



## Library Policies

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## Public Space

### TIVOLI FREE LIBRARY PATRON CODE OF CONDUCT

The Board of Trustees of the Tivoli Free Library establishes the following code of conduct in order to facilitate the broadest and equitable use of the facilities, services and materials of the Library. This code of conduct applies to all Library sponsored events.

- Patrons shall engage in activities associated with the use of a public library while on the Library premises.
- Reasonable quiet is expected in the Library. Patrons shall not disturb other individuals in the Library.
- The Library will not assume a parental or guardianship role for any minor using the Library or any of its provided services. A responsible adult must accompany any child under the age of **nine** at all times and be responsible for the supervision of the child while they are in the Library.
- Outside of planned Library programming events, only service animals are permitted in the Library.
- Shirts and shoes are required to enter the Library.
- There will be no smoking or vaping, alcohol consumption, or other drug use in the Library.
- Foul or threatening language and gestures, public drunkenness, sale or exchange of alcohol or drugs, running, roughhousing, fighting, sleeping, soliciting, loitering, littering, and threatening or harassing behavior will not be tolerated in the Library.
- Library materials must be returned on time and in good condition. Overdue materials deprive others in need of those materials. Replacement fees for unreturned or damaged items will be imposed and must be paid in full before any additional materials are borrowed. Late fees imposed by other libraries are due upon return of the item.
- There is a 30-minute time limit for computer use. Library staff will determine whether the 30-minute limit can be extended.
- A Library patron who vandalizes, steals, damages or destroys any Library material, equipment or facilities, including altering or damaging computer equipment, will be subject to financial liability for damages.
- Patrons are expected to comply with reasonable requests of Library staff.
- Patrons will use polite language and keep their tone of voice moderate at all times. Library staff have the right to a safe and respectful workplace environment. Conduct that causes or threatens harm to others, interferes with Library staff performance of duties, or constitutes persistent, unwanted behavior will not be tolerated.

Patrons who do not abide by this code of conduct will be asked to leave the Library premises and may forfeit all Library privileges after multiple offenses.

Patrons are encouraged to report violations of the code of conduct to Library staff.

*Revised and approved by the Tivoli Free Library Board of Trustees on 4/18/23.*

## **Unattended Children**

The library assumes no responsibility for the care and supervision of children. A parent/guardian or caregiver 18 years of age or older must be responsible for monitoring the activities and managing the behavior of underage children during their Library visits.

Children who are capable of providing for their own needs are welcome to remain in the library without supervision so long as a Parents or caregiver is available in the event that they are needed.

Parent or caregivers must supervise the behavior of their children. All Supervisors must be over babysitting age (12 or 13.)

## **Vulnerable Adults**

A vulnerable adult is an individual over the age of 18 who is mentally or physically challenged to a degree that may significantly impair that person's ability to provide adequately for his/her personal needs and manage his/her behavior without assistance.

A parent/guardian or caregiver 18 years of age or older must be responsible for monitoring the activities and managing the behavior of vulnerable adults during their Library visits.

Physically challenged adults who are capable of providing for their own needs are welcome to remain in the library without supervision so long as a contact person is available in the event the adult's health or safety is in doubt.

## **ADA Statement**

The Library seeks to make its services, facilities, and programs as accessible as possible to the public, including those who have disabilities. The following procedure has been developed in order to assist the Library in addressing concerns about accessibility.

People who wish to request accommodation or make a complaint about accessibility at the Library have access to a three step procedure:

Step One Requests for accommodation and/or complaints about accessibility can be presented in person or over the phone. These should be addressed to the Library Director who then makes every attempt to resolve the issue without further recourse to this procedure.

Step Two If resolution is not achieved by Step One, a complaint can be presented in writing on an Accessibility Concerns Form. Assistance in completing this form is provided, as needed. Completed forms are reviewed by the Library Director; a formal response is made to the library user within ten working days of the date of original submission of the form. The formal response can be a telephone call, followed by a letter confirming the telephone discussion, or directly by letter (non-print formats provided as needed). The Library Director will make every attempt to resolve the issue through this means.

Step Three If resolution is not achieved by Step Two, the concerned individual can request that the complaint be presented to the Library Board. The Library Director will place the matter on the agenda so that the concerned individual can present his or her concern at the next regularly scheduled Library Board meeting. The decision of the Library Board is final for the Library. If resolution still is not achieved, the concerned individual may wish to pursue other courses of action as described in the Americans with Disabilities Act and related regulations.

A copy of this policy will be attached to the Accessibility Complaint Form.

**Accessibility Complaint Form**

The Tivoli Free Library seeks to make its services, facilities, and programs as accessible as possible to the public, including those who have disabilities. If a disability prevents you from fully using our facility or enjoying our services and programs, we would like your ideas on how we can try to serve you better.

Please Describe the Nature of the Problem you have Encountered. Please Describe What We Could Do to Provide Better Access.

DATE \_\_\_\_\_

NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_

PHONE \_\_\_\_\_

Please see the attached policy and procedure to find out how we will address your concern

## Incident Report Form

Please complete this form after an incident on Library District premises. An incident can be a severe altercation with or among patrons, events that occurred that are dangerous to the staff or public, or where the police or emergency services were summoned, trespass, nuisance or disturbance on library premises, verbal abuse, sexual or racial abuse, threats, aggression, physical violence and intentional damage to personal property.

This form should be completed as fully as possible (please use a continuation sheet if necessary). For an incident involving or witnessed by a minor, a member of staff should complete the form on their behalf. However, any discussion between one witness and another should not precede completion of the form, at this might lead to allegations of collusion.

Submit completed form to Library Director

Date of incident: \_\_\_\_\_

Time: \_\_\_\_\_

### 1. Member of staff reporting incident

Name: \_\_\_\_\_

Position: \_\_\_\_\_

### 2. Personal details of person assaulted/verbally abused (if appropriate)

Name: \_\_\_\_\_

Home address (if community member) \_\_\_\_\_

Job/Position (if member of staff) \_\_\_\_\_

Age (approx) \_\_\_\_\_

Sex \_\_\_\_\_

### 3. Details of trespasser/assailant(s) (if known) \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

### 4. Witness(es) if any

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Age (approx): \_\_\_\_\_

Sex: \_\_\_\_\_

Other information \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Relationship between member of staff/pupil and trespasser/assailant, if any \_\_\_\_\_

\_\_\_\_\_

5. Details of incident

a) Type of incident (eg if trespass, was the trespasser causing a nuisance or disturbance and how, if assault, give details of any injury suffered, treatment received etc \_\_\_\_\_  
\_\_\_\_\_

b) Location of incident (attach sketch if appropriate) \_\_\_\_\_  
\_\_\_\_\_

c) Other details: describe incident, including, where relevant, events leading up to it; relevant details of trespasser/assailant not given above; if a weapon was involved, who else was present \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

6. Outcome: (eg whether police called; whether trespasser was removed from premises; whether parents contacted; what happened after the incident; any legal action) \_\_\_\_\_  
\_\_\_\_\_

7. Other information (to be completed as appropriate)

a) Possible contributory factors \_\_\_\_\_  
\_\_\_\_\_

b) Is trespasser/assailant known to have been involved in any previous incidents YES/NO

c) Give date and brief details of (b) if known \_\_\_\_\_  
\_\_\_\_\_

d) Had any measures been taken to try to prevent an incident of this type occurring? If so, what? Could they be improved? \_\_\_\_\_  
\_\_\_\_\_

e) If no measures had been taken beforehand, could action now be taken? If so, what? \_\_\_\_\_  
\_\_\_\_\_

f) Name and contact details of police officer involved, and incident number or crime reference number, as appropriate \_\_\_\_\_  
\_\_\_\_\_

g) Any other relevant information \_\_\_\_\_  
\_\_\_\_\_

Signed: \_\_\_\_\_

Date: \_\_\_\_\_

## **Patron Complaints**

While the Library endeavors to provide the highest levels of satisfaction and library services to its patrons, we recognize that occasionally, patrons may wish to raise a complaint pertaining to an issue which interferes with their use and enjoyment of the Library.

A Library patron initially may choose to raise his or her complaint on an informal, verbal basis with the Library's staff. In the event that the patron elects not to do so, or that the complaint proves not susceptible to informal resolution, the patron should request and complete a Patron Complaint Form.. The Library Director will review promptly all completed Complaint Forms, and where appropriate, attempt to resolve the complaint directly.

If the patron is not satisfied with the response provided, and/or if the Director identifies the situation as one in which Board input is warranted, either or both parties may bring the written complaint to the attention of the Board of Trustees. Patrons desiring to do so may also request an opportunity to address the Board at one of its monthly meetings.

The Board will promptly review all complaints presented to it, provide a verbal and/or a written response to the complainant, and take any further remedial action warranted by the particular circumstances.

The decision of the Board of Trustees with respect to a complaint shall be final.



## Patron Complaint Form

Please complete all fields below.

We will attempt to resolve your complaint quickly and fairly.

1. Name: \_\_\_\_\_

2. Address: \_\_\_\_\_

3. E-mail: \_\_\_\_\_

4. Phone #: \_\_\_\_\_

5. Library Patronage.

a. Are you a Tivoli Free Library cardholder?

Yes \_\_\_\_\_ No \_\_\_\_\_

b. If the answer to part (a) is "no," please state the name of any public library for which you are a cardholder. \_\_\_\_\_

6. Please briefly explain the nature of your complaint in the space below.

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To the extent relevant, include in your description: the date and time of day when the incident occurred, the location in which the incident occurred, the full names of any Library staff or patrons involved and the nature of their involvement, any previous efforts made by you and/or Library staff to resolve the complaint, and any other significant information regarding the nature of the complaint.

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

## **Exhibit/Posting**

The library will make available bulletin board and materials display space to fulfill its role as a source of community information. Space is available under the following conditions:

1. Items displayed are restricted to local cultural/educational events or announcements from local non-profit groups.
2. Advertised events should occur within 14 days.
3. The library director or designee must approve all posters, flyers, and other such materials posted on bulletin boards, etc. in the library. Final determination on the display of material will be determined by the library director in keeping with the library's role as a source of community information.
4. The library will be allowed to retain copies of any materials posted or placed in the library for distribution.
5. Certain restrictions apply to the materials which are displayed. Disallowed materials are those that do not fit within the library's role as a source of community information, including, but not limited to:
  - a. Partisan political material
  - b. Petitions
  - c. Solicitations
  - d. Surveys
6. The library will not be responsible in any fashion or manner for any materials permitted to be displayed under this policy.
7. No event posted may be one that will charge a fee for attendance.

## **Meeting Space/Equipment**

### **Community Meeting Room Use Policy**

Use of The Library's meeting rooms is primarily for programs conducted or sponsored by the Library.

### **Programming**

The library sponsors informative and entertaining talks, demonstrations, audio-visual presentations, workshops, children's storytimes and crafts, concerts, and other special events. Library programs are coordinated by library staff and offered free to the public.

Programs are selected by library staff for their relevance to community needs and interests, popular appeal, and suitability for a general audience. Presenters are chosen for their proven expertise and public performance experience. Other factors considered are the availability of staff and meeting rooms.

No fees may be charged to people attending library programs except with the approval of the library director. The only items that may be sold are books and recordings by authors and musicians. The performer must handle the sale of these items.

Some children's programs may be restricted by age level or residency. Registration is sometimes limited; waiting lists are taken.

Programs may be cancelled for a number of reasons, chiefly: severe weather, absence of the presenter, or low registration. Cancelled programs are not automatically rescheduled.

The library promotes its in-house programming through fliers, news releases, the library's website, and social media. Presenters may not publicize their programs without approval of the library director.

The Library is not responsible for providing any special equipment for a group's use. Groups are welcome to bring their own audio-visual equipment. If a group wishes to use Library-owned audio-visual equipment, it must make arrangements at least one week in advance. (Please request an equipment list and associated fees.)

The library does not advocate or endorse the content and viewpoints of presenters and programs.

## Circulation Policies

### Lending Rules

Borrowers must be registered and have a valid local or Mid-Hudson Library System patron card to borrow library materials. This card may be used at any of the 66 member libraries in the Mid-Hudson Library System. Persons who work or attend school in the Town of Red Hook but who live outside the Mid-Hudson Library System may be issued a library card upon presentation of suitable identification and proof of employment or school attendance. Persons who reside outside the Town of Red Hook and the Mid-Hudson Library System service may obtain a Tivoli Free Library card upon presentation of acceptable proof of residency.

New borrowers must fill out a Library Card Registration Form and sign below the statement which reads:

I understand that I will be responsible for all use made of my library card.

Identification required: A driver's license or student ID is preferred; however, any other official ID or recent non-personal piece of mail may be acceptable. Before a new library card can be issued to applicants under 18 years of age, a parent or guardian must give consent by signing the Registration Form, which reads:

By signing below I assume legal responsibility for my child's library loans.

