

**CLEVELAND PUBLIC LIBRARY**

**Human Resources Committee Report**  
October 16, 2008

**PROPOSED REVISIONS TO THE HUMAN RESOURCES MANUAL**

In accordance with Section 121.2 of the Human Resources Manual which reads, "No changes may be made in the provisions of this Manual without the approval of the Board of Trustees," the following recommendations are submitted for approval:

**Section 200** – Employment Practices

**Add New Subsection:** Employee Referral and Recommendation Procedure – 260

When an employee requests a verbal or written referral or recommendation, the following procedures must be followed by the manager or supervisor asked to provide the referral or recommendation. Managers and supervisors may decline to provide a referral or recommendation for employees at any time.

**For a Library Employee Who Currently Reports to that Manager or Supervisor**

- 260.1 -** Upon the request of a current Cleveland Public Library employee applying for an internal position, their current manager or supervisor may provide referrals or recommendations. If the manager or supervisor agrees to provide a referral or recommendation, he or she must complete a written performance evaluation, review the performance evaluation with the employee and place the performance evaluation in the employee's personnel file. That written performance evaluation will serve as the referral or recommendation.

**For a Library Employee Who Does Not Report to that Manager or Supervisor**

Upon the request of a current Library employee applying for an internal position, managers or supervisors of someone whom they do not currently supervise, but with whom they have previously worked (e.g., on a Library committee or task force), may provide a referral or recommendation. The manager or supervisor must make the referral or recommendation in writing; however, the hiring manager may contact the referring or recommending manager for clarification if needed. The employee requesting the referral or recommendation is responsible for providing a copy of the written referral or recommendation to both the hiring manager and the Human Resources Department.

**External Referral or Recommendation**

Managers and supervisors may not provide verbal or written referrals or recommendations on behalf of the Library to persons or organizations outside of the Library (e.g., another potential employer, banks or mortgage companies). Such requests must be referred to and handled by the Human Resources Department. See educational references exception, Subsection 260.3

## PERSONAL REFERENCES BY CPL MANAGERS OR SUPERVISORS

### For a Library Employee Who Currently Reports to that Manager or Supervisor

- 260.2 -** Managers and supervisors may provide personal references provided they are not made on behalf of the Library and are not provided on Library letterhead (including emails with the Library signature blocks or other communications with the Library identification) and do not identify or attribute the reference to the Library, except to the extent necessary to explain how the Library manager or supervisor knows the person.

## EDUCATIONAL REFERENCES AND RECOMMENDATIONS BY LIBRARY MANAGERS OR SUPERVISORS

- 260.3 -** Managers and supervisors may provide recommendations for educational opportunities for current Library employees provided that such recommendations are made in writing on Library letterhead. Current Library employees seeking such recommendations must provide a copy to the Human Resources Department for placement in the employee's personnel file.

Managers or supervisors may provide personal references for educational opportunities for former Library employees provided they are not made on Library letterhead (including emails with Library signature blocks or other communication with Library identification) and do not identify or attribute the reference to the Library, except to the extent necessary to explain how the Library manager or supervisor knows the person.

## **Section 400 – Staff Welfare and Economic Benefits**

### **Subsection 460 - Equal Employment Opportunity**

#### **Reads as:**

If an employee believes that he/she has been discriminated against by the Cleveland Public Library, a supervisor, or a co-worker, he/she should file a signed, written complaint in the EEO Office as soon as possible after the alleged discrimination takes place.

- 460.1 -** Upon receipt of the complaint, the Equal Employment Opportunity Officer will review the facts and contact the employee either by telephone or in person within seven working days.
- 460.2 -** A copy of the complaint will be given to the person charged with discrimination, who shall be expected to reply in writing within seven working days. The Equal Employment Opportunity Officer shall endeavor to reconcile the parties by informal methods of conference, conciliation, and persuasion.
- 460.3 -** If the Equal Employment Opportunity Officer fails to achieve a solution to the problem within 14 days, the complaint will be referred to the Director for further evaluation and action.
- 460.4 -** If a settlement cannot be reached by the Director within 30 days, the employee may bring the matter before the Human Resources Committee of the Library Board, which shall review all relevant information and determine an appropriate course of action.
- 460.5 -** Nothing in this procedure shall bar an employee from seeking redress through appropriate agencies established by law.

