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# SOUTH MISSISSIPPI REGIONAL LIBRARY

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Policy & Procedure Manual B

**Personnel Manual**

REVISED & ADOPTED

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## Contents

<b>Section 1B: INTRODUCTION</b> .....	3
1.1 Introduction.....	3
1.2 Employment At-Will Statement.....	4
<b>Section 2B: EMPLOYMENT POLICIES</b> .....	4
2.1 Equal Employment Opportunity.....	4
2.2 Americans with Disabilities Act Accommodation Requirements.....	4
2.3 Age Discrimination Employment Act (ADEA).....	6
2.4 Religion—Accommodation Requirements.....	6
2.5 Immigration Reform and Control Act (IRCA).....	6
<b>Section 3B: APPLICATION POLICIES AND JOB DESCRIPTIONS</b> ...	7
3.1 Recruitment and Application.....	7
A. Announcement of Vacancies.....	6
B. Area of Recruitment.....	6
C. Review of Applications.....	7
D. Selection for Interview.....	7
E. References and Qualifications.....	7
F. Notification.....	7
3.2 Promotions and Transfers.....	8
3.3 Classification of Positions.....	8
3.4 Probationary Periods.....	10
3.5 Performance Appraisal.....	12
<b>Section 4B: RULES AND REGULATIONS FOR EMPLOYEES</b> .....	12
4.1 Grooming and Dress.....	12
4.2 Tobacco Use.....	13
4.3 Drug/Alcohol Use:.....	13
4.4 Tardiness and Excessive Absenteeism:.....	13
4.5 Telephone Use.....	14
A. System Phones.....	13
B. Cellular Phones.....	14
4.6 Personal and Recreational Activities.....	14
4.7 Nepotism Prohibited.....	15
4.8 Prohibited Activities.....	16

4.9 Conflict of Interest and Integrity .....	166
4.10 Political Activities.....	17
<b>Section 5B: GRIEVANCE AND HARASSMENT</b> .....	17
5.1 Chain of Command.....	17
5.2 Grievance .....	17
5.3 Grievance Definition.....	18
5.4 Grievance Procedures .....	188
5.5 Final Provision.....	18
5.6 Harassment.....	19
5.7 Harassment Complaint Procedures.....	18
<b>Section 6B: DISMISSAL AND RIGHT OF APPEAL</b> .....	20
6.1 Causes for Dismissal.....	20
6.2 Disciplinary Action.....	20
6.3 Removal Of Staff.....	21
6.4 Notice To Employee/Opportunity For Hearing.....	21
<b>Section 7B: LAYOFFS AND REDUCED HOURS</b> .....	22
7.1 Order of Layoffs .....	23
7.2 Reduction of Hours.....	23
7.3 Displacing to Another Position .....	23
7.4 Notice of Layoff.....	23
<b>Section 8B: PAYMENT OF SALARY AND BENEFITS</b> .....	23
8.1 Schedule of Salary Payments.....	24
8.2 Payment of Salaries in the Absence of the Library Director .....	24
8.3 Payroll Records.....	24
8.4 Benefits .....	24
A. Retirement System.....	24
B. Insurance: .....	25
C. Social Security .....	26
D. Deferred Compensation.....	26
E. Workmen’s Compensation: .....	27
<b>Section 9B: EARNED LEAVE</b> .....	27
9.1 Personal Leave.....	27
9.2 Sick Leave.....	30
9.3 Donation of Leave Time.....	31

9.4 Holidays .....	34
9.5 Flex Time.....	35
<b>Section 10B: OTHER LEAVE</b> .....	35
10.1 Jury Duty/Court Witness: .....	35
10.2 Administrative Leave:.....	35
10.3 Leave without Pay: .....	36
10.4 Compensatory Leave .....	37
10.5 Family Medical Leave Act .....	38
10.6 Military Entitlement.....	40
10.7 Military Duty .....	41
<b>Section 11B: MISCELLANEOUS REGULATIONS</b> .....	42
11.1 Breaks .....	42
11.2 Training Policy .....	42
11.3 Travel Policy.....	42
11.4 SMRL Employees Social Media Policy .....	433

## **Section 1B: Introduction**

### **1.1 Introduction**

This policy provides information concerning the policies and governance of the South Mississippi Library System (SMRL). It also contains information and guidelines with respect to the rights, duties and responsibilities of employees. It includes a summary of rules, responsibilities and benefits all of which are subject to change. This Personnel Policy is not a contract and should not in any way, form or fashion be considered a contract.

It is impossible to anticipate every situation that may occur or every policy question that may arise. SMRL reserves the right in its sole and absolute discretion to revise, supplement, interpret, or rescind any portion of this Personnel Policy as deemed appropriate.

Each new employee shall be provided with access to this policy and shall sign a **Policy Acknowledgement Signature Form** (*see Appendix B*) indicating that they understand the library policy and agree to abide by library policy. Additionally, when the Administrative Board of Trustees adopts new policies or makes policy changes, all employees shall be provided with access to the new policy and shall sign a **Policy Revision**

**Acknowledgement Form** (*see Appendix B*) acknowledging the new/changed policy. A copy of this signed form will be maintained in the employee's personnel file.

### **1.2 Employee At-Will Statement**

All employees of South Mississippi Library System are employed at the South Mississippi Library System's will and are subject to termination at any time, for any reason, with or without cause or notice. All employees of SMRL may also terminate their employment at any time for any reason.

SMRL's at-will employment statement may not be modified by any statements contained in this Personnel Policy or any other employee manuals, handbooks, employment applications or other materials provided to applicants or employees in relation to their employment. None of these documents, whether alone or combined, may be construed to create either an implied contract of employment for a definite period, or an expressed or implied contract concerning any terms or conditions of employment. Furthermore, SMRLs policies and practices with respect to any matter are not to be considered as creating any contractual obligation on SMRLs part or stating in any way that termination of employment will occur only "for cause." Statements of specific grounds for termination are set forth in this policy and any other documents are guidelines and examples only, and not all-inclusive lists, and are not intended to restrict SMRLs right to terminate an employee at will.

## **Section 2B: Employment Policies**

### **2.1 Equal Employment Opportunity**

Equal employment opportunity will be assured in the personnel system and affirmative action provided in its administration. Discrimination against any person in recruitment, examination, appointment, training, promotion, retention, discipline, or any other aspect of personnel administration because of political or religious opinions or affiliation; or because of race, national origin, or other non-merit factors is prohibited. Discrimination on the basis of age, sex, or physical disability is prohibited.

### **2.2 Americans with Disabilities Act Accommodation Requirements**

SMRL will not discriminate against qualified individuals with disabilities in job application procedures, hiring, firing, advancement, compensation, job

training, and other terms, conditions and privileges of employment. A qualified employee or applicant with a disability is an individual who, with or without reasonable accommodation, can perform the essential functions of the job in question.

An individual with a disability is a person who:

- has a physical or mental impairment that substantially limits one or more major life activities;
- has a record of such an impairment; or
- is regarded as having such an impairment.

SMRL will make a reasonable accommodation for the known disability of a qualified applicant or employee if it does not impose an undue hardship on the legitimate administration of the Library.<sup>1</sup>

Applicants will not be asked about the existence, nature, or severity of a disability. Applicants will be asked about their ability to perform specific jobs. All requests for accommodations and steps to evaluate such requests will be documented by the Library Director.

SMRL strictly prohibits retaliation against any employee or applicant exercising rights granted by the ADA. Also, any coercion, intimidation, threats, harassment or interference in the exercise of any employee or applicant's rights granted under the ADA, or of the encouragement of someone else's exercise of rights granted by the ADA, is strictly prohibited.

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<sup>1</sup> “Undue hardship is defined as an action requiring significant difficulty or expense when considered in light of factors such as an employer's size, financial resources, and the nature and structure of its operation. An employer is not required to lower quality or production standards to make an accommodation; nor is an employer obligated to provide personal use items such as glasses or hearing aids.... Employees and applicants currently engaged in the illegal use of drugs are not protected by this policy nor by the Americans with Disabilities Act.” For more detail and updates, see U.S. Equal Employment Opportunity Commission’s description of disability discrimination at <http://www.eeoc.gov/laws/types/disability.cfm>.

### **2.3 Age Discrimination Employment Act (ADEA)**

SMRL does not discriminate on the basis of age and protects applicants and employees forty (40) years of age and older from discrimination on the basis of age in hiring, promotion, discharge, compensation, or terms, conditions or privileges of employment. The ADEA is enforced by the Equal Employment Opportunity Commission (EEOC).