Lost or Forgotten Cards: If a patron loses his/her library card, he should notify the library as soon as possible and request a replacement. All patrons, adults and children, are expected to bring their library cards with them if they intend to check out items. Repeated failure to present library card may result in denial of borrowing privilege.

### Loan Periods:

- Books, Books on CD: 3 weeks
- DVDs, Music CDs, Gaming Discs/cartridges, Periodicals: 1 week
- Multi-disk DVDs, Chromebooks, Wifi Hotspots: 2 weeks
- Museum passes: 3 days
- Books, Books on CD, Periodicals, DVDs and Music CDs renew automatically for another lending period if there is no waiting list for the title.
- Museum passes, Chromebooks and Hotspots are non-renewable and must be returned on their original due date.
- Renewals may be made in person, by telephone, by email, or online.
- Reference books do not circulate except by special permission, overnight only.
- Non-system interlibrary loans are due on the date indicated by the lending library.

The Director may establish the loan period for special collections or for materials which are temporarily in great demand, such as for student projects, or materials added to the collection which are in a new format, e.g., computer software.

Patrons may borrow materials online through the Mid-Hudson Library System service online catalog, which includes all materials in the Tivoli Free Library, as well as within the Mid-Hudson Library System. All materials may also be requested by phone or in person. For books not located in this library

or in the Mid-Hudson Library System, the library staff will work to locate the requested material through interlibrary loan databases outside System.

Fines for Overdue Materials

Patrons are responsible for all borrowed library materials. Patrons are expected to return items by their due dates to ensure that all library users have equitable access to materials. Patrons will be notified by telephone or email when they have materials overdue for more than two weeks.

Beginning on June 1, 2022, most items checked out from the Tivoli Free Library, including books on interlibrary loan from other MHLS libraries, will no longer accrue late fees. Exceptions to this policy include Chromebooks, Wi-Fi hotspots, museum passes, or materials borrowed directly from other libraries and returned to the Tivoli Free Library. Overdue fines for these materials are as follows:

- Chromebooks: \$1 per day
- Wi-Fi hotspots: \$1 per day
- Museum passes: \$5 per day
- Materials borrowed directly from other libraries and returned to the Tivoli Free Library: Varies by lending library’s policies

Charges for Materials Not Returned

Patrons will be charged a replacement value for items that are not returned or are lost, damaged or stolen. If materials are not returned, patrons will be notified by telephone or email one month after the initial due date that the item is in billing status and a replacement charge will be placed on their record. Upon return of undamaged material, replacement charges will be removed. For undamaged items originally checked out from a library that imposes fines and returned to Tivoli, replacement charges will revert to overdue charges.

Patrons owing more than \$10 in fines or charges will have the use of their library cards suspended. Patrons must make a full or partial payment to bring the fine to under \$10 in order to borrow any materials.

*Amended and approved by the Board of Trustees on May 17, 2022*

## **Confidentiality of Patron Records**

In compliance with New York State Civil Practice Law and Rules 4509, the records of library cardholders are confidential. Library records include but are not limited to patron registration records, circulation records, attendance records for library sponsored programs, records of computer use or reference services, or any other data linking a particular patron to specific library services or material. Patrons have control over their library cards. Presentation of a valid library card will allow the patron whose name appears on the card (or the parent/legal guardian in the case of a minor child) access to information about the current circulation record of that patron. A person presenting the library card of a friend or family member may check out items on that card with authorization from the cardholder. However, no information from that library record may be given by library staff to a third party. No information from library records will be released to any person, agency, or organization, except in response to a valid court order or subpoena, properly presented to the library director or the director's representatives.

Nothing in this policy shall prevent library staff from using library records in the administration of their regular duties. When no longer needed for administrative purposes, records will be expunged.

### **(This “policy” is more of a statement to educate patrons about New York State Civil Practice Law & Rules Section 4509: Confidentiality of Patron Records, Including Minors:**

§ 4509. Library records. Library records, which contain names or other personally identifying details regarding the users of public, free association, school, college and university libraries and library systems of this state, including but not limited to records related to the circulation of library materials, computer database searches, interlibrary loan transactions, reference queries, requests for photocopies of library materials, title reserve requests, or the use of audio-visual materials, films or records, shall be confidential and shall not be disclosed except that such records may be disclosed to the extent necessary for the proper operation of such library and shall be disclosed upon request or consent of the user or pursuant to subpoena, court order or where otherwise required by statute.)

### **Patron Confidentiality & Law Enforcement Enquiry & FOIL**

In compliance with New York State Practice Law and Rule 4509, the records of library cardholders are confidential. Library records include, but are not limited to:

- Patron registration records,
- Circulation records,
- Attendance records for library-sponsored programs,
- Records of computer use or reference services,
- Any other data linking a particular patron to specific library services or materials.

Patrons have control over their library cards. Presentation of a valid library card will allow the patron whose name appears on the card (or the parent/legal guardian in the case of a minor child) access to information about the current circulation record of that patron. No information from a library record may be given by library staff to a third party.

No information from library records will be released to any person, agency, or organization, except in response to a valid court order, subpoena, or search warrant, properly presented to the library director or the director's representative. Nothing in this policy shall prevent library staff from using library records in the administration of their regular duties or to provide library service to the patron. When no longer needed for administrative purposes, records will be expunged.

## **GUIDELINES FOR LAW ENFORCEMENT INQUIRIES**

The Tivoli Free Library supports the efforts of our country to preserve and protect our security. The Library, however, recognizes its position of special trust with members of the public. As the choice of books, other library materials and information resources of the Library is essentially a private endeavor on the part of each individual patron, the Library has the responsibility of protecting the rights and privacy of our patrons in accordance with NYS Law 4509.

Civil Practice Laws and Rules Section 4509 Library Records (signed into Law June 13, 1988) states "Library records, which contain names or other personally identifying details regarding users of public, free association, school, college and university libraries and library systems of this state, including but not limited to records related to the circulation of library materials, computer database searches, interlibrary loan transactions, reference queries, requests for photocopies of library materials, title reserve requests, or the use of audio-visual materials, films of records, shall be confidential and shall not be disclosed except that such records may be disclosed to the extent necessary for the proper operation of such library, and shall be disclosed upon request or consent of the user of pursuant to subpoena, court order or where otherwise required by statute".

(In the document below, "agent" shall mean any agent or officer of the law).

The Library Director has been designated as the person responsible for handling law enforcement requests. All staff should understand that it is lawful to refer the agent to an administrator in charge of the library, and that they do not need to respond immediately to any request. A staff member should first contact the Director. The Director will contact the library's legal counsel. If the Director is not available, staff should contact the Assistant Director or the Board President, who will call legal counsel.

During a visit:

1. If anyone approaches a staff member alleging to be a law enforcement official requesting information, **DO NOT DISCLOSE ANY INFORMATION.**
2. Ask for identification, immediately refer the agent to the Library Director. Photocopy the identification or take business card.
3. The Director will meet with the agent with the library counsel. If counsel is not available, the Library Board President a Trustee or the Assistant Director should be in attendance at this meeting.
4. Ask to see the court order(s) (eg: search warrant, subpoena, National Security Letter) authorizing law enforcement. If agent does not have a court order, the Library Director or counsel should explain the Library's confidentiality policy and/or the state's confidentiality law (NYS 4509) and inform the agent that users' records are not available except when a proper court order in good form has been presented to the library.
5. If there is no court order presented the FBI and/or local law enforcement has no authority to compel cooperation with an investigation or require answers to questions (other than the name and address of the person speaking to him/her). If the agent makes an appeal to patriotism, the Director will explain that, as good citizens, the library staff will not respond to informal requests for confidential information, in conformity with professional ethics, First Amendment freedoms and state law.
6. If the agent does present a court order the Director should immediately refer the court order to the Library's legal counsel for review.

If the court order is in the form of a subpoena:

1. Library counsel will examine the subpoena for any legal defect including the manner in which it was served, the breadth of its request, its form or an insufficient showing of good cause made to a court. If a defect exists, counsel will advise the best method to resist the subpoena.
2. Through legal counsel, the Director will insist that any defect be cured before records are released and that the subpoena is strictly limited to release of specifically identified records or documents.
3. The library's counselor Director will require the agent submit a new subpoena in good form and without defects.
4. The library's counsel and Director will review the information that may be produced in response to the subpoena before releasing the information. They will follow the subpoena strictly and will not provide any information that is not specifically requested in it.
5. If disclosure is required the Library's legal counsel will draft a request to the court to enter a protective order keeping the information confidential and limiting its use to the particular case, and ask that access be restricted to those persons working directly on the case.

If the court order is in the form of a search warrant:

1. Search warrants are executable immediately. However, ask to have library counsel present before the search begins to allow counsel to examine the warrant and assure the search conforms to the terms of the warrant. This request may not be granted.
2. Gather records identified in the warrant and present them rather than allowing non-library personnel to go through the Library's databases or records.

If the court order is a search warrant issued under the Foreign Intelligence Surveillance Act (FISA, a US Patriot Act amendment):

1. The recommendations for a regular search warrant still apply. One issued by a FISA court also contains a gag order. That means that no person or institution served can disclose that the warrant has been served or that records have been produced pursuant to the warrant.
2. The library and staff must comply with this order. No information can be disclosed to any other party, including the Director if not present at the time the warrant is served and the patron whose records are the subject of the search warrant.
3. The gag order does not change a library's right to legal representation during the search. The library can still seek legal advice concerning the warrant and request that the Library's legal counsel be present during the actual search and execution of the warrant.

If the court order is a National Security Letter:

The procedure is the same as for a search warrant. However, a gag order applies. The Director will contact library counsel. If the Director is not available, contact the Assistant Director, Board President and legal counsel. He/she may request that the library's legal counsel be present during the search and that the search be delayed until counsel examines the court document. If the agent chooses to proceed, the library must comply.

This Library recognizes that it is only through continued public confidence in the fact that these guidelines are being upheld that the public can maintain its confidence in the public library.

**In the past:**

Kelly Flood-Myers, PLLC  
Address: 17 St John St, Red Hook, NY 12571  
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## **Collection Policies**

### **Collection Development**

Collection Development includes the planning, selection, acquiring, cataloging, and weeding of the library's collections of all formats. Library Materials include, but are not limited to the following: books, e-books, periodicals, pamphlets, government publications, reference works, newspapers, microfiche, microfilm, audiocassettes, CD's, DVDs, large print materials, Blind and Physically Handicapped materials (Books on Tape, braille books, etc.), maps, CD-ROM software, educational on-line databases, and the Internet.

The primary goal of collection development is to provide the best possible collection with the financial resources available. The decision to select any item for the collection is based on demand, anticipated need, and the effort to maintain a wide and balanced collection.

The library strives to maintain materials representing all sides of an issue in a neutral, unbiased manner. Selection of materials by the library does not mean endorsement of the contents of views expressed in those materials. The existence of a particular viewpoint in the collection is an expression of the library's policy of intellectual freedom, not an endorsement of that particular point of view. The library provides service to all within the framework of its rules and regulations and does not knowingly discriminate in its material selection regarding race, creed, sex, occupation or financial position.

In the development of its collection, the Library recognizes that it is impossible for a library of its size to provide a balanced, comprehensive collection that is strong enough to meet all community needs. As a member of Mid-Hudson Library System, it has an automated resource sharing network that supplements its resources with materials borrowed from other libraries in the consortium.

Patron suggestions regarding materials, services and other aspects of library operations are encouraged. The Director designates staff to develop selection and acquisition procedures and to make purchasing decisions subject to approval. The Director allocates the materials budget annually.

The Library recognizes that its patrons have diverse interests, backgrounds, cultural heritages, social values, political views and needs. All patrons are free to reject for themselves any materials which do not meet their approval. This freedom does not include the right to restrict the freedom of others to read and inquire.

Library materials are selected on the basis of informational, educational, cultural, and recreational value. These materials are selected in compliance with the mission and goals of the library. The following general criteria are also used in selecting materials for addition to the collection:

1. Relevance to Library's mission and service roles
2. Permanent value as standard work
3. Current appeal and local demand
4. Informational and recreational needs of users
5. Budget
6. Authority, accuracy, and artistic quality

## **Gifts and Donations**

The library reserves the right to evaluate all gifts, donations, and memorial requests in accordance with the criteria applied to purchased materials. Those which do not meet the library's objectives and policies may be refused, or disposed of as the Director sees fit. Memorial gifts of books or money are also accepted with suitable bookplates placed in the book. It is desirable for gifts or for specific titles to be offered after consultation with the Library Director.