Change to:

**Equal Employment Opportunity Policy Against Discrimination,  
Including Sexual and Racial Harassment– 460**

The Cleveland Public Library is firmly committed to providing equal employment opportunity to all qualified employees and applicants for employment. The Library does not discriminate on the bases of age (40 or over), disability, race, religion, sex, sexual orientation, creed, color, national origin or any other characteristic protected by federal, state or local law. The Library's commitment to equal opportunity encompasses all aspects of employment including application, training, work assignments, promotion, compensation, benefits, discipline and termination. This commitment includes a prohibition against workplace harassment, which may be a form of discrimination. Because there is sometimes a lack of understanding of what constitutes harassment, set forth below is an explanation. The prohibitions against sexual and racial harassment are included under the Library's policy against harassment and are defined in further detail below for purposes of clarification; however all forms of unlawful discrimination and harassment are prohibited by Library's policy.

**Discrimination and Harassment Prohibited**

- 460.1-** This policy forbids any unwelcome conduct that is based on an individual's age, disability, race, religion, sex, sexual orientation, creed, color, national origin or any other characteristic protected by federal, state or local law. It is the policy of the Library to maintain a work environment free from all forms of unlawful discrimination including harassment.

**Discrimination and Harassment Defined**

- 460.2 -** The conduct prohibited by this policy, whether verbal, physical, or visual, includes any discriminatory employment action and any unwelcome conduct that interferes with an individual's work performance or creates an intimidating, hostile or offensive working environment because of that individual's protected status.

Among the types of unwelcome conduct prohibited by this policy are:

- **Verbal harassment**, such as epithets, slurs, slang, innuendo, jokes, negative stereotyping or suggestive comments because of that individual's protected status,
- **Physical harassment**, such as unwelcome touching, physical contact or intimidating acts because of that individual's protected status, or
- **Visual harassment**, such as gestures or the circulation or posting of written or graphic materials that denigrates or shows hostility or aversion toward individuals because of their protected status.

Library policy prohibits such conduct even if it is not sufficiently severe or pervasive to constitute unlawful harassment. Under normal workplace circumstances, however, minor personality conflicts, routine differences of opinion or differences in work styles do not rise to the level of workplace harassment that violates this policy. In addition, appropriate supervisory conduct including, but not limited to, discipline, follow-up or monitoring of performance, is not a violation of this policy.

## **Racial Harassment**

- 460.3 -** The Library strictly prohibits any verbal, visual or physical conduct that insults, degrades, stigmatizes or victimizes an employee on the basis of his or her race, ethnic background or national origin. This includes conduct that has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment.

Examples of such prohibited conduct includes, but are not limited to:

- Ethnic or racial slurs or epithets;
- Ethnic or racial innuendoes or slang;
- Negative stereotyping
- Suggestive comments, objects or pictures; or
- Jokes or derogatory names or words of an ethnic or racial nature.

Conduct of this nature is a serious violation of Library policy and will not be condoned or permitted. Any employee who is subjected to or believes he has been subjected to such harassment or discrimination, should immediately follow the **Complaint Procedure and Investigation for Claims of Discrimination and Harassment** set forth below.

## **Sexual Harassment**

- 460.4 -** It has been, and shall continue to be, the policy of the Library to maintain a working environment free from sexual harassment and discrimination, retaliation or intimidation based on sexual harassment. The definition of Sexual Harassment under this policy includes harassment between people of the opposite sex and people of the same sex and between employees and patrons or vendors. The prohibited conduct includes, but is not limited to:

**Unwelcome sexual advances, requests for sexual favors, and all other verbal, visual or physical conduct of a sexual or otherwise offensive nature when:**

- Submission to such conduct becomes an implicit or explicit term or condition of employment.
- Submission to or rejection of this conduct is used as the basis for any employment decision.
- The conduct has the purpose or effect of interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

**Verbal sexual harassment** may include, but is not limited to:

- Epithets, slurs, negative stereotyping or spreading sexually based rumors that show hostility toward individuals because of their gender.
- Epithets, vulgarity, whistling, unwelcome or derogatory comments or slurs of a sexual nature about an individual's body, appearance or dress that is not relevant to the work environment.

