-V).

- C. **Employee Recruitment.** When a need arises in the Library for new or additional personnel, the Library Director will recruit applicants through consideration of current employees, advertising in newspapers which have a wide circulation in the Town of Kensington, advertising in regional and statewide library professional resources, in appropriate online resources and/or posting on bulletin boards in town offices.
- D. **Qualifications.** Selection of all staff members shall be based solely on merit, with consideration of personal and educational qualifications, training and aptitude for the position in question.
- E. **Selection / Conditions for Employment.** All candidates applying for employment must complete and submit an official application for employment to the Library Director. The Library Director shall rely on the accuracy of information contained in the application, as well as other data presented throughout the hiring process and employment. Any misrepresentations, falsifications, or material omissions in any of the information provided will be grounds for rejecting an applicant, or for terminating an employee who has already been hired.

Depending on the job requirements, applicants must be required to agree to a pre-employment conditional criminal records check. An applicant's failure to agree to this check, if required, shall make an employment offer null and void.

- F. **Exempt.** Exempt employees are paid on a salary basis and their duties and responsibilities allow them to be considered exempt from the overtime requirements of the Fair Labor Standards Act ("FLSA"), meaning that exempt employees are not eligible to receive overtime pay or compensation time in lieu of overtime. Salaried positions are paid based on the job responsibility to accomplish the work assigned to the position regardless of the hours required to do the work.
- G. **Non-Exempt.** Non-exempt employees are paid on an hourly basis and do not meet the requirements necessary to be considered exempt from the overtime provisions of the FLSA, meaning that non-exempt employees are eligible to receive overtime pay under the FLSA depending on how many hours he/she works in a workweek.
- H. **Full-Time.** A "full-time" employee is regularly employed on a continuous work schedule that averages 30 or more hours per week.
- I. **Part-Time.** A "part-time" employee is regularly employed on a continuous work schedule that averages less than 30 hours per week.
- J. **On-Call.** An "on-call" employee is employed on an ad hoc, seasonal or irregular basis for any number of hours in a workweek.
- K. **Employment Classification.** Upon hiring, employees are informed whether they are classified as exempt or non-exempt and whether they will be working full-time, part-time, or

on-call. If you have any questions about your employment classification, please contact the Library Director or Library Trustees.

- L. **Library Director's Salary.** Starting salary for the Library Director will depend upon the qualifications and experience of the employee and will be determined by the Library Trustees. An annual performance review is required before any salary adjustments to the Library Director's position are considered. Any salary adjustments of the Library Director are subject to passage of the proposed budget.
- M. **Non-Exempt Employees' Hourly Rates.** Starting hourly rates for the non-exempt employees will depend upon the qualifications and experience of the employee and will be determined by the Library Trustees. An annual performance review is required before any hourly rate adjustments to the non-exempt employees' positions are considered. Any hourly rate adjustments of the non-exempt employees are subject to passage of the proposed budget.
- N. **Probationary Period.** All persons newly hired or promoted to new positions are subject to a probationary period of ninety (90) days, commencing on the date of hire or promotion (the "Probationary Period"). During the Probationary Period, the Library Director (or the Library Trustees, in the case of the Library Director's Probationary Period) may end the employment relationship at any time during the Probationary Period, with or without cause. In the cases where cause or just cause is required by contract or statute, the Probationary Period will act as a trial period where cause is not required to terminate the employment relationship. After completion of the Probationary Period, all positions are subject to the discharge conditions set forth in RSA 202-A: 17. For purposes of RSA 202-A: 17, probationary individuals shall not be considered employees of the Library.
- O. **Copies.** All employees shall receive a copy of the Personnel Policy from the Library Director. New employees shall receive a copy at the time they are hired and shall be asked to sign a statement indicating that they have received and reviewed the Personnel Policy. Unless otherwise stated, the provisions of the Personnel Policy apply to all Library employees. Any amendments to the Personnel Policy shall be distributed to all employees by the Library Director and acknowledged by signatures of the employees.
- P. **Equal Employment Opportunity.** The Library is committed to the principle of equal opportunity for all its employees, and applicants for employment. Therefore, the Library does not discriminate based on age, sex, race, color, marital status, physical or mental disability, religion, national origin, sexual orientation, gender identity or expression, pregnancy, childbirth or related medical conditions, genetic information, military or veteran status or other legally protected status, except where such factor is a bona fide occupational requirement. This Personnel Policy applies to decisions including, but not limited to, an employee's compensation, benefits, training and development. The Library does not tolerate harassment in the workplace based on the above-mentioned factors.

Equal opportunity applies to all areas of the employment relationship, including hiring, promotions, training, terminations, working conditions, pay, and other terms and conditions of employment.

Any employees with questions or concerns about any type of discrimination in the workplace are encouraged to bring these issues to the attention of the Library Director. Employees can raise concerns and make reports without fear of retaliation. Anyone found to be involved in any type of unlawful discrimination will be subject to disciplinary action, up to and including termination of employment.

- Q. **Disabilities / Accommodations.** The Library is committed to providing equal employment opportunities to qualified individuals with physical or mental disabilities as required by State and Federal law. It is the Library's policy not to discriminate against any qualified employee or applicant regarding any terms or conditions of employment because of such individual's physical or mental disability or perceived disability so long as the employee can perform the essential functions of the job with or without a reasonable accommodation, in accordance with applicable law.

Consistent with this policy of nondiscrimination, the Library will provide reasonable accommodations to a qualified individual with a disability, as defined by the applicable State and Federal law, who has made the Library aware of his or her disability, provided that such accommodation does not constitute an undue hardship on the Library.

The Library encourages individuals with disabilities to come forward and request reasonable accommodations. Employees with a disability who believe they need a reasonable accommodation to perform the essential functions of their job should approach the Library Director to make the appropriate arrangements. When appropriate, the Library Director may need the employee's permission to obtain additional information from the employee's physician or other medical rehabilitation professionals to document that the employee has a disability and to assist the Library Director in assessing any functional limitations for which a reasonable accommodation may be needed. The Library Director will maintain all medical information in a confidential manner in accordance with applicable law.

#### **4. PERFORMANCE REVIEW/PERSONNEL RECORDS/JOB DESCRIPTIONS**

- A. **Evaluation of Library Director.** The Library Trustees will annually conduct a written evaluation of the Library Director's performance. The written evaluation will be delivered at a meeting with the Library Trustees and the Library Director. The Library Trustees will be responsible for maintaining the Library Director's personnel records.
- B. **Evaluation of Library Employees.** The Library Director will conduct annual written evaluations of all non-exempt Library employees. The Library Director may conduct additional evaluations at his/her discretion. The evaluation process will include a meeting, in which the employee may examine his/her written review and have the opportunity to ask questions/make comments. All written reviews and conference discussions are considered

confidential and not to be discussed with other employees. The written evaluation will be part of the employee's personnel record. The Library Director will be responsible for maintaining the personnel records of all Library employees.

- C. **Personnel Records.** The personnel records are continuous information kept relative to employees' employment and progress. An employee may inspect their own personnel file during regular Library hours, upon reasonable request. However, employees may not be permitted to review their personnel file if they are subject to an investigation at the time of their request and disclosure of such information would prejudice law enforcement. File inspection must be done on the employee's own time and must be arranged through the Library Director. Employees may read their personnel file and request a copy of all or a part of it, but they may not remove any portion of the file.

If, upon inspection of an employee's personnel file, the employee disagrees with any of the information contained in such file, the employee may submit a written statement explaining their version of the information together with evidence supporting such version. The Library will maintain such statement as part of the employee's personnel records and will include the statement in any transmittal of the file to a third party.