The Library does not appraise gift materials for tax purposes. The library will, upon request of the donor, provide a written receipt for gifts, indicating the number and general description of materials. No other conditions may be imposed relating to any gift, donation, or memorial either before or after its acceptance by the library.

## **Weeding**

Weeding is the regular, on-going, and systematic evaluation process whereby library materials are withdrawn from the collection based on specific criteria such as outdated, worn, damaged, and/or duplicated materials. The Library maintains the quality of the collection by retaining or replacing essential materials and by removing items that are outdated, damaged or worn out, duplicated, no longer accurate, and no longer used may be removed from the collection.

The library does not automatically replace all items that are removed because of loss or damage.

The staff of the library, under the general direction and supervision of the Library Director, will be solely responsible for the weeding of the collection. Items removed from the collection may be sold, given away, recycled, discarded, or otherwise disposed of at the discretion of the Library.

## **Right to Read and Right to View Complaint Procedure**

### **Overview:**

At first, except for politely acknowledging the complaint and explaining the established procedures, the Library Director should do nothing. The success of much censorship depends upon frightening an unprepared school or English department into some precipitous action. A standardized procedure will take the sting from the first outburst of criticism. When the reasonable objector learns that he or she will be given a fair hearing through following the proper channels, he or she is more likely to be satisfied. The idle censor, on the other hand, may well be discouraged from taking further action.

The committee reviewing complaints should be available on short notice to consider the completed "Request for Reconsideration of a Work". Members of the committee should have reevaluated the work in advance of the meeting, and the group should be prepared to explain its findings. Recommendations from the committee would be forwarded to the Board President, who would in turn submit them to the board of trustees to make a final decision.

Both the Library Director, staff and boardmembers should refrain from discussing the objection with the complainant, the press, or community groups. Once the complaint has been filed, the authority for handling the situation must ultimately rest with the Special Committee and board of trustees.

## **Complaint Response Procedure:**

The complainant should always, first, be referred to the Library Director. The Library Director should be the first person to discuss the book with the person objecting to its use.

If the complaint is made in person they should be referred to the Director; if the complainant telephones, listen courteously and refer him or her to the Library Director. If the complainant writes, contact the Library Director and let him/her contact the complainant. Sometimes the problem seems less serious and may be easily resolved through personal contact, either in person or over the phone.

If the complainant is not satisfied, invite him or her to file the complaint in writing, but make no commitments, admissions of guilt, or threats. A complaint that is not resolved through the concerned party's discussion with the Director *must* be documented in writing in order to progress to the next level of review.

Upon receipt of a written Request for Consideration, the request will be reviewed by the Board of Trustee's Special Committee. While this committee is not expected to meet regularly, the existence of such an ad hoc committee will allow for a rapid response to any such complaints.

The Special Committee will meet within 2 weeks of the receipt of the written Request for Consideration to review the request and to provide a recommendation to the Board of a response to the Request. The work under review may be removed from the library collection during the review process, given that the complainant asks that it be and that the Library Director agrees to its appropriateness in this case.

The Special Committee will deliver its recommendation(s) to the Board President for consideration at the next board meeting. A final decision in regards to the work will be made no later than at the first Board Meeting after the Special Committee meets. The complainant will be informed of the Board's decision as soon as possible thereafter.

**Request for Consideration of a Work**

Author \_\_\_\_\_  
Title \_\_\_\_\_  
Publisher (if known) \_\_\_\_\_  
Request initiated by \_\_\_\_\_  
Telephone \_\_\_\_\_  
Address \_\_\_\_\_  
City / State / Zip \_\_\_\_\_

- 1. Have you been able to discuss this work and your concerns with the library director?  
 Yes  No
  
- 2. In discussion with the Library Director, were you provided, to your satisfaction, with suitable reasoning for the presence of this work in the collection?  
 Yes  No

If not, please explain.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- 3. What would you like your library to do about this work?  
 Do not assign/lend it to my child.  
*See Minors Policy ie: "only parents have the right and the responsibility to restrict the access of their children –and only their children- to library resources")*  
 Return it to the Board of Trustee’s ad hoc Special Review Committee for reevaluation.  
 Other--Please explain

Signature \_\_\_\_\_

Date \_\_\_\_\_

## Technology Policies

### Internet/Computer Use

Libraries make it possible for citizens to obtain access to the information needed to make informed decisions. Every library user benefits from expanded access to information beyond the four walls of a brick and mortar building. The Tivoli Free Library has equipped the library with Internet-enabled computers and wireless Internet access (Wi-Fi). These provide customers with access to a vast array of electronic resources that supplement the Library's print collection and are also available for educational, informational and recreational purposes.

The Internet contains resources to materials and opinions representing various points of view. Most resources available through the Internet are “global” resources rather than “local” resources. The Library cannot control the information content available through global resources from outside sources via the Internet. Internet sources enhance and supplement resources that are available locally within a library.

The Library is not responsible for damages, indirect or direct, arising from a library patron's use of Internet resources. Users should be aware that careless use of technology may compromise privacy. Library technology users must use the Library's technology resources responsibly and within the limits of the federal and state law. Reliable and safe access to the Library's technology resources requires that users accept their responsibilities to behave in ways that protect the community, and by so doing also preserve their own access. The Library uses filtering software on all public Internet enabled computers.

Use of this software is not a guarantee that all sites considered objectionable have been filtered. In addition, filtering software may block access to a site you wish to use. If this occurs, please ask a Librarian to assist you in your research or for other alternatives.

### Child Internet Use

The Library supports the right of all library users to access information and will not deny access solely by age.

The Library recognizes that electronic information networks such as the Internet may contain information that is inappropriate for children. Parents are expected to monitor and supervise their children's use of the Internet. Library staff does not monitor children's use of library materials or Internet resources. *Parents or legal guardians, not Library staff, are solely responsible for deciding which internet resources are appropriate for their own children.* Parents are encouraged to discuss safety issues and appropriate use of electronic information with their children.

### Wireless:

Wireless users are responsible for setting up their equipment to access the Tivoli Free Library wireless network. Library staff may only provide general assistance in getting connected to the wireless network. Information passing through the Library's wireless access is not secured and could be monitored, captured or altered by others. There are risks involved with connecting to a public wireless connection such as possible viruses, malware, loss of data, etc. It is your responsibility to protect your information from all risks associated with using the Internet including any damage, loss or theft that may occur as a result of your use of the Library's wireless access. The Library assumes no responsibility for personal equipment, its safety or damage. The Library does not guarantee that a wireless connection can be made or maintained.

**Copier**

The main purpose of the library's photocopier is for patrons to make needed copies of library reference materials, such as tax forms, encyclopaedia articles, etc. As a public service, patrons may make limited use of the photocopier for other purposes.

The library reserves the right to limit patron use of the photocopier for making multiple copies of items like flyers. Patrons may use the copier for small runs of up to 50 copies. Because large volume copying interferes with other patron use of the copier, large volume copying is not allowed in the library. Copies are 5 cents per single-sided page.

Library personnel are not responsible for the quality of copies or for copies produced because of patron error. Staff can not refund payment for poor copies, but may be able to make replacement copies if the problem is reported immediately and can be verified.

## **Financial Policies**

### **Purchasing/Procurement**

The Library maintains a debit card to be maintained on the person of the Director and to be used at their discretion. All purchases will utilize the library tax exemption. Receipts and bills will be submitted to the bookkeeper promptly.

1. **Library Materials:** The Director is authorized to spend up to \$1,000 on library materials including books, magazines, AV, and other such materials intended for patron use without prior Board approval. Whenever possible materials should be purchased from vendors offering comparable prices or discounts
2. **Capital and One-Time Purchases:** The following schedule is related to capital or one-time purchases on non-library materials where individual items are at the stated prices and for which there are sufficient budget appropriations.

#### **Purchase Amount Policy**

- Up to \$1000 - Discretion of the Director
  - \$1000 - \$3,000 - Minimum of three documented telephone quotes approved by either the Treasurer or the President prior to purchase and reported to the Board of Trustees
  - \$3,000 - \$25,000 - Minimum of three written quotes approved by the Board of Trustees
  - Over \$25,000 - Formal bid process approved by the Board of Trustees
3. **Ongoing Expenditures:** The following schedule applies to purchases where anticipated yearly expenditures for items are known to exceed the following thresholds in any of the prior three years.

#### **Purchases Public Works Policy**

- Up to \$2,000 - Discretion of the Director
  - \$2,000 - \$5,000 - Minimum of three documented verbal quotes or a documented reasonable alternative approved by either the Treasurer or the President prior to purchase and reported to the Board of Trustees
  - \$5,000 - \$25,000 - Minimum of three written quotes or a reasonable documented alternative approved by the Board of Trustees
  - \$25,000 or more - Formal bid process approved by the Board of Trustees
4. The Library will comply with all New York State requirements for public works projects.
  5. **Emergencies:** In the event of an emergency over \$1,000, the Director will obtain three verbal quotes if possible. Either the Treasurer or the President will approve the expense.

### **Petty Cash Policy**

A Petty Cash fund shall be established for the Tivoli Free Library for the purchase of materials, supplies or services under conditions requiring immediate payment.

The amount of such fund will not exceed \$100.00.

The Board of Trustees shall appoint the Library Director to be the custodian for the library's petty cash fund, and the Director shall administer and be responsible for the security of the funds and the control of disbursements.

To ensure that these funds are properly managed, the following guidelines shall be followed:

1. Receipts and cash-on-hand must always total the authorized fund amount.



2. All disbursements from such funds are to be supported by receipted bills or other evidence documenting the expenditure.
3. Payments may be made from petty cash for materials, supplies or services, requiring immediate payment, but it is not to be used for frequently purchased items.

### **Online Banking/Wire Transfer:**

Online Banking may be used by the Director to transfer funds from the Savings account to the checking account in order to maintain the required minimum balance in the Checking account for scheduled payments such as payroll.

Payments of bills/invoices by direct transfer is not normally authorized.

The use of Wire Transfers is not allowed.

### **Credit/Debit Card Policy**

Credit/Debit Card Procedures:

A credit card account has been established to meet the needs of the Tivoli Free Library for travel, incidental purchases, and pre-payment of materials when required by a vendor (such as Amazon). Upon receipt of original itemized documentation, credit card expenditures will be paid by check.

1. Credit/Debit cards will be established in the name of the Tivoli Free Library and the specific name of an individual with a maximum credit limit for each set by the Library. All monthly statements and correspondence will be sent to the Library.
2. Credit/Debit cards will be issued to: Library Director with a credit limit of \$5,000; this limit can be changed or raised temporarily in anticipation of need.
  - a. 2016: Due to ongoing renovations the credit limit has been increased to \$7,500
2. Prior to initial receipt of any credit card, each individual must agree to and sign the Agreement for Use of Credit/Debit Card.
3. The Director must submit proper documentation to the Treasurer / book keeper for all charges in a timely fashion, so that finance charges are not incurred due to late payment
4. Credit/Debit cards will be used primarily for travel expenses to conferences and/or workshops, and pre-payment of materials when required by a vendor. The credit card may not be used for personal expenses.

Expenses may be incurred with the credit card only if all of the following conditions are met:

1. Expenditures must be within the guidelines of the particular activity of the approved budget.
2. This card is not to be used for any personal expenses.
3. Purchases may not exceed each cards' credit limit. There are no exceptions.
4. Proper documentation to support the expenditure must be submitted for approval by the Treasurer prior to the receipt of the monthly statement.

Proper documentation is to include:

- Original itemized paid receipt indicating the amount paid, the vendor, and the itemized description of the purchase.
- In case of books, subscriptions or similar types of orders, a copy of the order form, packing slip, or other receiving document must be attached when requesting payment.

Examples of documentation not allowed:

- Non-itemized cash register receipts
- Handwritten requests without receipts or other verification

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Agreement for Use of Credit Card:

This card is issued to you on a temporary basis, and remains the sole property of the Tivoli Free Library. The right to use this card may be revoked at any time without warning by the issuing bank authority or by the Tivoli Free Library.

By accepting this card it is understood that you are personally responsible for any unauthorized or inappropriate use to the credit card. I have read and fully understand and accept my personal responsibilities and liabilities involving the use of the credit card issued to me. I further understand that any inappropriate use of the card may result in disciplinary action and possible garnishment of my wages.

