

CLEVELAND PUBLIC LIBRARY

Board Meeting

February 15, 2022

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 to the Human Resources Manual to reflect the prevailing practices in today's workplaces; and

WHEREAS, The Library's Human Resources Department recommends that the Human Resources Manual be revised to include an updated Section 238, titled "Disciplinary Action," as set forth in Exhibit "A" to this resolution; and

WHEREAS, The Library's Human Resources Department further recommends that the Human Resources Manual be revised to include a rewritten Section 388, titled "Jury Duty and Court Appearances," as set forth in Exhibit "B" to this Resolution; and

WHEREAS, The Library's Human Resources Department further recommends that the Human Resources Manual be revised to include a rewritten Section 342, titled "Premium and On-Call Pay," as set forth in Exhibit "C" to this resolution which, among other things, will authorize the Executive Director, CEO to set a stipend to be paid to non-bargaining non-exempt employees who are required to remain on-call and ready and able to perform work during off-duty hours; and

WHEREAS, The Chief Talent Officer recommends that the Board of Library Trustees approve a stipend of \$40 per on-call shift assigned to any Safety and Protective Services Supervisor; 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" to this Resolution to update Sections 238 and 388 effective as of February 16, 2022 and Exhibit "C" to this to this Resolution to update Section 342 effective as of February 4, 2022, and instructs the Library's

EXHIBIT 14

management to be responsible for implementation and execution of the provisions of these policies and procedures; be it further

RESOLVED, That this Board hereby approves the payment of a stipend of \$40 per on-call shift to be paid to any Safety and Protective Services Supervisor who is assigned an on-call shift.

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 at a pre-termination 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 or Human Resources.
12. Disregard of safety rules, procedures, guidelines, directives, etc.
13. Conducting excessive or inappropriate personal business on Library time or using Library resources.
14. Inability or unwillingness to work cooperatively with others, e.g., letting personality conflicts interfere with job performance.

EXHIBIT 14

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

December 17, 2020

February 15, 2022

Exhibit “B”

COMPENSATION PRACTICES – 300

JURY DUTY AND COURT APPEARANCES – 388

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Bargaining unit employees shall be eligible for jury duty and court appearances pursuant to their collective bargaining agreement.

Non-bargaining unit employees who are summoned for jury duty or subpoenaed to appear before any court or other legally constituted body authorized to compel the attendance of witnesses, where the employee is not a party to the action, will be paid their regular wages less any amount they may receive from a jury commission. Employees must notify their supervisor in advance by submitting a copy of the subpoena or summons for approval. The Library will not reimburse the employee in any manner for expenses incurred performing jury duty or appearing in court under subpoena. The employee is responsible for securing and submitting to the Payroll Department an official statement showing the amount received and the dates served in this capacity.

Any employee who is appearing before a court or other legally constituted body in a matter in which the employee is a party or witness in their capacity as a Library employee does so as part of his/her Library assignment for the day. Any employee subpoenaed to bring Library materials to court does so as part of his/her Library assignment for the day. If an employee receives a fee, it is to be turned into the Payroll Department.

Any employee who is appearing before a court or other legally constituted body in a matter in which either the employee is a party or the employee's appearance is unrelated to his or her capacity as a Library employee may be granted vacation time, leave of absence without pay, or personal leave, upon application. Any employee subpoenaed to appear in court as a witness in a case in which the Library is not involved, must do so on his/her own time.

When serving on jury duty or awaiting assignment to a jury, employees are expected to return to work if they are dismissed by the court sufficiently in advance of the end of their scheduled working day.

Rev. per Board Action 3/21/96

Revised February 15, 2022

Exhibit “C”

COMPENSATION PRACTICES – 300

PREMIUM AND ON-CALL PAY – 342

Premium pay is provided to bargaining unit employees as outlined in a collective bargaining agreement.

Non-bargaining non-exempt employees may be required to serve in an on-call capacity to provide coverage during off-business hours, to perform tasks required during off-duty hours, or to respond to an unforeseen circumstance or emergency. When on call, an employee should refrain from the use of any alcohol or illegal drugs.

The Executive Director will determine the departments, the job classifications, and an appropriate rate of pay to perform on-call duty based on operational needs.

Non-exempt employees will be compensated at their regular hourly rate for all time worked during an on-call assignment. On-call assignments that result in overtime will be paid in accordance with Section 341. Tasks that require an insignificant amount of time (less than 14 minutes) are not considered time worked. If the work necessitates travel, the travel time is included in time worked. If the work does not necessitate travel and can be performed remotely, only the time engaged in work is considered time worked.

*Per Board Action March 15, 2007
Revised February 4, 2022*