It is important that employees' personnel records include accurate information regarding who should be contacted in case of emergency. Employees should notify the Library Director as soon as possible of any changes in his or her name, address, telephone number, marital status, dependents and/or beneficiaries.

- D. **Job Descriptions.** Each staff position will have a written job description approved by the Library Trustees. Staff members will be provided with copies of their own job descriptions and will have access to all other job descriptions in the Library.

## 5. DRESS CODE

The Library is open to the public and therefore, it is important that work areas be neat and clean, and an employee's attire and appearance be appropriate for a business setting during normal office hours, while at work. Footwear must always be worn. Employees should consider their audience and activities when determining appropriate attire. Questions regarding appropriate attire/appearance should be directed to the Library Director.

## 6. NEPOTISM

While the Library is committed to hiring the most qualified and capable individuals for every position, the Library recognizes the importance of maintaining a collegial and positive work environment. Therefore, no relatives may work together in the Library if the employment is such that the relative is directly supervised by the employee or where the employment relationship may cause a potential conflict of interest, unless specifically approved by the Library Trustees. "Relative" as used in this section is defined to include spouse, children, parents,

step-parents, step-children, brothers, sisters, immediate in-laws, grandparents, grandchildren, or another person living in the employee's household.

## **7. ATTENDANCE/PUNCTUALITY/CALL-IN PROCEDURE**

A. **Attendance & Punctuality.** The work the employees perform is essential to the success of the Library. The Library Director and team members depend on staff to attend work regularly and on time so that the Library can be successful. When staff members don't work their scheduled hours, other members of the team must handle the workload. Repeated absences (excused or not), and/or failures by employees to inform the Library Director that they will be late or absent may result in disciplinary action up to and including termination. If employees do not report to work, have not notified the Library Director, and their absence continues for a period of three (3) consecutive days, the Library Trustees will consider that they have abandoned their job position and voluntarily terminated their employment.

### **B. Call-In Procedure.**

- a. If employees are going to be late for work or absent, they are expected to do the following:
- Provide reasonable advance notice, no later than thirty (30) minutes before a scheduled shift, to the Library Director directly by text, phone call, or email specifying how long they believe they will be away from work or what time they will be expected;
  - If an employee is unable to text/email/call in due to sickness or incapacitation, it is expected that someone else close to such employee will provide such notice to the Library Director on such employee's behalf.
  - If an employee is away from work for more than three (3) days due to illness, he/she may be required to provide medical evidence of illness and/or medical certification of fitness to return to work (See Section 6(c) Sick /Personal Leave);
- b. If the Library Director is unable to work for an unscheduled period of time, he/she or staff members must notify the Library Trustees.

## **8. WORK HOURS/BREAKS/PAYROLL**

A. Employees will work hours established by the Library Director or his/her designated person.

B. **Reporting Time Worked.** It is important that employees' time be accurately reported so that employees are compensated for the hours that they work. Employees may be required to complete time sheets or punch a time clock. No one is authorized to punch a time clock on an employee's behalf, and falsification of time records could lead to disciplinary action, up to and including termination from employment.

C. **Meal Breaks.** All Library employees who work more than five (5) consecutive hours in one (1) day shall have a thirty (30) minute unpaid lunch break unless it is feasible for the employee to eat during the performance of his or her work and the employee is permitted to



do so. If an employee opts not to take a meal break, they must have a completed Request to Waive Meal Period form on file with the Library Director.

- D. **Payroll Records.** The Library Director will maintain payroll records sufficient to specify as a minimum the number of hours worked each payroll period, the reasons for any absences and whether such absences are paid or not in accordance with this Personnel Policy. Time reports will be signed by the Library Director or his/her designated person.

## 9. OVERTIME

- A. It may at times be essential for the Library Director, as an exempt position, to work a schedule which demands his/her presence over and above his/her scheduled hours per week. This additional time will be considered as part of the duties of the position and not ordinarily eligible for compensation in equivalent time off or pay. With written consent of the Library Trustees, excessive overtime will be open for review.
- B. From time to time, it may be necessary for a non-exempt employee to perform overtime work. All overtime for non-exempt employees must be approved in advance by the Library Director. Failure of any employee to seek prior approval from the Library Director for overtime work may result in disciplinary action. Except in the event of an emergency, the Library Director will attempt to provide the employee with advance notice of the necessity for any overtime work.
- C. Sick leave, holidays, personal leave, vacation time, leaves of absences, and other time off benefits are not counted as time worked for overtime purposes.

## 10. PAYROLL DEDUCTIONS

- A. **For Non-Exempt Employees.** The Library is required by law to make certain deductions from paychecks, including Federal income taxes and contributions to social security. The Library may also be required to make deductions from paychecks pursuant to a Federal or State agency or court order, such as for child support. These deductions will be itemized on employee's check stubs. The Library may make additional deductions for insurance and other purposes to benefit the employees as permitted under State and Federal law. Arrangements for these voluntary deductions can be made with the Library Director.
- B. **For Exempt Employees.** The Library intends to pay exempt employees on a salary basis and will not make deductions from their salaries that are prohibited under the Fair Labor Standards Act (FLSA) or State law. In accordance with the laws, salaried employees receive a predetermined salary that is not subject to reduction for absences requested by the Library Trustees or due to the operating requirements of the Library. The Library Trustees recognize that under Federal and State law, there are only limited times when a salaried employee's salary can be subject to deductions.

The following deductions are permissible under the law:

- a. For absences from work for a full day or more (in daily increments) for personal reasons, other than sickness or disability;
- b. For absences of a full day or more (in daily increments) occasioned by sickness or disability in accordance with the Library's policy which provides wage replacement benefits in the event of sickness or disability;
- c. To offset jury or witness fees or military pay received by the employees for a particular pay period;
- d. For penalties imposed in good faith for infractions of "safety rules of major significance";
- e. Salary may be prorated to a daily basis when a salaried employee is hired after the beginning of a pay period and terminates of his or her own accord before the end of a pay period or is terminated for cause;
- f. For hours taken as unpaid leave under FMLA;
- g. An unpaid leave of absence for salaried employees is allowed pursuant to a written bona fide plan policy or practice for absences or a full day or more caused by bereavement leave;
- h. A salaried employee voluntarily, without coercion or pressure, requests time off without pay for any portion of a pay period, after the employee has exhausted any leave time pursuant to a written bona fide leave plan, practice or policy and such leave time requested by the employee is granted by the employer;
- i. For unpaid disciplinary suspensions of one or more full days imposed for infractions of workplace conduct rules; and
- j. Any pay period in which an employee performs no work.

The Library prohibits deductions from exempt employees' salaries that are inconsistent with the status of an exempt employee. Exempt employees should note that salaries are subject to modification from time to time, such as at evaluation time, when an employee's position or responsibilities may change, and at other appropriate times. Exempt employees should also note that it is permissible for an employer to apply earned leaves and other forms of paid time off to full-day absences for personal reasons, sickness, or disability, and that applying paid time is not considered a deduction from salary.

Any questions from the Library Director on pay or deductions should be directed to the Library Trustees. Any questions from the other non-exempt employees should be directed to the Library Director. If there has been an error, such as a deduction made in error, the employee will receive a corrected check or a check reimbursing the employee for the error, whichever is more practicable under the circumstances.