Card Issued: \_\_\_\_\_

Number : \_\_\_\_\_

Cardholder Printed Name: \_\_\_\_\_

Cardholder Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Witness Printed Name: \_\_\_\_\_

Signature of Witness: \_\_\_\_\_

Date: \_\_\_\_\_

### **Claims Audit Process**

1. Once a month, a member of the Finance Committee will review the detailed financial report.
2. For recurring bills, such as utility bills, the Board may, on a yearly basis, approve one voucher and with an accompanying resolution, agree to pay these bills for the remainder of the year. These claims for pre-payments will be reviewed and approved at the end of the year.
3. To disburse funds, vouchers must be attached to invoices and approved by the Board. This approval may take the form of a report given by the Treasurer and then approved at the Board meeting. The warrant list is produced by the library director. The associated checks are printed by the accountant/bookkeeper, and the checks are signed by the treasurer.
4. In the event that the Board does not meet or a time sensitive bill comes due, the library director will send a note to the Board Treasurer asking that they come to the library to approve and sign the warrant list. The warrant list will be approved when a simple majority of the full board signs the list.
5. At year end, a copy of the financial records will be saved on secure media and filed with the annual reports.

### **Fundraising/Gifts**

The Tivoli Free Library acknowledges the great importance of gifts and donations to the Library's operations and to its future development. The Library welcomes gifts of money, property and materials. The Tivoli Free Library accepts gifts and grants under the following conditions:

1. Gifts of library materials (books, magazines, tapes, audio-visual items, etc.) may be accepted, at the discretion of the Director, with the understanding that the Library reserves the right to add them to its collection, distribute them to other libraries, donate, sell or discard them.
2. Any restrictions on gifts, whether donations of monies, books, periodicals, audio-visual materials or art work, set by the Donor must be submitted in writing and approved by the Board of Trustees. Restricted monetary gifts will be accepted on the condition that the specific use requested is consistent with the goals and objectives of the Library.
3. Unrestricted monetary gifts will be used at the discretion of the Library Board of Trustees in accordance with this gift policy and/or the Library's material selection policy.
4. The responsibility for the appraisal or the estimation of the value of gift donations lies with the donor. The Board will not assess or suggest a value for non-monetary gifts for income tax or other purposes. Any letter of acknowledgement will not contain a statement of value.
5. Staff and Trustees shall not accept gifts of any kind from a member of the public or vendors. All gifts, including tips, must be refused or returned to the sender with an explanation that acceptance of gifts is strictly against Library policy.

### **Inventory/Fixed Assets:**

*Equipment* is a material item of a non-expendable nature, such as a movable unit of furniture or furnishings; an instrument or apparatus; a machine (including attachments); instructions skill training device; etc. It has a life of expectancy of two or more years and a unit cost of \$100 or more.

*Fixed assets* include, but may not be limited to, all land, buildings, equipment, and library collections owned by the library. Purchased fixed assets are recorded at historical cost (or estimated historical cost if actual cost figures are not available). Donated or contributed assets are recorded at their fair market value on the date donated. For accounting purposes, fixed assets will refer to equipment, buildings, and land valued at \$5,000 and above. The general collection of books and materials is also a part of fixed assets.

Inventory records for equipment (items costing less than \$5,000 and more than \$100) and for fixed assets will be maintained by the Director. Inventory records for computer and printer equipment will be maintained by the IT contractor.

**Responsibilities:**

The Director is responsible as the appointed custodian of all personal property assigned to or used by the Library, and thereby responsible to assure that all transfers and disposals of property subject to inventory control are reported to the Board.

The Director is responsible for verifying the fixed assets in his/her department at the end of each fiscal year.

**Disposition of Surplus Property**

Surplus property is defined as any personal or real property owned by the Library that is no longer needed for the provision of library services.

Only property having more than a nominal monetary value need be formally declared surplus. Property that is obsolete, broken, has no useful purpose, and is of nominal value may be disposed of with the approval of the Executive Director by the most appropriate and cost-effective method.

Surplus items that could neither be sold nor donated will be turned over for recycling if possible and economically feasible. The donation of surplus equipment to other local educational, charitable, social services, or to smaller library systems is encouraged. The Executive Director is authorized to approve such donations on a case-by-case basis.

All furniture, fixtures, and equipment with a value of more than \$1000 per item shall be approved by the Board before it is disposed of.

**Investments**

The Board of Trustees may authorize the investment of moneys not required for immediate expenditure for terms not to exceed the Library's projected cash flow needs. The primary objectives of financial investment, in priority order, are safety of principal, liquidity, and yield. The Library may invest in demand deposit accounts (such as checking or money market accounts) established with local financial institutions and Certificates of Deposit (CDs) issued by local financial institutions. Investments will conform to all applicable laws and regulations governing the investment of public funds.

**Capital Fund**

The purpose of the Capital Fund is to provide funding for non-recurring expenditures for the repairs and improvements of the library's facilities. Qualifying capital fund expenditure occurs when there is a purchase or acquisition of an asset that will benefit the Library for an extended period of probable usefulness and meets the minimum item cost guidelines.

**Minimum Item Cost**

To qualify as a capital expenditure eligible for funds to be transferred from the Capital Fund, the expenditure must equal or exceed \$10,000 with the exception being regular payments for approved projects already in progress.

**Surplus Transfers**

End-of-the-year surplus from the Library's non-public funds such as donations, grants, etc may be transferred into the Capital Fund at the discretion of the Library Board of Trustees. However, surpluses

may not be budgeted in the Library's annual budget and the Library must make a good faith effort to avoid surpluses if possible.

### **Capital Fund Investment**

Funds held in the Capital Fund shall be invested according to the policies outlined in the Library's Investment Policy. All Capital Fund expenditures shall be subsequent to the Library's Bidding and Procurement Policy.

#### **Capital Fund Expenditure Selection Process**

- The Library's Director shall make recommendations to the Finance Committee for possible Capital Fund expenditures. The Finance Committee shall, in turn, make recommendations to the the Library Board of Trustees. The Finance Committee and Board of Trustees shall select capital expenditures based on the long term benefit of the expenditure and the amount of available Capital Funds. All expenditures from this fund must be approved by the Library Board of Trustees.

### **Audit/Review Schedule**

An informal review is performed annually by an outside accounting firm as part of the 990 filing; a full review of the library's finances will be performed every 3-5 years.

The Library will change the accounting firm used every 3-5 years.

### **Travel/Conference**

Staff members are encouraged to attend professional conferences and meetings, subject to pre-approval by the Director.

- Conference and/or class fees, as well as limited expenses may be reimbursed by the Library if pre-approved by the Director, and subject to budgetary constraints. Receipts for all expenses to be reimbursed must be turned in to the Director upon return from the program.
- Hourly employees may receive their regular pay for attending meetings related to staff/library duties with prior approval from the Director.
- All reimbursements will be at the Federal Rate.

## **Personnel Policies**

### **Recruitment and Hiring:**

The Tivoli Free Library commits itself in its hiring practices, as well as in its service to the community to be an institution in which all persons may fully participate, regardless of their age, color, ethnicity, gender, health status, identity, ideology, national origin, physical disability, race, religion or sexual orientation.

### **Hours:**

The Tivoli Free Library will be open and staffed during hours set by the Board of Trustees annually

### **Inclement Weather & Emergency Days:**

- The Library Director will authorize closing on days of snowstorms or other extreme weather conditions when the Village Hall is closed, or when no staff members can get to work. Closings will be noted, if possible, on our website, and announced on local radio stations with their regular closing announcements. The Library Director (or designated person) will also leave a message on the Library's answering machine informing the public of the closing. Staff will be notified of closing by telephone chain.
- In case of less severe storms anyone who feels that he/she cannot get to work should call the Library Director by 8:30 a.m. A vacation or personal day may be used under these conditions. Hours can be made up at the discretion of the Director.
- Closing mandated by the Village due to severe onslaught of bad weather or other circumstances will be announced through the same procedures as above, and employees already at work covering their regularly assigned hours will be compensated for this early dismissal.
- Any other emergency closings are at the discretion of the Library Director.

### **Code of Conduct for Full and Part-Time Employees:**

- Employees are expected to arrive on time for their scheduled work shift, dress appropriately, not share confidential information about patrons, and behave professionally.
- Staff meals may be brought in and eaten on the premises. The Library will not be closed for meals. Breaks will be given at reasonable intervals, when appropriate staff coverage is available.
- Any schedule changes, for all full and part-time employees, must be arranged with the Director, with advance notice.
- All sick, personal, and vacation time must be used in the year in which it is allocated. Unused time will be forfeited. If extra time is needed for any type of absence the Board, on a case-by-case basis, will address it during the given calendar year.
- Serious offenses including, but not limited to, theft, use of alcohol or other drugs while at work, physical assault, or a determination of sexual harassment on the part of the employee may result in immediate dismissal without counseling. Employees who are terminated may file a grievance with the President of the Board of Trustees within five days of termination. A grievance must be made in writing.

### **Attendance at Board of Trustee Meetings:**

- As per the director's job description, the director is required to attend the Tivoli Free Library's Board of Trustee meetings. Though not part of paid work hours, all staff would be encouraged to attend board meetings when feasible.

- The bylaws state: *It shall be the duty of the Library Director to attend meetings of the Board, including budget meetings or public meetings where action may be taken affecting the interests of the Library. The Director shall have the right to speak on all matters under discussion at Board meetings, but shall not have the right to vote thereon. The Library Director may be excluded from any executive session that deals directly with the performance or compensation of the Director.*

### **Staffing, Salary & Benefits**

- A consistent 40-hour week is the work week for full-time employees.
- Salaries shall be subject to annual review. Based on the annual performance evaluations and the confines of the Library budget, the Board of Trustees will determine what salary increases, benefits, and benefit packages may be awarded at that time.

### **Evaluation Procedure**

- The Director will be evaluated during the month of January on an annual basis. Evaluation of the Director will be based on the short and long-term goals for the Library as well as on a job description for the Director, which is to be written or modified on an annual basis by the Library Board.
- The Employee/Operations Committee will write the evaluation of the Library Director and meet with him or her, in person, to review the written document. The Director of the Library, and a designee of the Committee, will sign the evaluation. The Director's responses to the evaluation will be written in the space provided within the document. A copy of the evaluation will be kept in a locked box in a location provided by the Library.
- The Library Director will evaluate the Assistant Director and all other staff on an annual basis, each January. Evaluations will be written by the Director and discussed in person with the employee. The Director may also invite the Board President, or their designee, to attend this meeting. Following the evaluation meeting the employee will write their responses to the evaluation in the space provided within the document. The written evaluation will then be signed by the Director, the employee, and initialed by the Board President (or designee), and then will be placed in a permanent file of the staff member. These evaluations will be kept in a locked box in a secure place.

### **Trial Period**

- All newly hired staff will be in a 'first phase' of employment for three months from the week of hire. At the end of this preliminary period, the Director and new employee will meet to review the problems and successes of the previous three months. A 'second phase' of probationary employment will continue through the six month period, with a review at that time.

### **Medical Benefits:**

Full-time employees are eligible to participate in the health plan option that the Library chooses. The health plan options and benefits available to the employee may change annually. The employer contribution package will be determined by the Board annually.

## **Social Security**

All employees are covered under the Social Security Act.

## **Retirement Benefits**

The Library, as employer, will contribute to Social Security for the benefit of the employee.

## **Workers' Compensation**

The Library contributes to Workers' Compensation for the benefit of the employee in cases of disability. Library employees are protected by Workers' Compensation in the event of accidents or death occurring in the course of employment. This protection is in force regardless of who is responsible or at fault for the accident. **It is necessary that the employee notifies the Director/Board of Trustees, as soon as possible, of the accident,** and in no event should he/she delay notification longer than 24 hours. In the event of loss of time caused by the accident such loss of time will be reported to the Director who will prepare all necessary correspondence. When an employee returns to work after loss of time due to an on-the-job injury, this must be reported in order to establish the employee's claim. (ILL. LIBS. 5/82)

## **Bereavement Leave**

- Bereavement absence for full-time employees, not to exceed three days, may be granted with pay.
- For part-time employees the Library Director, on a case-by-case basis, will review the situation.

## **Personal Days**

- Full-time employees will receive two paid personal days per calendar year.
- Full-time employees who have worked for the Library for over five years will receive three paid personal days per calendar year.
- Personal days may not be attached to vacation time.
- One week notice must be given to the Director prior to taking a personal day.
- Personal days must be used in the service year they are granted. *Amended 3/19/2024*

## **Vacation**

- Full-time employees must work for the Library for six months before receiving vacation time. At that time they are eligible to take one week of vacation during that calendar year.
- Following this, full-time employees are entitled to two weeks of paid vacation (10 working days) per calendar year.
- Full-time employees who have worked for the Library for five years are entitled to three weeks (15 working days) per year of paid vacation time.
- Full-time employees working for the Library for ten years are eligible for four weeks (20 working days) per year of paid vacation time.
- Vacations must have the approval of the Director at least two weeks before they are scheduled to occur. It is the Director's responsibility to schedule vacations so that there is always sufficient staff to conduct Library business.
- Vacation time may not exceed two weeks at one time, unless approved by the Director and the Board.
- Vacation time must be used in the service year it is earned. The Director may approve carryover of this time to the following year, which must be used by January 31<sup>st</sup>. For the Director, the Board may approve carryover of this time to the following year, which must be used by January 31<sup>st</sup>. *Amended 3/19/2024*



- Part-time employees are not eligible for paid vacations. They may, however, pre-arrange for vacation time and make up the hours so as not to lose income.
- The Board of Trustees will determine holidays annually.
- Full-time employees are eligible for paid holidays.
- Part-time employees will be paid for holidays for which they are regularly scheduled to work and for hours lost due to emergency closures of the Library (snow days, etc.).

