

BML Disciplinary and Grievance Policy and Process

(adopted from Oxford Public Library Personnel Policy)

Approved Electronically 8/3/19

Hostile Work Environment

Positive working relationships are essential to the teamwork that is necessary between the Board of Trustees, the Director, the Assistant, and Volunteers in order to ensure effective delivery of Library services in accordance with the BML mission and Strategic Plan. Employees, Volunteers, and Trustees are expected to conduct themselves in a professional, civil, and courteous manner whether interacting with the public or with each other. Behaviors which tend to create hostile working relationships or environment are prohibited; these include, but are not limited to, rudeness or discourtesy, malicious gossip, false allegations or providing false information about someone, refusal to communicate including deliberate failure to share necessary job related information, and avoidance or "shunning".

The primary focus of this policy is on patterns of behavior. This policy shall not be used to undermine supervisory authority. Good-faith exercise of supervisory authority including directives, evaluation, counseling, or imposition of discipline is expressly excluded from this policy unless it otherwise violates Personnel Policy.

Violation of this policy, including refusal to cooperate in corrective efforts such as investigation, mediation, or counseling, may result in disciplinary action.

Disciplinary Policy

Purpose

The purpose of this policy is to ensure the orderly and efficient operation of the Library by requiring employees and trustees to adhere to common standards of work conduct at all times.

Policy

An employee, volunteer, or trustee who fails to maintain proper standards of conduct as outlined in either this policy or state and federal rules and regulations, shall be subject to disciplinary action up to and including discharge. Examples of transgressions that may result in disciplinary actions include but are not limited to: neglect of duties, disobedience of orders, willful misconduct, and failure to properly perform the duties of the employee's position.

Just Cause

Employee discipline shall in all cases be based on just cause and accompanied by a written notice of the specific acts or omissions upon which the discipline is based except as noted in the section on "Probationary Period".

Progressive Discipline

The purpose of progressive discipline is to provide the opportunity for an employee to correct his/her behavior by providing for more serious consequences in those situations where an employee chooses not to correct his/her behavior.

Nothing in this policy shall imply that the steps of progressively more serious discipline must be followed in order. The seriousness of each offense shall be judged on its own merits and discipline assigned accordingly after all appropriate corrective measures have been explored.

Pre-disciplinary Hearing

All suspension, demotion, or discharge of a regular employee or volunteer for cause, will be handled through the personnel committee who will review the situation and provide the employee or volunteer with a written notice of intent to discipline. Such notice shall state the act or omission upon which the disciplinary action is based, and shall inform the employee of the date on which action is based, and shall inform the employee of the date and time of the employee's pre-disciplinary hearing. The employee shall be advised that he/she shall have the opportunity at the pre-disciplinary hearing to present reasons why the proposed discipline should not occur. The employee may request the presence of another person at the hearing. After deliberation and the conclusion of the hearing, the employee will be informed if the proposed discipline will occur and a timeline for corrective action.

Trustee disciplinary processes will be handled at the Board level according to the bylaws.

Forms of Action

Oral Reprimand

The personnel committee or director shall issue an oral reprimand to put the employee or volunteer on notice that his/her performance or conduct is substandard and advise the employee or volunteer of the expected levels of conduct. A written record of the oral warning shall be made. Continued substandard conduct or performance may warrant a higher degree of discipline. In the case of a trustee, this will be handled by the board president.

Written Reprimand

In the case of a more serious offense or where an employee's performance or conduct has not improved as a result of three oral reprimands, the personnel committee shall issue a written reprimand. This written record puts the employee on notice that his/her performance or conduct is unacceptable, and documents the specific acts or omissions upon which the discipline is based as well as the expected corrective action. An improvement plan will be created, put in place, and monitored by the personnel committee. Continued substandard conduct or performance may warrant a higher degree of discipline.

Discharge

After three written reprimands the personnel committee through recommendation to and approval by the board of trustees may discharge an employee at any point in the disciplinary process.

