



## Sacramento Public Library Authority

May 28, 2009

### Agenda Item 6.06: Sacramento Public Library Personnel Policies

**TO: Sacramento Public Library Authority Board Members**

**FROM: Arevik Bagdassari, Director of Human Resources**

**RE: Sacramento Public Library Personnel Policies**

#### **RECOMMENDED ACTIONS:**

1. **Approve** the revised Family and Medical Leave policy (Exhibit A).
2. **Approve** the new Equal Employment Opportunity and Harassment Free Workplace policy (Exhibit B).
3. **Approve** the revised Sexual Harassment policy (Exhibit C).
4. **Approve** the new Harassment policy (Exhibit D).
5. **Approve** the new Drug Free Workplace policy (Exhibit E).
6. **Approve** the new Violence in the Workplace policy (Exhibit F).

#### **REASONS FOR RECOMMENDATIONS:**

Internal Assessment Item 96 states that the Human Resources department will develop a personnel policy and procedures manual that can be disseminated to all employees and that will reside in a central repository on the library's internal web site.

The first set of these policies is being brought for Authority Board approval and are attached as Exhibits A through F to this report.

Authority Counsel and Local 39 have reviewed all the above policies.

#### Family Medical Leave

The federal Family and Medical Leave Act (FMLA) was enacted in 1993 to require employers with 50 or more employees to allow eligible employees to take job-protected, unpaid leave for up to 12 weeks for specific qualified reasons.

The library's current FMLA policy was approved by the Authority Board in March 2003 with an effective date of April 1, 2003.

On January 26, 2009, the Department of Labor's Wage and Hour Division published a final rule updating FMLA regulations. The changes include the following:



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- New military family leave entitlements enacted under the National Defense Authorization Act for FY 2008;
- Additional clarification regarding the type and frequency of treatments that employees must receive under the "chronic" and "continuing treatment" definitions of a serious health condition;
- Requirement that employees follow their employer's call-in policies when they are planning to miss work "absent unusual circumstances" ;
- Requirement that employees who have a "chronic condition" that qualifies for FMLA leave, and who are requesting FMLA leave for the first time will have to certify that they have visited a doctor at least twice a year for the condition;
- The ability for employers to require "fitness-for-duty" tests for employees returning from intermittent FMLA leave if doing the job raises a significant risk of harm to themselves or others.

The library's new Family and Medical Leave policy includes these changes and incorporates similar California legislation: California Family Rights Act (CFRA) and Pregnancy Disability Leave (PDL). The updated policy is provided as Exhibit A to this report.

#### Equal Employment Opportunity and Harassment Free Workplace

The Federal Equal Employment Opportunity Commission (EEOC) was created as part of the Civil Rights Act of 1964 with the mission to eliminate illegal discrimination in U.S. workplaces through the enforcement of the following federal laws prohibiting job discrimination:

- Title VII of the Civil Rights Act of 1964 (Title VII)
- The Equal Pay Act of 1963 (EPA)
- The Age Discrimination in Employment Act of 1967 (ADEA)
- Title I and Title V of the Americans with Disabilities Act of 1990 (ADA)
- Sections 501 and 505 of the Rehabilitation Act of 1973
- The Civil Rights Act of 1991

The new EEO and Harassment Free Workplace policy is the library's overarching anti-discrimination policy. It formalizes the library's commitment to the principles of EEO and to providing a work environment free of discrimination, harassment and retaliation. The policy is provided as Exhibit B to this report.

#### Sexual Harassment and Harassment Policies

At the April 24, 2008 Authority Board meeting, and in conjunction with the library's Internet Use Policy, there was discussion of the potential exposure of staff to offensive Internet materials in the course of their work, and the implications for the Authority's obligation to provide a harassment-free environment for its employees.



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Special Counsel John Adkisson and Gail Cecchettini Whaley of Hanson Bridgett, LLP were retained to review the library's existing policy and procedure and provide recommendations to the Board.

To this end, Special Counsel recommended that the Authority establish a staff working group to develop a comprehensive protocol for dealing with foreseeable exposures to potentially offensive materials. The protocol would catalog policies most protective of employees' right to be free from harassment that also are consistent with patrons' right of access to constitutionally protected materials.

The Working Group first gathered on August 28, 2008, and met for three extended meetings. Special Counsel prepared a detailed report on the Working Group's results, and included the following recommendations:

- That the Board approve updated Harassment and Sexual Harassment Policies;
- That staff revise the Internet Access and Adult Pornography Management Memo that guides staff responses to offensive materials on the Internet;
- That Internet access training materials be revised and that staff, including on-call employees, receive additional training;
- That harassment prevention training materials be supplemented to include the issue of offensive Internet content.

The library has updated the original Sexual Harassment policy dated July 15, 2005, and has developed a separate Harassment policy. These policies are provided as Exhibit C and Exhibit D, respectively, to this report.

The library's managers and supervisors have received the two-hour comprehensive training mandated by AB 1825. Additionally, non-supervisory staff receives harassment prevention training upon hire, with biennial refreshers.

The library's Trainer has scheduled seven training sessions through May 30, 2009 to train On-Call employees and Shelves.

#### Drug-Free Workplace

The library is committed to and proactive in promoting the assurance of a safe, efficient work environment. It is generally accepted that excessive alcohol use and drug abuse adversely affect an employee's performance and interfere with safe and efficient operation. Therefore, the library has developed a Drug-Free Workplace policy to address such issues. This policy is provided as Exhibit E to this report.

#### Violence in the Workplace

The library is committed to providing a safe workplace free from violence and threats of violence toward employees as well as customers. The Violence in the Workplace policy describes and prohibits workplace violence, threats of violence



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and intimidation and sets forth procedures and protocol to reduce the potential for violence. This policy is provided as Exhibit F to this report.

#### **ATTACHMENTS**

Exhibit A: Family and Medical Leave Policy

Exhibit B: Equal Employment Opportunity and Harassment Free Workplace Policy

Exhibit C: Sexual Harassment Policy

Exhibit D: Harassment Policy

Exhibit E: Drug-Free Workplace Policy

Exhibit F: Violence in the Workplace Policy



# Sacramento Public Library

SUBJECT: <b>Family and Medical Leave</b>		POLICY No. FORMERLY: <b>3.2</b>
FUNCTIONAL ACCOUNTABILITY: <b>Human Resources</b>	SECTION:	PAGE <b>1</b> OF <b>7</b>
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APPROVED BY:  Library Director	APPROVED BY:  Director of Human Resources	

## I. INTRODUCTION

The Family Medical Leave Act (FMLA), the California Family Rights Act (CFRA) and the California Fair Employment and Housing Act, which regulates leaves for pregnancy disability (PDL), are laws designed to allow employees to balance their work and family lives by taking reasonable unpaid leave under the following conditions:

- Employee's own serious health condition;
- Care for a child, spouse, parent or registered domestic partner who has a serious health condition;
- Disability due to pregnancy, childbirth or related medical conditions;
- Birth of a child and care for that child;
- Placement of a child for adoption or foster care and to care for the newly placed child;
- Certain leave entitlements for families of military service members.