### **Sick Leave**

- Full-time employees will receive four paid sick days per calendar year. This time must be used in the service year it is earned. The Director may approve carryover of this time to the following year, which must be used by January 31<sup>st</sup>.
- Beginning September 30, 2020, part-time employees will accrue one hour of sick leave for every 30 hours worked, not to exceed 40 hours accrued per year. Time accrued may be used beginning January 1, 2021. Accrued time must be used in the service year it is earned. The Director may approve carryover of this time to the following year, which must be used by January 31<sup>st</sup>.
- In extreme cases the Library Board of Trustees has the authority to grant additional personal/sick leave days per year. In such cases the employee must make a written request for such consideration to the Board of Trustees. *(Approved 9/15/2020 by the Board of Trustees)*

### **Jury Duty**

- All employees on jury duty will receive their regular salary minus the amount paid by the state.
- Employees will be given leave with pay when subpoenaed for court appearances, called for jury duty, or emergency civilian duty.

## **PAID FAMILY LEAVE (PFL) POLICY: TIVOLI FREE LIBRARY**

New York's Paid Family Leave (PFL) law provides job protected leave and wage replacement to eligible employees for qualifying events to

- Bond with a newly born, adopted, or fostered child,
- Care for a close relative with a serious health condition, or
- Assist with family situations when a family member is deployed abroad on active military status.

Tivoli Free Library offers PFL through the Library's insurance policy.

### **Eligibility**

#### *Full-time employees*

Employees who work a regular schedule of 20 or more hours per week are eligible after 26 consecutive weeks of employment. Full-time employees do not have to take all their personal days, sick days and or vacation time before using PFL.

#### *Part-time employees*

Employees who work a regular schedule of less than 20 hours per week are eligible after working 175 days, which do not need to be consecutive. Paid library closures can be counted toward eligibility determination for part-time employees.

All employees who fall into either category above are eligible regardless of citizenship and/or immigration status.

### **Qualifying Events**

#### *New child*

PFL can be taken during the first 12 months following the birth, adoption, or fostering of a child. Expectant mothers cannot take PFL for their pregnancy. It is not available for prenatal conditions.

#### *Serious health condition*

PFL can be taken to care for a close relative with a serious health condition. Close relatives can live outside New York State. PFL cannot be taken for employees' own health condition.

A serious health condition is an illness, injury, impairment, physical or mental condition that involves inpatient care in a hospital, hospice, or residential health care facility, continuing treatment, or continuing supervision by a health care provider.

#### *Military active service deployment*

PFL can be taken to assist with family situations arising when the spouse, domestic partner, child, or parent of an employee is deployed abroad on active military service or has been notified of an impending military deployment abroad. PFL cannot be taken for employees' own qualifying military deployment.

### **PFL benefit**

Eligible employees shall receive a maximum of 12 weeks of PFL per qualifying event. In the event of multiple qualifying events, including a multiple birth, the maximum leave is capped at 12-weeks. In no case will an employee receive more than 12 weeks of PFL in a rolling 12-month period.

Each week of PFL is compensated at a minimum of 67 percent of the employee's average weekly wage, and not to exceed 67 percent of the statewide average weekly wage.

The average weekly wage is calculated on the basis of the 8 weeks of wages prior to taking PFL, including bonuses.

Eligible employees may take leave under PFL on an intermittent basis, in full-day increments only.

### **Coordination of Benefits**

#### *Health insurance*

Employees may continue health insurance while on leave. Employees contributing to the cost of their health insurance must continue to pay their portion of the premium while on PFL.

#### *Family Medical Leave Act (FMLA)*

PFL can be taken by any eligible employee for time off under the provisions of the FMLA. PFL will run concurrently with designated FMLA leave when the reason for leave qualifies under both PFL and FMLA. Eligible employees must apply for both PFL and FMLA.

#### *Sick leave/vacation*

Employees cannot use PFL and applicable vacation leave/sick leave/personal leave benefits at the same time but can use them consecutively, if applicable and permitted.

#### *Disability/worker's comp*

Employees unable to work and qualifying for workers' compensation benefits or short-term disability may not use PFL benefits at the same time as they are receiving workers' compensation or short-term disability benefits.

### **Procedure for requesting PFL**

In the case of a foreseeable leave, an eligible employee must provide the Library Director with 30 days advance notice before the date on which the leave would begin. If the employee is unable to provide 30 days' notice, he or she must provide notice as soon as is practicable under the circumstances. If an employee does not give the Library Director timely notice, the employee's PFL leave may be delayed.

When an employee takes intermittent PFL, the employee must provide notice to the Library Director as soon as is practicable before each day of intermittent leave.

In giving notice, an employee must provide sufficient information for the PFL insurance carrier to determine whether the leave qualifies for PFL, and the anticipated timing and duration of the leave.

*Approved by the Library Board of Trustees 5/16/23*

### **Continuing Education:**

- Staff members are encouraged to attend professional conferences and meetings, subject to pre-approval by the Director.
- Conference and/or class fees, as well as limited expenses may be reimbursed by the Library if pre-approved by the Director, and subject to budgetary constraints.

### **Performance Issues:**

- Performance issues should always be based on behaviors that were actually seen, not on characteristics that you or someone else senses or intuitively about the employee's personality.
- The Director will verbally convey the problem to the employee when first noticed.
- When the problem is addressed, the Director should inform the employee of the changes that are expected.
- The Director should keep notes regarding the performance problems and how the Director, as well as the employee, has addressed them.
- If the problem continues, a written warning will be given to the employee and the Board will be notified of the situation.

### **Discipline and Termination:**

- The Tivoli Free Library is an "At Will" employer. Nothing in this Personnel Policy, or any other policy or procedure, shall be construed to imply that this policy is, or should be considered to be, an employment contract for any period of time.
- Personnel policies of the Tivoli Free Library do not constitute an employment contract, and either the employee or the Tivoli Free Library *may* terminate employment at any time, for any reason, with or without cause.
- Employees may be terminated for substandard work, without notice, during the 'first phase' probationary period (3 months from the date of hire). At the conclusion of the 'first phase' probationary period, employees will receive oral and written counseling for improvement of job performance from the Library Director. A 'second phase' probationary period will extend from the three month to six month period. At the six month period the employee will again receive oral and written counseling for improvement of job performance from the Director. If improvement has not taken place at the end of the six month period, the employee will be dismissed.
- An employee who resigns is expected to give the Library two weeks' notice, except in the case of illness or family emergency.
- If budget cuts necessitate a reduction in staffing levels, the Director will determine which positions can be cut to create the least negative effect on Library services. The Library Director will submit a plan to the Library's Board of Trustees for approval before implementation. Longevity of employees' tenure at the Library will be a primary factor in addressing matters of retention.

## **Workplace Safety**

It is the policy of the Library that every employee is entitled to work under the safest conditions reasonably possible. Every reasonable effort will be made to provide and maintain a safe and healthy workplace, provide safe equipment and proper materials, and to establish and insist upon safe methods and practices at all times. It is the responsibility of every employee to make safety a part of the daily concern. Employees are obligated to observe all guidelines governing safety and appropriate conduct, to properly use the safety equipment provided, and to follow common sense safety practices.

## **Harassment**

It is the policy of the Library to provide a place that is comfortable for employees and patrons to work and use library resources. In compliance with applicable federal and state laws, the Library will be a place that is free of any form of harassment, including sexual harassment.

All employees are responsible for assuring that the workplace is free of harassment and should promptly report incidents or possible incidents of sexual harassment to the Library Director.

After investigation, any employee found to have engaged in harassment will be subject to disciplinary actions that range from counseling and education up to and including termination of employment.

Sexual harassment includes unwelcome sexual advances, flirtations, propositions, sexually degrading words to describe an individual, graphic or suggestive comments, or requests for sexual favors. This includes the display of sexually suggestive pictures or objects, including photographs or illustrations of nude or seminude figures in staff work areas.

Patrons are forbidden to sexually harass other patrons or staff members. A Library employee may refuse to assist a patron if he or she believes that such assistance will require the employee to view printed or computer screen materials that the employee interprets as harassment. The Library employee must immediately ask a supervisor for assistance with the patron's request. Patrons who harass staff or other patrons will be asked to leave the Library, and, if appropriate, their behavior will be reported to the appropriate authorities.

## **Personnel Records Access**

Personal information maintained about an employee shall be made available for inspection only at the employee's request, except for information requested through other lawful means.

Employees may contact the Library Director to arrange for an inspection of their own personnel records. Personnel records shall be made available for inspection by an employee only in the presence of the Director.

The Library Director shall decide when employee personnel records will be released in accordance with Freedom of Information Law (FOIL) requests. As a general rule, most documents that may be found in personnel files must be disclosed, but there are exceptions.

FOIL protects the following types of information that may be found in employee personnel files and that should be redacted:

1. Social Security number;
2. Financial data or information;
3. Mother's birth name;

4. Bank account information;
5. Month and day of birth;
6. Credit card information;
7. Insurance and medical information;
8. Debit card information;
9. Home address and telephone number.

In addition to the redactions listed above, the following information is exempt from release:

1. Individual employee benefits selections and payroll deductions;
2. Birth certificates;
3. Military discharge forms;
4. Financial records (i.e., bank account numbers);
5. Health insurance records;
6. Medical records

### **Outside Employment**

Employees are allowed to hold outside employment as long as it does not interfere with their Library responsibilities. Employees are prohibited from engaging in outside employment activities while on the job or using Library time, supplies, or equipment in the outside employment activities. The Library Director may request employees to restrict outside employment if the quality of their Library work diminishes due to the outside work. Any employee who holds an interest in, or is employed by, any business doing business with the Library must submit a written notice of these outside interests to the Library Director at the time of employment or when such a relationship becomes apparent.

### **Nepotism**

Board members and their immediate family members shall be excluded from consideration for employment by the Tivoli Free Library.

Employees shall not hold a position with the Tivoli Free Library while they or members of their immediate family serve on the Board of Directors or on any committee of the Board.

Employees may not hold a job over which a member of their immediate family exercises supervisory authority. Relatives of persons currently employed by the Tivoli Free Library may be hired only if they will not be working directly for or supervising a relative. If already employed, they cannot be transferred into such a reporting relationship.

Immediate family includes the following: spouses, life partners, parents, children, siblings, in-laws, grandparents and grandchildren, and step relationships. This policy also applies to 2 individuals who are not legally related but who reside with another employee in a familial relationship rather than a roommate relationship.

### **Conflict of interest in seeking employment**

Board members shall not apply for or be considered for employment within the Tivoli Free Library without resigning from the Board prior to embarking upon any step in the application process. If the Board member is not hired, she or he cannot be reconsidered for a position within the Board of Directors for at least 12 months. Former employees of the Library cannot be considered for Board positions until at least 12 months after departing from employment with the Library.

## **Whistleblower Protection**

### Reporting Responsibility

Each director, volunteer, and employee of the library has an obligation to report in accordance with this Whistleblower Policy (a) questionable or improper accounting or auditing matters, and (b) violations and suspected violations of the Library's Code (hereinafter collectively referred to as Concerns).

Federal law prohibits all corporations, including nonprofits, from retaliating against employees who "blow the whistle" on their employer's financial management and accounting practices.

### General

The Whistleblower Policy establishes policies and procedures for:

- The submission of concerns regarding questionable accounting or audit matters by employees, directors, Board Members, and other stakeholders of the Library, on an anonymous and confidential basis.
- The receipt, retention, and treatment of complaints received by the organization regarding accounting, internal controls, or auditing matters.
- The protection of directors, volunteers Board Members and Library Staff in reporting concerns from retaliatory actions.

### Authority of Finance Committee

All reported Concerns will be forwarded to the Finance Committee in accordance with the procedures set forth herein. The Finance Committee shall be responsible for investigating, and making appropriate recommendations to the Board of Directors, with respect to all reported Concerns.

### No Retaliation

This Whistleblower Policy is intended to encourage and enable directors, volunteers, and employees to raise Concerns within the Organization for investigation and appropriate action. With this goal in mind, no director, volunteer, or employee who, in good faith, reports a Concern shall be subject to retaliation or adverse employment consequences.