- Unwelcome sexual compliments, innuendos, suggestions or jokes.
- Questions about an individual's sexual activity, sexual proclivity or sexual interests.
- Requests for dates, social contact outside of the work environment, or sexual contact after such requests have received a negative response.

**Physical sexual harassment may include, but is not limited to:**

- Touching another individual when that touching is not welcomed, whether forcibly or not.
- Intimidating acts of a sexual nature.
- Impeding, interfering with or blocking the movement of another individual.
- Any unwelcome physical contact of a sexual nature, such as fondling, hugging, groping or rubbing against an individual's body.

**Visual sexual harassment may include, but is not limited to:**

- Leering, staring or ogling.
- The circulation, posting or use of written or graphic materials, either in hardcopy or electronically, that is sexually explicit or sexually derogatory in any work related setting.

The Library does not permit or condone sexual harassment of its employees in any form, whether committed by supervisors, other employees, or non-employees, including patrons, visitors and vendors. This policy applies to decisions including, but not limited to, an employee's compensation, benefits, terms and conditions of employment, opportunities for promotion, training and development, transfer and other privileges of employment.

**Sexual favoritism** is also forbidden by this policy. This may include, but is not limited to, the making of any employment decision based on sexual favoritism. Sexual favoritism occurs whenever a supervisor makes a decision based upon an employee's receptiveness to sexual advances. The Library prohibits such conduct even if it is isolated in nature and is not sufficiently widespread to create an issue of unlawful conduct.

**Personal relationships** between employees generally are not prohibited by Library policy; however, if any facet of the relationship affects the work environment in any way, the Library may take any and all corrective actions necessary in compliance with this Sexual Harassment policy, up to and including discharge.

## **Employee and Supervisor Responsibility**

- 460.5 - Each manager or supervisor is responsible for maintaining an atmosphere free of discrimination and harassment as defined above. All employees, including managers and supervisors, must notify their immediate supervisor, the Human Resources Administrator, the Assistant Human Resources Administrator or the Deputy Director of instances of discrimination or harassment or possible discrimination or harassment coming to their attention. Further, all employees are responsible for respecting the rights of their co-workers and others and for complying with this policy.

### **Scope of Policy**

This policy is intended to prevent situations from arising that may lead to allegations of harassment and/or discrimination. Therefore, the prohibitions of this policy may, in some instances, be broader in scope than the legal prohibitions of state, federal or other laws prohibiting discrimination or retaliation. It is possible for an individual to violate this policy without violating the law. A determination that this policy has been violated is not equivalent to a violation of law. Everyone is expected to avoid behavior that could reasonably be interpreted as prohibited discrimination or retaliation.

### **Complaint Procedure and Investigation for Claims of Discrimination and Harassment**

An employee who believes that he or she has been discriminated against or harassed must immediately report the complaint as follows. Employees are encouraged to follow the steps below, but an employee may make a report directly to the Human Resources Department, the Deputy Director or the Director at any time.

1. Whenever possible, the Library encourages the employee to convey directly to the discriminator or harasser that the behavior is unwelcome and unacceptable.
2. If the employee feels uncomfortable approaching the employee directly or if the matter has not been resolved to the employee's satisfaction, then the employee should promptly report the incident to his or her supervisor and/or follow the procedure below.
3. An employee who believes that he or she has been discriminated against should promptly report the incident in writing to the Human Resources Administrator or the Assistant Human Resources Administrator. Under ordinary circumstances, "promptly report" will mean a report within seven days of the alleged discriminatory act; however, employees are encouraged to report discrimination or retaliation at any time. If the employee feels uncomfortable making a written report, he or she should contact the Human Resources Department for assistance in preparing a written report.
4. If the employee feels uncomfortable reporting the incident to a Human Resources representative, he or she may report the alleged discriminatory act, in writing, to the Deputy Director or Director. If the employee feels uncomfortable making a written report, he or she should contact the Deputy Director or Director for assistance in preparing a written report.