## II. POLICY

### A. Statement of Commitment

It is the policy of the Sacramento Public Library to abide by Federal and State laws and regulations with regard to Family and Medical Leave and to ensure that staff is informed of their rights under these programs. This policy outlines the three laws that govern leaves of absence for Family and Medical Leave purposes. Nothing in this policy is intended to provide rights or benefits other than those required by law.

## III. PROCEDURAL GUIDELINES

### A. Federal Family and Medical Leave Act (FMLA)

FMLA provides up to 12 workweeks of unpaid job-protected leave in a 12-month period rolled forward from the date an employee's first FMLA leave begins for the following reasons:

- Employee's own serious health condition;
- The birth of a child, or placement of a child with the employee for adoption or foster care;
- To care for the employee's spouse, child, or parent, who has a serious health condition;
- Qualifying exigency arising out of the fact that the employee's spouse, child or parent is on active duty or called to active duty status in support of a contingency



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operation as a member of the National Guard, Reserves or retired member of the Armed Forces. FMLA provides up to 26 workweeks of unpaid job protected leave in a 12-month period for the following reason:

- Employee is the spouse, child, parent, or next of kin of a covered service member with a serious injury or illness.

## B. California Family Rights Act (CFRA)

CFRA provides 12 workweeks of unpaid job protected leave in a 12-month period as the federal FMLA with three exceptions:

- It does not provide leave for disability due to pregnancy, childbirth or related medical conditions;
- It includes registered domestic partners;
- It provides leave for an employee who is the spouse, child, or parent of a covered service member with a serious injury or illness, but not the next of kin.

Employees may request an unpaid CFRA leave of up to 12 workweeks for purposes of baby bonding after the birth, adoption or foster care placement of the child. The CFRA leave begins after the conclusion of the PDL leave. FMLA runs concurrently with PDL, not in addition to.

## C. Pregnancy Disability Leave (PDL)

The California Fair Employment and Housing Act provides up to 4 months (88 workdays for full time employees) of unpaid leave per pregnancy, during the time a woman is actually disabled and unable to perform her job due to pregnancy, childbirth, or related medical conditions.

PDL runs concurrently with FMLA.

## D. Eligibility

Any employee who meets both of these conditions is eligible to take federal and/or state Family Medical Leave:

- The employee must have at least 12 months of service with the Sacramento Public Library.
- The employee must have worked at least 1,250 actual hours during the 12 months immediately preceding the commencement of the leave.

All employees disabled by pregnancy are eligible for PDL with no service requirement for eligibility.



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## E. Employee/Employer Notification

Employees will be notified of their eligibility for requested Family Medical Leave under FMLA and/or CFRA and reason for ineligibility, if applicable.

When the need for Family Medical Leave is foreseeable, the employee must provide at least 30 calendar days advance notice to their manager and Human Resources prior to taking leave. The Library must request certification of the absence within 5 business days of the leave request.

When the notice for Family Medical Leave is unforeseeable, employees must provide notice to their manager and Human Resources "as soon as practicable" (generally the same day or next business day). Additionally, employees may be requested to provide justification for notification of less than 30 calendar days. The Library must request certification within 5 business days after the leave commences.

Employee must provide the necessary certification within 15 calendar days. If the Library determines that the certification is deficient, the employee must provide the requisite information within 7 additional calendar days. Once sufficient information is received, the Library will notify the employee of their Family Medical Leave eligibility in writing, within 5 business days, absent extenuating circumstances.

## F. Certification of Need for Leave

If the leave is for the employee's own serious health condition, the need for the leave may require certification from the employee's own health care provider.

The Library may require second or third medical opinions (at the Library's expense) of a serious health condition.

If the leave is for the serious health condition of the employee's spouse, child, parent or registered domestic partner who has a serious health condition, the need for leave may require certification from the family member's health care provider.

## G. Pay

All leaves discussed in this policy are unpaid.

Employees may not accrue PTO while on Family Medical Leave when such leave is integrated with other Paid Leaves such as State Disability Insurance, Paid Family Leave, Pregnancy Disability Leave as well as leave taken without pay unless there are actual hours worked within the pay period.

## H. Reduced Work Schedule/Intermittent Leaves

Leave may be taken intermittently in an amount of no less than 1 hour at a time, if the leave is for a serious health condition of the employee's child, parent or spouse or of the



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employee and the reduced leave schedule is medically necessary as determined by the health care provider of the person with the serious health condition. Employees must make “reasonable effort” to schedule planned medical treatments so that it will not unduly disrupt the Library’s operations.

## I. Holidays

If a holiday falls within a full week of an employee’s Family Medical Leave, the holiday will count as a FMLA/CFRA absence.

If a holiday falls within a partial week of Family Medical Leave, the holiday is not counted as a FMLA/CFRA absence unless the employee was otherwise required to work on that day.

## J. Health/Welfare Benefits

An employee taking Family Medical Leave will be allowed to continue participating in health and welfare plans in which the employee was enrolled before the first day of leave (for up to a maximum of 12 workweeks) at the level and under the conditions of coverage as if the employee had continued employment for the duration of such leave.

The Library will continue to make the same premium contribution as if the employee had continued working. The continued participation in health and welfare benefits begins on the date leave first begins under FMLA or under FMLA/CFRA. The Library may recover premiums paid to maintain health and welfare coverage for an employee upon the employee’s return to work, or if an employee fails to return to work following Family Medical Leave.

## K. Aggregate Leaves

Leave under FMLA and CFRA are concurrent with one exception: Pregnancy Disability Leave is concurrent with FMLA but not with CFRA. The Human Resources Department should be consulted for details on aggregate leaves.

## L. Flexible Spending Accounts

Flexible spending contributions, if applicable, must be continued by the employee. If the leave is taken based on a qualifying event (birth of a child, change in work status of spouse, etc.), the employee may change the FSA election.

## M. 401(a) and 457 Deferred Compensation Plans

Payroll deductions for 401(a) and 457 deferred compensation plans will cease during Family Medical Leave. If the employee was enrolled in these plans prior to taking leave, contributions will be re-started upon the employee’s return.



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## N. Reinstatement

1. Under most circumstances, upon return from Family Medical Leave under FMLA and/or CFRA, an employee will be reinstated to his/her prior position or to an equivalent position with equivalent pay, benefits, and other employment terms and conditions. Under PDL, the employee will be reinstated to the same position. An employee, however, has no greater right to reinstatement than if the employee had been continuously employed rather than on leave.
2. Reinstatement after Family Medical Leave may be denied to certain salaried "key" employees. "Key" employees are those among the highest paid 10 percent of salaried employees at the time of leave request.

## O. Return to Work Certification

A return to work certification from the employee's health care provider will be required when the reason for any leave is the employee's own serious health condition. When required, a return to work certification shall include a statement by the health care provider of the employee's ability to perform the essential functions of the position.