Moreover, a volunteer or employee who retaliates against someone who has reported a Concern in good faith is subject to discipline up to and including dismissal from the volunteer position or termination of employment.

### Reporting Concerns:

Employees should first discuss their Concern with their immediate supervisor. If, after speaking with his or her supervisor, the individual continues to have reasonable grounds to believe the Concern is valid, the individual should report the Concern to the Library Director.

In addition, if the individual is uncomfortable speaking with his or her supervisor, or the supervisor is a subject of the Concern, the individual should report his or her Concern directly to the Library Director.

If the Concern was reported verbally to the Library Director, the reporting individual must also submit it in writing. The Library Director is required to promptly report the Concern to the Chair of the appropriate Committee, who has specific and exclusive responsibility to investigate all Concerns. If the Library Director, for any reason, does not promptly forward the Concern to the Committee Chair, the reporting individual should report it directly to the Chair.

Concerns may be also be submitted anonymously. Such anonymous Concerns should be in writing and sent directly to the Chair of the Finance Committee.

The Director and other volunteers, including Board Members, should submit Concerns in writing directly to the Finance or Personnel Committee Chair.

Concerns addressing “questionable or improper accounting or auditing matters” will be submitted to the Finance Committee Chair and Concerns, and those addressing “violations and suspected violations of the Library’s Code” will be submitted to the Personnel Committee Chair.

#### Handling of Reported Violations

All reported Concerns shall be addressed.

The Committee Chair shall immediately notify the Library Director, Board President and Board of any reported violation and will notify the sender and acknowledge receipt of the Concern within five business days, if possible. It will not be possible to acknowledge receipt of anonymously submitted Concerns.

All reports will be promptly investigated, and appropriate corrective action will be recommended to the Board of Directors, if warranted by the investigation. In addition, action taken must include a conclusion and/or follow-up with the complainant for complete closure of the Concern.

#### Acting in Good Faith

Anyone reporting a Concern must act in good faith and have reasonable grounds for believing the information disclosed indicates an improper accounting or auditing practice, or a violation of the Code. The act of making allegations that prove to be unsubstantiated, and that prove to have been made maliciously, recklessly, or with the foreknowledge that the allegations are false, will be viewed as a serious disciplinary offense and may result in discipline, up to and including dismissal from the volunteer position or termination of employment.

#### Confidentiality

Reports of Concerns, and investigations pertaining thereto, shall be kept confidential to the extent possible, consistent with the need to conduct an adequate investigation.

Disclosure of reports of Concerns to individuals not involved in the investigation will be viewed as a serious disciplinary offense and may result in discipline, up to and including termination of employment. Such conduct may also give rise to other actions, including civil lawsuits.



## **Trustee Education Policy**

New York State Education Law Section 260-D requires members of library boards of trustees, beginning January 1, 2023, to complete a minimum of two hours of trustee education annually from approved providers.

Each member of the Library Board must demonstrate compliance with this policy by filing evidence with the Board President annually. Compliance will be tracked through the Library's Annual Report to the State.

### **Administration**

Each trustee must provide one of the following as evidence of completion annually to the Board President by December 31<sup>st</sup> of each year:

1. Certificates of completion issued by one or more approved providers; or
2. A signed self-assurance of completion (included at the end of this policy). Such assurance shall identify the approved providers, title of activity, topic/content, format, date, and contact hours.

Failure to submit evidence of completion by the above date shall necessitate consultation with the Board President and may result in suspension from duty until evidence of completion is filed.

### **Approved Providers**

New York State Library and the public library systems have approved the following providers:

- New York State Library/Division of Library Development
- Public Library Systems
- WebJunction
- New York Library Association (including the Library Trustees Section and other Sections/Roundtables)
- Reference and Research Library Resources Councils
- Empire State Library Network (formerly New York 3Rs Association)
- PULISDO (Public Library System Directors Organization)
- ALA (American Library Association) including United for Libraries and other Divisions

Trustee education may be delivered online or in person. The format of this education may include any of the following, either live or recorded:

- Lectures
- Workshops
- Webinars
- Online courses
- State or national library association conferences

### Costs of Continuing Education

Modest and reasonable costs incurred by a Trustee in complying with the trustee education requirements may be reimbursed by the Library. All continuing education requesting reimbursement must be pre-approved by the Library Board.

*Approved November 21, 2023 by the Tivoli Free Library Board of Trustees*

**SELF-ASSURANCE of Trustee Education Activity Completion**

Beginning January 1, 2023, each library trustee, elected or appointed, of a board of trustees is required to complete a minimum of two hours of trustee education annually. (Education Law 260-d as added by *Chapter 468 of the Laws of 2021*)

Please use this self-assurance form if a certificate of completion is not available from the approved education activity provider. Please submit this form to the library board president for review and signature. Trustees should retain a copy of the signed form.

I attended the following trustee education activity:

Trustee Name: \_\_\_\_\_

Approved Provider: \_\_\_\_\_

Title of Activity: \_\_\_\_\_

Topic/Content: \_\_\_\_\_

Format (e.g. workshop, webinar, online course): \_\_\_\_\_

Date of Activity: \_\_\_\_\_

Contact Hours: \_\_\_\_\_

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**Trustee Signature/Date**

## **Sexual Harassment Policy**

### **Introduction**

Tivoli Free Library is committed to maintaining a workplace free from sexual harassment. Sexual harassment is a form of workplace discrimination. Tivoli Free Library has a zero-tolerance policy for any form of sexual harassment, and all employees are required to work in a manner that prevents sexual harassment in the workplace. This Policy is one component of Tivoli Free Library's commitment to a discrimination-free work environment.

Sexual harassment is against the law. All employees have a legal right to a workplace free from sexual harassment, and employees can enforce this right by filing a complaint internally with Tivoli Free Library, or with a government agency or in court under federal, state or local antidiscrimination laws.

### **Policy:**

1. Tivoli Free Library Policy applies to all employees, applicants for employment, interns, whether paid or unpaid, contractors and persons conducting business with Tivoli Free Library.
2. Sexual harassment will not be tolerated. Any employee or individual covered by this policy who engages in sexual harassment or retaliation will be subject to remedial and/or disciplinary action, up to and including termination.
3. Retaliation Prohibition: No person covered by this Policy shall be subject to adverse employment action including being discharged, disciplined, discriminated against, or otherwise subject to adverse employment action because the employee reports an incident of sexual harassment, provides information, or otherwise assists in any investigation of a sexual harassment complaint. Tivoli Free Library has a zero-tolerance policy for such retaliation against anyone who, in good faith complains or provides information about suspected sexual harassment. Any employee of Tivoli Free Library who retaliates against anyone involved in a sexual harassment investigation will be subjected to disciplinary action, up to and including termination. Any employee, paid or unpaid intern, or non-employee<sup>1</sup> working in the workplace who believes they have been subject to such retaliation should inform a supervisor, manager, or the Director or Board Chair. Any employee, paid or unpaid intern or non-employee who believes they have been a victim of such retaliation may also seek compensation in other available forums, as explained below in the section on Legal Protections.
4. Sexual harassment is offensive, is a violation of our policies, is unlawful, and subjects Tivoli Free Library to liability for harm to victims of sexual harassment. Harassers may also be individually subject to liability. Employees of every level who engage in sexual harassment, including managers and supervisors who engage in sexual harassment or who knowingly allow such behavior to continue, will be penalized for such misconduct.
5. Tivoli Free Library will conduct a prompt, thorough and confidential investigation that ensures due process for all parties, whenever management receives a complaint about sexual harassment, or otherwise knows of possible sexual harassment occurring. Effective corrective action will be taken whenever sexual harassment is found to have occurred. All employees, including managers and supervisors, are required to cooperate with any internal investigation of sexual harassment.
6. All employees are encouraged to report any harassment or behaviors that violate this policy. Tivoli Free Library will provide all employees a complaint form for employees to report harassment and file

complaints.

7. Managers and supervisors are **required** to report any complaint that they receive, or any harassment that they observe to the Library Director or Board Chair.

8. This policy applies to all employees, paid or unpaid interns, and non-employees and all must follow and uphold this policy. This policy must be posted prominently in all work locations and be provided to employees upon hiring.

### **What Is “Sexual Harassment”?**

Sexual harassment is a form of sex discrimination and is unlawful under federal, state, and (where applicable) local law. Sexual harassment includes harassment on the basis of sex, sexual orientation, gender identity and the status of being transgender.

Sexual harassment includes unwelcome conduct which is either of a sexual nature, or which is directed at an individual because of that individual’s sex when:

- \_ Such conduct has the purpose or effect of unreasonably interfering with an individual’s work performance or creating an intimidating, hostile or offensive work environment, even if the complaining individual is not the intended target of the sexual harassment;
- \_ Such conduct is made either explicitly or implicitly a term or condition of employment; or
- \_ Submission to or rejection of such conduct is used as the basis for employment decisions affecting an individual’s employment.

A sexually harassing hostile work environment consists of words, signs, jokes, pranks, intimidation or physical violence which are of a sexual nature, or which are directed at an individual because of that individual’s sex. Sexual harassment also consists of any unwanted verbal or physical advances, sexually explicit derogatory statements or sexually discriminatory remarks made by someone which are offensive or objectionable to the recipient, which cause the recipient discomfort or humiliation, which interfere with the recipient’s job performance.

Sexual harassment also occurs when a person in authority tries to trade job benefits for sexual favors. This can include hiring, promotion, continued employment or any other terms, conditions or privileges of employment. This is also called “quid pro quo” harassment.

Any employee who feels harassed should complain so that any violation of this policy can be corrected promptly. Any harassing conduct, even a single incident, can be addressed under this policy.

### **Examples of sexual harassment**

The following describes some of the types of acts that may be unlawful sexual harassment and that are strictly prohibited:

Physical assaults of a sexual nature, such as:

- Touching, pinching, patting, grabbing, brushing against another employee’s body or poking another employees’ body;
- Rape, sexual battery, molestation or attempts to commit these assaults.

Unwanted sexual advances or propositions, such as:

- Requests for sexual favors accompanied by implied or overt threats concerning the victim’s job performance evaluation, a promotion or other job benefits or detriments;
- Subtle or obvious pressure for unwelcome sexual activities.

Sexually oriented gestures, noises, remarks, jokes or comments about a person's sexuality or sexual experience, which create a hostile work environment.

Sexual or discriminatory displays or publications anywhere in the workplace, such as:

- Displaying pictures, posters, calendars, graffiti, objects, promotional material, reading materials or other materials that are sexually demeaning or pornographic. This includes such sexual displays on workplace computers or cell phones and sharing such displays while in the workplace.

Hostile actions taken against an individual because of that individual's sex, sexual orientation, gender identity and the status of being transgender, such as:

- Interfering with, destroying or damaging a person's workstation, tools or equipment, or otherwise interfering with the individual's ability to perform the job;
- Sabotaging an individual's work
- Bullying, yelling, name-calling.

### **Who can be a target of sexual harassment?**

Sexual harassment can occur between any individuals, regardless of their sex or gender. New York Law protects employees, paid or unpaid interns, and non-employees, including independent contractors, and those employed by companies contracting to provide services in the workplace. A perpetrator of sexual harassment can be a superior, a subordinate, a coworker or anyone in the workplace including an independent contractor, contract worker, vendor, client, customer or visitor.

### **Where can sexual harassment occur?**

Unlawful sexual harassment is not limited to the physical workplace itself. It can occur while employees are traveling for business or at employer sponsored events or parties. Calls, texts, emails, and social media usage by employees can constitute unlawful workplace harassment, even if they occur away from the workplace premises or not during work hours.

### **What is "Retaliation"?**

Unlawful retaliation can be any action that would keep a worker from coming forward to make or support a sexual harassment claim. Adverse action need not be job-related or occur in the workplace to constitute unlawful retaliation.

Such retaliation is unlawful under federal, state, and (where applicable) local law. The New York State Human Rights Law protects any individual who has engaged in "protected activity." Protected activity occurs when a person has:

- filed a complaint of sexual harassment, either internally or with any anti-discrimination agency;
- testified or assisted in a proceeding involving sexual harassment under the Human Rights Law or other anti-discrimination law;
- opposed sexual harassment by making a verbal or informal complaint to management, or by simply informing a supervisor or manager of harassment;
- Complained that another employee has been sexually harassed; or

- Encouraged a fellow employee to report harassment.

### **Reporting Sexual Harassment**

**Preventing sexual harassment is everyone's responsibility.** Tivoli Free Library cannot prevent or remedy sexual harassment unless it knows about it. Any employee, paid or unpaid intern or non-employee who has been subjected to behavior that may constitute sexual harassment is encouraged to report such behavior to a supervisor, manager or the Library Director or Board Chair. Anyone who witnesses or becomes aware of potential instances of sexual harassment should report such behavior to a supervisor, manager or the Library Director or Board Chair.