## **11. HOLIDAYS**

The Library follows the Town of Kensington's designation of Federal and State holidays. If the Library closes for a holiday on a day the Library is ordinarily open, employees scheduled to work on that day will be paid for regularly scheduled hours. If the Library Director, in consultation with the Library Trustees, decides to close the Library for holiday observance on a

day other than that designated by the Town of Kensington, employees scheduled to work on that day, except for exempt employees, will be paid for regularly scheduled hours. If a holiday occurs on a Sunday or Monday, the Library may choose to close the preceding Saturday, since the Library is closed on Sundays and Mondays.

**12. LIBRARY CLOSINGS/DELAYED OPENINGS**

The Library may choose to observe the same emergency closings, delayed openings and early closings as the SAU-16 school district if there is a safety concern due to weather or other safety emergency. Outside of school hours and calendar, the Library Director or his/her designated person will authorize closings, delays or early closings due to severe weather conditions or other emergencies. Whenever the Library closes due to emergency, employees will be paid for regularly scheduled hours. During less severe storms or emergencies when the library remains open, employees who do not report to work or who leave before the Library closes will only be paid for hours worked. Staff will be notified of status and information will be posted on the Library website and social media.

**13. BENEFITS/LEAVE**

Employees shall receive the following described benefits:

A. **Health Insurance:** Library employees working twenty-five (25) or more hours per week are eligible to receive health insurance benefits as offered by the Town of Kensington (see current Town of Kensington Employee Handbook). Library employees working twenty-five (25) hours or more can refuse the Town’s health insurance benefits if they have coverage elsewhere.

B. **Vacation Leave:** Employees shall accrue vacation leave according to the following schedule:

	Years of Service	Vacation Time
Employees working twenty-five (25) or more hours per week:	1 but less than 2 years: 2 but less than 5 years: 5 but less than 10 years: 10 or more years:	One (1) week Two (2) weeks Three (3) weeks Four (4) weeks
Employees working fewer than twenty-five (25) hours per week but at least eighteen (18) hours per week:	1 but less than 2 years: 2 years or more:	One (1) week Two (2) weeks
Employees working less than eighteen (18) hours per week:	Not eligible	Not eligible

- C. An employee must be on the active rolls to be entitled to any vacation pay during the calendar year.
- D. Vacation time pursuant to the above schedule is available to the employee on the first workday of the calendar year. Unused vacation time cannot be carried forward to the next calendar year nor can it be paid out in lieu of time taken. Unused vacation time for the current calendar year will be paid out at the time of an employee's resignation.
- E. "Week" in the above schedule is defined as equal to the amount of time the employee is regularly scheduled to work in a seven-day period.
- F. Library employees must schedule vacations with the Library Director at least two (2) weeks in advance, when possible. Employees should clear vacation schedules with their supervisors before making any final plans, paying deposits, purchasing non-refundable tickets, etc. All vacation leave for non-exempt employees is approved by the Library Director at the Library Director's discretion, subject to the needs of the Library. All vacation leave for exempt employees is approved by the Library Trustees at their discretion, subject to the needs of the Library.

**G. Sick/Personal Leave:**

- a) This Personnel Policy recognizes that Library employees may need to be absent from work due to a personal illness, caring for another family member's illness or personal business such as medical or dental appointments.
- b) Library employees who are regularly scheduled to work at least eighteen (18) hours per week are eligible for one (1) week of sick/personal leave per year, after completion of the initial ninety-day Probationary Period.
- c) Library employees who are regularly scheduled to work less than eighteen (18) hours per week are not eligible for sick/personal leave.
- d) Sick/personal time taken under this Personnel Policy can, at the employee's option, be taken in one-hour increments.
- e) Library employees eligible for sick/personal leave must inform the Library Director when using such sick/personal leave in accordance with the call-in procedure in Section 3(B) of this Personnel Policy, and provide advance notice when possible. Library employees must specify to the Library Director if the time they are taking off is either sick time or personal time. If an employee is absent due to illness of three (3) days or more, the Library Director, at the Library Director's discretion, may require the employee to submit a doctor's note confirming such illness.
- f) It is the responsibility of the employee and the Library Director to keep a record of the sick/personal time allowed, taken and remaining.
- g) The annual amount of time allowed will be credited to each employee on the first workday of the calendar year. There will be no payment for unused sick/personal leave time upon termination of employment. Unused sick/personal leave time cannot be carried forward to the new calendar year.
- h) If Library employees who are eligible for sick/personal leave exhaust all of their sick/personal leave for the calendar year, they may request additional time off to the Library Director. The Library Director may approve or deny such additional time off

subject to the Library Director's discretion. Any such additional time off allowed, at the Library Director's discretion, shall be applied as unpaid time off.

**D. Bereavement Leave:**

- a) This Personnel Policy recognizes that Library employees may need to be absent from work due to a death in the family.
- b) Library employees must inform the Library Director to obtain approval for bereavement leave.
- c) Library employees are eligible for up to three (3) days of absence and compensation for the loss of a close relative per event. "Close relative" in this section is defined as a: parent, grandparent, grandchild, spouse/partner, child, sibling, stepparent, stepchild, or other person actually living in the employee's household at the time of death.
- d) Library employees are eligible for one (1) day of absence and compensation per event for the loss of a relative that is not considered a "close relative" as defined herein.
- e) "Day" in this section is defined as equal to the amount of time that the employee is regularly scheduled to work within a twenty-four (24) hour period. For example: if an employee normally works four (4) hours per day, that employee will receive up to twelve (12) hours of Bereavement Leave at the employee's standard pay rate for the loss of a close relative.
- f) If Library employees exhaust all of their bereavement leave permitted under this section, they may request additional time off to the Library Director. The Library Director may approve or deny such additional time off subject to the Library Director's discretion. Any such additional time off allowed, at the Library Director's discretion, shall be applied as unpaid time off.

**E. Leave of Absence:** The Library Trustees may grant a leave of absence without pay to any Library employee, upon written request of the Library Director, for a period not to exceed one (1) year, except for military leaves of absence. Upon expiration of an approved leave of absence without pay, and if so requested by the employee, the employee may be reinstated to the position held at the time the leave was granted, if a vacancy exists.

**F. Military Leave:**

- a) The Library is committed to protecting the job rights of employees absent on military leave. In accordance with Federal and State law, it is the Library's policy that no employee or prospective employee will be subjected to any form of discrimination based on that person's membership in or obligation to perform service for any of the Uniformed Services of the United States.
- b) Specifically, no person will be denied employment, reemployment, promotion, or other benefit of employment based on such membership. Furthermore, no person will be subjected to retaliation or adverse employment action because such person has exercised his or her rights under applicable law or this Personnel Policy. If any employee believes that he or she has been subjected to discrimination in violation of this Personnel Policy, the employee should immediately contact the Library Director. Military leaves of absence will be unpaid, unless otherwise required by law.

c) Procedures for Military Leave.