Where reasonable job safety concerns exist, up to once every 30 days, the Library may require the employee to present a fitness-for-duty certification before allowing the employee to return to work from intermittent leave.

## IV. DEFINITIONS

### A. Family Members

1. Parent: The biological, foster or adoptive parent, a stepparent or a legal guardian of an employee or an individual who stands or stood in loco parentis to an employee when the employee was a child. Parent does not include "parent-in-law".
2. Child: Biological, adopted or foster child, stepchild, legal ward, or a child of an employee who is standing in loco parentis, who is either under 18 years of age or an adult dependent child.
3. Spouse: A husband or wife as defined or recognized under State law for purposes of marriage or Domestic Partner as defined by California Family Code Section 297.

### B. Serious Health Condition

1. An illness, injury, impairment, or physical or mental condition that involves one of the following:
  - a) Hospital Care
    - (1) Inpatient care (*i.e.*, an overnight stay) in a hospital, hospice, or residential medical-care facility, including any period of incapacity or subsequent treatment in connection with such inpatient care.



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b) Absence Plus Treatment

- (1) Continuing treatment by a health care provider, which includes: A period of incapacity lasting more than three consecutive, full calendar days, and any subsequent treatment or period of incapacity relating to the same condition that also involves:
  - (i) The first visit must occur in person within seven (7) days of the incapacity along with treatment (e.g. prescription medication)
  - (ii) Treatment two or more times within 30 days of the first day of incapacity by or under the supervision of a health care provider, by a nurse or physician's assistant under direct supervision of a health care provider, or by a provider of health care services (e.g. physical therapist) under orders of, or upon referral by, a health care provider or
  - (iii) Treatment by a health care provider on at least one occasion which results in a regimen of continuing treatment under the supervision of the health care provider.

c) Pregnancy

- (1) Any period of incapacity related to pregnancy or for prenatal care.

d) Chronic Conditions Requiring Treatment

- (1) Requires periodic visits (twice or more per year for the same condition) for treatment by a health care provider, or by a nurse or physician's assistant under direct supervision of a health care provider;
- (2) Continues over an extended period of time (including recurring episodes of a single underlying condition); and
- (3) May cause episodic rather than a continuing period of incapacity (e.g. asthma, diabetes, epilepsy, etc.)

e) Permanent/Long-term Conditions Requiring Supervision

- (1) A period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective.
- (2) The employee or family member must be under the continuing supervision of, but need not be receiving active treatment by, a health care provider. Examples include Alzheimer's, a severe stroke, or the terminal stages of a disease.

f) Multiple Treatments (Non-Chronic Conditions)

- (1) A period of absences to receive multiple treatments (including any period for recovery there from) by a health care provider or by a provider of health care



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services under orders of, or on referral by, a health care provider, either for restorative surgery after an accident or other injury, or for a condition that would likely result in a period of incapacity of more than three (3) consecutive calendar days in the absence of medical intervention or treatment such as cancer (chemotherapy, radiation, etc.) severe arthritis (physical therapy), or kidney disease (dialysis).

## C. Military Caregiver Leave

1. Employee who has a spouse, child, parent or next of kin (defined as the closest blood relative) who is a covered service member may request to take FMLA leave to care for the service member with a serious injury or illness incurred in the line of active duty.
2. Covered service member is a current member of the Regular Armed Forces, or the National Guard or Reserves.
3. Leave entitlement applies on a per covered service member, per injury basis in a 12-month period, which begins on the first day the employee takes leave for this purpose.
4. Qualifying Exigency Under Military Leave
  - a. An employee who has a spouse, child or parent in the National Guard or Reserves (or who in certain cases is a retired member of the regular Armed Forces) may request to take FMLA leave to deal with a "qualifying exigency" arising out of the family member's federal call to active duty in support of a contingency operation.
  - b. The "qualifying exigency" must fall within one of the following categories of activities:
    - Short notice deployment
    - Military events and related activities
    - Certain temporary childcare arrangements and school activities
    - Financial and legal arrangements
    - Rest and recuperation
    - Post-deployment military activities
    - Counseling by a non-medical counselor
    - Additional activities mutually agreed to by the Library and the employee

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SUBJECT: <b>Equal Employment Opportunity (EEO) and Harassment Free Workplace Policy</b>		POLICY No. FORMERLY:
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APPROVED BY:  Library Director	APPROVED BY:  Human Resources Manager	

### **I. INTRODUCTION**

The Federal Equal Employment Opportunity Commission (EEOC) was created as part of the Civil Rights Act of 1964 with the mission to eliminate illegal discrimination in U.S. workplaces through the enforcement of the following federal laws prohibiting job discrimination:

Title VII of the Civil Rights Act of 1964 (Title VII), which prohibits employment discrimination based on race, color, religion, sex, or national origin;

The Equal Pay Act of 1963 (EPA), which protects men and women who perform substantially equal work in the same establishment from sex-based wage discrimination;

The Age Discrimination in Employment Act of 1967 (ADEA), which protects individuals who are 40 years of age or older;

Title I and Title V of the Americans with Disabilities Act of 1990 (ADA), which prohibit employment discrimination against qualified individuals with disabilities in the private sector and in state and local governments;

Sections 501 and 505 of the Rehabilitation Act of 1973, which prohibit discrimination against qualified individuals with disabilities who work in the federal government; and

The Civil Rights Act of 1991, which among other things, provides monetary damages in cases of intentional employment discrimination.

### **II. POLICY**

The Library is committed to the principles of equal employment opportunity (EEO) and to a work environment free of discrimination, harassment and retaliation. Equal employment opportunity principles govern all aspects of the Library's personnel policies, program practices and operations. All phases of employment, including recruitment, hiring, evaluation, promotion, transfer, assignment, training, benefits and separation, shall be conducted in compliance with equal employment opportunity laws and regulations.

The Library does not tolerate discrimination, harassment or retaliation in any form. Allegations will be taken seriously, and investigated in a prompt, thorough and objective manner. Violations of this Policy may result in disciplinary action up to and including termination, even if it is the first time such behavior occurs. Managers and supervisors are responsible for enforcing these principles and for providing every employee with a work environment free of discrimination and harassment.



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As a public institution, the Library is committed to the concept and values of diversity.

The purpose of this policy is to:

1. Establish and reaffirm a clearly defined Equal Employment Opportunity Policy;
2. Ensure nondiscrimination in all aspects of employment; and
3. Advise employees of their rights and responsibilities in supporting and enforcing this policy in accordance with Federal and State laws.

This policy has been established to ensure that all employees, including independent contractors, are aware of their rights and responsibilities and that the workplace is free from discrimination, harassment, and retaliation in any form. It is our expectation that every employee will support the principles of equal opportunity.