### **2.4 Religion—Accommodation Requirements**

SMRL does not discriminate on the basis of religion when hiring, terminating, or setting conditions of employment. SMRL treats employees and job applicants equally, without regard to religious beliefs and practices, except to the extent a religious accommodation is warranted. SMRL will reasonably accommodate an employee's sincerely held religious practices unless doing so would impose an undue hardship on the legitimate administration of SMRL. A reasonable religious accommodation is any adjustment to the work environment that will allow the employee to practice his/her religion. An undue hardship is defined as requiring more than ordinary administrative costs, diminishing efficiency in other jobs, infringing on other employees' job rights or benefits, impairing workplace safety, or causing co-workers to carry an undue share of potentially hazardous or burdensome work. Legally, SMRL may not provide an accommodation if such conflicts with another law or regulation. *Religious expression in the workplace is permitted, unless such imposes or would impose an undue hardship on the Library.*

### **2.5 Immigration Reform and Control Act (IRCA)**

SMRL only hires persons who are legally authorized to work in the United States. IRCA requires employers to verify the employment eligibility of all new employees. Employees must complete an I-9 form within three (3) days of starting to work. This form is used to verify identity and authorization to work.

## Section 3B: Application Policies and Job Descriptions

### 3.1 Recruitment and Application

- A. **Announcement of Vacancies**—when a position becomes vacant, the Library Director will advertise the vacancy at all three branches, at the WIN Job Center, on social media, and on the SMRL Website. Professional positions may also be advertised on the Mississippi Library Commission website and other professional media. Each announcement will state the duties, the salary (or salary range) if determined, the minimum qualifications for competitors, the place and date to file applications, and the ending date that applications will be accepted. Other criteria may be stated as necessary. If the position has been filled and then vacated within 120 days, the Library Director and the Administrative Board may decide to offer the position to another applicant who applied for the position without seeking new applications.
- B. **Area of Recruitment**—it is recognized that it is advantageous to the system to employ persons from the area served by the respective branches. For professional positions, this will not be a consideration. For the position of Library Director, applications may be considered from any area, state, or even country.
- C. **Review of Applications**—at the close of the application period, all nonprofessional applications will be reviewed by the Library Director and the employee who will have direct supervision of the new employee. For nonprofessional positions, it is not required that an Administrative Board review the applications. However, if a Board member desires to help select applicants for interviews, the Board member may do so.

For paraprofessionals and professionals, at least one Administrative Board of Trustee member will assist the Library Director in selecting applicants for interviews.

For the position of Library Director, the Administrative Board of Trustees will screen written applications. Qualified applicants will be invited for an interview by the entire Administrative Board .

Every effort will be made to reach a consensus. Should this not be possible, the majority vote prevails.

- D. **Selection for Interview**—Applicants will be selected for interviews. The applicants will be contacted by the Library Director and a date and time will be set for the interview. The same criteria used for the review of the applications shall apply for interviewing selected applicants.
- E. **References and Qualifications**—documentation verification may be requested during or after the interview process.
- F. **Notification**—once an applicant is chosen and approved by the Administrative Board of Trustees, he or she will be notified by phone and by letter. Due to the frequently large number of applications, SMRL reserves the right to only send letters of the results to those chosen for interview.

### **3.2 Promotions and Transfers**

When vacancies occur, it is SMRL's policy to evaluate staff members for possible promotion or transfer. However, SMRL is also free to seek candidates from other sources in an effort to ensure that the vacancy is filled by the best qualified person available. Request for promotion or transfer should be submitted in writing to the Library Director.

Promotions are based upon evidence of satisfactory performance, promise of future development, and educational, technical and personal qualifications. Staff members who obtain higher degrees are not automatically guaranteed promotion or salary increases. Length of service, unaccompanied by efficiency and interest in work is a reason against, rather than in favor of, promotion. Seniority is a determining factor only when two or more candidates have equal qualifications. Promotions are provisional with a probationary period of 13 weeks that may be extended for an additional 13 weeks.

Transfers are changes in assignment in which the job level and salary rate remain the same. Transfers are made for the good of library service and the development of staff member potential.

### **3.3 Classification of Positions**

**This is the current status of positions at SMRL. These positions may change and fluctuate as demand changes. Duties for any**

**position may change at the direction of the Library Director to ensure the operation of SMRL is smooth and continuous. Although every effort will be made to keep staff in their usual location, job assignments may be made to any position or branch as necessity dictates.**

- 1. Library Director**—The Library Director shares joint responsibility with the South Mississippi Administrative Board of Trustees to ensure conformity and enforcement of the provisions of this policy. The Library Director must possess or be in the process of obtaining a master's degree of Library and Information Science (MLIS) degree from a college or university accredited by the American Library Association. SMRL will follow the Mississippi Code of 1972 and the standards of the Mississippi Library Commission in selection of a Library Director.
- 2. Library Supervisor**—Under general supervision of the Director, the Library Supervisor is the administrator of the Prentiss and Bassfield branch libraries; all other personnel working at those branches report directly to that Supervisor.
- 3. Branch Manager**— Under general supervision of the Director, the Branch Manager is the administrator of the branch library; all other personnel working at that branch report directly to that Manager.
- 4. Technical Services Librarian**— The Technical Services Librarian is responsible cataloging all library materials, upkeep of the automation system, Inter-Library Loan services, and processing and repairing of materials. The Technical Services Librarian reports directly to the Library Director.
- 5. Technology Specialist— (Filled as Needed)** The Technology Specialist position is a part-time position, but may be held by a full-time employee working in another capacity or by a contracted, as needed, service or individual. The Technology Specialist is responsible for maintaining all computer equipment, other technology equipment, and the website for the entire library system, as well as planning and coordinating all technology training. This position reports directly to the Library Director.
- 6. Bookkeeper**— The Bookkeeper works directly under the Library Director. This position requires a high school diploma and training in QuickBooks, general bookkeeping, payroll and taxes, and business communications. This position oversees payroll, taxes, bills, the filing of invoices and financial records, maintaining all

personnel records, purchasing supplies, and numerous other tasks. Because of the privacy and sensitivity of the information this position affords, the employee is duty bound to keep information confidential and should only discuss this information with the Library Director or with the Administrative Board of Trustees.

- 7. Circulation Supervisor— (Filled as Needed)** The Circulation Supervisor is responsible for overseeing the day-to-day operations of Circulation Services. The Circulation Supervisor reports directly to the Branch Manager or Library Supervisor.
- 8. Youth Services Librarian—** The Youth Services Librarian serves as a library representative to children, families, and youth-focused community organizations, including schools. The Youth Services Librarian is responsible for facilitating services and programs to children, parents, teachers, and childcare providers in a variety of settings. The Youth Services Librarian reports to the Branch Manager or Library Supervisor.
- 9. Circulation Clerk—**Circulation Clerks primarily circulate materials, take applications for cards, register patrons for library cards, help patrons on computers, send and receive faxes, and take money for fines and fees. They also may look up information to a reference question or refer reference questions, oversee ILL requests, and check in magazines and journals. Other duties may be assigned as needed. The Circulation Clerk reports directly to the Circulation Supervisor, Branch Manager, or Library Supervisor.
- 10. Library Page— (Filled as Needed)** Under general supervision of the Circulation Supervisor, Branch Manager, or Library Supervisor, the Library Page chiefly sorts and shelves library materials; performs routine manual and clerical duties; and does related work as required.
- 11. Senior Aides and Volunteers—**these workers are not employed by SMRL; however, all applicable policies and procedures contained in this Policy and Procedure Manual shall be adhered to by them.

### **3.4 Probationary Periods**

New employees, regardless of salary or position, serve a probationary period of 13 weeks beginning with the first day of employment. This period is used by the Library administration to determine the probationary employee's

capabilities, job performance, and compatibility with staff and SMRL. During this period, new staff members will be trained for effective performance on the job.

An employee moving into a new position will also be probationary in the new position. Each new staff member and each staff member in a new position is appraised by the immediate supervisor after the initial 13 weeks. The appraisal of strengths and weaknesses on the performance of the job is discussed by the staff member and the supervisor. The probationary employee should work to correct any deficiencies prior to the next appraisal. Probationary periods may be extended for an additional 13 weeks upon written notification to the Administrative Board of Trustees by the Library Director. A copy of this extension will be given to the employee. The employee will be reevaluated at the end of the second 13 weeks.

A probationary new employee whose performance, attitude or personal philosophy of public service does not meet the standards, requirements and philosophy of service of South Mississippi Regional System may be dismissed at any time during the probationary period without right of appeal or hearing.

Termination may be initiated by either party during the probationary period for any reason or for no reason without right of appeal, but the privilege of appeal may be requested of the Administrative Board of Trustees. The Board is under no obligation to grant the appeal. A statement in writing by the Library Director stating the reasons for not according permanent status will be given to the employee.

Probationary employees are eligible to receive all employee benefits as set forth in these personnel policies during the probationary period. However, during the probationary period the employee will not be eligible for the same raises as permanent employees.

After the completion of the probationary period, the employment (but not necessarily the job assignment) of the staff member is considered to be a permanent employee as long as performance evaluations are satisfactory and as long as funding permits.

A Library Director discharged during a probationary period has no right of appeal.

