

SECTION IV: PERSONNEL

One of the most difficult tasks of the library director is personnel management. The style of personnel management that a director chooses to adopt is a very individual and personal decision. Just as people are different, it is unlikely that any two directors will adopt the same management style. In this chapter various ways of handling difficult situations are presented so that as you use this manual, you will find "bits and pieces" to use in the operation of your library.

The library staff you employ is either your best asset or worst liability. Your library may have plaster falling from the ceiling, holes in the wall, and few new books. However, if the first thing a patron sees when coming through your front door is a smiling, friendly face behind the desk, eager to search for the necessary information that person seeks, that patron perceives the library as "a great place".

There are a number of things a library can do to ensure that its staff is the best it can be. Having the library board of control adopt personnel policies is one of these. In fact, if a complete policy manual has not been maintained, creating one should be among your first major projects.

Draft and have the board approve policies on affirmative action, equal employment opportunity, selection, recruitment methods, job classification and pay scales, retirement, leave and employee dismissal. These policies will be the rules by which you run the library. They provide both guidelines and protection. A detailed list of policies that a library should adopt, including personnel policies, can be found in the [Introduction/Orientation](#) section of this handbook.

Other than developing personnel policies, a director can ensure the staff is as good as it can be by utilizing a management style that is fair, impartial and consistent for all employees; by keeping lines of communication open at all levels; and by remembering to treat subordinates as you would want to be treated.

Occasionally, the director must place others in management positions. Consider the individuals carefully who will supervise on your behalf. Will these persons manage your staff in a manner which is ethical, fair and reasonable? Or will they become devious in administrative positions and rule by ridicule and intimidation? Will they make others do all the work while they relax? Remember that you will be the one to answer for their actions, so select wisely.

CLASSIFICATION AND JOB DESCRIPTIONS

A library should establish and maintain a position classification schedule and job descriptions for all individual positions. A job description defines an individual position (such as reference librarian, catalog librarian, acquisitions librarian). A classification schedule groups similar positions into classes (such as Librarian I, Librarian II, and Librarian III). This schedule measures responsibilities, experience, qualifications, and educational requirements for each class. A pay scale may be developed in conjunction with the classification schedule, assigning appropriate salaries and increments to the various classes within the schedule.

The needs and responsibilities of positions change over time and the class to which they are assigned should reflect those changes. For example, if the position responsibilities as listed in the job description have increased, a position reclassification may be necessary. Changes in the classification schedule and pay scale normally need to be approved by the board.

In developing and maintaining a classification schedule, you may want to use flexibility in your requirements for experience and education. For example, you might allow two to three years of library work experience to substitute for one year of college. On the other hand, you might allow two to three years of college to substitute for one year of experience. This flexibility allows you to select an excellent applicant or current employee who may lack one or the other of those requirements but who would excel in the position.

Determine how you will evaluate education acquired at trade school, vo-tech and business college. Transcripts, specializations acquired, and courses taken are factors you may wish to consider.

In 1993, the Public Library Section of the Louisiana Library Association adopted the document "Statewide Salary and Compensation Plan for Public Libraries". It offers instructions on formulating a position allocation system, where skill, effort, responsibility, and job conditions are considered. The document also offers a generic pay scale for public libraries to use or adapt to their needs. The document is available from the Louisiana Library Association office at P.O. Box 3058, Baton Rouge, LA 70821, or by calling (225) 342-4928.

Samples of position classification schedules and sample library job descriptions are available from the State Library.

CIVIL SERVICE

In certain parishes, including Orleans (New Orleans Public Library), East Baton Rouge, Lafayette, and Jefferson, library employees are included in a civil service system. In these parishes, you will need to learn and comply with the civil service procedures and regulations governing recruitment, advertising, hiring, discipline, terminations, classification, and employee pay.

FAIR LABOR STANDARDS ACT

The Fair Labor Standards Act (FLSA) contains provisions which apply to public libraries (and state and local governments in general). The act establishes a general minimum wage and "overtime" provisions, generally at one and one-half times an employee's regular hourly rate for employees working over 40 hours in a work week. The minimum wage is currently \$5.15 per hour. Minimum wage information is available on the Internet at the U.S. Department of Labor website (<http://www.dol.gov/dol/esa/public/minwage/main.htm>).

The act also requires libraries to establish a fixed "work week" for employees, consisting of seven consecutive twenty-four hour periods, which may begin on any day at any hour. A library may establish different "work weeks" for different classes of employees. However, the work week is "fixed" and cannot regularly be adjusted to circumvent the "overtime" provisions of this act; a library may change the work week of an employee or of classes of employees if the change is intended to be "permanent". The library must also establish which classes of employees are "exempt" and which are "non-exempt" from the "overtime" provisions of this act. "Exempt" employees are generally executive, administrative, or professional employees. A good source for determining "what makes an employee exempt" is Library Personnel News, Vol. 6, #1 (January-February 1992).

Libraries that are open on weekends and use regular full-time "non-exempt" staff to cover these hours often have to pay particular attention to scheduling in order to avoid recurring overtime payments or compensatory time earnings at time and a half. For example, a library clerk working 40 hours Monday - Friday and one Saturday a month must either take off a day during the work week which includes the Saturday, or be paid overtime for working the Saturday. As a second example, a "non-exempt" staff member may not work an hour extra a day for two weeks in order to save up the time to take off later. If this is allowed, the employee is actually credited with time and a half for each hour over 40 that he worked in each work week. Note that this does not apply to any compensatory time earnings for "exempt" employees.