Reports of sexual harassment may be made verbally or in writing. A form for submission of a written complaint is attached to this Policy, and all employees are encouraged to use this complaint form. Employees who are reporting sexual harassment on behalf of other employees should use the complaint form and note that it is on another employee's behalf.

Employees, paid or unpaid interns or non-employees who believe they have been a victim of sexual harassment may also seek assistance in other available forums, as explained below in the section on Legal Protections.

### **Supervisory Responsibilities**

All supervisors and managers who receive a complaint or information about suspected sexual harassment, observe what may be sexually harassing behavior or for any reason suspect that sexual harassment is occurring, **are required** to report such suspected sexual harassment to the Library Director or Board Chair.

In addition to being subject to discipline if they engaged in sexually harassing conduct themselves, supervisors and managers will be subject to discipline for failing to report suspected sexual harassment or otherwise knowingly allowing sexual harassment to continue.

Supervisors and managers will also be subject to discipline for engaging in any retaliation.

### **Complaint And Investigation Of Sexual Harassment**

*All* complaints or information about suspected sexual harassment will be investigated, whether that information was reported in verbal or written form. Investigations will be conducted in a timely manner, and will be confidential to the extent possible.

An investigation of any complaint, information or knowledge of suspected sexual harassment will be prompt and thorough, and should be completed within 30 days. The investigation will be confidential to the extent possible. All persons involved, including complainants, witnesses and alleged perpetrators will be accorded due process to protect their rights to a fair and impartial investigation.

Any employee may be required to cooperate as needed in an investigation of suspected sexual harassment. Employees who participate in any investigation will not be retaliated against.

Investigations will be done in accordance with the following steps:

1. Upon receipt of complaint, the Library Director or Board Chair will conduct an immediate review of the allegations, and take any interim actions, as appropriate. If complaint is oral, encourage the individual to complete the "Complaint Form" in writing. If he or she refuses, prepare a Complaint Form based on the oral reporting.
2. If documents, emails or phone records are relevant to the allegations, take steps to obtain and preserve them.
3. Request and review all relevant documents, including all electronic communications.
4. Interview all parties involved, including any relevant witnesses;
5. Create a written documentation of the investigation (such as a letter, memo or email), which contains the following:
  - A list of all documents reviewed, along with a detailed summary of relevant documents;
  - A list of names of those interviewed, along with a detailed summary of their statements;
  - A timeline of events;
  - A summary of prior relevant incidents, reported or unreported; and
  - The final resolution of the complaint, together with any corrective actions action(s).
6. Keep the written documentation and associated documents in the employer's records.
7. Promptly notify the individual who complained and the individual(s) who responded of the final determination and implement any corrective actions identified in the written document.



8. Inform the individual who complained of their right to file a complaint or charge externally as outlined below.

### **Legal Protections And External Remedies**

Sexual harassment is not only prohibited by Tivoli Free Library but is also prohibited by state, federal, and, where applicable, local law.

Aside from the internal process at Tivoli Free Library, employees may also choose to pursue legal remedies with the following governmental entities **at any time**.

#### **New York State Division of Human Rights (DHR)**

The Human Rights Law (HRL), codified as N.Y. Executive Law, art. 15, § 290 et seq., applies to employers in New York State with regard to sexual harassment, and protects employees, paid or unpaid interns and non-employees regardless of immigration status. A complaint alleging violation of the Human Rights Law may be filed either with DHR or in New York State Supreme Court.

Complaints with DHR may be filed any time **within one year** of the harassment. If an individual did not file at DHR, they can sue directly in state court under the HRL, **within three years** of the alleged discrimination. An individual may not file with DHR if they have already filed a HRL complaint in state court.

Complaining internally to Tivoli Free Library does not extend your time to file with DHR or in court. The one year or three years is counted from date of the most recent incident of harassment.

You do not need an attorney to file a complaint with DHR, and there is no cost to file with DHR.

DHR will investigate your complaint and determine whether there is probable cause to believe that discrimination has occurred. Probable cause cases are forwarded to a public hearing before an administrative law judge. If discrimination is found after a hearing, DHR has the power to award relief, which varies but may include requiring your employer to take action to stop the harassment, or redress the damage caused, including paying monetary damages, attorney's fees and civil fines. DHR's main office contact information is: NYS Division of Human Rights, One Fordham Plaza, Fourth Floor, Bronx, New York 10458, (718) 741-8400 [appropriate other contact info], [www.dhr.ny.gov](http://www.dhr.ny.gov)

Contact DHR at (888) 392-3644 or visit [dhr.ny.gov/complaint](http://dhr.ny.gov/complaint) for more information about filing a complaint. The website has a complaint form that can be downloaded, filled out, notarized and mailed to DHR. The website also contains contact information for DHR's regional offices across New York State.

#### **United States Equal Employment Opportunity Commission (EEOC)**

The EEOC enforces federal anti-discrimination laws, including Title VII of the 1964 federal Civil Rights Act (codified as 42 U.S.C. § 2000e et seq.). An individual can file a complaint with the EEOC anytime within 300 days from the harassment. There is no cost to file a complaint with the EEOC. The EEOC will investigate the complaint, and determine whether there is reasonable cause to believe that

discrimination has occurred, at which point the EEOC will issue a Right to Sue letter permitting the individual to file a complaint in federal court.

The EEOC does not hold hearings or award relief, but may take other action including pursuing cases in federal court on behalf of complaining parties. Federal courts may award remedies if discrimination is found to have occurred.

If an employee believes that he/she has been discriminated against at work, he/she can file a “Charge of Discrimination.” The EEOC has district, area, and field offices where complaints can be filed. Contact the EEOC by calling 1-800-669-4000 (1-800-669-6820 (TTY)), visiting their website at [www.eeoc.gov](http://www.eeoc.gov) or via email at [info@eeoc.gov](mailto:info@eeoc.gov)

If an individual filed an administrative complaint with DHR, DHR will file the complaint with the EEOC to preserve the right to proceed in federal court.

### **Local Protections**

Many localities enforce laws protecting individuals from sexual harassment and discrimination. An individual should contact the county, city or town in which they live to find out if such a law exists. For example, employees who work in New York City may file complaints of sexual harassment with the New York City Commission on Human Rights. Contact their main office at Law Enforcement Bureau of the NYC Commission on Human Rights, 40 Rector Street, 10th Floor, New York, New York; call 311 or (212) 306-7450; or visit [www.nyc.gov/html/cchr/html/home/home.shtml](http://www.nyc.gov/html/cchr/html/home/home.shtml)

### **Contact the Local Police Department**

If the harassment involves physical touching, coerced physical confinement or coerced sex acts, the conduct may constitute a crime. Contact the local police department.

*Approved October 24, 2018 by the Tivoli Free Library Board of Trustees*

## PUBLIC HEALTH EMERGENCY RESPONSE PLAN

### PURPOSE

The Tivoli Free Library has adopted this Public Health Emergency Response Plan in compliance with New York State Labor Law §27-c to implement operational plans in the event of any declared public health emergencies including, but not limited to, novel coronavirus (COVID-19) or other communicable disease or pandemic illness.

The primary goals of Tivoli Free Library's Public Health Emergency Response Plan are to establish:

- The roles and responsibilities of the Tivoli Free Library and its employees during all phases of a public health emergency;
- Preparedness activities and response protocols;
- Coordination and decision making for the continuation of operations.

The Public Health Emergency Response Plan is designed to ensure precautionary, response, and recovery measures to a public health emergency involving a communicable disease threatening to impact or immediately impacting the library's staff, trustees, volunteers, and/or community members.

### PLAN ADMINISTRATION

The library Director, as authorized by the Board of Trustees, administers the Public Health Emergency Response Plan. This includes activating the plan, establishing an internal communications network, and coordinating all response and recovery activities. If, for any reason, the Director is unable or unavailable to administer the plan, administrative authority shall be passed to the President of the Board of Trustees of the Tivoli Free Library.

### DEFINITIONS

The following terms are hereby defined for the purposes of this policy:

- **Personal Protective Equipment (PPE):** Equipment worn to minimize exposure to communicable disease or pandemic illness as mandated by local, state, or federal law and/or any Executive Orders related to the public health emergency or mandates issued by federal agencies including the Centers for Disease Control (CDC) and the Occupational Safety and Health Administration (OSHA).
- **Employee:** Any person employed by the Tivoli Free Library regardless of job classification or title.
- **Contractor:** Any individual performing paid services for the library but not an employee of the Tivoli Free Library.
- **Essential:** Designation made to an employee or contractor whose duties require them to be physically present at the Tivoli Free Library to perform their job, OR tasks that are vital or necessary to the safety or operational needs of the library.
- **Non-essential:** Designation made to an employee whose duties do not require them to be physically present at the Tivoli Free Library, OR tasks that are not vital or necessary to the safety or operational needs of the library.
- **Communicable disease:** Illness caused by an infectious agent that occurs through the direct or indirect transmission of the infectious agent or its byproducts or via inanimate environment or object to a susceptible person or persons.
- **Retaliatory Action:** The discharge, suspension, demotion, penalization, discrimination, or other adverse employment action taken against any employee.

## **DESIGNATION OF ESSENTIAL EMPLOYEES OR DUTIES**

The Library Director is primarily responsible for the financial and physical operations of the Library and is permitted to be physically present at the Tivoli Free Library in the event of a state-ordered reduction of in-person workforce.

Specific employees or contractors may be delegated other essential tasks at the discretion of the Director. This employee or contractor is permitted to be physically present at the Tivoli Free Library to perform only the designated essential tasks as assigned.

## **TELECOMMUTE/WORK FROM HOME PROTOCOL**

In the event of a state-ordered reduction of in-person workforce, non-essential employees and contractors able to accomplish their functions remotely will be enabled to do so to the greatest extent possible.

### Responsibilities of the Tivoli Free Library

- Library-issued equipment (laptops, hotspots, etc.) will be provided to all employees whose duties and routine tasks require the use of a computer and/or internet access. Instructions for downloading/installing necessary software will be provided by the Director.

### Responsibilities of Employees

- Employees unable to work in-person will, at the discretion of the Director, be assigned alternate activities which can include, but not be limited to, online learning opportunities relating to their position. Wherever possible, proof of participation in online workshops/webinars must be submitted to the Director (i.e., a certificate of completion for an online workshop).
- All employees are expected to work their scheduled weekly hours and to clock in and out in the manner designated by the Director. If an employee cannot work remotely in any capacity, they will inform the Director and may be furloughed without compensation until the state workforce reduction mandate is lifted.

## **WORK SCHEDULE**

The Director will coordinate the schedule for employees and contractors reporting to the library in-person to perform essential tasks so that the Tivoli Free Library remains in compliance with the state-ordered reduction of in-person workforce. No employee or contractor is permitted to report to the Tivoli Free Library without authorization from the Director.

## **PERSONAL PROTECTIVE EQUIPMENT PROTOCOL**

### Responsibilities of the Tivoli Free Library

- PPE as required by local, state or federal laws or Executive Orders will be provided by the Tivoli Free Library. The Tivoli Free Library will provide any necessary training for mandated PPE including proper use and disposal.
- The Tivoli Free Library will keep a supply of PPE in storage in the event a public health emergency is immediately declared. All employees will be made aware of the storage location of PPE. The Director will monitor PPE supply levels and replenish the supply as needed.
- Failure of the Tivoli Free Library to comply with PPE mandates may result in disciplinary action by New York State.

### Responsibilities of Employees

- Employees will be required to use PPE, as required by local, state or federal laws or Executive Orders, while they are working in the Library and adhere to CDC-recommended guidelines regarding use of PPE.
- Employees may provide their own PPE if they desire and if it is in compliance with all local, state, or federal laws or Executive Orders and CDC and OSHA regulations.

- Failure of employees to comply with PPE protocol may result in disciplinary action by the Tivoli Free Library.

## **HEALTH SCREENING**

If required by local, state or federal laws or Executive Orders, mandatory, continuous health screening practices will be implemented for all employees.

## **EXPOSURE TO COMMUNICABLE DISEASE**

### **Notification of Exposure and Contact Tracing**

In the event an employee is exposed to a known case of the communicable disease that is the subject of the public health emergency, exhibits symptoms of such disease, or tests positive for such disease, the following procedures will be immediately implemented:

#### Responsibilities of the Employee

- If the employee is not at the library, they will not report to the library, notify the Director immediately, and contact their health provider.
- If the employee is already at work, they will notify the Director, leave the premises immediately, and contact their health provider.
- Employee will inform Director which other staff members they were in close contact with; and which other staff members were potentially exposed to the communicable disease.

