

### **NEW EMPLOYEE HIRES AND GENERAL INFORMATION**

Selection of staff members is based solely upon merit, with due consideration of personal, educational, and physical qualifications, and of training, experience, and aptitude for the position involved. Relatives of board members or family of the director shall not be considered for appointment in accordance with Section 182.050 of the Missouri Revised Statutes, 1959.

Professional appointments (those requiring a Master's degree in Library Science) are made for a probationary period of one (1) year during which time the employee's performance is subject to close examination as to competency to carry out the responsibilities and assignments of the position.-The probationary period for non-professional employees shall be six (6) months.

### **EQUAL EMPLOYMENT OPPORTUNITY**

The Heartland Regional Library System (HRLS) provides equal employment opportunity as required by applicable laws in all aspects of employment including, but not limited to, recruitment, hiring, training, transfer, promotion, compensation, and other employment benefits. Discrimination in employment opportunity against protected individuals based on race, color, gender, pregnancy, age, religion, national origin, citizenship, disability, marital status, sexual orientation, gender identity, military service or affiliation, genetic information or veteran status is strictly prohibited.

All applicants and employees shall be qualified for the position of employment and indicate a capability of performing job requirements, with reasonable accommodation if required.

Responsibility for understanding, communicating, and applying this policy is assigned to the Director, Branch Managers, and all administrative staff responsible for employment functions.

### **EMPLOYEE BACKGROUND CHECKS**

New Heartland Library employees will undergo a background investigation to include information such as criminal convictions, child abuse, child neglect, previous employers and educational institutions, personal references, professional references, and other appropriate sources. Employment is considered temporary until satisfactory results are received from the appropriate agencies.

Information provided on application must be true, accurate and complete. Any misrepresentation or willful omission of facts shall be sufficient cause for disqualification of the application or termination of employment.

This policy applies to all prospective employees, with the exception of high school students. Instead of the above, anyone under 17 years of age applying for employment must provide three (3) adult references, including teachers, former employers or others who can attest to their character and abilities.

Prospective employee is required to sign a release form allowing the Library System to implement said background check.

The initial record check is done by Maries County Sheriff's Department.

### **AMERICANS WITH DISABILITIES ACT EMPLOYEE POLICY**

In compliance with the Americans with Disabilities Act (ADA) of 1990, including changes made by the ADA Amendment Act of 2008, it is the policy of the Heartland Regional Library System (HRLS) to not discriminate based on disability against qualified individuals with respect to employment. This policy applies to individuals seeking employment and current employees.

It is the responsibility of management and designated library staff to ensure that this policy is implemented in all HRLS operations. This policy is neither exhaustive nor exclusive.

#### **Employment - Generally**

HRLS's policy regarding discrimination against qualified individuals based on disability applies to all terms, conditions, and privileges of employment, including, but not limited to, job application procedures, hiring, advancement, discharge, compensation, and job training. All employment practices and activities, whether provided or conducted by HRLS or any entity or person on its behalf, shall be in accordance with such policy.

HRLS is not required to lower quality or performance standards as an accommodation.

#### **Drugs and Alcohol - Employment**

The ADA provides limited protection from discrimination for reformed alcoholics, rehabilitated drug users, those participating in a supervised rehabilitation program, and individuals erroneously regarded as illegal drug

users. However, an individual who is currently engaging in the illegal use of drugs is not an individual with a disability as defined by the ADA.

Under the ADA, an employer may prohibit the illegal use of drugs and the use of alcohol at the workplace, require that employees not be under the influence of alcohol, require that all employees behave in conformance with the Drug Free Workplace Act of 1988, hold an employee who engages in the use of illegal drugs or who is an alcoholic to the same qualification standards for employment or job performance and behavior to which HRLS holds other employees (even if any unsatisfactory performance or behavior is Americans with Disabilities Act Policy related to the drug use or alcoholism), and require that employees comply with federal and/or state laws pertaining to alcohol or drug use where applicable.