The Library Board should adopt an official library "work week" (or "work weeks" for different classes of employees) and should establish which classes of employees are "exempt" and "non-exempt" from the overtime provisions of this act. The FLSA Advisor website can be found online at <http://www.dol.gov:8002/flsa/screen51.asp>.

AMERICANS WITH DISABILITIES ACT

The Americans with Disabilities Act (ADA) states that an employer may not discriminate against a person with disabilities in hiring or promoting if that person is otherwise qualified for the job in private-sector employment or in services provided by state or local government. The following are some of the considerations library administrators should examine regarding employment and the ADA.

Is the entire library accessible to people with disabilities when they come for employment interviews? Is the interview site accessible? A library task force can help ensure this. The library administration should use an in-house survey or one by a knowledgeable organization to make compliance with the ADA definite.

Are the requirements of each position defined? A clear job description, established before an interview, allows the interviewer and the interviewee to determine whether the applicant with disabilities is qualified. Defined job requirements also will assist in determining what, if any, reasonable accommodations can be made. When potential employees need accommodations to do the job, they also may be able to suggest the type of accommodations needed. The Job Accommodation Network (JAN) is a good resource. It is operated by the President's Committee on Employment of People with Disabilities.

Must an applicant complete any paperwork during the interview? If so, the interviewer must be prepared to assist the disabled individual who has difficulty reading, writing, or otherwise handling documents. This preparation should be made before the interviewee arrives.

ADA information online can be found at <http://www.usdoj.gov/crt/ada/adahom1.htm>.

Sources

Americans with Disabilities Act Handbook. Equal Employment Opportunity Commission and the U.S. Department of Justice, 1991.

Americans with Disabilities Act Information File. Chief Officers State Library Agencies, 1994.

Americans with Disabilities Act Technical Assistance Manual. Equal Employment Opportunity Commission and the U.S. Department of Justice, 1992.

How Libraries Must Comply with the Americans with Disabilities Act (ADA), compiled and edited by Donald D. Foos and Nancy C. Pack. Oryx, 1992.

RECRUITMENT

Where do you look for a replacement or to fill a new position? This is another area in which libraries differ as recruiting practices vary from library to library. Regardless of the method you use, remember to be consistent.

You may wish to consider current staff for a promotion or transfer. To this end, post vacancy announcements so staff are aware of possible opportunities.

Before you advertise, check current applications on file. Although applications may be kept on file for an indefinite period of time and utilized to fill positions, there is no state law requiring an employer to keep applications on file for any specific period of time. You may want to have the length of time applications are considered current written into board policy.

Opinions vary concerning the advertisement of every vacant position in the local paper. Some libraries selectively advertise. This is another area in which each director, in conjunction with the board, must decide what is best for the library.

General advertising (e.g., classified) often casts a broad "net", resulting in many callers but perhaps few "serious" candidates with library backgrounds. Rule of thumb: if you want "general" applicants, advertise *generally*; if you want "specialized" candidates, advertise *specifically* (i.e., universities, other libraries, trade journals).

In larger cities it may be helpful to use an employment agency, particularly for positions like "automation specialist" or other jobs, such as maintenance, which don't require specific library experience or training. Sometimes an agency search may even locate applicants with library backgrounds who hadn't already applied at the library. A possible downside to using agencies is deciding which agency to use if there are several in your area. Even though it is time consuming and repetitious to contact all of them, you may be thought "partial" if you deal mostly with one. Adopt what seems like a fair policy; be consistent, and be certain the agencies know it. Be sure to establish that the library will not pay the fee which most agencies charge; the successful client should pay that.

Don't forget the local or state employment service (i.e., Office of Employment Security), particularly for the less specialized positions. These governmental service agencies offer the additional advantages of screening applicants through interviews and often through testing.

Professional positions that cannot be filled from current staff or available applications should be advertised for a predetermined period of time. The advertisement will either list the deadline by which applications must be received or include a statement to the effect that the position will be advertised until filled.

Advertisements can be placed in to your local paper, major papers around the state, and library schools. Job notices can be submitted online to the State Library's [Communiqué](#) and to the School of Library and Information Science at LSU (e-mail their listserv at SLIS-L@LISTSERV.LSU.EDU). If national publication is desired, contact [American Libraries](#) (<http://www.ala.org/education/adcosts.html>) and [Library Journal](#) (<http://www.ljdigital.com>) The ALA "Placement Center" at both the annual and the mid-winter conferences is a good source for recruiting and interviewing professionals.

If you are unsure how to word an advertisement for a position, check the current job description for that position, and read several similar ads in the professional journals. There may also be advertisements on file in your library or at the State Library that you could examine.

Before you call a professional to come in for an interview, have the board provide guidelines for which travel expenses---if any--- will be paid. The library board may pay the moving expenses of a newly hired professional. The basic requirement is that this provision be included in the contract between the new employee and the library board; or, if there is no formal contract, the board must specify the provision for payment of moving expenses in the formal letter offering the job. In other words, the decision to pay moving expenses must be made in advance; the legislative auditor would take a dim view of the board's paying such expenses as an afterthought.