1. Unless military necessity prevents it, or is otherwise impossible or unreasonable, an employee should provide the Library Director with advance written or verbal notice of the need for leave as far in advance as is reasonable under the circumstances. Written notice is preferred, but not required under the law or this Personnel Policy. It is requested that notice should be provided at least thirty (30) days before the leave begins where it is at all possible to do so.
2. An employee's request for military leave may include reasonable time off to get personal business in order prior to commencing service in the uniformed services. Such reasonable time off will be decided by the Library Director based on a case-by-case basis.
3. Employees on temporary or extended military leave may, at their option, use any or all accrued paid vacation or personal leave during their absence.
4. Employees on military leave must provide notice to the Library Director of the intended date of return to work.

d) Benefits. If an employee is absent from work due to military service, benefits will continue as follows:

1. An employee on military leave who is eligible for health insurance under this Personnel Policy may elect to continue health insurance coverage for the employee and covered dependents, if applicable, under the same terms and conditions for a period not to exceed thirty-one (31) days from the date the military leave of absence begins. The employee must pay, per pay period, the premium normally paid by the employee. After the initial thirty-one (31) day period, the employee and covered dependents can continue group health insurance as provided for under the Uniformed Services Employment and Reemployment Rights Act (USERRA) up to twenty-four (24) months at 102% of the overall (both employer and employee) premium rate. When the employee returns to work, he or she will be reinstated to the health insurance benefit with no waiting period, even if coverage terminated during the leave.
2. Employees do not accrue vacation, personal leave, or sick leave while on military leave of absence status.

e) Reemployment. Additional rights and obligations will apply for eligible employees seeking to be reemployed in accordance with USERRA.

**G. Jury Duty:** All employees will be granted time off to serve jury duty. Employees will be paid the difference in pay between jury duty pay and regular pay. All benefits shall continue to accrue during such absence. Employees are expected to report to work if released from jury duty early during regular working hours.

**H. Family and Medical Leave Act of 1993 (FMLA):**

- a) Under the Family and Medical Leave Act (“FMLA”), eligible employees may take an unpaid leave of absence and be restored to the same or an equivalent position upon their return to work for any of the following reasons:
- (1) The birth of the employee’s child and to care for the newborn child (leave must be taken within twelve (12) months of the birth of the child).
  - (2) The placement of a child with the employee for adoption or foster care, and to care for the placed child (leave must be taken within twelve (12) months of adoption or placement of the child).
  - (3) The serious health condition of a spouse (the term “spouse” shall include same sex spouse), parent, minor child, or adult child when the adult child is incapable of self-care, and the employee is needed for such care (“covered family members”).
  - (4) The employee’s own serious health condition that renders the employee unable to perform his or her job.
  - (5) A “qualifying exigency” (as defined in the Department of Labor Regulations) arising out of the fact that the spouse, or a son, daughter, or parent of the employee is on active duty or has been notified of an impending call or order to active duty in the United States Armed Forces in support of a contingency operation as a member of the National Guard or Reserves.
  - (6) The employee is a spouse, son, daughter, parent, or next of kin of a “covered service member” (as defined in the Department of Labor Regulations, which includes National Guard, Reserves and Regular Armed Forces) who has a serious injury or illness, and the employee is needed to care for such person.
- b) Eligibility Requirements. To be eligible for FMLA leave, an employee must satisfy both of the following conditions: The employee must have worked for the Library for at least twelve (12) months, must have performed at least 1,250 hours of work in twelve (12) months prior to a leave request, and work at a site with at least 50 employees within 75 miles.
- c) Leave Entitlement. If an employee takes FMLA leave for a reason stated in paragraphs (1)-(5), above, the employee is entitled to up to twelve (12) work weeks of unpaid leave during a twelve (12) month period. That twelve (12) month period is defined as a "rolling" twelve (12) month period measured backward from the date an employee begins an FMLA leave. In other words, the number of weeks the employee has available upon the beginning of a FMLA leave will be twelve (12) weeks less the number of FMLA leave weeks taken in the twelve (12) month period prior to the beginning of the current FMLA leave (the "Available Leave Weeks"). For example, if an employee used four weeks beginning February 1, 2023, four weeks beginning June 1, 2023, and four weeks beginning December 1, 2023, the employee would not be entitled to any additional leave until February 1, 2024. Beginning on February 1, 2024, the employee would be entitled to four weeks of leave; on June 1, 2024, the employee would be entitled to four additional weeks; and so on.

If an employee takes FMLA leave for the reason stated in paragraph (6), above, the employee may take up to 26 weeks of unpaid FMLA leave within a single 12-month period. This 12-month period begins on the first day of leave.

An employee who takes FMLA leave for a reason stated in paragraph (6), above, will be limited to a combined total of 26 work weeks of leave for any FMLA-qualifying reason during the single 12-month period. The leave entitlement described in paragraph (6) above is to be applied on a per-covered-service member, per injury basis such that an eligible employee may be entitled to take more than one period of 26 work weeks of leave if the leave is to care for different covered service members or to care for the same service member with a subsequent serious illness of injury, except that no more than 26 work weeks of leave may be taken within any single 12-month period.

d) Qualifying Exigency. A Qualifying Exigency under paragraph (5) above must be one of the following:

1. Short-notice deployment: Issues arising from the military member's short notice deployment (i.e., deployment within seven or less days of notice). For a period of up to seven days from the day the military member received notice of deployment, an employee may take qualifying exigency leave to address any issues that arise from the short-notice deployment.
2. Military events and activities: Attending military events and related activities, such as official ceremonies, programs, event and informational briefings, or family support or assistance programs sponsored by the military, military service organizations, or the American Red Cross that are related to the member's deployment.
3. Childcare and school activities: Certain childcare and related activities arising from the military member's covered active duty, including arranging for alternative childcare, providing childcare on non-routine, urgent, immediate need basis, enrolling in or transferring a child to a new school or day care facility.  
**Note:** The employee taking FMLA qualifying exigency leave does not need to be related to the military member's child. However, (1) the military member must be the parent, spouse, son, or daughter of the employee taking FMLA leave, and (2) the child must be the child of the military member (including a child to whom the military member stands in loco parentis).
4. Financial and legal arrangements: Making or updating financial and legal arrangements to address a military member's absence while on covered active duty, including preparing and executing financial and healthcare powers of attorney, enrolling in the Defense Enrollment Eligibility Reporting System (DEERS), or obtaining military identification cards.
5. Counseling: Attending counseling for the employee, the military member, or the child of the military member when the need for that counseling arises from the covered active duty of the military member and is provided by someone other than a health care provider.



6. Rest and recuperation: Taking up to 15 calendar days of leave to spend time with a military member who is on short-term, temporary Rest and Recuperation leave during deployment. The employee's leave for this reason must be taken while the military member is on Rest and Recuperation leave.
7. Post-deployment activities: Certain post-deployment activities within 90 days of the end of the military member's covered active duty, including attending arrival ceremonies, reintegration briefings and events, and other ceremonies or programs sponsored by the military, and addressing issues arising from the death of a military member, including attending the funeral; or
8. Additional activities that arise out of active duty, provided that the employer and employee agree, including agreement on timing and duration of the leave.

To care for a covered service member, an eligible employee must be the spouse, son, daughter, or parent, or next of kin of a covered service member.

1. A "son or daughter of a covered service member" means the covered service member's biological, adopted, or foster child, stepchild, legal ward, or a child for whom the covered service member stood in loco parentis, and who is of any age.
2. A "parent of a covered service member" means a covered service member's biological, adoptive, step or foster father or mother, or any other individual who stood in loco parentis to the covered service member. This term does not include parents "in law."
3. Under the FMLA, a "spouse" means a husband or wife, including those in same-sex marriages, which were made legal in all 50 United States as of June 26, 2015.
4. The "next of kin of a covered service member" is the nearest blood relative, other than the covered service member's spouse, parent, son, or daughter, in the following order of priority: blood relatives who have been granted legal custody of the service member by court decree or statutory provisions, brothers and sisters, grandparents, aunts and uncles, and first cousins, unless the covered service member has specifically designated in writing another blood relative as his or her nearest blood relative for purposes of military caregiver leave under the FMLA. When no such designation is made, and there are multiple family members with the same level of relationship to the covered service member, all such family members shall be considered the covered service member's next of kin and may take FMLA leave to provide care to the covered service member, either consecutively or simultaneously. When such designation has been made, the designated individual shall be deemed to be the covered service member's only next of kin. For example, if a covered service member has three siblings and has not designated a blood relative to provide care, all three siblings would be considered the covered service member's next of kin. Alternatively, where a covered service member has a sibling(s) and designates a cousin as his or her next of kin for FMLA purposes, then only the designated cousin is eligible as the covered service member's next of kin. An employer is permitted to require an

employee to provide confirmation of covered family relationship to the covered service member pursuant to § 825.122(k).