### **III. PROCEDURAL GUIDELINES**

#### **A. Equal Treatment**

1. All employees shall be treated equally without regard to race, color, creed, gender, age, national origin or ancestry, religion, pregnancy, physical or mental disability, veteran status, marital status, medical condition, sexual orientation, or any other characteristic protected by law. These categories are considered *protected classes*. The Library is committed to ensuring that all employment decisions, and employee terms and conditions of employment, are made so as not to discriminate against an individual because of membership in a protected class.

#### **B. Discrimination Free and Harassment Free Work Environment**

1. All employees are entitled to a work environment free from discrimination and harassment. Discrimination or unequal treatment occurs when an individual uses membership in a protected class as a basis for an adverse employment action or decision.
2. Harassment creates a negative atmosphere that reduces work productivity and morale, undermines the integrity of the workplace, and destroys professionalism. Harassment includes any unwelcome, unsolicited and/or unwanted behavior towards coworkers, subordinates, supervisors, or volunteers, that offends, humiliates, embarrasses, intimidates, or otherwise causes distress because of a person's race, color, creed, gender, age, national origin or ancestry, religion, pregnancy, physical or mental disability, veteran status, marital status, medical condition, sexual orientation, as well as any other category protected by federal, state, or local laws. Examples include: the use of derogatory comments, slurs, jokes, pictures, cartoons, or posters.



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3. Good faith employment actions by a supervisor or manager, such as offering constructive feedback or criticism, holding employees accountable, and providing discipline, where appropriate, do not constitute, and should not be mistaken for, harassment or retaliation.
4. These employment actions are aimed at enhancing workplace productivity and/or addressing work performance, and are within the responsibilities and obligation of supervisors and managers.

### C. Sexual Harassment

1. Sexual harassment is a particular form of harassment that creates an offensive working environment. Sexual harassment is unprofessional and not supportive of a high performing, professional work environment. The Library will respond to and investigate all allegations of sexual harassment.
2. Federal law defines sexual harassment as: *Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when: 1) submission to or rejection of such conduct is made either explicitly or implicitly a term or condition of an individual's employment; 2) submission to or rejection of such conduct by an individual is used as a basis for employment decisions affecting that individual; or 3) such conduct has a purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.*
3. Sexually harassing conduct can be physical, verbal, visual, or written, and can occur between people of the same or opposite gender. Sexual harassment can be between peers, supervisor to subordinate, subordinate to supervisor, member of the public to employee, and within or among work groups.
4. Whether or not an alleged action constitutes sexual harassment will be determined on a case-by-case basis by assessing the totality of the circumstances. Factors such as the nature of the sexual advances and the context in which the alleged incidents occurred will be considered in assessing the allegations and determining the appropriate resolution.
5. Whether or not harassment occurred depends NOT on whether the act was *intended* to cause harm, but rather on the *impact* of the act on the individual's employment or work environment. For example, a person who teases in a sexual manner or tells sexual jokes may create an offensive work environment for another worker even though the person intended such actions merely to be "good fun."
6. This policy does not prohibit mutually welcome social relationships between employees. Persons involved in consensual relationships must exercise caution to prevent the development of harassing behavior or use of authority inappropriately. However, if the consensual relationship changes and is no longer mutual, conduct once welcome by both individuals may become offense to one.



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### D. Persons with Disabilities

1. The Americans with Disabilities Act (ADA) and Fair Employment and Housing Act (FEHA) are Federal and State laws that provide protections to employees with disabilities. The Library will evaluate the feasibility of providing reasonable accommodations for employees who, because of their disability, are unable to perform the essential functions of the job without accommodation.
2. The Library will consider all persons with disabilities for employment and for promotional opportunities using the same criteria as are used for the employment of other applicants.
3. The Library will take steps to make facilities barrier-free and accessible according to appropriate Federal and State statutes, provide reasonable adaptive equipment, and make “reasonable accommodations” for persons with disabilities.
4. Should an employee be or become disabled, the Library will embark on an interactive process with the employee to explore ways in which to provide reasonable accommodation so that the employee can continue performing his or her job. This does not mean, however, that the Library is obligated to provide accommodation if such accommodation would be financially unfeasible or have an adverse effect on the Library’s operations, place the disabled employee in a position for which the employee would normally not be qualified, displace another employee, or create a new position.

### E. Retaliation

1. Retaliation toward an employee for an alleged violation of this policy, for participating in an investigation regarding violations of this policy, or for complaining about violations of this policy, is unlawful and will not be tolerated. Supervisors and managers are reminded that employees have a right to report what they believe is a violation of this policy. Employees who believe they have been the victim of retaliation may report the issue as any other EEO violation is to be reported.

### F. Reporting a Violation

1. Any employee who feels this policy is being violated should immediately bring the matter to the attention of any supervisor, manager or officer of the Library. In addition, employees may file a complaint directly with the following external agencies:
  - a. State of California Department of Fair Employment and Housing (DFEH)
  - b. Federal Equal Employment Opportunity Commission (EEOC)



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G. Filing Requirements

2. All State and local political jurisdictions that have 15 or more employees are required to keep records and to make such reports to the Equal Employment Opportunity Commission as are specified in the regulations of the Commission.
3. The EEO-4 report must be filed every odd-numbered year by States and all other political jurisdictions that have 100 or more employees.
4. The Human Resources department will be responsible for ensuring that the EEO-4 report is filed according to regulations.
5. The EEO filing procedures and documentation can be found on [www.eeoc.gov](http://www.eeoc.gov).

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ORIGINAL ISSUE DATE: <b>July 15, 2005</b>	REVISION No:	REVISION DATE:
APPROVED BY:  LIBRARY DIRECTOR	APPROVED BY:  DIRECTOR OF HUMAN RESOURCES	

### *I. POLICY STATEMENT*

The Sacramento Public Library Authority is committed to an equal employment opportunity environment. Therefore, sexual harassment will not be tolerated under any circumstances. Sexual harassment is a form of sex discrimination that is illegal under federal and state law. Such discriminatory practices are injurious to the employee and expose the Authority to significant liabilities. Consequently, sexual harassment by any employee is just cause for disciplinary action, up to and including termination. This policy applies to all employees and supervisors and all persons involved in operation of the Library. Employees are protected from harassment by employees, customers, contractors, suppliers, vendors or guests. Similarly, employees are prohibited from engaging in harassment of employees, customers, contractors, suppliers, vendors or guests.

### *II. DEFINITION OF SEXUAL HARASSMENT*

- A. Sexual harassment includes conduct that creates an intimidating, offensive, or hostile environment or that interferes with work performance. The Authority's policies are more stringent than the law and disciplinary action may be taken where behavior could contribute to a hostile environment but does not strictly meet the standards for unlawful conduct. Such verbal, physical or visual conduct constitutes sexual harassment when:
1. Submission to such conduct is made either explicitly or implicitly a term or condition of employment.
  2. Submission to or rejection of such conduct is used as a basis for employment decisions affecting the employee.
  3. Such conduct has the purpose or effect of unreasonably interfering with an employee's work performance or creating an intimidating, hostile, or offensive working environment.
- B. Sexual harassment includes:
1. Verbal conduct such as: sexually suggestive comments, jokes, notes, epithets, derogatory comments and slurs.
  2. Physical conduct such as: inappropriate gestures of a sexual nature, impeding or blocking movement, or other physical interference directed at an individual.