### **3.5 Performance Appraisal**

Formal staff evaluations will be done at the end of the probationary period(s), and then every 12 months. These formal evaluations will be the responsibility of the immediate supervisor and the Library Director. The staff member and the immediate supervisor and/or Library Director will discuss the appraisal and the staff member will be given an opportunity to ask questions or make comments, after which the appraisal will be signed by the staff member and the immediate supervisor and/or Library Director. The appraisal will be placed in the staff member's personnel file. Appraisals may be seen upon request at any time by the person rated or by administrative personnel. Personnel appraisals are confidential and are not to be discussed with other employees. Each staff member shall be furnished with a copy of their performance appraisal.

The evaluation of the Library Director is the sole responsibility of the Library Board of Trustees.

## **Section 4B: Rules and Regulations for Employees**

### **4.1 Grooming and Dress**

The dress and manner of the staff contributes directly to the overall image the library projects to the community. All paid staff and volunteers are, therefore, expected to dress and conduct themselves at all times in a way suitable to the position and to the work to be performed.

- **Employees are expected to dress in business casual clothes.**
- **Employees must always present a clean, professional appearance. Everyone is expected to be well-groomed and wear clean clothing, free of holes, tears, or other signs of wear.**
- **Clothing with offensive or inappropriate designs are not allowed. This includes political buttons or slogans.**
- **Clothing should not be revealing. Clothes such as shorts, crop tops, tank tops, and clothes made of see-through materials or clothes that expose areas of the body that are usually covered are considered revealing.**
- **Clothing and grooming styles dictated by religion or ethnicity are exempt.**

Managers or supervisors are expected to inform employees when they are violating the dress code policy. Employees in violation are expected to immediately correct the issue. This may include having to leave work to change clothes. Repeated violations may result in disciplinary action being taken.

#### **4.2 Tobacco Use**

Smoking is forbidden in any SMRL building or at any patron entrance. Smoking during legitimate break time is permitted in the parking lot or at a designated smoking area. All other tobacco use, such as chewing tobacco or dipping snuff, is forbidden to employees on duty.

#### **4.3 Drug/Alcohol Use**

SMRL is committed to providing a drug free workplace. SMRL encourages employees, senior aides, and volunteers to voluntarily seek help with drug and alcohol problems. It is a violation of the SMRL's drug-free workplace policy to use or possess alcohol or unlawful controlled substances while on the job or on the library's premises. It is a violation to report to work under the influence of, or to have ability impaired by, alcohol or drugs. Penalties include disciplinary action, up to termination, and criminal prosecution. Legally prescribed drugs should only be taken as prescribed by the prescribing physician for a specific illness or medical condition and should not impair the employee's ability to perform his or her job.

#### **4.4 Tardiness and Excessive Absenteeism**

Employees are expected to report to work and leave work at the time designated for their schedules. This includes time taken for breaks and lunches. Employees who cannot report for work due to illness or emergencies should contact their supervisor or the Library Director and report their absenteeism by no later than **7:30 a.m. on the day of their absence.** Frequent or habitual tardiness or absence is unfair to other employees and may be grounds for dismissal. Sick leave is permitted without a doctor or clinic excuse for the first three days. Please refer to the sections on *Personal Leave* and *Sick Leave* contained in this policy for further clarification.

**Employees who do not show up for work and have not called in or had someone call to report a reason why they cannot be at work within 30**

**hours will be assumed to have left employment with SMRL and may be terminated without any other reasons.**

#### **4.5 Telephone Use**

*The purpose of this telephone use policy is to create consistency in workplace operations, minimize distractions to allow for normal workflow to continue, and communicate safe practices.*

##### **A. System Phones**

System phones are intended to support library business communications. Personal calls on system phones are permitted, but should be for important reasons, kept at a minimum, and brief. Whenever possible, staff and volunteers should use personal cell phones for personal communication.

##### **B. Cellular Phones**

Many employees use their cell phones for work related tasks—to store contacts, take photographs that help them with business-related tasks, perform work-related research, keep calendars, use apps that enhance productivity, and text with colleagues and business contemporaries. This use of cellular devices for work should be conducted in a manner that does not interrupt patron services or cause a distraction for fellow staff and patrons.

Personal calls made on cellular phones should be made away from colleagues and patrons to limit distractions.

Any staff operating a library vehicle shall be prohibited from:

- Texting while driving
- Answering phone calls while driving

If staff receive phone calls or texts while driving, they should pull over before answering.

#### **4.6 Personal and Recreational Activities**

Computer equipment, software, and Internet access are provided to staff to further the service programs of the library. During work hours, use of any

SMRL computers or software, including electronic mail and access to the Internet, is intended to support business and work-related use. Personal use of computer hardware, software, networks, e-mail, and Internet access should be brief, kept to a minimum, and should never interrupt patron services. Abusing these privileges is an infraction of the rules of behavior and shall be dealt with as such.

Acceptable use of computer equipment, software, and Internet access include, but are not limited to:

- Monitoring work email accounts
- Reading and online searches to support collection development, programming, and services
- Continuing education endeavors
- Upkeep of the library website and social media platforms
- Virtual programming and meetings

Recreational reading is permitted only on breaks, lunch hours, and non-work time.

#### **4.7 Nepotism Prohibited**

Nepotism is prohibited by Mississippi state law, Mississippi Code of 1972, Annotated, § 25-1-53. It is unlawful for any public official or trustee to appoint or employ any person who is paid with public funds, if that person is related to the public official or trustee by blood or marriage within the third degree as computed by civil law. Nepotism does not apply to any employee who has been with the library or library system prior to the time his/her kinsman, within the third degree, becomes director of the public library system or a member of either an Administrative Board of Trustees or an Advisory Board of Trustees. In Mississippi, the Guide to Civil Law Degrees of Kinship is as follows:

FIRST DEGREE	SECOND DEGREE	THIRD DEGREE
Parents	Brothers	Uncles/Aunts
Spouse	Sisters	Nephews/Nieces
Children	Grandparents/grandchildren	Great-grandparents

It is the policy of South Mississippi Regional that no person who is the wife, husband, father, son, mother, daughter, or in-law will be employed in the

same office or department. This does not apply to substitutes who are replacing an employee on vacation or sick leave.

#### **4.8 Prohibited Activities**

No employee of SMRL shall engage in any employment, activity, or enterprise for compensation which is inconsistent, incompatible, in conflict with, or inimical to such employee's duties as a system employee.

Prohibited activities include, but not limited to, the following:

- A. Represent or counsel for compensation any individual, group of individuals, or organization in legal or administrative actions against SMRL.
- B. Receive or accept compensation or other consideration from anyone other than SMRL for the performance of an act which the employee would or could render during regular working hours as part of such employee's assigned or prescribed duties.
- C. Be involved in employment outside the duties with SMRL which could create a conflict of interest as defined by law.

#### **4.9 Conflict of Interest and Integrity**

SMRL employees are expected and required to:

- maintain the highest standards of honesty, integrity, impartiality and conduct; SMRL staff should not engage in conduct, even if not illegal, that would bring reproach to the library from the community at large.
- avoid any misconduct and/or conflicts of interest;
- be impartial in all decision making and not give unjustified preferences to other staff or patrons.
- avoid using, or appearing to use, their position for personal gain (other than the remuneration received pursuant to employment) or for family members' personal gain;

No act shall be committed by an employee that could result in the questioning of the Library's integrity. SMRL employees are required to comply with all state ethics laws regarding conflicts-of-interest, Mississippi Code of 1972, Annotated, § 25-4-101 et seq. Associations, dealings, relationships or interests that could affect, or reasonably appear to affect, an employee's objectivity in performing his/her job or in making decisions required of his/her position must be avoided. Any potential conflict of

interest or situation that could be reasonably viewed as a conflict of interest must be immediately reported to the immediate supervisor.

Employees are not to engage in any activity in either a private or official capacity where a conflict of interest may reasonably exist. Violations of this policy will result in disciplinary action, up to and including termination.

#### **4.9 Political Activities**

All employees of SMRL are prohibited from engaging in political activities as prescribed for public employees by Mississippi law. Any employee who wishes to seek political office will be required to take a leave of absence without pay, from the time of the announcement until election results are conclusive. Should an employee be elected to political office, that employee may return to the position held until such time as the term of office begins.

Library services must be conducted in an atmosphere free from political influence or coercion. Therefore, employees should not engage in viewing or listening to political speeches, debates, or rhetoric while working. All political discussion and debate should take place on breaks, lunch hours, and non-work time, and should never take place in public service areas of the library.

## **Section 5B: Grievance and Harassment**

### **5.1 Chain of Command**

All positions ultimately answer to the Library Director and /or the Administrative Board of Trustees. Non-professionals should first address concerns to their immediate supervisor. Paraprofessionals and professionals should address concerns to the Library Director. Grievances should follow the procedures below.