- e) Tracking FMLA Leave. When an eligible employee requests any leave of absence that qualifies under the FMLA, the Library has the right to designate such leave as FMLA leave. For example, if an eligible employee suffers a work-related injury that qualifies as a serious health condition, the Library has the right to designate any time away from work as FMLA leave. In such circumstances, the Library will provide the employee with the same notifications as though the employee had specifically requested FMLA leave.
- f) Intermittent and Reduced Schedule Leave. Under some circumstances, employees may take FMLA leaves of absences intermittently (in separate blocks of time due to a single FMLA qualifying reason) or on a reduced leave schedule (reducing the usual number of hours an employee works per workweek or workday). Certification will be required to show that an intermittent or a reduced schedule leave is a medical necessity for leaves under paragraphs (3), (4), and (6), above. Other documentation or certification may be required to show that such an intermittent or a reduced schedule leave is necessary in the case of a leave of a “qualified exigency” under paragraph (5), above.

If FMLA leave is for birth and care, or placement for adoption or foster care, as described in paragraphs (1) and (2), above, use of intermittent leave is subject to the Library’s approval. When an employee takes intermittent or reduced schedule leave, time spent working will not be counted against the employee’s FMLA entitlement.

Employees taking intermittent or reduced schedule leave will be paid for the time they work, and the leave time away from work will be unpaid unless the employee qualifies for workers’ compensation, short-term disability, or other benefits. If an employee is a salaried/exempt employee, the Library will adjust the employee’s salary based on the amount of time worked.

While an employee is on intermittent or reduced schedule FMLA leave, the Library may temporarily transfer the employee to an available alternate position that better accommodates the employee’s recurring leave and that has equivalent pay and benefits.

Employees who take intermittent leave for a planned medical treatment have an obligation to make a “reasonable effort” to schedule the treatment so as not to disrupt unduly the Library’s operations.

- g) Status of Employee Benefits. Employees are required to use any accrued, unused sick and vacation time during FMLA leave unless the FMLA leave is otherwise paid through workers’ compensation benefits, short-term disability benefits, or other benefits. The substitution of paid leave time for unpaid leave time does not extend the FMLA leave period. Also, the employee’s FMLA leave may run concurrently with other types of leave.

During an approved FMLA leave, the Library will maintain the employee's health benefits under the same terms and conditions applicable to employees not on leave.

If paid leave is substituted for unpaid FMLA leave, the Library will deduct the employee's portion of the health plan premium as a regular payroll deduction.

If an employee's leave is unpaid, or is paid through workers' compensation, short-term disability benefits, or other benefits not provided through the Library's payroll system, the employee must pay his or her portion of the premium by making arrangements with the Library Director or Library Trustees.

Health and other benefit coverage may be canceled if the employee's premium payment is more than thirty (30) days late. Before dropping coverage, however, the Library shall notify employee in writing that payment has not been received and that coverage will end in fifteen (15) days if the premium is not paid.

If an employee elects not to return to work at the end of the leave, the employee will be required to reimburse the Library for the cost of the premiums paid by the Library for maintaining coverage during the unpaid leave, unless the employee cannot return to work because of a serious health condition or because of other circumstances beyond the employee's control. If the FMLA leave is for a condition that is covered under the Library's short- or long-term disability insurance, covered employees may apply for benefit coverage.

Benefit entitlements based on length of service will be preserved at the level earned as of the commencement of the leave but will not accrue further during the leave period. For example, an employee on leave will not accrue additional sick/personal days.

- h) Requesting Leave. Employees must complete the appropriate FMLA leave request forms. These forms are available from the Library Director.

If an employee's need for leave is foreseeable, such as for the birth of a child or planned medical treatment, you must give the Department Head thirty (30) days' prior written notice. In cases of planned medical treatment, please make efforts to schedule the treatment to avoid disrupting the Library's operations.

If the need for leave is not foreseeable, the employee must give notice to their supervisor as soon as practicable (generally, either the same day or the next business day of learning the employee's need for leave) and the employee must comply with all the Library's policies regarding absences from work. Failure to provide such notice may be grounds for delaying the leave. If the employee is unable to notify the Library Director or Library Trustees of his/her need for leave personally because of illness, the employee should ask someone else to call on his or her behalf.

- i) Medical Certifications. If an employee is requesting leave because of the employee's serious health condition, a covered family member's serious health condition, or for the serious injury or illness of a covered service member, the employee must provide a medical certification from the appropriate health care provider. It is an employee's responsibility to provide a complete and sufficient certification. Please obtain a medical certification form from the Library Director or Library Trustees for the health care provider to use. If possible, the employee should provide the medical certification before the leave begins. If that is not possible, the employee must provide the medical certification within fifteen (15) days of requesting leave. If the employee does not provide the required medical certification in a timely manner, the employee's leave may be delayed. If you do not provide the certification at all, the Library will not be able to determine whether you are eligible for FMLA leave and your leave will be denied. The Library reserves the right to authenticate or clarify any medical certification if necessary.

In the case of an employee's own serious health condition, or that of a family member's serious health condition, the Library at its expense, may require an examination by a second health care provider designated by the Library. If the second health care provider's opinion conflicts with the original medical certification, the Library, at its expense, may require a third health care provider agreed upon by the employee and the Library to conduct an examination and provide a final and binding opinion.

The Library may also require subsequent medical recertification. Failure to provide requested re-certifications within fifteen (15) days may result in delay of further leave.

- j) Certifications for a Qualifying Exigency. Employees who request a leave for a "qualifying exigency" arising from an immediate family member's call to active duty or impending call or order to active duty will be required to provide a copy of the family member's active-duty orders or other documentation issued by the military indicating the member is on active duty or call to active-duty status in support of a contingency operation. Other documentation certifying the exigency necessitating the leave will also be required.
- k) Confirmation of Familial Relationship. Employees requesting a leave of absence based on a familial relationship (e.g., leaves under paragraphs (3), (5) and (6)), may be required to provide reasonable documentation or statement of family relationship. This documentation may take many forms, including but not limited to a child's birth certificate, a court document, etc.
- l) Reporting while on Leave. If an employee takes leave because of his or her own serious health condition, to care for a covered family member with a serious health condition, to care for a covered service member with a serious illness or injury, or for a qualifying exigency, the employee must contact the Library Director or Library Trustees on a regular basis to provide updates about the status of the need for leave (e.g. the medical condition of the employee or the individual for whom the employee is caring, or other circumstances necessitating leave) and the employee's intention to return to work. In

addition, the employee must give notice as soon as practicable (within two (2) business days if feasible) if the dates of leave change or are extended or initially were unknown.