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3. Visual displays such as; sexually suggestive posters, cartoons, or drawings. Visual harassment may also include inappropriate usage of the Internet or email to display sexually suggestive or offensive content. Library Internet resources cannot be used to engage in harassment.
  4. Threats and demands to submit to sexual requests as a condition of continued employment or to avoid some other loss, and offers of employment benefits in return for sexual favors.
  5. Retaliation for having refused sexual advances, having reported harassment or having threatened to report harassment.
- C. Sexual harassment can be physical and/or psychological in nature. An aggregation of a series of incidents can constitute sexual harassment even if the individual incidents considered on their own would not constitute harassment. Sexually harassing conduct can be by a person of either the same or the opposite gender.

### ***III. PROCEDURAL GUIDELINES***

#### **A. RESPONSIBILITIES**

1. Employees
  - a. All employees have a responsibility for keeping the work environment free of sexual harassment. Any employee who witnesses an incident of harassment or is told of an incident of harassment should immediately report it to his or her supervisor, manager or to Human Resources, or to any other supervisor or manager he or she deems appropriate.
  - b. An employee who believes that he or she has been subjected to sexual harassment by an employee, customer, member of the public, or other person connected with the Authority, should immediately report the incident(s) to his or her supervisor, manager, or Human Resources or to any other supervisor or manager he or she deems appropriate so that complaints can be quickly and fairly resolved.
  - c. The complaint should be specific and should include the name of the individual involved and the names of any witnesses.
  - d. Complaints will be investigated thoroughly, promptly and objectively.



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- e. If there is a determination that unlawful sexual harassment has occurred, effective remedial action will be taken commensurate with the severity of the offense. Appropriate action also will be taken to deter any future sexual harassment.
  - f. Employees should be aware that the Federal Equal Employment Opportunity Commission and the California Department of Fair Employment and Housing will investigate and prosecute complaints of prohibited harassment in employment. An employee who believes he or she has been retaliated against for resisting harassment or complaining has the right to file a complaint with the appropriate agency. Complete contact information of the nearest office of each of these agencies is listed in the telephone book or may be found on the Web. The telephone number for the Department of Fair Employment and Housing in Sacramento is (916) 445-5523.
2. Supervisors and Managers
- a. Supervisors and managers have the duty to ensure that the work environment is free from sexual harassment. They must deal expeditiously and fairly with allegations of sexual harassment within their departments whether or not there has been a written or formal complaint. When management becomes aware that sexual harassment might exist, it is obligated by law to take prompt and appropriate action, whether or not the victim cooperates. Any supervisor, who becomes aware of possible sexual harassment, including harassment of employees by customers or non-employees, is obligated to report it for timely and appropriate investigation and handling.
    - 1) Supervisors and managers must:
      - a) Ensure that all employees are aware that:
        - (1) Sexual harassment is prohibited
        - (2) They will be protected from retaliation
        - (3) Incidents should be reported to help ensure they will not recur
        - (4) Prompt appropriate follow-up action will be taken to stop such behavior if the supervisor or manager learns of the problem
        - (5) Sexual harassment may be grounds for disciplinary action
      - b) Act promptly to investigate sexual harassment or inappropriate sexually oriented conduct;
      - c) Ensure that complaints and incidents of harassment or inappropriate sexually oriented conduct are reported to Human Resources;



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- d) Take corrective action to prevent prohibited conduct from recurring.
- e) Attend mandatory sexual harassment prevention training and repeat that training at least every two (2) years as a condition of continued employment.

### 3. Human Resources

#### a. Human Resources is responsible for:

- 1) Advising supervisors and managers on handling sexual harassment complaints;
- 2) Assisting employees who believe they are being subjected to sexual harassment;
- 3) Investigating and attempting to resolve sexual harassment complaints;
- 4) Advising all parties about the confidentiality of the complaints and the process;
- 5) Ensuring that both the individual filing the complaint (hereafter referred to as the complainant) and the accused individual (hereafter referred to as the respondent) are aware of the seriousness of a sexual harassment complaint;
- 6) Explaining the Authority's sexual harassment policy and investigation procedures to the complainant and the respondent;
- 7) Exploring informal means of resolving sexual harassment complaints;
- 8) Notifying the police if criminal activities are alleged; and
- 9) Arranging for an investigation of the alleged harassment and the preparation of a written report.

### 4. Responsibilities of the Public

- a) Customers, volunteers, contractors vendors, suppliers, guests and others conducting business with the Library are required to refrain from engaging in sexual harassment of Library employees. Supervisory staff will make an effort to determine the facts of the situation upon its being reported by an employee or observed by the supervisor.
- b) When the supervisor is satisfied that sexual harassment of an employee by a member of the public or other person conducting business with the Library is taking place, the supervisor shall immediately warn the customer or other person that he or she is in violation of this policy and the behavior will not be tolerated. The person who violates this policy may be required to immediately leave



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Library premises. For customers, suspension of Library borrowing and/or use privileges may ensue. Security and/or police may be involved if necessary.

### B. CONFIDENTIALITY

To the extent feasible, proceedings, reports and records are confidential to the parties involved. Reasonable effort is made to protect the privacy interests of the parties. Information will be given only to those who have a need to know.

### C. RETALIATION

The Authority encourages reporting of all incidents of harassment, without fear of retaliation. The Authority prohibits retaliation against any individual who reports harassment or participates in an investigation of such reports. Any individual who believes he or she has been subjected to retaliation shall report the conduct in the same manner as sexual harassment is to be reported.

### D. DISCIPLINE

Employees who violate this policy are subject to appropriate discipline, up to and including termination. Additionally, persons who violate this policy may be subject to civil damages or criminal penalties. False claims of sexual harassment made in bad faith may subject an employee to disciplinary action if deliberate misrepresentation of facts is shown through investigation.

### E. INTERNET ACCESS BY CUSTOMERS

1. Adult customers have a First Amendment right to view constitutionally protected materials in the Library. An adult customer has the right to request unfiltered access to the Internet. This right may result in a customer accessing adult pornography or other derogatory or offensive, explicit material. While the Library is committed to the protection of access to information, the Library is equally committed to proactively addressing any behavior that may interfere with a respectful working environment for Library staff. The Library has taken steps to minimize exposure to the extent possible, consistent with the staff member's particular job duties. Staff should refer to the Internet Access and Adult Pornography guidelines. Many staff positions include the risk of incidental exposures to explicit content on the Internet. While steps can and will be taken to minimize potential exposure, the risk can not be completely eliminated.
2. Inadvertent exposure to sexually explicit materials is not sexual harassment. In contrast, if a Library customer is deliberately targeting an employee with sexually explicit materials this may be actionable harassment. An employee who believes he or she has been subjected to harassment by a Library customer should follow the reporting guidelines herein.