### **5.2 Grievance**

- A. Purpose and objective: to assure fair and equitable treatment of all employees and promote harmonious relations among SMRL employees.
- B. Afford employees a means of obtaining consideration of their grievance by informal means at the initial level and at the Library Director's level. Should the Library Director not resolve the

grievance to the employee's satisfaction, the employee may request a hearing with the Administrative Board of Trustees.

### **5.3 Grievance Definition**

- A. A grievance is the subject of a WRITTEN request of complaint that has not been settled informally with a verbal complaint.
- B. It is initiated by an employee arising out of a specific situation, act, or acts complained as being unfair, which results in an inequity or damage to an employee.
- C. It results from an act or an omission by management regarding hours and other conditions of employment over which the immediate supervisor or the Library Director has direct control.

### **5.4 Grievance Procedures**

Any employee who believes that there is a justifiable request or complaint should discuss the request or complaint with the immediate supervisor first. If the complaint is not resolved, the employee should schedule a discussion with the Library Director. The Library Director may resolve the situation by acting on the request or may schedule other discussions with other employees. The Library Director will inform the employee of his/her decision either verbally or in writing, depending on the severity of the grievance. The Library Director should keep a written record of the grievance and its resolution.

If the grievance is not resolved to the employee's satisfaction, the employee may submit a **written request** to the Administrative Board of Trustees for a grievance hearing within three days of the Library Director's decision. The petition must be in writing and must state the specific situation, act, or acts complained of as unfair; the inequity or damage suffered by the employee; and the specific action requested. The Board will take the matter into consideration within five days of receipt of the request. The employee is entitled to representation at any time during the procedure at his or her own expense. The Administrative Board's decision is final. A written report of the Board's decision will be sent to the employee and the Library Director.

### **5.5 Final Provision**

No employee shall be subject to coercion or disciplinary action for discussing a request with an immediate supervisor or the Library Director or in good faith filing a grievance petition with the Board. Appeal to a higher authority

without the proper use of the provisions of this procedure shall constitute insubordination and may be cause for dismissal.

### **5.6 Harassment**

SMRL is committed to a professional workplace, free from adverse working conditions and all forms of harassment. Harassment is defined as unwelcome conduct based on race, color, sex, religion, national origin, disability and/or age, and is strictly prohibited. Harassment includes unwelcome conduct by supervisors or coworkers that is severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile, or abusive.

### **5.7 Harassment Complaint Procedures**

Enduring offensive conduct is never a condition of continued employment. An employee who is unable to resolve the problem or who does not wish to discuss the issue with the offending party should report unwelcome harassing conduct immediately to his/her supervisor or the Library Director. If the immediate supervisor is the alleged source of the harassment, the employee should skip that level of management and report the conduct to the Library Director. The complaint will be immediately investigated, and appropriate corrective action will be taken.

If an employee claims the Director is the source of the harassment, the employee should report the conduct to his/her immediate supervisor or to the Chairman of the Administrative Board of Trustees. The Chairman will take immediate steps to investigate the complaint, independent from the Library Director, and prompt appropriate corrective action will be taken.

In the course of the investigation, the complainant will be requested to submit a written statement describing in detail the alleged harassment and the identity of any individuals that may have relevant information concerning the complaint. A prompt investigation, however, is not contingent on the employee submitting the written statement.

Corrective action will reflect the severity of the conduct. In all circumstances, the Complainant will be informed of the results of any investigation and the action taken.

## **Section 6B: Dismissal and Right of Appeal**

### **6.1 Causes for Dismissal**

Job related causes for dismissal of an employee include, but are not limited to, the following:

- A. Fraud in securing appointment
- B. Unsatisfactory performance
- C. Inexcusable neglect of duty
- D. Insubordination
- E. Dishonesty
- F. Drunkenness on duty
- G. Use of illegal drugs
- H. Inexcusable absence without leave
- I. Discourteous treatment of the public
- J. Discourteous treatment of other staff members
- K. Political activity in violation of federal, state, or local laws or regulations
- L. Misuse of system property
- M. Misappropriation of system funds
- N. Violation of Prohibited Activities enumerated in this policy.

### **6.2 DISCIPLINARY ACTION**

*Revised on November 1, 2022.*

SMRL is committed to ensuring fair treatment of all employees. Disciplinary action shall be applied in steps of increasing severity *whenever practical* in order to stimulate a change in conduct or performance. Examples of possible progressive disciplinary action prior to dismissal of an employee include a suspension without pay and/or a demotion to a position with less responsibility and/or salary. SMRL distinguishes between less serious and more serious actions of misconduct and institutes disciplinary action accordingly. The primary purpose of any disciplinary action is to correct and prevent problems in a timely manner and prepare the offending employee for satisfactory service in the future.

**Corrective Action Meetings** to address unacceptable conduct are conducted by the immediate supervisor and/or the Library Director in a timely manner. The immediate supervisor /Director discusses the specific issues with the employee and direction is given by the immediate supervisor / Director to

the employee concerning the unacceptable conduct. The immediate supervisor / Director also informs the employee of the potential consequences of any future unacceptable conduct. The employee conduct, corrective action, and future consequences must be documented by the immediate supervisor / Director with an ***Employee Disciplinary Action Form (See Appendix B)***. A copy of the form will be provided to the employee, and the original form will be placed in their permanent employment file.

### **6.3 Removal of Staff**

The Library Director is responsible for the orderly and efficient administration of the Library and may employ staff with the approval of the Board of Trustees as described in § 39-3-17 (3) of the *Mississippi Code 1972, Annotated*. The Director also has the authority to remove staff for cause. Unacceptable conduct, poor performance, reorganization plans and/or budget restrictions may be considered as cause to terminate the employment of an employee.

***In the event a determination is made by the Director to remove an employee for cause, written notice of such decision will be given to the employee. When practical, the notice will be hand delivered to the employee, otherwise the notice will be sent certified mail to his/her address on file.***

### **6.4 Notice to Employee/Opportunity for Hearing**

An employee is entitled to a written notice of the reason(s) for the termination and a summary of the factual basis for the decision. In accordance with § 39-3-17 (3) of the *Mississippi Code of 1972, Annotated*, the notice will also inform the terminated employee that he/she may request a hearing before the Administrative Library Board of Trustees to present matters relevant to the reasons given for the termination decision, including any reasons alleged by the employee to be the reason for the action. The terminated employee has up to ten (10) working days from delivery of the termination notice to request a hearing via written notification to the Director. The Director will inform the Chairman of the Administrative Board of Trustees of the request. The Administrative Library Board of Trustees will send a notice of hearing to the terminated employee informing him/her of the date, time and location of the hearing. Prior to the requested hearing, all relevant documentation concerning the termination decision will be provided to the Administrative Board of Trustees. The Director will meet

with the Board in executive session to review the documentation and answer questions.

The requested hearing will be held at least five (5) working days after written notice of hearing date. The Library Administration Board of Trustees and the Library Director will attend the requested hearing with the employee. The hearing will be fair and impartial, and the terminated employee may be represented by counsel at his/her own expense. The Library Director and if possible, attorney for the Board (or County Attorney) shall also be present at the hearing. The hearing shall be informal and administrative in nature. Attorneys will not be permitted to cross examine witnesses and their participation may be limited by the Chairman, in harmony with the informal and administrative nature of the hearing. The terminated employee and/or the employee's attorney will be permitted to present matters relevant to the reasons given for the termination decision, including any reasons alleged by the employee to be the reason for the action.

The Board shall take the matter under advisement at the end of the meeting and will notify all parties in writing of the decision within ten (10) calendar days. The decision of the Administrative Board of Trustees is final. If the terminated employee does not request a hearing before the Administrative Library Board of Trustees, the decision of the Library Director is final.

## **Section 7B: Layoffs and Reduced Hours**

If the funding necessitates, layoffs may include either a reduction in staff and/or a reduction in hours. The Administrative Board of Trustees and the Library Director will work together to ensure a continuation of SMRL's mission to render quality service to its patrons.

The Library Director will first determine which job functions have priority to maintain service to patrons and operation of the library system. Since some positions require training and/or advanced education as a requisite for the position, this will be taken into consideration as a first priority.

### **7.1 Order of Layoffs**

- A. All part-time employees and all probationary employees shall be laid off before any permanent employee is laid off.
- B. With priority given to a position's function in the operation of SMRL and the requirements to hold that position, SMRL will then use seniority as a determining factor in a work force reduction.  
**Seniority shall be measured from an employee's initial appointment to system service and shall include cumulative regular hours worked, whether part-time or fulltime, but shall not include any period during which such employee was on leave without pay or was not employed with SMRL.**

### **7.2 Reduction of Hours**

The same criteria will be used for a reduction in hours, i.e., the position's necessity in SMRL's operation and then the seniority of the employee.

### **7.3 Displacing to Another Position**

An employee affected by layoff may at SMRL's discretion displace an employee with less seniority. A displacement may involve moving an employee into a lower position with less authority and a reduction in salary. SMRL reserves the right to waive seniority when a position displacement would lay off an employee in another branch. Consideration will be given to community goodwill and the travel expenses involved in a displacement to another location.

