

CLEVELAND PUBLIC LIBRARY

Human Resources Committee

December 15, 2020

RESOLUTION TO REVISE THE HUMAN RESOURCES MANUAL

WHEREAS, Pursuant to Section 121.2 of the Human Resources Manual, the Board of Library Trustees must approve all changes to the Human Resources Manual; and

WHEREAS, The Library's Human Resources Department is in the process of conducting a comprehensive review and revision of the Human Resources Manual to reflect the prevailing practices in today's workplaces; and

WHEREAS, The Library Administration recommends that the Human Resources Manual be revised to rescind Section 234, titled "Termination of Employment of Full-Time and Part-Time Regular Employees," and to include a revised Section 238, titled "Disciplinary Action," as set forth in Exhibit "A" to this Resolution; and

WHEREAS, The Library Administration recommends that the Human Resources Manual be revised to include a rewritten Section 386, titled "Special Library Closings", as set forth in Exhibit "B" to this Resolution; now therefore be it

RESOLVED, That the Cleveland Public Library Board of Trustees hereby approves the proposed revisions to the Human Resources Manual as set forth in Exhibits "A" and "B" of this Resolution to update Sections 238 and 386, respectively, and to rescind section 234, to become effective December 18, 2020, and instructs the Library's management to be responsible for implementation and execution of the provisions of these policies and their related procedures.

Exhibit "A"

*EMPLOYMENT PRACTICES – 200
DISCIPLINARY ACTION 238*

Bargaining unit Employees

Bargaining unit employees are afforded due process as may be outlined in their collective bargaining agreement.

Non-bargaining Employees

Non-bargaining unit employees who have completed their probationary period are employed at will. Non-bargaining unit employees are afforded due process. Temporary employees are not entitled to due process rights or the pre-termination hearing outlined below.

A non-bargaining unit employee shall not be removed, suspended or demoted without first being given the opportunity to attend an Investigatory Meeting (IM) in which he/she shall have the opportunity to address the charges against him/her. This IM shall be led by the supervisor/manager or Human Resources. The supervisor/manager or Human Resources should notify the employee of his/her decision on the charges within fifteen (15) days of the IM unless mitigating circumstances exist.

Human Resources may assign a procedural observer for non-bargaining employees to be present at an IM. The procedural observer will either be a representative from HR or a member of management that is not connected to the issue that resulted in the IM. The employee has the right to legal counsel during this hearing but must provide HR with at least 72 hours' notice before the scheduled meeting and provide the name and contact information of the employee's attorney.

All Employees

The Library generally follows progressive discipline as a guide for issuing corrective action as appropriate. The Library's expectations are:

- Discipline shall be applied uniformly and consistently.
- Employees shall be aware of job expectations through mission, vision, values, job descriptions, performance evaluations, policies, procedures, supervisor's directives, etc.
- Each offense shall be dealt with as objectively as possible.
- Discipline shall usually be progressive, but depending upon the severity of the offense, may proceed immediately to termination.
- An employee's immediate supervisor may issue counseling memos or written warnings to their direct reports. For discipline greater than a written warning, the

immediate supervisor or the president over the IM may make recommendations for suspension or discharge to department Director or Chief. The Head of Human Resources or designee shall be responsible for issuing suspensions or discharge.

It is impossible to list all violations of Library policy or improper conduct; however, the following lists sets forth examples of violations which will result in disciplinary action up to and including termination of employment. In each case, the appropriate disciplinary action will be determined by any one or more of the following: seriousness of the offense; employee's overall employment record; and/or previous disciplinary actions.

Non-exclusive List of Offenses

Reasons for discipline up to and including termination, include but are not limited to the following or similar offenses:

1. Violation of any CPL policy or procedure, in CPL's sole discretion.
2. Unsatisfactory or neglectful work performance, including but not limited to, poor quality or quantity of work, unacceptable work habits, overall unacceptable performance or work record.
3. Abuse of time, absenteeism or tardiness.
4. Inability to work with CPL patrons or staff.
5. Inability to provide an appropriate level and type of service to staff and/or patrons.
6. Violation of any code of conduct, including but not limited to, Policy 460 Equal Employment, Discrimination and Harassment; and Policy 480 Civility, Bullying and Workplace Violence.
7. Failing or refusing to cooperate fully with the Library's investigation of suspected improprieties, poor quality of work, or misconduct. Providing false or misleading information in response to an investigation being conducted by the Library.
8. Unauthorized use, disclosure, possession or removal of CPL records or confidential information including the patron database.
9. Using another's badge or permitting another to use your badge or giving another use of keys to enter Library property.
10. Deliberately restricting or falsely representing to a superior the quality and/or quantity of work performed based on established standards.
11. Failure to report injury or accident to supervisor.
12. Disregard of safety rules, procedures, guidelines, directives, etc.
13. Conducting excessive or inappropriate personal business on Library time.
14. Inability or unwillingness to work cooperatively with others, e.g., letting personality conflicts interfere with job performance.
15. More than incidental use of Library computers on work time or violation of O.R.C. Obscenity Law, e.g. accessing inappropriate workplace sites for personal use.
16. Negligent or willful acts which result, or could result, in damage to Library property or equipment.