NEPOTISM

Interview only those candidates who are qualified for the position. Do not agree to interview someone who is not qualified because of their relationship to another staff member, board member, or councilman. The board may already have a policy on nepotism, including hiring relatives of current employees. See [Ethics](#) in this handbook for additional information.

INTERVIEWING

Study carefully the candidate's application. Most of the time it will be evident whether or not they meet the qualifications. Call one or more of the references if you're uncertain whether to interview an individual. Don't interview too many or too few. For most paraprofessional or civil service vacancies, three or four interviews are appropriate, even though you may have examined a dozen or more applications. Try to obtain a reasonable balance for your area's population in the race and sex of the candidates you select for interviews even though it won't always be possible to have a balanced "pool" for every vacancy.

There are several types of interviews, with different goals, purpose, procedure, or "atmosphere".

1. Initial (or Preliminary) interview. This type of interview would include "walk-ins", referrals from other agencies or individuals, or queries ("Are you hiring?"). Some organizations post a policy, such as "Interviews on Wednesday mornings only -- 9 a.m. to noon." Such a policy allows the library's interviewer (possibly you) to compress this activity to a specific period; otherwise, unscheduled interviews could significantly disrupt your work week. Setting aside time to hold preliminary interviews helps prevent applicants from getting discouraged or from thinking they were turned away for other reasons like discrimination.

2. Phone interview. This is particularly useful for candidates out of the area or otherwise not immediately available. Usually this is prompted by an applicant's letter or resume and the interviewer calls the applicant as convenient, or at a prearranged time. Sometimes, you will get "cold calls" from librarians looking for other opportunities or moving to your region. They may not be available to receive a return call from you during your normal "interviewing" time, so you should have handy a list of questions to ask, as well as any vacancy announcements for which they would be qualified. With the prevalence of the Internet and e-mail, you may find yourself conducting "electronic" interviews. If so, be especially careful to have the individual follow up with *paper* resume and application letter; this could be an important distinction at some future point.

3. Follow-up (Finalist) interview. After interviewing many preliminary applicants, you may have a "short-list" of good candidates. A second look is usually a good idea anyway, but particularly if it gives you a chance to expose the applicants to the supervisor or co-workers in that department or branch. In the follow-up, you may want to explore more specific aspects of the candidate's library experience, interests, specialties, goals, etc., or

learn more about his or her work ethic and communication skills.

4. Group interview. These consume a lot of time on the part of several people, so use them selectively. Some libraries use these only for finalists for upper level vacancies, such as department head or branch supervisor. In such cases, it is useful to see how this candidate interacts with others on your management team (or those who would be colleagues). Another factor is that group interviews are, undoubtedly, the **most** stressful for the candidate. For example, a superb finalist who had sailed through a preliminary interview (with one supervisor) and a follow-up (with two interviewers), literally froze at the beginning of the group interview (with four "new" faces, plus the two others). She continued to stumble, and the interview deteriorated. Obviously, the other evaluators thought she was a "dud", even though the first two interviewers knew she was fantastic (and stated so). As a result, the library lost a wonderful candidate. If the finalist copes well in this group interview, you've probably found someone who can handle hectic and varied library situations and functions, and who can become a great member of the service team.

The following are general guidelines for interviewing.

1. Supply the applicant with a job description.
2. Set aside a period of time for the interview either in your office or at a neutral site. Make sure you will not be disturbed.
3. Put the applicant at ease. Remember how nervous you were when you last interviewed.
4. Ask questions that cannot be answered "yes" or "no". The applicant should do most of the talking. If you want more comment after an applicant has apparently finished answering a question, remain silent. The applicant will usually take this cue to mean "he wants more information", and of course you do.
5. Have a general "game plan" for the interview. According to James F. McDermott, in The Employer's Guide to Successful Interviewing, you should concentrate on the qualities of the applicant and his suitability for the position first. Then, provide details of the position, the conditions of employment and information about the library itself. If you do the opposite, the applicant can slant his answers to fit your needs. Others contend that the applicant should be given a brief overview of the library and the position, and then asked what he could bring to this position.
6. Discuss any mandatory drug testing or pre-employment physicals which might be required. Inform the applicant that employment is contingent upon

passing these tests. In most cases, you must give the applicant a "conditional offer of hire" before requiring substance-abuse testing or physicals (that is, you should not test all applicants). Remember, all results (even "negative" drug-test results) are confidential.

7. What is the applicant's perception of library work? If it's not realistic, can this person handle what library workers really must do? Does the candidate want to work and learn, or is he merely looking for a paycheck? Will this person be positive, productive and part of the team, or negative, unproductive, and difficult to work with? Is the candidate willing to work the schedule at this location? If the first group of candidates doesn't produce anyone you are satisfied with, don't be afraid to start over.

Sample Interview Questions

Do ask:

1. Why do you want this job?
2. What qualities do you have that you feel would help you in this position?
3. What skills or talents do you possess that you feel qualify you for this position?
4. If I asked your former employers (or teachers) about you, what would they say? Why?
5. What part of your last job did you enjoy the most? (Or, for those with limited work experience, what was your favorite class or teacher?) Why?
6. What part of your last job did you enjoy the least? (Or, for those with limited work experience, what was your least favorite class or teacher?) Why?
7. What are your positive characteristics (strengths)?
8. What are your negative characteristics (weaknesses)?
9. What would you do if a patron came into the library angry? How would you handle it?