### **7.4 Notice of Layoff**

Permanent full-time employees shall be notified of a pending layoff thirty (30) days prior to the effective date of the layoff. All other employees may be laid off on forty-eight (48) hour notice.

## **Section 8B: Payment of Salary and Benefits**

Salaries for all positions in the South Mississippi Regional Library System are set by the Administrative Board of Trustees. Salaries are proposed as part of the budget process for each fiscal year, October 1 to September 30. Although the Board may act at any time to amend the budget and allow raises, this is generally not done unless there are extenuating circumstances for it.

### **8.1 Schedule of Salary Payments**

The Library Director is authorized by the Administrative Board of Trustees to pay all salaries every two weeks on a schedule of calendar dates, such dates to be determined on a calendar year basis. Employees must sign in and out on the *Daily Staff Time Sheet*. A personal time sheet is signed and submitted to the bookkeeper by the employee for each two-week pay period.

### **8.2 Payment of Salaries in the Absence of the Library Director**

*Revised by the SMRL Board of Trustees on February 9, 2021.*

In the event that the Library Director of the South Mississippi Regional Library is, for some unforeseen reason, absent from the system for such a period that salaries cannot be paid in a timely manner, **an administrative staff member** shall be authorized to sign payroll checks and all other checks that are necessary for the timely payment of bills. This can only be done after the Administrative Board Chair has been contacted, has approved the action, and co-signed the checks (or another member of the Board with a signature on file with the bank). This authority cannot be enlarged except by action of the Administrative Board of Trustees and may be rescinded at the will of the Board.

### **8.3 Payroll Records**

The Library Director shall maintain or cause to be maintained all records necessary for payroll including Social Security, Medicare, State Retirement, Health Insurance, Life Insurance, and Deferred Compensation.

### **8.4 Benefits**

- A. **Retirement System:** All regular SMRL employees who consistently work 20 hours a week or more are required to become members of the Mississippi Public Employee Retirement System (PERS). SMRL and the employee each pay a percentage of the cost, with SMRL paying the greater percentage. Employees working less than 20 hours a week do not receive the benefit of PERS.

It is the employee's responsibility to notify the Retirement System when he/she desires to make application for retirement. This should be done at least two months before the termination date of employment.

Unused leave for which an employee is not compensated upon termination or retirement shall be transferred and certified by the employee's agency to the Public Employees' Retirement System (PERS) and be counted by PERS as creditable service for the purpose of the retirement system. In computing unused leave for creditable service, twenty-one (21) days of unused leave shall constitute one (1) month of creditable service and in no case shall credit be allowed for any period of unused leave of less than fifteen (15) days. The maximum amount that may be reported to PERS for the payment of accumulated unused leave is **240 hours**, which is the product of 30 days times 8 hours per day as provided in Miss. Code Ann. §25-3-93. In order to receive creditable service for the months of unused leave, the Public Employees' Retirement System (PERS) must receive certification of such leave balances from the governing authority of the employee's agency.

Upon termination of employment, other than retirement, the employee has the option of leaving their money on deposit with the retirement fund or withdrawing such monies. This money is taxable and additional tax penalties may apply. A "Termination Request" is available if withdrawal of monies is desired.

For further information please contact:

Public Employees Retirement System of Mississippi  
429 Mississippi Street  
Jackson, MS 39201-1097  
Phone: (601) 359-3589

**B. Insurance:** All employees who work 20 hours or more a week and participate in PERS are covered by the Mississippi Health Insurance (hereinafter referred to as "the Plan") for state employees.

All new enrolled employees are provided with a Summary Plan Description (hereinafter referred to as "SPD") that describes in more detail the Plan's benefits, eligibility, and how to use the Plan. New SPD's are sent to enrolled employees every year when change occur in the Plan. Also, all enrolled employees receive the Health Plan Update, a newsletter that is distributed throughout the year to give more information about Plan benefits.

All new employees must enroll in the Plan or waive coverage. Enrollment in the Plan is effective on an employee's first day of employment; however, an employee must complete his or her enrollment paperwork with thirty-one days of his or her hire date. Employees may join at a later date, but may be subject to a medical questionnaire and pre-existing conditions may be exempted from coverage.

Depending on the employee's specific employment status, SMRL pays some portion of the health and life insurance premiums for the employee.

Health and Life Insurance Grants are available to all public library systems and independent libraries for library/library system employees who are members of PERS and work no less than 20 hours a week. Funding for the Health and Life Insurance Grant is provided by the Mississippi Legislature through the Mississippi Library Commission's annual appropriation.

The Plan also allows employees to cover their dependents under the Plan by paying 100% of the premiums for their dependents through payroll deductions. Eligible dependents include a lawful spouse, as well as the enrollee's child up to age 26. Dependent children who meet eligibility requirements at the time of enrollment may remain covered regardless of age if permanently physically disabled or mentally disabled, are incapable of self-sustaining employment, and depend on the enrollee for 50% or more of their support. The disabling condition must have occurred prior to the dependent's 26<sup>th</sup> birthday.

Staff members who leave the employment of SMRL may, under certain conditions, convert or continue group insurance under the Consolidated Omnibus Budget Reconciliation Act (COBRA). The employee must apply directly to the health insurance company and assume all costs. Additional information regarding this limited, extended coverage is available from Library Administration.

- C. **Social Security:** Every employee of SMRL is required by law to participate in the Federal Social Security program. Both the employer and the employee contribute an equal percentage of wages to the individual's account, which can be drawn upon at retirement, or with

certain disabilities. Information regarding Social Security can be obtained from the Social Security Office.

**D. Deferred Compensation (optional):** All members of the Mississippi Public Employees Retirement System are eligible for participation in a deferred compensation plan. This plan allows employees to set aside a portion of their salary which will be invested for retirement. Employees interested in Deferred Compensation will be provided materials and a contact number to discuss how to set up an account, guidelines, investment options, tax benefits and restrictions.

**E. Workmen's Compensation:** Staff members, while on duty, are covered by Workmen's Compensation Insurance. The basic purpose of Workmen's Compensation is to provide fixed benefits to employees in the event of job-related illness or injury. Income compensation is based on salary with a maximum benefit set by Workmen's Compensation Insurance.

If an employee is injured, no matter how minor the injury, he/she should report this to his/her supervisor immediately. Reports must be filed with SMRL Administration within 24 hours. It is not necessary that the employee seek medical attention immediately, only that the report be filed in case of later complications. If an employee is receiving Workmen's Compensation, he/she may also request available sick and/or annual leave to cover portions of absence not paid by Workmen's Compensation. Requests for such leave will be granted in accordance with provisions contained in those policies.

## **Section 9B: EARNED LEAVE**

*Adopted 6/22/09 by the Administrative Board of Trustees*

Each month regular employees working at least 20 hours per week earn two types of leave: *Personal Leave* and *Sick Leave*. No temporary, substitute, student worker or employee working less than 20 hours per week is eligible for employee earned leave. Employees begin to earn and accumulate personal and sick leave on the first working day of each month the employee works or receives paid leave. Regular part-time employees are granted leave only during periods when they are scheduled to work.

### **9.1 Personal Leave**

**Personal Leave** is defined as vacation from work with full pay, earned by an employee and granted in order that time may be had for rest and relaxation and to attend to personal business. The following stipulations govern the Personal Leave policy of South Mississippi Regional Library System. Personal Leave is separate from Sick Leave, which is discussed in the next section.

- A. The number of years of employment for each employee shall be counted on the basis of the employee’s anniversary date (date of entry) each year. All full-time employees earn personal leave as follows:

<b>Continuous Service</b>	<b>Accrual Rate (Annually)</b>		<b>Accrual Rate (Monthly)</b>
1 month to 3 years	18 days	135 hours total	11.25 hours per month
37 months to 8 years	21 days	157.5 hours total	13.13 hours per month
97 months to 15 years	24 days	180 hours total	15 hours per month
Over 15 years	27 days	202.5 hours total	16.88 hours per month

- B. The South Mississippi Administrative Board of Trustees passed an amendment to the Personal Leave Policy at the July 26, 2011, meeting stating that all personnel hired or moved into any position effective August 1, 2011, will accumulate leave based on years of service, not position. There is no distinction between professional and non-professional in the benefit of personal leave accumulation. This amendment is not retroactive.
- C. All regular part-time employees working a schedule of 20 hours or more each week earn Personal Leave time on a pro-rata basis. The pro-rata leave is calculated monthly based on the hours worked divided by the number of hours worked by a fulltime employee (presently 37.5 per week). This percentage is then multiplied by the leave rate for the number of years worked. For example, a fulltime, first-year employee working 37.5 hours per week for 4 weeks has a total of 150 hours worked at the end of the month and earns 11.25 of Personal Leave. A first-year, part-time employee works 25 hours per week for 4 weeks has 100 hours worked or 67 percent of time earned by a fulltime employee (100 divided by 150). The part-time employee would accumulate 7.54 hours of Personal Leave (11.25 x .67).
- D. Employees begin to earn and accumulate Personal Leave on the first working day of each month the employee works or receives paid leave.