5. A Human Resources representative, the Deputy Director, the Director or their designee will promptly investigate the allegations and notify the complainant of the results of the investigation. A Human Resources representative will notify the complainant in writing if the investigation will take more than fifteen days to complete.

### **Confidentiality**

Complaints will be kept confidential to the extent practical and appropriate under the circumstances.

### **Employee Cooperation**

Employees are expected to cooperate in the investigation of any complaint made pursuant to this policy and must comply with the Library's or its investigator's request for confidentiality. Confidentiality will be maintained throughout the investigation to the extent practical and appropriate under the circumstances.

If the investigation reveals a violation of this policy, the offending party or parties may be subject to discipline, up to and including discharge.

### **Protection Against Retaliation**

The Library prohibits any form of retaliation against an employee who makes a report of discrimination or harassment or who participates in the investigation of a complaint. An individual found to have retaliated against an employee for reporting discrimination or against anyone participating in the investigation of a complaint, may be subject to discipline, up to and including discharge.

If an employee believes he or she has been retaliated against for reporting discrimination or for participating in the investigation of a complaint, he or she should report the incident promptly, in writing, to the Human Resources Administrator or the Assistant Human Resources Administrator. If the employee feels uncomfortable reporting the incident to a Human Resources representative, he or she may report the alleged retaliatory act, in writing, to the Deputy Director or the Director. A Human Resources representative, the Deputy Director, the Director or their designee will promptly investigate the allegations. A Human Resources representative will notify the complainant in writing if the investigation will take more than fifteen days to complete.

### **False Accusations**

Knowingly making a false report of discrimination is also a violation of this policy. This is not meant to discourage individuals from making good faith reports. Employees should not be reluctant to report information because they are uncertain of who will be believed and whether the allegation can be proved. The Library recognizes that possible outcomes of investigations include: (1) that a violation occurred; (2) that no violation occurred; or (3) that the Library cannot conclude whether a violation occurred. If a complaint is made in good faith, but no violation is found to have occurred, this does not mean that a complaint or report is a false accusation. However, if the Library determines that an employee knowingly made a false report, the employee may be subject to discipline, up to and including discharge.

**Section 600** – Library Regulations  
**Subsection 600.8** – E-mail

**Reads as:**

**E-mail is made available to staff as a communication tool for Library business and professional development. Employees of the Library may be assigned e-mail accounts.**

Staff use of e-mail must comply with all policies established by the Board of Library Trustees, including without limitation the policy prohibiting sexual harassment (Section 480, Human Resources Manual). Staff may not send, receive, or store materials prohibited by law, including without limitation Chapter 2907 (“Sex Offenses”) of the Ohio Revised Code. Staff may not send, receive or store material that could be considered unprofessional, discriminatory, offensive, defamatory, obscene, threatening, harassing, intimidating, or disruptive to any employee or other person. Staff members who receive such inappropriate material are obliged to report it to a supervisor immediately.

Staff use of e-mail must also comply with copyright and trademark law, other applicable laws, and procedures set by the Library. Staff must also be aware that all e-mail communications may be considered public records under the Ohio Public Records Act, and must be maintained and made accessible to the public upon request as required by law. Staff members who received a request for a copy of an e-mail are obliged to report it to a supervisor immediately.

All e-mail messages created, transmitted, received and/or stored on Library equipment or on the Library’s network or transmitted through the Library-issued e-mail account are property of the Library and are not private or confidential. Employees have no interest, expectation, or right to privacy in any transmissions or communications to or from the Library equipment or network, or through the Library-issued e-mail account. By utilizing the e-mail system, employees consent to the Library’s right, without prior notice to the employee, to access, monitor and read any e-mail file or mailbox, including without limitation those files which have been stored on floppy disks or hard disks, in order to resolve problems, investigate system abuse, or monitor the use of e-mail, and for enforcement of all legitimate Library policies and procedures.