10. Are there any reasons why you would not be able to perform the duties required by this position, or work the hours posted for this position?

Never ask questions which have nothing to do with the job, such as:

1. Are you married? (Or variations, such as what does your husband do?)
2. Do you have any children? (Or variations, such as who will stay with your children while you work?)
3. Will you be driving to work?
4. What church or social groups do you belong to? (Or variations designed to ascertain memberships in controversial or questionable organizations, political preferences, etc.)
5. Are you taking any medications? (Or variations designed to ascertain the physical and mental health of the individual.)
6. Do you need the family plan insurance? Do you live alone? (Or variations designed to ascertain the individual's lifestyle or sexual preference.)

How to Conduct an Interview with a Disabled Person

Special attention should be given to the interview with the disabled person. Subjects to be completely explored are a precise description and discussion of the functions to be performed, the expected production to be accomplished, and the physical working environment. Only with this complete knowledge and discussion can the need for any reasonable accommodations for a disabled person be determined.

All interview questions must be job related. For example, there is no need for the interviewer to ask whether the individual with disabilities has a driver's license unless driving is an essential function of the position. Nor should the interviewer inquire how the interviewee will get to work if employed.

The interviewer should not ask the cause of a noticeable disability, nor should the interviewer suggest reasonable accommodations. The only appropriate questions are those needed to determine whether the individual can perform the functions of the job and thus whether the individual is qualified. A specific discussion emphasizing how the job is performed should elicit from the applicant information as to what, if any, accommodations

might be needed.

Individuals with disabilities can be required to have a pre-employment medical examination after a conditional offer of employment, but only if this is required of all individuals applying for the same type of position. It should be noted that the ADA specifically prohibits classifying or segregating any job applicant or employee with disabilities in a way that adversely affects his or her opportunities.

PRE-EMPLOYMENT TESTS

Many libraries pretest all applicants. Some libraries give pre-employment tests to those who pass the interview stage. A director may use any kind of test to screen applicants as long as it is directly related to the job. It is recommended that the employer not set unreasonably high standards for a job. For example, an employer would be asking for trouble if he required an unreasonably high test score or a college degree for individuals applying for a filing clerk's position. The three criteria determined to have the strongest impact on an individual's work performance are previous job experience, test scores, and formal education. If the employer peremptorily excludes applicants because they do not meet one of these criteria without even considering whether they meet the other two, he could become the target of a discrimination suit.

If testing is used in any way during the selection process, it must be used consistently. For example, your library's circulation workers must be able to type 25 wpm for ordinary typing and keyboard work. There are 15 applicants for a circulation clerk vacancy; you examine the paperwork and select six who appear to meet the qualifications for initial interviews. Three of those impress you as probable finalists. Test all three. Testing may **not** be used selectively, solely to exclude any candidate who otherwise meets the established criteria. As another example, your shelvers must be able to arrange correctly 25 "typical" books by call number and/or author's name. You may **not** favor one candidate by using 25 rather easily-arranged books while the other applicants have to sort 25 difficult ones. It is **not** acceptable to vary the difficulty of the test content or samples.

EVALUATING YOUR CHOICES

After you have analyzed the paperwork of the qualified applicants and held an initial interview with several of the most promising candidates, you should find yourself with a "short list" of contenders. From a large applicant pool, that may be four to six finalists; from a small pool it may be two or three. In the earlier stages, you consider applicants who meet the minimum qualifications and you interview those with the **best** credentials. Within the posted qualifications, however, try to allow for the "trainability" factor; i.e., if the individual doesn't already possess the knowledge or skills, can he or she be trained?

At this point, you shift to a combination of: (1) objective analysis of the education and experience and (2) subjective analysis of such attributes as communication skills, grooming, personality, friendliness, and positive attitude. Of the applicants who are both qualified and experienced, the best person for the job is usually the one who is willing to work and learn and who gets along well with others.

Whenever possible, schedule a second interview for the finalists. Some applicants who give a really polished initial interview may do poorly in follow-ups. If so, study the differences between the two performances. If the initial interviews suggest a clear "winner" instead of a small group of finalists, you should still conduct a second interview or have the candidate meet one of your colleagues. If the new employee will work in a particular department or branch, involve that area's supervisor in some of these selection stages but at **least** in the second interview.

Generally, it's better not to announce a decision during or at the closing of the interview, even if you think you've made up your mind. Reflect on all the finalists without the distraction of one of them in front of you. Also, you should first discuss the finalist(s) with your colleague or the area supervisor to be certain of his or her analysis. It's possible to misinterpret the expressions or body language of your co-worker and assume he or she is thinking as you are. Go over the best and worst points of each finalist. Ask yourself (or each other) whether your evaluation is clouded by:

1. pity--"they really need a job";
2. guilt--it's your responsibility to keep the wolf from their door;
3. any other reasons which would violate ethical or legal considerations.

Always call references before you offer the job. Once the selection is made, notify the "winner" and wait for an answer before you notify the unsuccessful candidates. Get a

written acceptance of the job by the successful applicant; keep a copy of that and the vacancy announcement in the individual's personnel folder. Complete and check all appropriate paperwork, including W-4's, retirement, insurance, proof of citizenship or Employment Eligibility Verification Form I-9.