### **Reasonable Accommodation - Employment**

A qualified individual with a disability must be able to perform the essential functions of the position with or without reasonable accommodation.

Reasonable accommodation(s) to the known physical or mental disability of an otherwise qualified applicant or employee with a disability shall generally be made available. It is therefore important that the individual with a disability make known to the Library Director the physical or mental disability which necessitates an accommodation. HRLS may inquire into the need for an accommodation and require, in certain circumstances, a medical examination. Accommodations will be given on a case-by-case basis. An employee seeking a reasonable accommodation for employment should notify the Library Director and submit the *HRLS ADA Accommodation Request Form*.

HRLS is not required to provide a reasonable accommodation in the following situations:

- The accommodation would impose an undue hardship upon HRLS operations;
- The applicant or employee is found to be unqualified for or unable to perform the position that is desired or held despite a reasonable accommodation; or
- The employee or applicant poses a direct threat to the health or safety of himself or herself or to others.

This policy does not alter the at-will nature of the employment relationship as set forth in Nature of Employment Policy and specifically does not create any contractual rights, including, but not limited to, rights to continued employment. Applicants with a conditional job offer may be subject to withdrawal of the job offer or employees may be terminated at any time, for any lawful reason, except as otherwise prohibited by law.

### **Filing a Charge**

ADA grievances or complaints of disability discrimination may be filed internally using the Employee Reporting Form. The Employee Reporting Form is used for employee complaints of sexual harassment, disability discrimination, etc. Both staff and applicants may also file a charge with the appropriate state or federal external regulatory agency (e.g., EEOC, Missouri Commission on Human Rights, Department of Labor, etc.).

Forms may be found in Addendum A.

### **SEXUAL HARASSMENT**

The Heartland Regional Library System (HRLS) is committed to providing a professional work environment free from all forms of unlawful discrimination and from conduct that can be considered harassing, coercive or disruptive, including sexual harassment.

HRLS will not tolerate, condone, or allow sexual harassment whether engaged in by employees, management, or anyone doing business with or using the services of the library. HRLS supports and encourages reporting of all incidents of sexual harassment, regardless of who the offender may be, and will promptly investigate all reported incidents.

Sexual harassment is a form of misconduct that undermines the integrity of the employment relationship. No employee – regardless of gender – should be subjected to unsolicited and unwelcome sexual overtures or conduct, either verbal or physical.

***Disciplinary action will be taken against employees who are found to be in violation of this policy. Such disciplinary actions will be determined by the severity of the offense and will be imposed in accordance with HRLS Policy on Disciplinary Action.***

Sexual harassment, whether committed by supervisory or non-supervisory personnel, is specifically prohibited as unlawful and is against HRLS's policy. In addition, management personnel are responsible for taking appropriate action upon receipt of notice of alleged sexual harassment by non-supervisory personnel or others. Management is responsible for taking action regardless of the manner in which HRLS becomes aware of the conduct. Supervisors and Branch Managers are responsible for discussing this policy with their respective employees to ensure consistent application and understanding.

### **Sexual Harassment Defined**

Sexual harassment is a specific type of sex discrimination that is prohibited under Title VII of the Civil Rights Act of 1964. The Equal Employment Opportunity Commission (EEOC), the federal agency that is responsible for the enforcement of Title VII provisions defines sexual harassment as:

Unwelcome sexual advances (either verbal or physical) and other verbal or physical conduct of a sexual nature when:

- Submission to such conduct is either an explicit or implicit term or condition of employment, (i.e. promotion, training performance evaluations, etc.); or
- Submission to or rejection of the conduct is used as a basis for making employment decisions; or
- The conduct has the purpose or effect of interfering substantially with an individual's work performance, or creating an intimidating, hostile, or offensive work environment.