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### *I. POLICY STATEMENT*

The Sacramento Public Library Authority is committed to an equal employment opportunity environment. Harassment because of race, skin color, political affiliation, national origin or ancestry, physical or mental disability, medical condition, marital status, age (forty or over), gender, gender identity, sexual orientation or any other basis protected by federal, state, or local law or ordinance or regulation **is unlawful**. Therefore, harassment will not be tolerated under any circumstances. Harassment is injurious to the employee and may expose the Authority to significant liabilities. Consequently, harassment by any employee is just cause for disciplinary action, up to and including termination. This policy applies to all employees and supervisors and all persons involved in operation of the Library. Employees are protected from harassment by employees, customers, volunteers, contractors, suppliers, vendors or guests. Similarly, employees are prohibited from engaging in harassment of employees, customers, volunteers, contractors, suppliers, vendors or guests.

### *II. DEFINITION OF HARASSMENT*

- A. Harassment includes conduct that creates an intimidating, offensive, or hostile environment or that interferes with work performance. The Authority's policies are more stringent than the law, and disciplinary action may be taken where behaviors could contribute to a hostile environment but do not strictly meet the standards for unlawful conduct.
- B. Harassment includes:
  1. Verbal conduct such as: derogatory or sexually suggestive comments, jokes, notes, epithets and slurs.
  2. Physical conduct such as: inappropriate gestures, impeding or blocking movement, or other physical interference directed at an individual because of the individual's protected characteristic.
  3. Visual displays such as: derogatory and/or sexually suggestive posters, cartoons, or drawings. Visual harassment may also include inappropriate usage of the Internet or email to display derogatory, offensive, or sexually suggestive content. Library Internet resources cannot be used to engage in harassment.
  4. Threats and demands to submit to sexual requests as a condition of continued employment or to avoid some other loss, and offers of employment benefits in return for sexual favors.



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5. Retaliation for having refused sexual advances, having reported harassment or having threatened to report harassment.
  6. Other conduct engaged in because of a legally protected characteristic and which is unwelcome to some or all library employees and is reasonably regarded as offensive.
- C. Harassment can be physical and/or psychological in nature. An aggregation of a series of incidents can constitute harassment even if the individual incidents considered on their own would not constitute harassment. Conduct can be harassment even if the harasser shares protected characteristics with the person harassed or when it is based on mere perceptions of protected traits or associations relevant to protected traits.

### ***III. PROCEDURAL GUIDELINES***

#### **A. RESPONSIBILITIES**

##### **1. Employees**

All employees have a responsibility for keeping the work environment free of harassment. Any employee who witnesses an incident of harassment or is told of an incident of harassment should immediately report it to his or her supervisor, manager or Human Resources or to any other supervisor or manager he or she deems appropriate.

An employee who believes that he or she has been subjected to harassment by an employee, member of the public, or other person connected with the Authority, should immediately report the incident(s) to his or her supervisor, manager, or Human Resources or to any other supervisor or manager he or she deems appropriate so that complaints can be quickly and fairly resolved.

The complaint should be specific and should include the name of the individual involved and the names of any witnesses.

Complaints will be investigated thoroughly, promptly and objectively.

If there is a determination that unlawful harassment has occurred, effective remedial action will be taken commensurate with the severity of the offense. Appropriate action also will be taken to deter any future harassment.

Employees should be aware that the Federal Equal Employment Opportunity Commission and the California Department of Fair Employment and Housing will investigate and prosecute complaints of prohibited harassment in employment. Any employee who believes he or she has been harassed or retaliated against for resisting harassment or complaining has the right to file a complaint with the appropriate agency. Complete contact information of the nearest office of each of these agencies is listed in the telephone book or may be found on the Web. The

Exhibit D



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telephone number for the California Department of Fair Employment and Housing is  
(916) 445-5523.



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### 2. Supervisors and Managers

Supervisors and managers have the duty to ensure that the work environment is free from harassment. They must deal expeditiously and fairly with allegations of harassment within their departments whether or not there has been a written or formal complaint. When management becomes aware that harassment might exist, it is obligated by law to take prompt and appropriate action, whether or not the victim cooperates. Any supervisor who becomes aware of possible harassment is obligated to report it for timely and appropriate investigation and handling.

Supervisors and managers must:

- a. Ensure that all employees are aware that:
  - Harassment is prohibited
  - They have a right to complain about such behavior
  - They will be protected from retaliation
  - Incidents should be reported to help ensure they will not recur
  - Prompt appropriate follow-up action will be taken to stop such behavior if the supervisor or manager learns of the problem
  - Harassment may be grounds for disciplinary action
- b. Act promptly to investigate harassment ;
- c. Ensure that complaints and incidents of harassment are reported to Human Resources;
- d. Take corrective action to prevent prohibited conduct from recurring;
- e. Attend mandatory sexual harassment prevention training and repeat that training at least every two (2) years as a condition of continued employment.

### 3. Human Resources

Human Resources is responsible for:

- a. Advising supervisors and managers on handling harassment complaints;
- b. Assisting employees who believe they are being subjected to harassment;
- c. Investigating and attempting to resolve harassment complaints;
- d. Advising all parties about the confidentiality of the complaints and the process;
- e. Ensuring that both the individual filing the complaint (hereafter referred to as the complainant) and the accused individual (hereafter referred to as the respondent) are aware of the seriousness of a harassment complaint;
- f. Explaining the Authority's harassment policy and investigation procedures to the complainant and the respondent;



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- g. Exploring informal means of resolving harassment complaints;
- h. Notifying the police if criminal activities are alleged; and
- i. Arranging for an investigation of the alleged harassment and the preparation of a written report.

#### 4. Responsibilities of the Public

Customers, volunteers, contractors, vendors, suppliers, guests and others conducting business with the Library are required to refrain from harassing Library employees. Supervisory staff will make an effort to determine the facts of the situation upon its being reported by an employee or observed by the supervisor.

When the supervisor is satisfied that harassment of an employee by a member of the public or other person conducting business with the Library is taking place, the supervisor shall immediately warn the customer or other person that he or she is in violation of this policy and the behavior will not be tolerated. The person who violates this policy may be required to immediately leave the Library premises. A suspension of Library borrowing and/or use privileges may ensue. Security and/or police may be involved if necessary.

#### B. CONFIDENTIALITY

To the extent feasible, proceedings, reports and records are confidential to the parties involved. Reasonable effort is made to protect the privacy interests of the parties. Information will be given only to those who have a need to know.

#### C. RETALIATION

The Authority encourages reporting of all incidents of harassment, without fear of retaliation. The Authority prohibits retaliation against any individual who reports harassment or participates in an investigation of such reports. Any individual who believes he or she has been subjected to retaliation shall report the conduct in the same manner as harassment is to be reported.