ORIENTATION

Complete an orientation check list with each employee. Review the job description with the employee, show him his work station and introduce him to the rest of the staff. Introduce the employee to the personnel policy manual. You may choose to give him his own copy. Have him "sign off" saying he has received a job description, and understands policies which explain benefits, termination, and probationary procedures. You may wish to survey employees after a predetermined period of time to see what parts of the orientation were helpful and which could be improved upon.

Explain to the employee how he fits into the work flow. Take the time to train, or have him trained by someone who knows the job thoroughly. It is a good idea to **document** the training. After the employee feels comfortable in his new position, and for your protection, you may wish to have that employee sign and date a statement saying he was trained.

A sample orientation check list and a sign-off sheet appear on the following pages. These forms can be customized to the needs of the individual library.

Probationary Period for New Employees

All new employees undergo a probationary period. This preliminary trial period is to be used by both employer and employee to determine if the newly hired person is the right one for the position. When writing library policy on the probationary period, be sure to cover such factors as:

1. length of probation period (can vary from a month to a year);
2. possibility of extension of probationary period for three to six months if employee proves borderline and you're working to improve his job performance
3. how the employee's success or failure will be defined and documented;
4. who determines whether the employee has succeeded or failed, and must the decision be concurred with at a higher level;
5. will probationary period automatically be deemed successful unless the employee is otherwise informed.

Sample Orientation Check List for New Employees

LIBRARY STAFF ORIENTATION CHECK LIST

- ☐ **Paperwork:** Complete/explain/define the following:
 - ☐ Application
 - ☐ Employee file folder
 - ☐ W-4
 - ☐ Insurance form or waiver
 - ☐ Credit union papers if desired
 - ☐ Retirement forms
 - ☐ Key form, if applicable
 - ☐ Federal government citizenship papers (I-9 form)
 - ☐ Equipment sign-off (Branch managers only)
 - ☐ Time sheet, schedule, payday, vacation, holidays
 - ☐ Library hours
 - ☐ Lunch hour and breaks
 - ☐ Access to personnel folder
 - ☐ Job description
 - ☐ Point out specifics
 - ☐ Job includes whatever required
 - ☐ Schedule and purpose of evaluations
 - ☐ Circulation desk requirements
- ☐ **Staff Introductions**
- ☐ **Library Tour**
- ☐ **Building and Grounds**
 - ☐ Parking
 - ☐ Personal belongings
 - ☐ Work space
 - ☐ Key to desk, if applicable
 - ☐ Operation of equipment
 - ☐ Typewriter
 - ☐ PC (personnel computer)
 - ☐ Automated system terminal or computer
 - ☐ Copier operation
 - ☐ Other, as needed
 - ☐ Restrooms
 - ☐ Staff lounge
 - ☐ Break time
 - ☐ Kitchen rules
 - ☐ Location of equipment and how to use
 - ☐ Location of dishes and utensils
 - ☐ Location of fire extinguishers
 - ☐ Clean-up
 - ☐ Smoking policy
- ☐ **Policy Manual:** Read
 - ☐ Specify critical policies
 - ☐ Tardiness and absenteeism

- ☐ Use of telephone (i.e., personal calls)
- ☐ Dress and personal grooming
- ☐ Patron abuse/mistreatment/neglect
- ☐ Grievance procedure
- ☐ Making change from cash drawer
- ☐ "Bad weather" closing notification procedures
- ☐ Accident reports, including worker's comp
- ☐ Family and Medical leave
- ☐ ADA requirements
- ☐ Policy against harassment
- ☐ Code of Governmental Ethics
- ☐ **Complete "acknowledgement of receipt"**

Sample Acknowledgement of Receipt of Orientation

I, _____, have read the _____ Library Staff Policy Handbook, and agree to adhere to all policies therein. I understand that failure to follow these policies will result in the termination of my employment.

I have received a job description and will perform all duties as outlined. I understand that my duties include anything legal and ethical, and within the recognizable scope of my job, which is asked of me by my supervisor.

My signature also acknowledges that I have received a copy of this sign-off sheet.

DATE _____ EMPLOYEE _____

SUPERVISOR _____

(File one copy of Orientation Check List and Acknowledgement of Receipt in employee's folder . Give one copy of each to the employee.)

PERFORMANCE APPRAISALS

Provide timely performance appraisals. The new employee should be evaluated after his probationary period, and, thereafter, at least once a year. Documentation is a necessary part of evaluating an employee, and is essential in defending yourself against charges that you have treated someone unfairly.

Generally, employees should not be "surprised" during an evaluation; a supervisor's grievances should not be "stored up" until the evaluation. In other words, the supervisor should have already covered problem areas as they occurred or were noticed. Periodic evaluation is a formal opportunity to narrow the distance between the supervisor's expectations and the employee's understanding of the job. However, the supervisor should have already informally clarified such misunderstandings (or at least attempted to) as the supervisor became aware of any discrepancy or confusion. Be sure to document the good behavior, as well as the bad for all employees. Employees should be given a copy of each evaluation. The original is filed in the employee's personnel folder.

All of your employee records can be subpoenaed and examined for signs of discrimination. Be sure you do not write anything in an employee's folder or on any record which could be misconstrued as discriminatory.