Non-exclusive List of Terminable Offenses

Reasons for termination may include, but are not limited to, the following:

1. Sleeping on the job, loitering, loafing or excessive visiting or wasting time.
2. Insubordination or refusal to perform job duties or instructions/directives of a manager or supervisor.
3. Use of profanity, obscenities, abusive or other inappropriate language.
4. Assault, fighting, violence or threatening violence, or attempting bodily injury to another employee or patron on Library premises.
5. Disorderly, disruptive or unruly conduct.
6. Dishonest, cheating, theft or inappropriate removal or possession of Library property, or of the property of a fellow employee or patron.
7. Willful destruction of Library property or the property of a fellow employee or patron.
8. Criminal, dishonest or immoral acts.
9. Making false statements or falsifying Library records or reports, including one's time records or records of another employee.
10. Working under the influence of alcohol or illegal drugs.
11. Possession, distribution, sale, transfer or use of alcohol or illegal drugs in the workplace, while on duty or while operating employer-owned vehicles or equipment.
12. Misuse of CPL authorized credit card, expense account or cash.
13. Theft, destruction or unauthorized use or removal of CPL materials or equipment.
14. Negligent or deliberate destruction of CPL property or the abuse, misuse or unauthorized use of CPL property.
15. Gambling, conducting games of chance or using or possessing gambling equipment on CPL premises.
16. Conducting secondary employment on Library time without expressed written approval from Human Resources.
17. Possession of dangerous or unauthorized materials, such as explosives, firearms, weapons or ammunition in the workplace or Library vehicles.
18. Fraud in securing employment or in the course of employment

Revised December 17, 2020

Rescind #234 Termination of Employment of FT and PT Regular Employees

Exhibit "B"

COMPENSATION PRACTICES – 300

SPECIAL LIBRARY CLOSINGS - 386

While it is the obligation of the Library to provide continuous service to the public, it is recognized that there are situations in which it may be necessary to close the Library for all or part of a regular working day. When the Library is closed for an entire day because of an emergency, announcements will be made through the Library's communication systems as well as local news media as soon and as frequently as possible so that employees will not report for work. In such instances employees will be paid for the hours they would have worked had the Library been (or remained) open.

The Library will be closed on the Friday after Thanksgiving Day, which is considered a special closing, not a holiday.

The Library will be closed on December 24th, which is considered a special closing, not a holiday. When December 24th falls on a weekday, the work schedule for that week will be three days. When December 24th falls on a Sunday, no compensatory time will be allowed.

The Library Board of Trustees will determine the hours of the Library on New Year's Eve annually.

During a Special Library Closing, employees will be paid for hours worked in accordance with relevant established policies and procedures and relevant collective bargaining agreement provisions. Bargaining unit employees shall be paid for Special Library Closings pursuant to their collective bargaining agreement.

Non-bargaining employees who are not scheduled to work or who are absent because of sick leave, vacation, or other authorized leave, will not be affected by the closing.

Closed for an Entire Day

When the Library is closed by proclamation of the Board of Trustees, Mayor, Governor, or President, or an emergency declared by the Director or their designee, all non-bargaining employees will be credited with the hours they would have worked. Employees not scheduled to work and those away on sick leave, vacation, or other authorized leave, are not affected unless the closing is proclaimed a holiday.

Any non-bargaining, non-exempt employee required to report to a work site on a Special Closing day will be paid overtime for the hours worked at the work site. Any non-bargaining employee required to work on a Special Closing day (other than the Friday after Thanksgiving or December 24) in accordance with the Library's Telecommuting procedure will be paid for hours worked.

Closed for a Partial Day

When the Library opens, but then must be closed by reason of an emergency declared by the Director, non-bargaining employees on duty at a work site at the time of closing, or scheduled to

begin work later in the day will be excused and paid for the full number of hours for which they were scheduled to work. Any non-bargaining employee required to stay at a work site work on for a partial day Special Closing will be paid time and one-half for hours worked at the work site after the close was declared. Any non-bargaining employee required to work on a partial day Special Closing in accordance with the Library's Telecommuting procedure will be paid for hours worked.

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