**Personal Leave is available for the employee's use the first day of the month after the leave is earned.**

- E. Scheduled Personal Leave must be approved in advance by the Director. Employees should submit their requests on a ***Personal Leave Request Form*** (see **Appendix B**) as soon as possible. When more than one employee requests the same leave days, leave will be granted on a first-come, first-served basis. Leave will be granted as long as there is sufficient staff to operate the libraries. Situations that arise requiring immediate time off will not require prior approval, but the employee must report the situation as soon as possible. This type of Personal Leave should be used judiciously and rarely.
- F. There is no limit to the accumulation of Personal Leave.
- G. An employee may not use more than thirty (30) days of accrued Personal Leave during any one calendar year (January 1-December 31) except by approval of the Administrative Board of Trustees.
- H. An employee may not take more than ten (10) consecutive working days of Personal Leave without approval from the Administrative Board of Trustees.
- I. Regular part-time employees are granted Personal Leave only on days when they are normally scheduled to work and only for the number of hours normally scheduled (e.g. an employee who normally works Monday-Wednesday-Friday will not be compensated for Tuesday and Thursday).
- J. Holidays taken by South Mississippi Regional Library System that occur during an employee's Personal Leave time will not be counted against the employee's accumulated Personal Leave benefit.
- K. Upon separation from employment with South Mississippi Regional Library for **any** reason, an employee may be paid for not more than 30 days of accumulated personal leave. Unused personal leave in excess of 30 days will be counted as creditable service for the purposes of PERS.

## **9.2 Sick Leave**

- A. Sick Leave for full-time employees is earned at the rate of one day (7.5) hours a month. Sick Leave for regular part-time employees working 20 hours or more per week is earned on a pro-rata basis using the same percentage calculations as used in Personal Leave time. Pro-rata Sick Leave is calculated monthly based on the hours worked divided by the number of hours worked by a fulltime employee (presently 37.5 hours per week) times 7.5 hours.
- B. Employees begin to earn and accumulate Sick Leave on the first working day of each month the employee works or receives paid leave. *Sick Leave is available for the employee's use the first day of the month after the leave is earned.*
- C. There is no maximum limit to Sick Leave accumulation. Upon termination of employment with South Mississippi Regional, all unused Sick Leave shall be counted as creditable service under the Mississippi Public Employees' Retirement (PERS) Laws. No compensation will be given for unused Sick Leave time.
- D. The appointing authority cannot increase the amount of Sick Leave to an employee's credit, and it is unlawful for an appointing authority to grant sick leave in an amount greater than was earned and accumulated.
- E. Sick Leave may be used when an employee is unable to work due to an illness or injury. Sick leave for more than three (3) consecutive scheduled workdays requires proof by medical certification. Medical certification may be requested for repeated use of single days or parts of days.
- F. Sick Leave is paid to regular part-time employees only on the days they are scheduled to work and only for the number of hours normally worked.
- G. An employee may use Sick Leave for medical, dental, or optical treatment. Sick leave cannot be less than thirty-minute increments.
- H. An employee may use Sick Leave when it is necessary to be absent from work due to the serious illness or injury of a child, spouse, parent, grandparent, grandchild, sibling or for a family member for whom the

employee is the primary caregiver. For this policy's purpose, **primary caregiver** means the employee is the provider for a family member dependent on the employee for his or her day-to-day care. For this policy's purpose, **child** is defined as biological, adopted, foster, step or a child for whom the employee stands or stood in loco parentis or as grandparent to this child as defined. This applies in reverse for a parent and/or grandparent.

- I. Sick Leave may also be used to get medical attention for a family member who is unable due to medical condition or age to get medical attention on his or her own behalf. Family member in this situation applies to a child, spouse, grandchild, parent, grandparent or sibling, or a family member for whom the employee is the primary caregiver.
- J. It is the employee's responsibility to inform their immediate supervisor of absenteeism due to illness or injury as soon as possible. Unless there is an emergency situation, the employee should call the supervisor before or immediately after the library opens for business on the day sick leave is requested. The employee must also inform their supervisor of any anticipated subsequent days of Sick Leave required for any initial illness or injury. When an employee knows in advance that sick leave is necessary, they should submit their requests on a **Sick Leave Request Form (see Appendix B)** as soon as possible. Their immediate supervisor will submit the form to the Director for final approval.
- K. For confinement and pregnancy, Sick Leave and/or Personal Leave may be used up to 12 weeks without proof of medical necessity. An employee who has been employed with South Mississippi Regional Library for the previous 12 months and worked at least 1250 hours in the previous 12 months may be entitled to **Family Medical Leave**. Family & Medical Leave runs concurrently with Sick Leave and Personal Leave. An employee is not entitled to more than twelve (12) weeks of combined paid and unpaid Family & Medical Leave in any twelve (12) month consecutive period.
- L. Sick Leave occurring simultaneously with a holiday taken by South Mississippi Regional Library will not be charged against the employee's Sick Leave benefit.

M. Up to three days of Sick Leave may be used as funeral leave in the death of an immediate family member. For this policy's purpose, *immediate family member* is defined as spouse, child, parent, grandchild, grandparent, sibling, brother-in-law, sister-in-law, mother-in-law, or father-in-law.

N. Any deviation from this policy requires the approval of the Administrative Board of Trustees.

### **9.3 Donation of Leave Time**

Under the provisions of the State Personnel Board policy there is a provision that allows fellow employees to donate sick leave to an employee who has exhausted all sick and personal leave due to a catastrophic illness or injury.

“Catastrophic injury or illness” means a life-threatening injury or illness of an employee or a member of an employee’s immediate family (including only a spouse, parent, stepparent, sibling, child or stepchild), which totally incapacitates the employee from work, as verified by a licensed physician, and forces the employee to exhaust all leave time earned by that employee, resulting in the loss of compensation for the employee. Conditions that are short-term in nature (including, but not limited to, common illnesses such as influenza and common injuries) are not catastrophic. Chronic illnesses or injuries, such as cancer or major surgery, which result in intermittent absences from work and which are long-term in nature and require recuperation periods, may be considered catastrophic.

Any employee may donate a portion of his or her earned personal or sick leave to another employee who is either suffering from a catastrophic injury or illness or who has a member of his or her immediate family that is suffering from a catastrophic injury or illness, as follows:

- In order for an employee to be eligible to receive donated leave, the employee must have been employed for a total of at least 12 months by the employer on the date on which the leave is donated and have been employed for at least 1,250 hours of service with such employer during the previous 12-month period from the date on which the leave is donated.
- An employee must have exhausted all of his/her earned Sick Leave and Personal Leave.
- Before receiving donated leave, the employee must provide the Director with a physician’s statement that states the beginning date of

the catastrophic illness or injury and the anticipated date that the employee will be able to return to work.

- The employee donating the leave (the “donor employee”) must designate the employee who is to receive the leave (the “recipient employee”) and the amount of earned personal leave and/or sick leave that is to be donated and must notify the Director of his or her designation. The Director will then notify the recipient employee of the amount of leave that has been donated by the donor employee to the recipient employee.
- The maximum amount of accrued personal leave that an employee may donate to any other employee may not exceed the number of hours that would leave the donor employee with fewer than 7 days of personal leave, and the maximum amount of accrued sick leave that an employee may donate to any other employee may not exceed 50% of the accrued sick leave of the donor employee.
- The maximum period of time that an employee may use donated leave without resuming work at his or her place of employment is 90 days, beginning on the first day that the recipient employee uses donated leave.
- If the total amount of leave that is donated to any employee is not used by the recipient employee, the donated leave shall be returned to the donor employee(s).
- No person, through the use of coercion, threats or intimidation shall require or attempt to require any employee to donate his or her leave to another employee. Any person who alleges a violation of this paragraph must report the violation to the Director or, if the alleged violator is the Director, then the employee must report the violation to the Board of Trustees. Any person found to have violated this paragraph will be subject to termination of employment.
- No employee can donate leave after tendering notice of separation for any reason or after termination of his or her employment.
- If an employee is aggrieved by the decision of the Director that the employee is not eligible to receive donated leave because the injury or illness of the employee or member of the employee’s immediate family is not, in the Director’s determination, a catastrophic injury or illness, the employee may appeal the decision to the Board of Trustees.
- The failure of any appointing authority or supervisor of any employee to properly deduct an employee’s donation of leave to another

employee from the donor employee's earned personal leave or sick leave shall constitute just cause for the dismissal of the appointing authority or supervisor.