POSITIVE PERSONNEL EXPERIENCES

During a director's tenure at any given library there are many rewarding personnel experiences which should be mentioned before getting into the detail and "gloom" of the necessities of discipline inherent in the position. Things that come to mind include employees who:

1. get compliments from the public;
2. seek advice for educational plans or career goals;
3. attain a library science degree;
4. finally "crack" a complex problem in service or technology; or
5. discover a better way to do something which saves time and money.

There are many other instances in which staff help to make your work more enjoyable and infinitely more rewarding.

DISCIPLINE/DISMISSAL

Considering the time and expense involved in training employees, you should make every attempt to work with an employee who is not fulfilling his potential. If an employee is not doing a part of his job correctly, that employee might improve by "refresher" training. Be sure to document the repeated training sessions. For your protection, you may wish to have the employee sign and date this and all documentation. If repeated training does not help, you may need to terminate the employee at, or before, the end of the probationary period. Remember that the library itself cannot improve an employee; the employee must be willing to improve himself.

Oral Warning

If it is the behavior of the employee that is the problem (e.g., tardiness, excessive personal phone calls, etc.), an oral warning may be in order. Talk to the employee about the problem; express your concern. Listen to the employee for his version and take notes. There are times when your information on the case may be incorrect or incomplete. After hearing all sides, indicate your determination and whether further discipline is needed (e.g., written warning, probation, suspension).

Written Reprimand

If it becomes apparent that the behavior is a chronic problem and repeated "talking" does not improve the situation, give a written reprimand. This is a documented warning in which you tell the employee what to expect, up to and including termination if the behavior continues.

Formal Discipline

Once things progress to the stage where formal discipline is necessary, it is very likely that an adversarial relationship exists between the employee and the supervisor. At this stage documentation is mandatory. The documentation should include the employee's name, social security number, date of employment, rate of pay, and the current date. Indicate the nature of the problem or the policy which the employee has violated and the dates of occurrence. Or, use a standard Employee Disciplinary Report Form designed for this specific purpose. A sample form follows this article.

It is preferable to discipline the employee as soon as possible after the offense, ideally

within a day or two of the infraction. Wait until shortly before the end of his shift and call him into your office. (Keep in mind that your handling of such a confrontation could differ from the specific conduct suggested here. Your actions will depend on such variables as the physical layout of the site, the availability of privacy, and the proximity of potential witnesses or other workers.) You need to anticipate the employee's probable reaction and act accordingly. For example, if you feel that the behavior will improve or you do not want to embarrass the employee, it may be best to close the door. Conversely, you may need an open door -- and a witness -- if you believe the employee will not improve, will not sign documentation, or may become violent or abusive. A witness can be especially important to ward off accusations of harassment.

When you address the employee concerning the problem, try to be positive and talk mainly about specifics. Tell the employee what you perceive as the problem. If this behavior is a new development, remind the employee of the "good" things he has done previously. Explain where this trend of "poor" work performance and/or "bad" behavior could take him -- probation, suspension, or termination. Remind him of the policy and ask whether he understands it properly. If he doesn't, ascertain why he signed the acknowledgement that he read and understood all personnel policies when he began employment.

Tell him you expect this problem to cease and that if it doesn't, he could be terminated for it. Instruct him to sign and date the formal discipline document. His signature should also attest that he has received a copy of this paperwork. If he refuses to sign, ask him to write down why he refused. This may help later as your evidence that the employee was warned. If he refuses to comment, you should have a witness sign and date a statement saying the employee was warned and refused to sign the warning. Give the employee a copy of this also.

If the employee becomes violent or abusive at any time during the session, it is suggested that you immediately contact security personnel (or police, if you don't have guards) to escort the employee from the premises. Such a response should be documented and attested to by any witnesses. Disciplinary probation, suspension, or termination should be seriously considered if the employee's violent behavior persists, threatening co-workers and/or staff. In fact, criminal charges may be warranted in some instances.

Sample Employee Disciplinary Report Form

Copy To:
Employee _____
Employee's Personnel Representative _____
Other _____

Employee Disciplinary Report

Name: _____

Division: _____

Emp. No.: _____

Dept.: _____

Date of Incident: _____

Time of Incident: _____

Action to be taken: ☐ Warning ☐ Suspension ☐ Dismissal

This report is to be made part of the official record of the above-mentioned employee.

Nature of Incident:

- | | |
|---------------------------------------|---|
| 1. () Unexcused Absence | 11. () Housekeeping |
| 2. () Tardiness | 12. () Improper Conduct |
| 3. () Drinking on Duty | 13. () Reporting under the influence of alcohol or drugs |
| 4. () Insubordination | 14. () Violation of Safety Rules |
| 5. () Dishonesty | 15. () Carelessness |
| 6. () Garnishments | 16. () Destruction of Company property |
| 7. () Failure to follow Instructions | 17. () Defective and improper work |
| 8. () Fighting on Company premises | 18. () Theft (Stealing) |
| 9. () Leaving without permission | 19. () Violation of Company Rules of Conduct |
| 10. () Substandard Work | 20. () Other _____ |

Supervisor's Remarks: _____

Witnesses: _____

Employee's Remarks: _____

☐ PROBATIONARY EMPLOYEE

I have read this report.