- m) No Work while on Leave. The taking of another job (including self-employment) while on FMLA leave or any other authorized leave may lead to disciplinary action, up to and including discharge.
- n) Returning to Work. At the end of an authorized FMLA leave, the employee will be reinstated to his or her original position or an equivalent position, except in the case of layoffs, shift eliminations, fraudulently obtaining leave, and occasions where the employee is unable to perform essential job functions. In addition, certain highly compensated employees or “key employees” may be denied restoration to their prior or equivalent position if keeping the job open for the employee would result in substantial economic injury to the Library. Key employees are those employees who are among the highest paid ten percent of employees within seventy-five (75) miles of the worksite. If an employee takes leave because of his or her own serious health condition, the employee will not be reinstated until the employee provides a fitness for duty certificate from his or her health care provider confirming that the employee is medically able to resume work and perform the essential functions of his or her job. The return-to-work medical certification forms are available from the Library Director or Library Trustees. The Library reserves the right to clarify and authenticate such certification.

An employee who fraudulently obtains Family and Medical Leave from the Library is not protected by the FMLA’s job restoration or maintenance of health benefit provisions. In addition, the Library will take all available appropriate disciplinary action against such employee due to such fraud.

- o) Coordination with Pregnancy Related (Maternity) Leave. As stated in the Disability & Pregnancy Related Leave policy, the Library provides female employees with a leave of absence for the period of temporary physical disability resulting from pregnancy, childbirth, and related medical conditions. If an employee is also eligible for FMLA leave, the employee’s FMLA leave and Disability & Pregnancy Related Leave will run concurrently. Please refer to the Library’s Disability & Pregnancy Related Leave policy for more information. For purposes of coordinating FMLA and pregnancy related leaves (aka maternity leaves), maternity disability leave will be treated in the same manner as the FMLA leave of absence described in paragraph (4) above. Maternity disability leave begins when an employee is medically determined to be disabled and ends when medically determined to be able to return to work. If a maternity disability leave is for the number of available FMLA leave weeks or less, the employee may take additional FMLA leave pursuant to paragraph (1) or (2) after the end of the disability period, not to exceed the number of remaining available leave weeks and will be reinstated in accordance with this FMLA policy. If a maternity disability leave exceeds the number of available FMLA leave weeks, then reinstatement will be governed by the Disability & Pregnancy Related Leave policy.

- p) Coordination with Other Library Policies; Reference to FMLA and Federal Regulations. The FMLA and the FMLA Federal regulations issued by the U.S. Department of Labor contain many limitations and qualifications for entitlement and governance of FMLA leave not stated herein. The terms of the FMLA and the FMLA federal regulations are incorporated herein and will be applied in all instances of requested or designated FMLA leave. Should a conflict arise between this policy and the FMLA and/or the FMLA Federal regulations, the FMLA and/or FMLA federal regulations shall govern. Any questions relative to FMLA leaves, including eligibility requirements, should be directed to the Library Director or Library Trustees.

## I. **Disability / Pregnancy Related Leave**

- a) The Library recognizes that during pregnancy and after, some pregnant women may have special needs. The Library will accommodate these needs as defined below.
- b) Eligibility. Female employees, either full time or part time, who are temporarily physically “disabled” resulting from pregnancy, childbirth or related medical conditions are eligible for the benefits provided under this Personnel Policy. The term “disability” or “disabled” in this circumstance means the employee cannot perform the essential functions of her job due to pregnancy. In order to be classified as “disabled”, the employee must be classified as “disabled” by her healthcare provider. Medical verification of the disability is required to receive eligibility under this policy.
- c) Duration of Leave. Should a female employee’s physician deem her temporarily disabled due to pregnancy, childbirth or related medical condition, her leave will extend until her physician states that such disability has ended, and she is able to return to work. The Library complies with all Federal and State laws governing pregnancy leave. Because this policy covers medical disability leave only, it is not available for the care of newborn, adoptive or foster child, or for child rearing although she may have rights under FMLA (see Family and Medical Leave policy for details).
- d) Compensation During Pregnancy Disability Leave. Pregnancy Disability Leave will be unpaid except for the following vehicle by which eligible employees may receive compensation during leave:
- Vacation leave – she may use accrued vacation leave;
  - Sick leave – she may use available sick leave;
  - Disability Insurance, if applicable.
- e) Health Benefits During Leave. Health benefits will continue while on pregnancy disability leave for the period of time that the employee is receiving compensation from the Library and the Town of Kensington is able to deduct the standard benefits contributions. Should she move to an unpaid status she will continue to have the same health benefits available to her while on pregnancy-related disability leave. However, in order to maintain those benefits the employee must write a monthly check to the Town for her portion of the benefit contributions.

- f) Transfer Rights. If the employee is pregnant and requests a transfer, she may be eligible to transfer from her current position to a less strenuous or hazardous position or duties if such transfer is due to pregnancy; and she provides a certification from her health care provider that such transfer is medically advisable; and the Library can reasonably accommodate such a transfer without undue hardship.

If it is foreseeable that it would be medically advisable for the employee to take intermittent leave or leave on a reduced schedule based on her medical needs, the Library may require her to transfer temporarily to an available alternative position that has equivalent pay and benefits, so long as she is qualified for the position, and the position better accommodates recurring periods of leave.

The employee will be reinstated to her regular job or comparable position when her health care provider certified that there is no further need for such transfer, intermittent leave or leave on a reduced work schedule due to her pregnancy.

- g) Returning From Pregnancy Disability Leave. The employee will return to the Library with no less seniority than when her leave began. If she returns to work at the end of a pregnancy disability leave, she will be reinstated to her former position, unless the position no longer exists due to legitimate business reasons, such as a reduction in force or job abolishment. If her former position does not exist, she may be reinstated to an equivalent position if she is able to perform the essential functions of the job, if such a position is available.

She will be required to provide the Library with a “fitness for duty” certification from her doctor stating that she is released to return to work and indicating any work restrictions she may have. She will not be permitted to return to work until she has provided this certification to the Library Director/Library Trustees.

If an employee does not return to work after her leave has ended, and had not contacted her supervisor at the end of her leave, the Library will assume that she has resigned and her employment may be subject to termination unless she is eligible for some other legally mandated leave. In addition, her employment will be subject to termination after a pregnancy disability leave if she accepts other employment during her leave, or she performs services for another employer during her leave without the Library’s express written permission.

- h) Lactation/Breastfeeding Policy. As part of the Library’s family-friendly policies and benefits, the Library supports breastfeeding mothers by accommodating the mother who wishes to express breast milk during her work day when separated by her newborn child.

For up to one (1) year after the child’s birth, any employee who is breastfeeding her child will be provided reasonable break times to express breast milk for her baby in a private space. Any breast milk stored in the refrigerator must be labeled with the name of the employee and the date when the breast milk was expressed, and may not be stored for

over one (1) week. Any nonconforming breast milk stored in the refrigerator may be disposed of. Employees storing breast milk in the refrigerator assume all responsibility for the safety of the milk and the risk of harm for any reason, including improper storage, refrigeration, and tampering. Breaks of more than twenty (20) minutes in length will be unpaid, and the employee should indicate this break period on her time record.

- i) Accrual of Paid Leave Benefits During Paid Leave. All employees who are actively at work or on paid leave—such as vacation leave, sick leave, or personal days—will continue to accrue paid leave benefits provided by the Library.
- j) Accrual of Paid Leave Benefits During Unpaid Leave. Generally, employees on unpaid leave are not entitled to continue accruing paid leave benefits. This includes employees who are receiving income replacement benefits such as short-term disability, long-term disability, or workers' compensation. However, employees on eligible military leave may be entitled to reinstatement upon returning from military leave with all benefits that would have been obtained but for being absent on military leave. This right is provided for by the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA) and is known as the "escalator principle."