## **9.4 HOLIDAYS**

*Adopted February 18, 2010 by the South Mississippi Regional Library Board of Trustees  
Revised May 6, 2019; Revised November 9, 2021.*

According to a ruling by the Attorney General of the State of Mississippi entities that are part of the Public Employees Retirement System may NOT take holidays that are different from those of state employees. Additional days may be added to holidays by the Governor. However, no entity must take all state holidays. An entity may substitute one holiday during the year as per the Mississippi Code of 1972, Annotated, § 3-3-7 (2): *In lieu of any one (1) legal holiday provided for in subsection (1) of this section, with the exception of the third Monday in January (Robert E. Lee's and Martin Luther King, Jr.'s birthday) and the eleventh day of November (Armistice or Veterans Day), the governing authorities of any municipality or county may declare, by order spread upon its minutes, Mardi Gras Day or any one (1) other day during the year, to be a legal holiday.*

SMRL does not observe Confederate Memorial Day, the last Monday in April. This holiday closure day will be used for Good Friday (the Friday before Easter Sunday, each year.

The holidays taken by employees of South Mississippi Regional Library are as follows:

<b>New Year's Day</b>	<b>January 1</b>
<b>Dr. Martin Luther King and Robert E. Lee's Birthday</b>	<b>Third Monday in January</b>
<b>Presidents' Day</b>	<b>Third Monday in February</b>
<b>Memorial Day</b>	<b>Last Monday in May</b>
<b>Independence Day</b>	<b>July 4</b>

**Labor Day**

**First Monday in September**

**Veterans' Day**

**November 11**

**Thanksgiving Day**

**Additional days may be  
proclaimed by the Governor**

**Christmas Day**

**Additional days may be  
proclaimed by the Governor**

Full-time SMRL employees shall receive regular pay for ten (10) legal holidays and for any other day(s) proclaimed as a holiday by the Governor of Mississippi or the President of the United States. Part-time SMRL employees shall receive regular pay *only* for those holidays that they are regularly scheduled to work and shall be paid holiday pay *only* for the designated number of hours they are regularly scheduled to work.

**9.5 FLEX TIME** *Adopted by the Board on January 29, 2025.*

Flex Time refers to a flexible work schedule that allows employees to adjust their schedule with approval. Managers and supervisors are authorized to approve flexible work schedule for any employee, as long as library services remain uninterrupted. Approved flexible arrangements may include adjusting daily start and end times, working through lunch or extending lunch breaks to balance hours within a given pay period. This flexibility also allows employees to make up time as needed, prior to utilizing accrued vacation or sick leave, thereby conserving their leave balances. Employees must not exceed their standard allotted hours for the pay period; any hours worked beyond this will go into compensatory time. Section 10B: Other Leave

**10.1 Jury Duty/Court Witness**

Leave with pay is granted to permanent employees for jury duty or a summoned court witness. The employee will be paid for the number of hours normally worked for the days served. The Library Director must be informed immediately when a summons is received. If the employee is excused from jury duty or as a witness, he or she must report to work.

**10.2 Administrative Leave** *Adopted by the SMRL Board on February 9, 2021.*

Employees of the South Mississippi Regional Library System may be granted administrative leave with pay. For the purposes of this section, “administrative leave” means discretionary leave with pay, other than personal leave, medical leave, or other types of leave with pay. The

Governor of the State of Mississippi or the Library Board of Trustees may grant administrative leave with pay to employees in the event of extreme weather conditions; or in the event of a manmade, technological, or natural disaster; or other emergency. Any employee on a previously approved leave shall be eligible for such administrative leave and shall not be charged for his or her previously approved leave. Administrative leave granted under this paragraph cannot exceed two weeks (up to 75 hours, or a part-time employee's two-week equivalent) of paid discretionary leave at the employee's regular rate of pay in any twelve-month period without prior approval of the Library Board of Trustees, or as mandated by the Governor of the State of Mississippi.

### **10.3 Leave without Pay**

Leave of absence without pay shall not be granted to employees as a matter of right, but may be granted for good and sufficient reasons. Leave of absence without pay not to exceed 15 working days in one calendar year may be authorized by the Library Director without approval from the Administrative Board of Trustees. A leave of absence of more than 15 days requires prior approval by the Board. When an employee is on leave without pay, it is the employee's responsibility to pay the employee **and** employer portion, if any, of all insurance premiums the employee wishes to continue.

Reasons for Leave without Pay may be considered for the following reasons:

- A. Employees wishing to seek in public office are expected to take leave of absence without pay from the date of the formal announcement until such time as the election is resolved.
- B. An employee is ill and has no sick or personal leave left.
- C. When an employee is engaged in educational activities which the library cannot support financially.
- D. Personal situations not covered under the program of benefits.

## **10.4 Compensatory Leave**

Compensatory leave time is leave granted to an employee in lieu of overtime pay. The use of compensatory time instead of overtime is limited by Section 7(o) of the Fair Labor Standards Act (FLSA) to a public agency that is a state, a political subdivision of a state, or an interstate governmental agency. As a matter of policy, SMRL does not allow overtime except under extraordinary circumstances. All overtime must be approved by the Library Director. SMRL follows the Fair Labor Standards Act (FLSA) guidelines in determining whether an employee is considered exempt or nonexempt.

The Director, with the approval of the Administrative Board of Trustees, shall designate certain executive, administrative and professional positions as exempt from the requirements of the Fair Labor Standards Act. The Library Director applies the following standards in determining whether employees are designated as exempt or non-exempt from the requirements of the Fair Labor Standards Act:

- Executive employees are employees whose primary duty is management of the Library or a recognized department of the Library and who customarily and regularly directs the work of two or more other employees. These employees also are able to make suggestions and recommendations as to the hiring, firing, advancement, or change of status of other employees.
- Administrative employees are employees whose primary duty is the performance of office or non-manual work directly related to the management or general operations of the Library and whose primary duty includes the exercise of discretion and independent judgment with respect to matters of significance.
- Professional employees are employees whose primary duty is the performance of work requiring knowledge of an advanced type in a field of science or learning customarily acquired by a prolonged course or specialized intellectual instruction; or requiring invention, imagination, originality or talent in a recognized field of artistic or creative endeavor.
- The limit of earned compensatory time under the FLSA for non-exempt employees is 240 hours.

**SMRL's Policy for Compensatory Time is as follows:**

- SMRL's normal work week is 37.5 hours; all nonexempt employees working up to 40 hours per week will be paid at their normal hourly wage.
- Nonexempt employees will receive time and a half compensatory time for any time above 40 hours per week.
- Exempt employees may receive hour for hour compensatory time for work that is not part of their regular prescribed duties. Exempt employees should schedule their work week to keep their hours within the 37.5 threshold.
- All Compensatory time must be used before any other leave time is used.
- All Compensatory time must be used within 13 pay periods or forfeit the time.
- Non-exempt employees who terminate with remaining compensatory time before the 13 pay periods will be paid for the compensatory time at one and a half (1 ½) times their hourly wage.

### **10.5 Family Medical Leave Act**

The Family Medical Leave of 1993 provides the following:

The FMLA entitles eligible employees (employees who have been employed by a covered employer for at least a total of twelve (12) months and have worked for at least 1,250 hours over the prior 12 months) to take up to twelve (12) weeks of unpaid, job-protected leave in a 12-month period for specified family and medical reasons as follows:

- A. incapacity due to pregnancy, prenatal medical care or childbirth;
- B. to care for the employee's child after birth, or placement for adoption or foster care;
- C. to care for the employee's spouse, son or daughter, or parent, who has a serious health condition; or
- D. serious health condition that makes the employee unable to perform the employee's job. A "serious health condition" is an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee's job, or prevents the qualified family member from participating in school or other daily activities.

According to FMLA guidelines, "Continuing treatment" is a period of incapacity of more than three (3) consecutive calendar days combined with at least two (2) visits to a health care provider. The two (2) visits to a health care provider must occur within thirty (30) days of the beginning of the period of incapacity and the first visit to the health care provider must take place within seven (7) days of the first day of incapacity.

A serious health condition includes more than three (3) consecutive full calendar days of incapacity plus a regimen of continuing treatment and the first visit to a health care provider must take place within seven (7) days of the first day of incapacity.

Incapacity may also be due to pregnancy or a chronic condition requiring periodic visits for treatment by a health care provider. A chronic condition requires at least two (2) visits to a health care provider per year.

During all FMLA leave, the employee's group health coverage will be maintained. Upon return from FMLA leave, the employee will return to the original or equivalent position with equivalent pay, benefits and other employment terms. Use of FMLA will not result in the loss of any employment benefit that accrued prior to the start of an employee's leave. Time spent performing assigned "light duty" work does not count against an employee's FMLA leave entitlement.

Employees must provide thirty (30) days advance notice of the need to take FMLA leave when the need is foreseeable. When thirty (30) days' notice is not possible, the employee must provide notice as soon as practicable. The notice must be consistent with the usual and customary Library procedures for reporting an absence unless there are unusual circumstances.