Signature of Supervisor _____ Date _____

Signature of Employee _____ Date _____

THE ABOVE OFFENSE OR OFFENSES HAVE BEEN NOTED AND ARE MADE A PART OF THE ABOVE EMPLOYEE'S PERSONNEL FILE AS OF THIS DATE.

OFFENSE NUMBER 1 2 3 4 5 _____

Personnel Department _____ Date _____

LAST OFFENSE _____

Date

Additional Remarks: _____

Disciplinary Probation and Suspension

Just as it's not usually "cut and dried" about when to invoke formal discipline, there are also many variables to consider about disciplinary probation and suspension. Some employees will respond after the supervisor first expresses concern; others may not respond to subsequent reprimands or discipline. There's no magic in probation and suspension either -- these actions may or may not work with an employee exhibiting serious problems.

Disciplinary probation is a period of time (six weeks, ninety days, six months) during which the supervisor monitors the employee very closely. It should be long enough to give the employee a fair opportunity to improve, but not so long that it creates an oppressive atmosphere. Probation is designed to determine whether the employee (1) has ceased the problem behavior or performance, (2) is showing measurable and sustained improvement, and (3) demonstrates a cooperative attitude and willingness to change. Most supervisors consider probation to be a disciplinary step less serious than suspension, although both indicate the existence of a significant problem which has not improved even after actions such as counseling, warnings, and reprimands.

If, after a suitable period during probation, the employee is not responding, consider the next disciplinary step (dismissal). A supervisor is not obligated to wait until the end of the probationary period if the result is clear at the half-way point.

Among the disadvantages of probation are:

1. the employee remains in the same environment where the behavior occurred;
 2. the supervisor must spend significant time monitoring the improvement (or lack of it);
 3. the employee may feel like he or she is in a fish bowl; and
 4. other staff in the area are **probably** aware that the employee is on probation,
- and
relations may be uneasy.

While suspension is usually considered more serious than probation, it may nevertheless be invoked before, or instead of, probation. Often probation and suspension are used as the last two steps before dismissal in cases where the employee does not improve. Sometimes a supervisor must decide which of the two has a better chance of correcting the problem and then invoke that step. There are also times when both are used together,

for example when the employee is suspended without pay and placed on probation upon his return.

Suspension is a disciplinary measure in which the problem employee is penalized an amount of time (three days, two weeks, one month) without pay. This is a dramatic step which gets the employee's "attention" and forces him to examine the performance or behavior in question. This has the advantage of removing the employee from the environment in which the behavior or performance occurs. It also allows the employee the time to seek work elsewhere.

Before invoking either of these disciplinary steps, be certain the employee has been directly told what the problems are and what is expected, and has been given suitable prior warnings and time to correct after those reprimands. No employee, except one who is being disciplined for criminal activity or dangerous (violent) behavior, should receive suspension or probation without knowing the violation(s) and possible consequences and without having a chance to explain and to file a written response.

Final Written Reprimand

Continue to work with the employee if at all possible. If the employee continues to violate the policy, write him up again. The director may choose to give up to two written reprimands before giving the final written reprimand, but must be consistent with all employees. The final written reprimand follows the same procedure described for the first written reprimand. Let the employee know that this is his last warning and that next time, he will be terminated. **Follow the same procedure for signing, dating (with a witness again if necessary).**

Pre-Termination Hearings

Library administrators, when convinced it is necessary to terminate an employee, should do so in accordance with a board adopted termination policy that has been consistently and impartially applied.

There is no state law requiring a library to grant an employee a pre-termination hearing. However, for libraries which operate under a civil service system, the necessity to "Loudermill" an employee (that is, to provide a pre-termination hearing) has been ruled by

the U.S. Supreme Court to be "due process" for any tenured civil service employee leaving your employment "for cause", unless the employee has committed a crime on the job.

Once a supervisor has determined that the employee should be fired, he communicates this to the employee in writing, explaining the charges against him. The employee then has an opportunity to respond, even though his response may not affect the termination decision.

Termination

Firing an employee should be the last resort. Before you terminate an employee, use the following checklist to make sure the discharge is warranted.

- ☐ Do I know all the facts, and are they accurate?
- ☐ Can I prove the employee's guilt with objective evidence, or is my evidence circumstantial?
- ☐ Is the employee personally guilty, or is it guilt by association?
- ☐ Am I being fair, impartial, and level headed, or merely reacting to a challenge to my authority?
- ☐ Does the employee have a reasonable excuse for the misconduct?
- ☐ Is the rule the employee broke a reasonable one?
- ☐ Has the rule been applied reasonably in this instance?
- ☐ Did the employee know the rule? Should he have?
- ☐ Has the employee been warned in writing about or disciplined for this offense before?
- ☐ Has the employing unit strictly enforced its rules? Has it recently notified employees of a "crack-down" on this type of violation?
- ☐ What is the employee's past disciplinary record?
- ☐ Is the employee receiving the same treatment given others for the same offense? Does the punishment fit the crime?

If the indications are for termination, fire the employee in a timely manner; do not wait until Monday because you need the employee to work his Saturday shift. The termination papers should include statements, dates, and signatures pertaining to all infractions. The termination meeting with the employee should follow the same general guidelines given above for formal discipline.