#### D. DISCIPLINE

Employees who violate this policy are subject to appropriate discipline, up to and including termination. Additionally, persons who violate this policy may also be subject to civil damages or criminal penalties. False claims of harassment made in bad faith may subject an employee to disciplinary action deliberate if factual misrepresentations are established by an investigation.

#### E. INTERNET ACCESS BY CUSTOMERS

Adult customers have a First Amendment right to view constitutionally protected materials in the Library. An adult customer has the right to request unfiltered access to the Internet. This right may result in a customer accessing adult pornography or other derogatory or



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offensive material. While the Library is committed to the protection of access to information, the Library is equally committed to proactively addressing any behavior that may interfere with a respectful working environment for Library staff. The Library has taken steps to minimize exposure to the extent possible, consistent with the staff member's particular job duties. Staff should refer to the Internet Access and Adult Pornography guidelines. Many staff positions include the risk of incidental exposures to offensive or derogatory content on the Internet. While steps can and will be taken to minimize potential exposure, the risk can not be completely eliminated.

Inadvertent exposure to offensive or derogatory materials is not harassment. In contrast, if a Library customer is deliberately targeting an employee with sexually explicit or other derogatory materials this may, in some circumstances, be actionable harassment. An employee who believes he or she has been subject to harassment by a Library customer should follow the reporting guidelines herein.



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SUBJECT: <b>Drug Free Workplace</b>		POLICY No. FORMERLY:
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APPROVED BY:  LIBRARY DIRECTOR	APPROVED BY:  DIRECTOR OF HUMAN RESOURCES	

### *I. INTRODUCTION*

The Library is committed to and proactive in promoting the assurance of a safe, efficient work environment. It is generally accepted that excessive alcohol use and drug abuse adversely affect an employee's performance and interfere with safe and efficient operation. Concern with excessive alcohol use and drug abuse is a basic management responsibility; therefore, early recognition is essential and timely action a must.

### *II. POLICY*

In order to assure a safe and efficient work environment, the following is the Library's Drug Free Workplace Policy.

- A. **Impairment Prohibited.** No employee will report for work or will work impaired by any controlled substance, drug or alcohol, lawful or unlawful. "Controlled substance" means a substance stated in schedules I through V of Section 202 of the Controlled Substance Act (21 USC 812) and includes such things as cannabinoids, cocaine, opiates, amphetamines and phencyclidine (PCP). "Impaired" means under the influence of a substance such that the employee's motor senses (i.e., sight, hearing, balance, reaction, reflex) or judgment either are or may be reasonably presumed to be affected. Any violation of this policy may result in summary discipline, up to and including termination.
- B. **Possession Prohibited.** No employee at any work site will possess any quantity of any controlled substance. "Work site" means any office, building, property (including parking lots) owned or operated by the Library, or any other site at which an employee is to perform work for the Library. "Possess" means to have either in or on an employee's person, personal effects, private vehicles while used on Library business, Library vehicles, tools and areas substantially entrusted to the control of the employee such as desks, files and lockers. The following substances may be possessed by employees and will not be considered in violation of this policy:
1. Lawful over-the-counter drugs in reasonable amount.
  2. Lawful prescription drugs prescribed to that employee.

Any violation of this policy may result in summary discipline, up to and including termination.



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- C. **Substance Screening.** For purposes of assuring compliance with the above, employees may be subject to substance screening under the circumstances described below. "Substance screening" means testing of blood, urine, breath, saliva, or otherwise as reasonably deemed necessary to determine possession or impairment.
1. *Suspected Impairment.* When there is reasonable evidence to suspect any employee has reported to work or is working impaired, he/she may be subject to substance screening. Refusal to submit to such screening will be considered an act of insubordination with accompanying disciplinary and employment consequences.
  2. *Post-Accident/Incident.* Any employee involved in a job-related incident involving the apparent violation of any safety rule or standard, which did or could have resulted in a serious injury or property damage, may be subject to substance screening. Refusal to submit to such screening will be considered an act of insubordination, with accompanying disciplinary and employment consequences.
- D. **Privacy.** The results of any substance screening will be considered a medical record disseminated only in strict compliance with the Authority's confidentiality policy.
- E. **Disabilities.** The policy will be administered so as not to interfere with the rights of disabled employees, except to the extent any substance-related disability would directly interfere with job performance.

### III. PROCEDURAL GUIDELINES

If the supervisor observes that while at work the employee has the odor of alcohol, slurred speech, hand tremors, unsteadiness, disorientation, drowsiness, difficulty in performing job duties, or exhibits other behavior reasonably indicative of being under the influence of alcohol or drugs, the following action shall be taken:

#### A. Initial Action

1. If the supervisor is reasonably suspicious that there is a job performance problem due to drugs or alcohol, the employee shall be immediately relieved of duty. The supervisor shall obtain a concurring opinion, if circumstances permit, from another supervisor or higher authority. The supervisor shall meet with the employee, describe what was observed, and ask the employee for an explanation. The supervisor should, whenever possible, arrange to have another employee present as a witness.
2. If the supervisor is satisfied that the employee's behavior is related to medication prescribed by his/her physician, the supervisor shall determine if the employee is able to continue working, should be temporarily reassigned or should be relieved of duty and transported home. Accrued leave time may be authorized when the employee is



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relieved of duty. The employee shall be directed to obtain from the Authority's designated physician medical clearance to return to work, including verification of any prescribed medication, dosage, and a statement of the probable effects of the medication on job performance.

3. If the employee admits to the supervisor to being under the influence of alcohol or illegal drugs not prescribed by his/her physician, the employee shall be relieved of duty for the balance of the shift.

### **B. Medical Evaluation**

1. In the absence of an admission, or if the supervisor is not convinced that the employee's condition is due to prescribed medication, the supervisor shall contact the Director of Human Resources. If the Director of Human Resources is not available, the supervisor shall telephone a higher authority for instructions.
2. The Director of Human Resources or higher authority will determine whether the employee is to be examined by a Library physician and will make necessary priority arrangements through the Department of Human Resources to have the employee examined. The Department of Human Resources will advise the supervisor when and where to transport the employee.
3. The supervisor shall direct and accompany the employee to the Library physician who will determine the employee's fitness for duty. The supervisor shall inform the employee of the following: a) the employee appears to be unfit for duty due to being under the influence of alcohol or drugs; b) the employee will be on authorized paid time while taking the test; c) the Authority will pay for the test; and d) the Authority will provide transportation to and from the medical facility.
4. If the employee refuses to comply with the supervisor's direct order to submit to medical evaluations and necessary tests, the supervisor, with a witness present, shall advise the employee that failure to comply with this direct order is insubordination, which in and of itself is cause for disciplinary action, up to and including termination. The supervisor shall then repeat the direct order. If the employee still refuses to comply, the supervisor shall immediately relieve the employee of duty and advise the employee that a) the employee has been insubordinate; b) the employee will be off work on paid administrative leave status for the balance of the shift; c) the employee is subject to disciplinary action, up to and including termination; and d) to report to the supervisor's office the next working day at a specified time.
5. If the employee agrees to medical evaluation and testing, the supervisor, with another employee to assist and act as a witness, if available, shall transport the employee to the examination site, remaining with the employee at all times possible. The supervisor should make appropriate arrangements to have another employee assume the supervisory responsibilities, if necessary. The Library physician shall, after personally observing the employee and conducting such reasonable physical examination of the



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employee as is necessary under the circumstances, determine by reasonable medical judgment whether the employee is to be tested for being under the influence of alcohol or drugs. The supervisor shall ask the physician if tests were ordered and shall confirm that the employee actually complied with the order and that specimens were taken. After the physician has completed the examination and any ordered specimen(s) have been taken, the supervisor shall obtain the physician's immediate written determination of the employee's fitness for duty at that time and when the employee can be returned to duty. The supervisor shall then return with the employee to the department.