Employees are required to provide sufficient information for an FMLA eligibility determination to be made. This information will also be used to determine the anticipated timing and duration of the leave. Employees must complete and return, within fifteen (15) days of the first day of leave, one of the following U.S. Department of Labor (USDOL) certification forms:

- A. Serious health condition – USDOL Form WH-380-E
- B. Care for a covered family member – USDOL Form WH-380-F;
- C. Qualifying exigency for military family leave – USDOL Form WH-384;

D. Serious injury/illness of covered service member for military family leave – USDL Form-385.

If information provided by the employee or the healthcare provider on the certification form is incomplete or insufficient, the employee will be notified, in writing, as to what information is lacking and given seven (7) calendar days to correct the deficiency. Employees may be required to provide a new medical certification each leave year for medical conditions that last longer than one year. Recertification may also be required every six (6) months for an ongoing condition resulting in recurring absences.

Eligible employees requesting leave will be informed as to whether said condition/exigency qualifies for FMLA leave. A FMLA-qualifying employee:

- may use FMLA leave intermittently or on a reduced leave schedule when medically necessary or for qualifying exigencies.
- using FMLA leave intermittently must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt Library operations.
- must also inform his/her supervisor if leave being requested is for a condition/situation for which FMLA leave was previously taken or certified.

➤ **SMRL applies FMLA leave concurrent with accrued earned leave.**

### **10.6 Military Entitlement**

An eligible employee is entitled to up to 12 weeks of FMLA leave because of any qualifying exigency arising out of the fact that the spouse, son, daughter, or parent of the employee is a member of any Armed Forces and/or a reserve component of the Armed Forces on covered active duty. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.

- An eligible employee who is the spouse, son, daughter, parent, or next of kin of a covered service member who is recovering from a serious illness or injury sustained in the line of duty any time during the five years preceding the treatment is entitled to up to 26 weeks of leave in a single 12 month period to care for the service member. The twenty-six (26) week entitlement applies to additional family members (i.e., next of kin) not previously covered for qualifying reasons. This entitlement is not in addition to the twelve (12) week FMLA *entitlement for qualifying exigencies*.

### **10.7 Military Duty**

In accordance with Section 33-1-21 of the Mississippi Code, staff members who are members of the Armed Forces of the United States are entitled to leave for up to fifteen (15) working days in anyone (1) fiscal year if they are required to perform military service. If the pay for military duty is more than the pay that would have been received for the time worked for SMRL, the staff member will be given the option of either using paid annual leave or time off without pay. A copy of the order should be submitted to the Library Director and an “Application for Leave” form filed.

Staff members are granted a leave of absence without pay when they enlist or are drafted into the Armed Forces of the United States. A staff member on military leave who receives an honorable discharge and who applies for reinstatement within ninety (90) days of his/her release from active duty is entitled to reinstatement to his/her position or to a position of like seniority, status, and pay. Staff members returning from military service will be returned with the same privileges that would have been accorded them had they continued in their position, such as sick leave and annual leave accumulated and unused at the time of entrance into the military, adjustments in salary schedules, and opportunity for consideration for promotions which the staff member might have received had service been uninterrupted. A copy of the discharge or release paper should be submitted to the Library Director.

Employees requesting leave when ordered to military duty in excess of the fifteen (15) days allowed by law are entitled to leaves of absence from their respective duties without loss of time, annual leave or efficiency rating until relieved from duty. If approved by the Director, it can be charged against personal leave or leave without pay. The Uniformed Services Employment and Re-employment Act (USERRA) of 1994, a federal law, requires

employers to allow up to five (5) years of leave to a soldier who leaves employment to perform military duty, performs that duty satisfactorily, and requests his or her job back within the statutory time limits. The soldier must be reemployed without regard to whether the military duty was voluntary or involuntary.

## **Section 11B: Miscellaneous Regulations**

### **11.1 Breaks**

*The federal Fair Labor Standards Act (FLSA) does not require employers to provide meal or break periods to employees. When employers provide employees rest breaks that last 20 minutes or less, federal law requires that those breaks be paid. Mississippi has no meal or rest break laws.*

Employees can take one fifteen (15) minute paid break for each three (3) hours worked. Breaks may not be combined.

Employees working at least six (6) hours can take a one-hour un-paid lunch break.

### **11.2 Training Policy** *Adopted by the SMRL Board of Trustees December 10, 2019.*

All SMRL staff are required to participate in staff development training appropriate to the scope of the work performed for the library. This training may consist of outside training such as conferences, seminars, workshops, etc., as well as in-house training provided by the library system.

Administrative staff are responsible for the development of training opportunities and the implementation of training goals set forth by the library's Strategic Plan and the Annual Employee Reviews. Employees that participate in outside training such as conferences, seminars, workshops, etc., must complete a ***Staff Development Worksheet*** (see **Appendix B**) regarding what skills and training goals were attained to their immediate supervisor. This worksheet will then be shared with the Director and a copy will be placed in the employee's file.

All fees incurred for staff training shall be paid by SMRL. Travel accommodations and reimbursement are set forth in section 11.3 Travel Policy.

To accommodate staff meetings and in-house staff training, the library will be closed for operations:

- one half day per library branch each month, dates to be determined by the Administrative staff, for staff meetings and workdays.
- one full day for the system per fiscal year quarter, dates to be determined by the Library Director, to conduct staff training.

**11.3 Travel Policy** *Revised by the SMRL Board of Trustees December 10, 2019; Revised May 18, 2022.*

Travel must be pre-approved by the Director. Travel reimbursement must be turned in on the ***Travel Reimbursement Request Form*** (see Appendix B). **All request forms must be accompanied by printed verification of the mileage quoted on the request (example: a copy of directions showing the address of the starting location and final destination).** Since all travel will be work-related and serves in the place of the employee's traditional workday, the starting location on all ***Travel Reimbursement Request Forms*** (see Appendix B) should be the employee's assigned branch location. The Director will give final approval before any money is issued.

When possible, the library vehicle should be used for any travel in or out of the library system. When it is necessary to use a private vehicle for in or out of library system travel, the library will compensate the mileage at the rate approved by the DFA (Mississippi Department of Finance Administration). Out-of-system travel includes workshops, seminars, conferences, and meetings. Staff approved for out-of-system travel will be compensated for mileage, meals, and hotel at the DFA rate or for the rate charged by the conference designated hotel (s). Staff must submit a completed ***Travel Reimbursement Request Form*** (see Appendix B) and any supporting paperwork verifying the information on the request form (meeting location, dates, purpose, and proof of expenses and mileage). Employees must also complete a ***Staff Development Worksheet*** (see Appendix B), before reimbursement is issued.

**11.4 Social Media Policy for Employees**

Social media is defined as the various activities that integrate technology,

social interaction, and content creation. Through social media, individuals or groups can create, organize, edit or comment on, combine, and share content.

All employees are expected to use library computers, tablets, computer applications and programs, internet resources and network communications in a responsible, professional, ethical, and lawful manner always. This includes use of all social media utilizing these devices. Employees should be aware that all content, including social media, on these devices **is not private** and the employer could access any information saved to, accessed by, created on, transmitted on, downloaded to, exchanged over, or discussed on these devices, including social media, at any time. Consequently, **employees have no reasonable expectation of privacy when engaging in these activities and employees should use common sense in all communications, particularly on a website or social networking site accessible to anyone.**

SMRL understands that social media can be a fun and rewarding way to share an employee's life and opinions with family, friends, and co-workers around the world. However, use of social media also presents certain risks and carries with it certain responsibilities. To assist in making responsible decisions about an employee's use of social media, SMRL has established these guidelines for appropriate use of social media.

- Employees should limit their use of social media during working hours or on equipment provide by the library unless such use is work-related or authorized by a supervisor.
- Any personal social media activity by employees may not be represented as official state or agency social media activity.
- Library email addresses shall not be used to register for personal social media activity.
- Employees should not pressure or coerce other employees to connect with them via social media.
- Employees must make clear that any views concerning issues of public concern are those of the individual and do not reflect the views of the library.
- Employees maintain their First Amendment rights, but any speech or expression, even in a personal capacity, causing disruption or that

undermines the effectiveness and/or operation of the workplace is prohibited.

Any of the following social media activity, comments, expression or posts by an employee in his or her professional or personal capacity are also prohibited:

- Content that is discriminatory, harassing or physically threatening toward other employees.
- Disclosure of library information that is confidential or proprietary.
- Content that demonstrates unlawful conduct.
- Content that is in violation of SMRL conflict of interest regulations.

An employee is solely responsible for what the employee posts online. The employee may be personally responsible for any litigation that may arise should the employee make unlawful defamatory, slanderous, or libelous statements.

All media inquiries for official library responses should be directed to the Branch Manager / Library Supervisor or Library Director. Employees should not speak to the media for official responses on the library's behalf without a supervisor or the Library Director's authorization.

Regulation of employees engaging in social media must be both consistent and measured. Violations of this policy are subject to disciplinary action.