When an employee is out on leave that is protected by the Family and Medical Leave Act (FMLA), that employee will continue accruing paid leave as long as the employee is using paid leave benefits such as the items listed above. If an employee on FMLA leave uses all paid leave in accordance with the Library's FMLA policy and remains unable to return to work, then the remainder of the FMLA leave will be unpaid. During the period of unpaid FMLA leave, the employee will not continue to accrue paid leave, consistent with the Library's policy for all types of unpaid leave.

- J. **Leave of Absence for Victims of Crime.** In accordance with New Hampshire law, the Library will grant an employee unpaid time off from work to attend court or other legal or investigative proceedings associated with the prosecution of a crime in which the employee was a victim. For purposes of this Personnel Policy, a "victim" is any person who suffers direct or threatened physical, emotional, psychological, or financial harm as a result of the commission or attempted commission of a crime.

Employees may also qualify for leave under this Personnel Policy if they are part of the immediate family of a homicide victim or part of the immediate family of a child under the age of eighteen (18) or an incompetent adult who is the victim of a crime. For purposes of this Personnel Policy, "immediate family" means the father, mother, stepparent, child, stepchild, sibling, spouse, grandparent, or legal guardian of the victim, or a person who is otherwise in an intimate relationship with and residing in the same household as the victim.

An employee needing time off under this section should notify the Library Director as far in advance as possible. The employee may be asked to submit copies of the notices of each scheduled hearing, conference, or meeting that is provided to the employee by the court or



agency involved in the prosecution of the crime. Employees must comply with any requests to submit these notices, and failure to do so may result in denial of the leave of absence.

The employee will be notified as soon as practicable whether the leave request is granted or denied. Requests falling within the definitions of this Personnel Policy will typically be granted unless the leave of absence would cause an undue hardship on the business. An “undue hardship” for purposes of this Personnel Policy means significant difficulty and expense. In determining whether an undue hardship may exist, the Library will consider the size of the Library’s operations, the employee’s position and role within the Library, and the Library’s need for the employee to be at work.

Leave taken under this section is unpaid, although an employee may elect to use his or her accrued, unused vacation or sick time. The Library shall continue to provide applicable health insurance during the period of unpaid leave hereunder. The Library will not discharge, threaten, or discriminate against an employee for taking leave under this section.

#### **14. EMPLOYEE CONDUCT/DISCIPLINARY ACTION/REMOVAL**

It is our sincere hope that everyone employed by the Library fulfill his or her responsibilities as expected. If an employee is experiencing a barrier to performance the Library Director wants to hear about it so she/he can help you to succeed and ensure the success of the Library. To maintain a safe and efficient work environment, the Library Director may need to address inappropriate employee behavior or unacceptable conduct. Should this occur, a variety of steps may be taken including warnings, suspension, and termination. The Library Trustees reserve the right to determine the appropriate level of discipline based on the specific behavior or conduct. The Library Trustees may discipline an employee for such reasons as habitual tardiness or absenteeism, dishonesty in the performance of duties or any other conduct materially impairing the efficiency with which the Library provides public services. Types of disciplinary action will be left to the discretion of the Library Trustees and may include, but are not limited to, oral warning, written reprimand, suspension or termination. The removal of any employee from employment with the Library will be in accordance with RSA 202-A:17.

#### **15. PROCEDURES FOR RESIGNATION**

We all recognize there are times an employee will need to leave the Library. Resignation is a voluntary decision made by the employee to end his or her employment with the Library. The Library Trustees request a minimum of sixty (60) days written notice of resignation from the Library Director and two (2) weeks written notice of resignation from employees, with a letter of resignation stating the effective date and the reason(s) for leaving. This letter will be filed in the employee’s personnel record. There may be situations when the Library Trustees determine that they will accept the resignation effective immediately and will end the employment relationship prior to the provided notice period given. Employees must notify the Library of any unfinished projects upon notice of resignation. The Library Director may ask the departing employee for an exit interview and a list and explanation of the duties they perform for the next person filling their position.

## 16. PROFESSIONAL DEVELOPMENT

The Library Trustees encourage staff members to be involved with Library associations and attend conferences, workshops and professional meetings, and to pursue formal training related to their work. As the budget allows, annual membership dues in state library associations and attendance at conferences will be paid by the Library for the director and other library employees. Mileage reimbursements at the prevailing federal IRS rates will be granted to staff members authorized to attend professional activities. Approval by the Library Director for conferences or workshops will be based on the Library's scheduled coverage.

## 17. SAFETY/WORKERS' COMPENSATION

- A. **Workplace Safety.** No job is so important or urgent that we cannot take the time to perform our work safely. Employees are our most valuable asset, their safety our biggest responsibility. It is the Library's goal to have a workplace free from injury. The Library inspects the work areas in order to evaluate and determine any risk of workplace injury and takes corrective action wherever appropriate. The Library also relies on our employees to see to it that their workplace is free from safety hazards. Any employee who sees a situation that could be a safety concern must report the problem to the Library Director.
- B. **Workers' Compensation Insurance.** The Town of Kensington provides Worker's Compensation Insurance for all Library employees. This insurance protects employees from a loss of income and pays medical expenses resulting from a workplace accident or injury. Employees with work-related injuries may be entitled to temporary alternative duty in accordance with New Hampshire's Workers' Compensation laws.
- C. **Reporting an Injury.** All work-related injuries, even if believed to be minor, must be reported immediately to the supervising Library Director or Library Trustees. The forms needed to make a claim are available from the Library Director and will be provided to the employee to complete upon prompt notice of any on-the-job injury. Once the incident has been reported, the supervisor shall complete an investigation and an Employee Accident Report and forward that to the Town within 24 hours of occurrence so that the Town can file a claim with the insurance carrier.
- D. **Second Opinion.** The Library may, at its discretion, require an additional medical opinion by a physician, selected and paid for by the Town's insurance carrier. The Library also reserves the right to deny benefits where there is insufficient evidence that the illness/injury arose out of or occurred in the course of employment.
- E. **Falsification/Misrepresentation.** If it is found that an employee misrepresented an injury as work-related or falsified a claim, this is a serious offense punishable by law. Should it be discovered that an employee has falsified records or misrepresented a claim, in addition to the penalties imposed by law, such employee shall be subject to disciplinary action up to and including termination.

- F. **Returning to Work.** Employees who are injured as a result of a workplace injury are required to provide a note from the treating physician authorizing the employee's return to work. The physician's note must be received by the supervising Library Director or Library Trustees before the employee can return to work. An employee who has sustained an on-the-job injury will be reinstated to his/her former position upon request within eighteen (18) months of the initial injury if the position still exists and is available, and the employee is not disabled from performing the duties of the position with or without accommodation(s). An employee also will not be reinstated if he/she has accepted a job with another employer at any time after the date of the injury or if there is a medical determination that the employee cannot return to his/her former position with or without accommodation(s). Other circumstances concerning reinstatement will be governed by the New Hampshire Department of Labor requirements.
- G. **Temporary Alternative Duty.** In accordance with the provisions of RSA 281-A: 23-b, the Library will provide temporary alternative work opportunities for employees who suffer a work-related injury or illness.

When practicable, employees will be returned to their regular duties with modifications consistent with a healthcare provider's stipulated work restrictions. If such restrictions make it impracticable for an employee to perform his or her normal job duties, even with modification, the employee may be reassigned to different duties or a different work schedule and may include assignment to a different department with the Library.

The specific assignment of duties shall be determined on a case-by-case basis pursuant to the healthcare provider's restrictions and the work available at the time the employee is released to return to work with modifications.