6. If the supervisor determines that the employee is unfit for duty due to alcohol or drug abuse, the supervisor shall advise the employee that the employee is (1) unfit for duty; (2) will be off on unpaid status for the balance of the shift; and (3) is subject to disciplinary action up to and including termination. The supervisor will further direct the employee when and where to report for duty, based upon the physician's written determination.

### C. General

1. If the employee is sent home for being under the influence of alcohol or drugs, the supervisor shall make arrangements for the employee to get home without driving.
2. The supervisor shall document in detail his/her personal observations of the incident prior to the end of the work shift.
3. The supervisor shall contact Human Resources for assistance and to initiate appropriate disciplinary action.



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### *I. INTRODUCTION*

This document establishes the Sacramento Public Library Authority's Workplace Violence Policy. The policy describes and prohibits workplace violence, threats of violence and intimidation and sets forth procedures and protocol to reduce the potential for violence. This policy also identifies security contacts and reporting procedures for employees to report violence, threats of violence, and intimidation that occur in the workplace.

### *II. POLICY*

#### A. Statement of Commitment

The Sacramento Public Library is committed to providing a safe workplace free from violence and threats of violence. The workplace includes any place where Library business is conducted, including Library buildings and property, Library vehicles, private vehicles while used on Library business, other assigned work locations and off-site training.

The safety of employees and the general public is of utmost importance; therefore, the Library will not tolerate violent behavior or threats in the workplace. This includes intimidation, harassment and coercion which involves or affects employees, Library customers, the general public, Library vendors, contractors or their property.

Any violent behavior related to the employee's work or work relationships, whether an employee is on or off duty, on or off Library property or Library workplaces, is prohibited. Violations of this policy will be investigated, and if substantiated, the Library will take disciplinary action up to and including termination.

### *III. PROCEDURAL GUIDELINES*

- A. Employees should not be subjected to physical or verbal conduct that is violent or threatening in nature related to the employee, employee's work or employee's work relationships. In addition, no employee is permitted to threaten, intimidate, harass, coerce, or act violently toward another employee, supervisor, manager, union representative, Library customers, or any other individual.



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Examples of behavior prohibited by this policy include but are not limited to:

- Violent physical actions;
- Direct or implied threats to do harm to a person or to property including intimidating use of one's body or physical objects;
- Verbally abusive or intimidating language or gestures;
- Threatening, abusive or harassing communications including mail, e-mail, and voice mail;
- Possession of a dangerous or deadly weapon at the workplace;
- Possession of imitation weapons on Library property or Library workplace;
- Destroying or sabotaging Library property or employee property; and
- Engaging in unwanted or intrusive behavior against another person such as stalking.

### B. Reporting

It is every employee's responsibility to immediately report to his or her supervisor, manager, Security Supervisor, department safety representative or Human Resources any violations of this policy. This includes employees who are aware of violence or threats of violence that may create a risk of harm to the employee or others in the workplace by a Library employee, or any other person, whether occurring in or away from the workplace. All reports will be promptly and thoroughly investigated.

### C. Retaliation

The Library will not tolerate any type of retaliation against an employee who reports workplace violence or the threat of violence.

### D. Restraining Orders

If an employee has a restraining order against another employee or individual that involves a Library workplace, the employee must report it to his/her supervisor. Copies of restraining orders with proof of service should be retained on site to assist police authorities in the event a violation occurs.

### E. Departmental Responsibilities

#### 1. Workplace Safety

With the assistance of the Security Supervisor, every department head will assess the potential for violence and take measures to maintain workplace safety. Supervisors and managers will monitor the workplace and immediately assess any violent or threatening behavior even if the person or persons engaged in the conduct are not their direct reports, or they have not received a complaint.



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In addition, supervisors and managers should be observant of behaviors that may be indicative of a “troubled employee” and that might create a potential for disruptive or violent behavior. In such cases, the supervisor or manager should contact Human Resources to discuss Employee Assistance options. Referral for Employee Assistance does not replace other appropriate measures to maintain workplace safety or preclude appropriate discipline.

### 2. Training

The Security Supervisor and Human Resources will provide mandatory training on this policy, on how to recognize warning signs of troubled employees, and preventing violence in the workplace. Department heads are responsible for providing their staff with information about the prevention of workplace violence and violence-management techniques on a periodic basis.

### 3. Departmental Response to Violence

When a violent action or threat is brought to the attention of a supervisor, manager, Security Supervisor, Department safety representative or Human Resources, an evaluation of the severity of the situation will immediately be made. If evacuation is necessary, proceed in accordance with the building disaster plan.

- a. Contact 9-1-1 if there is a likelihood of immediate violence.
- b. Supervisors and managers will determine if further action is needed and take appropriate action.
- c. Contact the Security Supervisor for assistance in assessment of the situation and completing necessary documentation (Attachment A).

## ***IV. DEFINITIONS***

- A. Imitation weapon: any object that is designed to look like or simulate a real weapon.
- B. Intimidation: Inspiring fear in a person or inhibiting speech or action of a person by a show, promise or threat of force.
- C. Restraining order: a court order that prohibits specific behavior; a preliminary legal order issued to keep a situation unchanged pending decision upon an application for an injunction.
- D. Retaliation: any behavior that is intended to punish or discriminate against another person for reporting an incident or threat; revenge.



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- E. Threat: an expression of intent to inflict pain or injury on a person or damage to an object. Threats may be explicit (such as "I'll get even with you later," "I'll kill you if you report me," "I'll make sure you never work here again") or implied (such as "bad things are going to happen to him" or "that propane tank on the back of his truck could sure blow up easily." Threats also include stalking.
- F. Weapon: an instrument, article or substance which, under the circumstances in which it is used, or threatened to be used, is capable of causing physical injury or death; any physical object that meets the criteria outlined in California Penal Code Section 12020.
- G. Workplace: any place Library business is conducted, including Library buildings and property, Library vehicles, private vehicles while used on Library business, other assigned work locations and off-site training.