#### Responsibilities of the Tivoli Free Library

- The Director will notify both local and state health departments and will follow guidance specific to workplaces with a suspected or positive case.
- The Director, with assistance from the employee, will determine which areas of the library are now considered “contaminated” and need to be immediately disinfected and/or closed. This may result in closing the entire library if deemed necessary.
- The Director will adhere to local and state guidance regarding Contact Tracing which may include reporting or contacting other employees, contractors, visitors, and patrons who voluntarily supplied their information for the purpose of Contact Tracing who may have been in close contact with the employee suspected or confirmed to have the communicable disease.
- The Director will keep the health status of employees confidential.

## **Cleaning Contaminated Areas**

#### Responsibilities of the Tivoli Free Library

- Contaminated areas will immediately be closed off and quarantined for a length of time determined by local or state health departments.
- Fans/air conditioners will be temporarily turned off so that particles will not circulate throughout the facility.
- After the determined length of time, the area(s) used by the employee will be cleaned, vacuumed, and disinfected including bathrooms, common areas, shared electronic equipment (computers, tablets, keyboards), and other office supplies.
- The area(s) will be cleaned by library staff or other contracted cleaning company using cleaning supplies/disinfectants recommended by state and federal health authorities. All persons performing cleaning will wear appropriate PPE.
- Once the area(s) has (have) been appropriately disinfected, it (they) can be opened for use.

- The library will continue routine cleaning and disinfecting and logging these activities as recommended.

## **Returning to Work After Exposure or Illness**

### Responsibilities of the Employee

- If an employee is exposed to the communicable disease or exhibits symptoms of the communicable disease, they must follow all local and state health department directives which may include being tested for that communicable disease and/or quarantining for a specified amount of time at home.
- If an employee has a suspected or confirmed case, they must not report back to work until they have met all of the following criteria in consultation with a healthcare provider and in accordance with local, state, and/or federal criteria specific to the communicable disease.
- All other employees will be provided instructions for returning to work dependent on the determination of risk of exposure by the local or state health department during Contact Tracing.
- Reporting to work following a known-exposure to the communicable disease, having symptoms consistent with the communicable disease, or following a positive test without being medically cleared to return to work will be considered a violation of library policy and may result in disciplinary action.

### Responsibilities of the Tivoli Free Library

- The Tivoli Free Library will not take any retaliatory action for employees who do not report to work due to a suspected or confirmed case of the communicable disease. Employees must follow the established protocols outlined in the Personnel Policy for reporting an absence.

## **EMPLOYEE COMPENSATION**

The Tivoli Free Library will adhere to all local, state, or federal laws or Executive Orders regarding sick leave or expanded family and medical leave for specified reasons related to this communicable disease.

## **CONTINUATION OF OPERATIONS**

In the event of a declared public health emergency involving a communicable disease, the Director will address operations according to the following outline. Some circumstances may require deviation from this sequence in order to best serve the safety and health of the library staff and community.

- Assess the emergency declaration as it relates to the library's facilities, materials, staff, or community.
- Notify the appropriate persons including employees and the Board of Trustees.
- Determine next steps, with the information available, regarding
  - Services or service points;
  - Hours of operation;
  - Personnel.
- Draft a statement to the public to be published on the library website and social media platforms.
- Document in detail the sequence or timeline of events before, during, and after the declared public health emergency.
- Prepare for recovery.

**POLICY DISCLOSURE**

Once approved by the Board of Trustees, copies of this Public Health Emergency Response Plan will be available at the Tivoli Free Library and posted on the library’s website. A copy will be provided to all employees.

**PLAN EVALUATION**

This Public Health Emergency Response Plan was created with the health and safety of the library’s employees and community as the top priority, and will be evaluated annually by the Director and Board of Trustees and updated as needed.

Questions or concerns regarding Tivoli Free Library’s Public Health Emergency Response Plan should be directed to the Director.

*ADOPTED by the Tivoli Free Library Board of Trustees 02/16/2021*

## COVID-19 Vaccination Policy

### **Policy**

All employees must be fully vaccinated, including any booster shots as applicable and recommended by health authorities, by February 15, 2022.

The Tivoli Free Library has adopted this policy to safeguard the health and well-being of employees and their families, our patrons and their families, and our community from conditions that may be mitigated through an effective vaccination program. This policy is intended to comply with all state and local laws and is based on guidance from the Centers for Disease Control and Prevention and public health authorities, as applicable.

### **Proof of vaccination**

In order to establish that they have received a vaccination, employees must present written proof of up-to-date COVID-19 immunization. Newly hired staff are required to furnish proof of full vaccination within 30 days of their hire date. An official HHS/DOH vaccination card, letter from physician, and New York State's Excelsior Pass will be accepted as proof of vaccination. A copy of this record will be retained by the Director and kept in a confidential file. If the employee refuses to provide such evidence of immunization, he/she shall not be permitted to work, and may face disciplinary consequences.

### **Exemptions**

An employee requesting an exemption from getting the COVID-19 vaccine may request such an exemption from the Library Director, and the Library Director may request an exemption from getting the COVID-19 vaccine from the Library Board of Directors, for one of the following reasons:

#### *Disability*

The Library may provide an exemption, absent undue hardship, to qualified individuals with disabilities and medical conditions that enable them to perform their job duties (documentation from their physician would be required).

#### *Medical Reasons*

The Library may provide an exemption for medical reasons, which will be made on a case-by-case basis for conditions such as pregnancy, nursing, history of certain allergic reactions, and other medical conditions that are contraindicative to the COVID-19 vaccine even if they do not qualify as a disability under federal, state or local law (documentation from their physician may be necessary).

#### *Religious Beliefs*

The Library may provide an exemption, absent undue hardship, to employees with religious beliefs, observances, or practices that conflict with getting vaccinated.

### **Modifications to this policy**

Due to government and public health guidelines and restrictions regarding COVID-19 and its vaccines can change rapidly as new information becomes available, modifications to this policy may be implemented at any time.

*Approved by the Board of Trustees on December 21, 2021.*

*Revised and approved by the Board of Trustees on July 19, 2022.*

*Revised and approved by the Board of Trustees on September 20, 2022.*



## **Child Abuse, Neglect and Molestation Prevention Policy**

The Tivoli Free Library has a zero-tolerance policy towards neglect, abuse or molestation of children to occur in the Library or at any activity sponsored by the Library. We have adopted mandatory procedures that all employees, volunteers and board members must follow when they learn of—or witness—abuse, neglect, or molestation of children.

The Library prohibits neglect, abuse or molestation of any child by an employee, volunteer or board member. Any violation of this policy will result in the Library taking immediate and appropriate actions against the abuser(s).

Tivoli Free Library staff may encounter situations during the course of their daily work where they suspect that a child is being abused, molested or neglected, or where staff witness such behavior. Although Library staff are not considered to be mandated reporters as defined in the Child Protective Services Act of 1973, the Library requires staff to report suspected child abuse, molestation or neglect as long as they have an objectively reasonable cause for such suspicions.

### **Indications of Abuse**

Indicators of physical abuse include the following:

- Injuries to the eyes or both sides of the head or body (accidental injuries typically affect only one side of the body),
- Frequently appearing injuries such as bruises, cuts, and burns, especially if the child is unable to provide an adequate explanation of the cause. These may appear in distinctive patterns such as grab marks, human bite marks, cigarette burns or impressions of other instruments,
- Destructive, aggressive or disruptive behavior,
- Passive, withdrawn or emotionless behavior,
- Fear of going home or fear of parent(s).

Indicators of sexual abuse include the following:

- Symptoms of sexually transmitted diseases,
- Injury to genital area,
- Difficulty and/or pain when sitting or walking,
- Sexually suggestive, inappropriate or promiscuous behavior or verbalization,
- Expressing age-inappropriate knowledge of sexual relations,
- Sexual victimization of other children.

Indicators of maltreatment can include the following:

- Obvious malnourishment, listlessness or fatigue,
- Stealing or begging for food,
- Lack of personal care—poor personal hygiene, torn and/or dirty clothes,
- Untreated need for glasses, dental care or other medical attention,
- Frequent absence from or tardiness to school,
- Child inappropriately left unattended or without supervision.

## **Reporting Procedure**

All Library staff members who learn of abuse, neglect or molestation will complete the Library's Incident Report Form and submit it for immediate review by the Library Director, unless the Director is suspect, in which case the incident will be reported to the Board President. Information on the Incident Report Form should include as much of the following as possible:

- Name, phone number, address of child,
- Parent or caregiver name, phone and address,
- Nature and extent of child's injuries, maltreatment or neglect
- Approximate date and time injuries, maltreatment or neglect occurred,
- The circumstances in which the injuries, maltreatment or neglect came to be known to the employee (including date, time, and location),
- The individuals alleged to have been involved in the incident,
- Any other relevant, factual information.

## **Investigation and Follow-Up**

The Tivoli Free Library takes allegations of neglect, abuse and molestation very seriously. Any reported allegations will be promptly investigated to determine whether the allegations need to be referred to local Child Protective Services authorities. We will cooperate fully with any investigation conducted by law enforcement or Child Protective Services. The Library will endeavor to keep the identities of the alleged victims and subjects of investigation confidential to the fullest extent possible.

If any member of the Library staff is involved in allegations of neglect, abuse or molestation, the Library reserves the right to place the subject on an involuntary leave of absence or reassign that person to responsibilities that do not involve personal contact with children. Disciplinary penalties upon substantiation of allegations against Library Staff may result in termination of employment.

## **Retaliation**

The Tivoli Free Library prohibits retaliation against employees, volunteers, and board members who in good faith report, allege, or participate in an investigation of abuse, neglect or molestation. Intentionally false or malicious accusations are prohibited.

Anyone who improperly retaliates against someone who has made a good faith allegation of abuse, or intentionally provides false information to that effect, will be subject to discipline, up to and including termination.

*Adopted by the Board of Trustees 09/21 /2021.*

## **Conflict of Interest Policy**

The purpose of this policy is to prevent the personal interests of its Trustees, employees and volunteers from interfering with the performance of their duties to the Tivoli Free Library.

### Conflict of Interest

Conflict of Interest means a conflict, or the appearance of a conflict, between the private interests and official responsibilities of an interested person in a position of trust. An Interested Person is any director principal, officer, member of a committee, staff member or volunteer with board delegated powers. Full disclosure, by notice in writing, shall be made by the interested parties to the full Board of Trustees in all conflicts of interest, including, but not limited to:

- An ownership or investment interest in any entity with which the Tivoli Free Library has a transaction or arrangement;
- A compensation arrangement with the Tivoli Free Library or with any entity or individual with which the Tivoli Free Library has a transaction or arrangement;
- A potential ownership or investment interest in, or compensation arrangement with, any entity or individual with which the Tivoli Free Library is negotiating a transaction or arrangement;
- A board member related to another board member or staff member by blood, marriage or domestic partnership;
- A staff member in a supervisory capacity related to another staff member whom they supervise.

### Duty to Disclose

If any Trustee, employee or volunteer, or any member of their family, has or reasonably expects to have interests or affiliations which could be construed as creating a conflict or the appearance of a conflict with the interests of the Library, they shall promptly inform the President of the Board and recuse themselves from any related discussion or decision. If the recusal happens during a meeting the individual shall leave the room and the conflict and recusal shall be recorded in the minutes with the exception of executive sessions.

However, if the board disagrees with the recusal, a further evaluation will be conducted, as outlined below.

### Evaluation of Potential Conflict of Interest

The Board President shall inform the board of the potential conflict. The board shall review the information relating to any potential conflict of interest and shall take one of the following actions as they deem appropriate:

- Finding that no conflict or potential conflict exists;
- Finding that a conflict or potential conflict exists, the board shall require the individual to recuse themselves; or
- If the board is not able to reach a decision, referring the actual or potential conflict of interest to the Mid-Hudson Library System for guidance and consideration.

In the event that the President has a conflict or perceived conflict the Vice President will fulfill the role of investigating a ruling on the conflict. In all cases the decision and/or recommendation shall be recorded in the minutes.

#### Undisclosed Conflict of Interest

In the instance that an individual fails to report a potential conflict of interest, it the responsibility of the Trustees, employees and volunteers to bring this potential conflict to the attention of the Library Director or the Board President. The Library Director or Board President will follow the evaluation procedure at that time.

#### Annual Statements

When beginning a formal association with the Library and annually thereafter, each Trustee, employee and volunteer shall sign a statement that affirms such person:

- Has received a copy of the Conflict of Interest Policy;
- Has read and understands the Policy;
- Has agreed to comply with the Policy;
- Understands that the Library is a non-profit organization and in order to maintain its federal tax exemption status it must engage primarily in activities which accomplish one or more of its tax exempt purposes.

*Adopted by the Tivoli Free Library Board of Trustees on September 19, 2023.*