The temporary alternative duty is meant to be temporary and transitional to return the employee back to work full duty and is not intended for an employee who is deemed permanently disabled and/or unable to resume the employee's position, with or without reasonable accommodation(s).

The treating healthcare provider and the ill/injured employee share the responsibility of providing the Town with the NH Workers' Compensation Medical Form. This form provides information relating to the employee's capabilities and restrictions necessary to structure a temporary duty program. The Library Director or Library Trustees will work with the employee to facilitate a safe return to work program within limitations listed by the treating physician. If necessary, the Library Director or Library Trustees may contact the treating physician for additional information.

After each subsequent visit, the ill/injured employee will be responsible for providing an updated medical form completed by the treating healthcare provider and returned to the Library to determine if any modifications to the temporary alternative duty position or program is warranted.

Upon release by the healthcare professional, the employee will assume normal duties of his or her regular position.

## **18. HAZARDOUS SUBSTANCES**

Due to work requirements, hazardous substances may be in the workplace. Notices of hazardous substances will be clearly marked with a “WARNING” sign, near the substance itself along with information about the substance that will include at a minimum, hazards of exposure, safe use of the substance, procedures for cleaning up spills, etc. Applicable material safety data sheets are readily available to employees from the Library Director.

Any employees working with hazardous substances will receive training in the proper handling of the substance and will be provided with the necessary safety equipment for the handling of any hazardous substance.

## **19. ALCOHOL AND ILLEGAL DRUG FREE WORKPLACE**

The Library considers all employees to be an extremely valuable resource, with their health and safety as a major concern. Therefore, the Library prohibits employees from bringing, possessing, dispensing, selling, buying or using alcoholic beverages or illegal drugs on Library property. Employees who abuse alcohol or use drugs are a danger to themselves, their coworkers, and the patrons of the Library. The Library complies with New Hampshire’s Indoor Smoking Act in order to regulate smoking in enclosed workplaces. Smoking and the use of chewing tobacco and vaping are prohibited anywhere in the Library’s building. Any Library employee wishing to smoke, use tobacco, or vape must do so only during authorized breaks in a designated area outside of the Library building.

## **20. SEXUAL OR OTHER UNLAWFUL HARASSMENT**

- A. **Unlawful Harassment Prohibited.** The Library is committed to providing a workplace where all can work in a cooperative and professional atmosphere that is free from all forms of unlawful harassment. Unlawful harassment includes harassment based on a person’s veteran status, sex, race, color, national origin, age, sexual orientation, religion, pregnancy, childbirth or related medical condition, physical or mental disability, marital status or any other legally protected characteristic. Such harassment is prohibited at the Library and will not be tolerated. Library employees who take part in unlawful harassment will be disciplined, up to and including termination. All Library employees and third parties are required to follow this policy.
- B. **Sexual Harassment Prohibited.** Although all forms of unlawful harassment are prohibited at the Library, the Library wants to give you information specific to one type of illegal harassment, sexual harassment. Sexual harassment, meaning behavior of a sexual nature, whether done on purpose or not, that is unwelcome and personally offensive to the receiver, is prohibited at the Library and will not be tolerated. Sexual harassment is a form of behavior

that is disrespectful and demeaning to another person and breaks down the employment relationship. Sexual harassment is defined as any repeated or deliberate unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature that constitutes 'sexual harassment' when: (1) submission to such conduct is made either implicitly or explicitly a term or condition of employment; (2) admission to or rejection of such conduct by an individual is used as a basis for employment decisions affecting such individual; or (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creates an intimidating, hostile, or offensive work environment. Sexual harassment is not limited to requests for sexual favors in return for job benefits. Sexual harassment may take the form of verbal abuse, leering, salacious jesters, inappropriate language, jokes of a sexual nature, or any undesired touching or patting.

Sexual harassment is not exclusive to the employee/supervisor relationship. Peer to peer harassment can also occur. If an employee believes that she/he is being harassed by any person associated with the Library, she/he must report it immediately to the Library Director or a Library Trustee. The complaint will be promptly investigated. Confidentiality will be maintained to the extent possible consistent with the need to conduct a prompt and thorough investigation. Retaliation or discrimination against an employee for filing a bona fide complaint of harassment or for providing information in good faith regarding another employee's complaint will not be tolerated. An employee who is determined to have committed harassment or retaliation or who fails to cooperate with the Library's investigation of a complaint will be subject to disciplinary action, up to and including termination.

## **21. COMPUTER USE AND COMMUNICATIONS EQUIPMENT**

- A. The Library provides communication tools including computers, fax machines, telephones, voicemail, e-mail, and access to the Internet to help employees do their jobs. This Personnel Policy is designed to help employees understand the Library's expectations for the use of these resources and to help employees use these resources wisely.
- B. All Library employees should be aware that the Library has the right, but not the duty, to monitor the computer, network, fax, voicemail, e-mail, and Internet use of all Library employees. For this reason, Library employees should not have any expectation of privacy in their use of Library computers or other communications equipment, including email and voicemail systems. The Library reserves the right to suspend individual user accounts for violation of this section and to take disciplinary action, up to and including termination for the misuse of these resources or other violations of this section.

## **22. PERSONAL CALLS**

Excessive personal calls during the workday, regardless of the phone used, can interfere with employee productivity and be distracting to others. The Library encourages a reasonable standard of limiting personal calls during work time to no more than one (1) per day as needed. Employees are encouraged to make personal calls during break time or other non-work time when possible and to ensure that friends and family members are aware of the Library's rules. Flexibility will be provided in circumstances demanding immediate attention. The Library will

not be liable for the loss of personal cellular phones brought into the Library. Use of the Library's telephone system for personal calls is strictly limited to breaks or lunch periods when permitted by the Library Director.

Adopted by the Kensington Library Board of Public Trustees on June 11, 2024.

**EMPLOYEE ACKNOWLEDGEMENT**

Please read the following statements and sign below to indicate your receipt and acknowledgement of the Kensington Public Library’s Personnel Policy.

I have received a copy of the Kensington Public Library’s Personnel Policy. I understand it is my obligation to read the Personnel Policy and comply with its provisions and any revisions made to it. I acknowledge that the Personnel Policy is not a contract of employment.

I understand that the terms of the Personnel Policy are subject to change at the sole discretion of the Library Trustees. I acknowledge that any such changes will be communicated through official notices. I understand that this Personnel Policy supersedes and replaces all previous personnel policies for the Kensington Public Library.

I have entered into my employment relationship with Kensington Public Library voluntarily and understand that there is no specified length of employment. I acknowledge that pursuant to NH RSA 202:A-17, Library employees may be terminated by the Library Board of Trustees “...for malfeasance, misfeasance, or inefficiency in office, or incapacity or unfitness to perform the employee’s duties.”

I understand that the Kensington Public Library has included a policy prohibiting sexual and other unlawful harassment in the Personnel Policy because the Library seeks to provide a workplace free of sexual and other prohibited harassment. I understand that unlawful harassment will not be tolerated by the Library.

I understand that my signature below indicates that I have read and understand the above statements and have received a copy of the Personnel Policy. I understand that this Employee Acknowledgement will be in my employee personnel file and I will receive a copy.

**NOTE:** Please return this signed Employee Acknowledgement to the Library Director to be placed in your employee personnel file.

EMPLOYEE’S NAME (print): \_\_\_\_\_

EMPLOYEE’S SIGNATURE: \_\_\_\_\_

DATE: \_\_\_\_\_