All e-mail accounts are password-protected and employees are responsible for all e-mail messages transmitted from their accounts. Staff are required to disclose their passwords to the Library upon request. An employee may not use or access another employee’s e-mail account except as authorized by the Director or Deputy Director for the purpose of enforcing these policies.

Staff members may not alter the Library’s signature block in any manner, and may not send anonymous or pseudonymous messages.

Incidental personal use of the Library’s e-mail system is permitted provided it does not interfere with the staff member’s productivity or the productivity of his/her co-workers. Library e-mail may not be used for secondary employment.

E-mail is to be used responsibly, professionally, and with discretion. Violation of e-mail privileges will result in disciplinary action, which may include discharge, and may result in the denial of an employee’s use of the e-mail system.



**Section 600** – Library Regulations  
**Subsection 600.8**

**Change to: E-mail, Internet and the Library's Equipment and Network**

**E-mail, the Internet and the Library's Equipment and Network are made available to Staff members as communication tools for Library business and professional development. Employees of the Library may be assigned e-mail accounts and/or Internet access.**

**Compliance with CPL Policies**

Staff members' use of e-mail, the Internet and the Library's equipment and network must comply with all policies established by the Board of Library Trustees, including without limitation the policy prohibiting discrimination, harassment and retaliation (Section 460, Human Resources Manual). Staff members may not send, receive, or store materials prohibited by law, including without limitation Chapter 2907 ("Sex Offenses") of the Ohio Revised Code. Staff members may not send, receive, or store material that CPL considers unprofessional, discriminatory, offensive, defamatory, obscene, threatening, harassing, intimidating, disruptive or creates an intimidating or hostile environment to Staff members, patrons or visitors. Staff members who receive such inappropriate material from CPL employees (1) should request that the sender stop sending inappropriate material and (2) must report the incident to their supervisor immediately. When appropriate, employees should also follow the procedure set forth in Policy 460 - the Equal Employment Opportunity Policy Against Discrimination Including Sexual Harassment.

**Compliance with Copyright, Trademark and Other Laws**

Staff members' use of e-mail, the Internet and the Library's equipment and network must also comply with copyright and trademark law, other applicable laws, and procedures set by the Library. Staff members must also be aware that all e-mail communications, internet use and network or equipment usage may be considered public records under the Ohio Public Records Act, and must be maintained and made accessible to the public upon request as required by law. Staff members who receive a request for a copy of such materials must report the request to their supervisor immediately.

**Library Property**

All e-mail messages created, transmitted, received and/or stored on Library equipment or on the Library's network or transmitted through the Library-issued e-mail account or Internet are the property of the Library and are not private or confidential. Employees have no interest, expectation, or right to privacy in any transmissions or communications to or from the Library equipment or network, or through the Library-issued e-mail or Internet accounts. By utilizing the e-mail system, the Internet and/or the Library's equipment or network, employees consent to the Library's right, without prior notice to the employee, to access, monitor and read any e-mail file or mailbox or access any equipment or network usage including, without limitation, Internet usage and those files that have been stored on floppy disks or hard disks, in order to resolve problems, investigate system abuse, or monitor the use of e-mail, the Internet or the Library's equipment or network, and for enforcement of all Library policies and procedures.

All e-mail accounts are password-protected and employees are responsible for all e-mail messages transmitted from their accounts. Staff members are required to disclose their passwords to Library management upon request. An employee may not use or access another employee's e-mail account except as authorized by the Director or Deputy Director for the purpose of enforcing these policies.

Staff members may not alter the Library's signature block in any manner, and may not send anonymous or pseudonymous messages.

Incidental personal use of the Library's e-mail system, the Internet or the Library's equipment or network is permitted provided it does not interfere with the staff member's productivity or the productivity of his/her co-workers. Library e-mail, the Internet or equipment or network may not be used for secondary employment.

E-mail, Internet and the Library's equipment and network are to be used responsibly, professionally, and with discretion. Violation of such privileges will result in disciplinary action, which may include discharge, and may result in the denial of an employee's use of the e-mail system, the Internet and/or equipment and network.

Be it resolved that the proposed revisions to the Human Resources Manual be approved by the Library Board of Trustees, to become effective immediately.