There are some instances in which warnings are not needed - when the employee is caught stealing, damaging library property, fighting with a patron or another employee, etc. You obviously would not give him the opportunity to repeat this behavior. These and similar examples should be written out in board policy.

Resignations

Employees may resign their positions for a variety of reasons (moving out of the area, another offer of employment, returning to school, demands of home life, or general dissatisfaction with their job circumstances). Some employers offer about-to-be-terminated employees the opportunity to resign in lieu of being fired. Under certain conditions, employees who resign (in lieu of being terminated) can continue medical insurance under COBRA. An employee who "resigns" may find that preferable to being "terminated" when seeking other employment.

An employee who resigns must submit a signed and dated resignation statement to the director. A Sample Resignation Statement follows this article.

Some libraries schedule an "exit interview" with the employee who has resigned to resolve details such as forwarding addresses, leave balances, and return of keys and other library property, and to allow the employee to make general or specific comments, observations, and suggestions about the library and the job he is leaving. A Sample Exit Interview Form follows this article.

Employees who resign or are terminated, regardless of the reason, often file a claim for unemployment compensation. Terminated employees, college students who resigned to take post-graduate jobs, employees who resigned to return to school, and employees who moved out of state with their spouses have all successfully claimed and collected unemployment against libraries. Collecting unemployment depends on individual circumstances. It is imperative that the library submit a Separation Notice Alleging Disqualification (Form 77) to the State Office of Employment Security within 72 hours after separation. Failure to submit this notice within the specified time limits may cause you to forfeit your right to appeal or dispute an employee's claim for unemployment. These forms are available from your parish government office or from the Louisiana Office of Employment Security (P.O. Box 94094, Baton Rouge, LA 70804-9094, (225) 342-3111, <http://www.ldol.state.la.us/miscpage.htm>) or from your area Louisiana Department of Labor job service office which can generate 25 to 50 copies to send you.*

*To obtain contact information about your area job service office, call the Library Development Division at (225) 342-4933 or the LDOL Office of Workforce Development at (225) 342-7632.

Sample Resignation Statement

Name _____

Date _____

Library / Branch _____

Dept. _____

TO: **Personnel Department**

I, _____, am voluntarily resigning my
employment at _____ for the following
reasons: _____
_____.

I have discussed my resignation with my supervisor and agree that my resignation is
completely on my part.

I _____ am _____ am not leaving my present position to accept other work with
another company. (Please indicate name _____).

Employee signature _____

Date _____

Comments: **Supervisor and/or Employment Manager**

Signature _____

Title _____

Sample Exit Interview Form
_____ Parish Library

Date _____ Time _____ Location _____

Employee's name _____

Social Security Number _____

Last day of employment _____

Insurance information given _____

Retirement information given _____

Key returned (identify key) _____

Time sheet / vacation leave discussed _____

Library card status changed _____

Others present _____

Comments of interviewer:

Signature of interviewer _____

Comments of employee:

Signature of employee _____

REFERENCE CHECKS AND GIVING OUT REFERENCES

*

An organization should clearly communicate to its employees which individuals are authorized to give out employee reference information. It may be that only the library director and other top administrative personnel are so authorized. Anyone authorized to give out reference information on past or current employees must be trained by the director or personnel manager as to what information it is permissible to release.

Employee reference checking is a double-edged sword. There are potential negative consequences for not checking references on those you've hired (such as negligent hiring lawsuits); there are also potential negative consequences if you do check references (such as defamation lawsuits).

Before providing references for employees or former employees, be sure that all personnel know the library's policy on giving out references. If possible, obtain an employee's written permission before providing a reference. Document the positive and negative performance evaluations of an employee, and refer to these documents when giving a reference. It is important to provide only accurate and truthful information, because truth is an "absolute defense" to a defamation charge. It is also a good practice never to "volunteer" information. Be sure that any information you do provide is job related.

Make sure you find out to whom you are providing the information. If called for a reference, an employer may want to write down the requester's name, title, address, and telephone number, and then return the call. Returning the call allows the employer to verify the identity of the person seeking the information.

L.R.S. 23:291 became law in 1995 and relates to the disclosure of employment information. The statute provides for rights when certain employment related information is disclosed, provides for immunity from civil liability in certain instances, and provides for a limitation of liability. The impact this legislation will have on the procedures and practices of reference checks remains to be seen.

* Some information provided by the Society for Human Resource Management.

FEDERAL LABOR LAWS

There are many federal laws which apply to labor practices of state and local governments.

Some of the topics addressed in these laws include discrimination, the Americans with Disabilities Act (ADA), civil rights, family medical leave, fair labor standards, privacy, social security, and safe workplaces.

Websites pertaining to these laws include the following:

ADA <http://www.usdoj.gov/crt/ada/adahom1.htm>

Civil rights and discrimination <http://www.eeoc.gov/index.html>

Fair Labor Standards Act <http://www.dol.gov:8002/fsla/screen51.asp>

Family Medical Leave Act <http://www.dol.gov/>

Safe workplace <http://www.osha.gov>

Social Security http://199.173.244.3/SSA_Home.htm

Employers must display in the workplace posters giving information about certain relevant laws. To obtain these posters, contact your area Louisiana Department of Labor job service office.*

* To obtain contact information about your area job service office, call the Library Development Division at (225) 342-4933 or the LDOL Office of Workforce Development at (225) 342-7632.