### **Filing a Complaint**

Any employee who feels she or he has been the subject of sexual harassment (Complainant) should immediately report the alleged sexual harassment to their supervisor or Branch Manager. If making a Complaint to the Complainant's supervisor or Branch Manager is not appropriate because either person is the subject of the employee's Complaint, the Complainant should instead deliver the Complaint to the Library Director. If the Library Director is the subject of the Complaint, the Complainant should deliver the Complaint to the members of the HRLS board of trustees.

After notification of an employee Complaint, the supervisor or Branch Manager will immediately convey the Complaint to the Library Director, or if the Complaint is against the Library Director, then to the members of the HRLS board of trustees, for appropriate action. The "Investigator" (the Branch Manager or the Library Director) will begin an investigation, in which

confidentiality is maintained as is appropriate to the circumstances and investigation. The Complaint, or the existence thereof, may be disclosed to those persons who need to know information regarding the Complaint, including but not limited to the person who is the subject of the Complaint and any witnesses.

The Investigator will gather facts within three (3) working days after the date of their receipt of notification of the charge. "Working days" shall be exclusive of Saturdays, Sundays and holidays. While the investigation is pending, the Branch Manager or Library Director may take action as deemed appropriate to protect the Complainant. The Investigator will complete the investigation and provide a written report to the Library Director within fifteen (15) working days from the date of the Investigator's receipt of the Complaint. The Library will determine a resolution of the case within five (5) working days of the Branch Manager or Library Director's receipt of the report. If warranted, disciplinary action will be taken, up to and including involuntary termination. If the Library Director is the subject of the Complaint, the members of the HRLS Board of trustees may act in the interim to protect the Complainant and will render a determination regarding resolution.

All records of Complaints, and the investigation and the disposition thereof, shall be maintained by the Investigator and shall not be a part of any employee's regular personnel file. Notation of transfer, suspension, termination, or other disciplinary action resulting from a Complaint may be noted in an employee's regular personnel file. Access to such records shall be limited to the Investigator and the Library Director (or the Board in the case that the Library Director is the subject of the Complaint) and to such other persons as specifically authorized by the Library Director or Board.

If the Library Director is the subject of the Complaint and the Board votes to discipline her or him in regard to said Complaint, certain information regarding the Complaint will be made public as required by law.

Although they are encouraged to resolve Complaints through HRLS's internal process, employees may also or alternatively file a Complaint as allowed by federal and/or state law.

This policy prohibits retaliation against employees who bring sexual harassment charges or assist in investigating charges in good faith. Any employee participating in the filing or investigation of a Complaint in good faith will not be adversely affected in the terms or conditions of employment, nor

discriminated against or discharged because of the filing of the Complaint or the participation in the investigation thereof.

**NOTE: NOTWITHSTANDING THE FOREGOING, GIVEN THE SERIOUSNESS OF THE CONSEQUENCES FOR THE ACCUSED, A KNOWINGLY FALSE OR UNFOUNDED CHARGE IS A SEVERE OFFENSE THAT CAN RESULT IN DISCIPLINARY ACTION**

### **VOLUNTEERS**

Prospective volunteers will undergo a background investigation to include information such as criminal convictions, child abuse, child neglect, previous employers and educational institutions, personal references, professional references, and other appropriate sources. The privilege to volunteer is considered temporary until satisfactory results are received from the appropriate agencies.

Information provided on application must be true, accurate, and complete. Any misrepresentation or willful omission of facts shall be sufficient cause for disqualification of the application or termination to volunteer.

This policy applies to all prospective volunteers, with the exception of high school students. Instead of the above, anyone under 17 years of age applying to volunteer must provide three (3) adult references, including teachers, former employers, or others who can attest to their character and abilities. Prospective volunteer is required to sign a release form allowing the Library System to implement said background check.

The initial record check is done by Maries County Sheriff's Department.

All volunteer applications need to be sent to Director for approval and the individuals over 18 needs to sign approval for background check.

Forms may be found in Addendum A.