Grievance Policy and Process

Purpose

The purpose of these grievance procedures is to assure fair and equitable treatment of all employees, volunteers, and trustees and to promote harmonious working relations; to establish a review procedure on matters for which an appeal and hearing are not specifically provided by law; to provide all parties a systematic means for receiving full consideration of problems when efforts to resolve them through discussion have failed; to encourage the settlement of disagreements as near as possible to the point of origin when necessary; to provide an orderly procedure to handle the review and resolution of disagreements by successively higher supervisory levels; and to provide that the resolution of disagreements be handled as quickly and as efficiently as possible.

Authority

The Personnel Committee, Board of Trustees, or assigned designee shall have the authority to resolve grievances on behalf of the Library in situations where an appeal procedure is not specifically provided by law or otherwise provided in these Policies and Procedures.

General Provision

Grievances may be initiated only by the affected party. At any level in the review process, the affected party may request the assistance of another person to prepare their case.

Whenever possible, grievances will be handled during the regularly scheduled work hours of the parties involved, excluding Library holidays. In the event that the affected party is an employee, they and their representative may use a reasonable amount of work time to prepare and present the grievance. The parties involved with the grievance may extend the time limits specified in the grievance procedure by mutual agreement. Upon failure of the Personnel Committee to comply with the time limits set forth in the procedure, the employee may proceed to the next level of review. Failure of the employee to comply with the time limits set forth in the procedure shall constitute an abandonment of the grievance. The employee is assured freedom from reprisal from the Library or its representatives for using the grievance procedure. Records of grievance proceedings and supporting documentation will be maintained separately from the employee's personnel record.

Informal Grievance Procedure

An employee, volunteer, or trustee who has a grievance or complaint should first try to get it settled through a discussion with the parties involved or as mediated through the personnel committee without undue delay. The employee and personnel committee, or parties involved must jointly write a description of their resolution of the complaint; both parties sign and date the agreement and both parties keep copies. If a resolution cannot be reached, an employee shall have the right to discuss it with the personnel committee if this has not yet occurred. Every effort should be made to find an acceptable solution by informal means. An informal appeal shall not be taken above the Library Director or personnel committee. Library employees should attempt to solve complaints informally as quickly and efficiently as possible.

Formal Grievance Procedure

If the affected party is not in agreement with the decision reached by the informal grievance

procedure, or if an informal decision cannot be reached after discussion with the personnel committee, a formal appeal shall be filed in writing within ten working days after the date when the employee has sought relief through informal processes. If either party fails to uphold the conditions of the joint resolution described in the informal grievance procedure, the affected party shall file an appeal in writing within ten working days after the date when the conditions of the resolution were broken.

Step One.

The appeal shall be presented in writing to the personnel committee. The personnel committee shall render a decision and comments in writing to the employee within five working days of receiving the appeal. If necessary, the personnel committee may bring the situation to the board of trustees for review.

Step Two.

If the employee does not agree with the decision, or if no answer has been received from the personnel committee within five working days of the appeal as stated above, the employee may present the appeal in writing to the President of the Board of Trustees, or in the President's absence, the VicePresident. Failure of the employee to take further action within five working days after receipt of the decision, or within a total of ten working days if no decision is rendered, will constitute an abandonment of the appeal.

Step Three.

Any appeals submitted in writing to the Board of Trustees will be acknowledged as received within three days. The Board of Trustees will then submit their response in writing within three days of their next regularly scheduled meeting. The Board will make every effort to mediate the concern in a timely manner. However, some situations may require a longer investigative process. In the event that the situation requires more than one meeting to resolve, the board will notify all parties of their action plan and timeline. Decisions made by the Board as a whole are final and binding.

Appeals of Disciplinary Actions

Personnel decisions made by the Director or the personnel committee may be appealed in writing to the Board of Trustees within seven days of the decision. The Director or personnel committee shall be informed of the appeal in writing. The Board of Trustees shall reply with their decision in writing within three days after their next regularly scheduled meeting. The employee appealing shall not be on the payroll during the period between a dismissal date and the appeal. If the appeal is upheld the employee shall be reinstated and compensated for any lost wages and benefits.

Discharge for Cause

Any non-probationary employee who has been discharged shall be entitled to receive a written statement of the reasons for such action. A written report shall also be made to the President of the Board of Trustees.