

ESSENTIAL POLICIES
PERSONNEL

DIRECTOR

The management of the Philmont Public Library (Library) is the responsibility of its Director. It is the Director's role to:

1. Oversee the selection, care, and maintenance of Library materials.
2. Organize the creation, selection, promotion, and running of programs.
3. Hire, direct, and delegate responsibilities to the staff.
4. Supervise day-to-day operations of the Library.
5. Prepare, with the assistance of the President of the Library Board of Trustees (BOT), the agenda for all regularly scheduled meetings of the BOT.
6. Mail or email to all trustees, within one week of their upcoming regularly scheduled monthly meeting, the agenda, the Director's Report, the previous month's minutes, and all other reports available.
7. Attend the regular meetings of the BOT, and present a monthly Director's Report.
8. Attend the regular meetings of the Mid-Hudson Library System Directors' Association and the Columbia County Library Association.
9. Attend the regular meetings of the Friends of the Library.
10. Create the Library's yearly budget.
11. Oversee the maintenance of the building and grounds, including repairs and the updating of spaces.
12. Uphold the Library's Mission, and foster a relationship of openness, acceptance, and friendliness with the community.
13. Assume the role of Coordinator of the Pandemic Protocol Policy and the Pandemic-Specific Policies should that become necessary. See Appendix H.

All decisions made by the Director shall be subject to review by the BOT.

STAFF

All members of the staff of the Philmont Public Library (Library) are under the direction of the Library Director, and shall follow all generally accepted and reasonable instructions of the Director. They shall adhere to all provisions of the Pandemic Protocol Policy and the Pandemic-Specific Policies. See Appendix H.

Employees dealing with the public are expected to present themselves in a professional manner and dress accordingly.

During interactions with staff, all patrons appropriately following the Library's "Patron Codes of Conduct" have the right to expect to receive prompt, timely, knowledgeable, and professional service from all staff members. It is the staff's responsibility to assist patrons in finding materials and information that they request, provided that those requests are reasonable and consistent with Library policies and New York State Law.

All patrons have the right to be acknowledged appropriately by staff members, to be treated courteously and respectfully, to have their privacy and confidentiality respected, and to receive the same high standard of service regardless of age, race, ethnicity, religion, gender, physical limitations, or any other criteria.

Staff members should make a conscious effort to resolve problems that may occur. If there is a policy relating to patrons' behavior or demands, it should be stated politely to the patrons in question.

Staff and patron information is confidential and should not be discussed with any person or persons outside the Library. Copying, removing, allowing unauthorized access to Library or patron documents, information, files or mailing lists, or any form of distribution of patron information is not allowed. Any breach of this confidentiality requirement is grounds for termination. The Library will deny access to these files to creditors, collection agencies and other outside sources, except where an employee has given written consent, or a subpoena has been issued. (See "Patron Confidentiality" and "Law Enforcement Inquiry".)

If an employee reports to work visibly impaired and cannot perform the required job functions, that employee shall not be allowed to work. Proper treatment of the employee, including sending the employee home, should be ascertained by the Director. In the event the employee is sent home, the employee will not be allowed to drive; the Library will provide suitable transportation.

Candidates for staff openings shall apply in writing to the BOT. This shall take the form of a letter of interest, and may include a resumé.

When terminating his employment at the Library, a staff member shall submit a letter of resignation to the BOT.

VOLUNTEERS

The Philmont Public Library (Library) Board of Trustees encourages individuals and groups to volunteer their time and effort in the service of the Library.

Library volunteers are coordinated by the Director, or designee, and must be at least 15 years of age unless supervised by an adult.

Library volunteers are bound by the rules contained in all Library policies and guidelines, especially those that relate to patron privacy and confidentiality. Library volunteers are recognized by the public as representatives of the Library and will be guided by the same Code of Ethics/Conduct policies as employees. The Director has the right to terminate a volunteer's working association with the Library at any time. Volunteers working in the Library are covered by Library's Property and Liability Insurance policy.

Volunteers shall adhere to all provisions of the Pandemic Protocol Policy and the Pandemic-Specific Policies. See Appendix H.

VOLUNTEER CURATORS

Volunteer Curators of the Philmont Public Library (Library) are volunteers from the community who are able to bring their experience to assist in planning and producing artistic events. They shall be appointed to serve at the discretion of the Arts Committee and the Library Director for at least one event and shall be expected to provide support as needed from the initial application by an artist or group of artists to the event itself.

DIVERSITY

The Philmont Public Library (Library) recognizes, encourages, utilizes, and values people's similarities and differences.

The Board of Trustees, Director, and staff shall:

1. Treat all people with respect and dignity.
2. Create a positive environment that will promote personal and professional development and attract new talent.
3. Foster a culture that invites and values the rich diversity among employees and the community served.
4. Promote policies, collections, programs and procedures that place value on diversity and individual dignity.
5. Remove barriers that hinder progress.
6. Provide leadership that empowers all people to reach their full potential while contributing to the Library's mission.
7. Ensure that individual actions support the spirit of this policy.

The Board of Directors (BOT) and Library Director shall provide the leadership for the development and implementation of the Library District's diverse activities and shall enforce the principles set forth in this policy in appropriate ways and in a timely manner.

PATRON CONFIDENTIALITY

The Philmont Public Library (Library) supports and complies with New York State Law (New York State Civil Practice Law & Rules 4508, Chapter 112, Laws of 1988) with respect to the confidentiality of Library records.

New York State Civil Practice Law & Rules 4508, Chapter 112, Laws of 1988:

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

Patrons may sign a confidentiality waiver giving another individual permission to do one or both of the following: Request information about materials on loan and/or take out materials.

VIOLENCE AND THREATS

The Philmont Public Library (Library) will not tolerate any aggressive behavior consisting of violence or threats of violence on Library grounds or anywhere that Library-related activities are taking place.

Such violence or threats of violence shall consist of any intentionally aggressive behavior consisting of physical contact, attempted physical contact, or threat to commit immediate or future actions with the intent to cause physical harm, against any person when said behavior either entails physical injury or would cause that person to fear bodily harm, and when said behavior occurs on Library grounds or wherever Library staff, trustees, or volunteers are performing Library-related activities.

If a Library employee, trustee, or volunteer witnesses any such violence or threat of violence, the following procedures should be followed immediately:

1. Attempt to de-escalate the situation to the extent that the witness judges such action to be safe, prudent, and effective.
2. As soon as possible, call 911 to summon medical help and/or criminal justice authorities if the staff member judges either action to be necessary or prudent.
3. Accurately document the incident or threat, using the Incidents and/or Threats of Violence Report Form (Appendix E).
4. Report the incident or threat to the Library Director in a timely manner, immediately if either medical help or authorities were called. If the Library Director cannot be reached, report the incident or threat to the President of the Library Board of Trustees.

SEXUAL HARASSMENT

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

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

POLICY

1. The Library's Sexual Harassment policy applies to and protects all employees, applicants for employment, interns, whether paid or unpaid, volunteers, Library patrons, contractors, and persons conducting business with the Library.
2. Sexual harassment will not be tolerated. Any employee or individual covered by this policy who engages in sexual harassment or retaliation will be subject to remedial and/or disciplinary action, up to and including termination.
3. Retaliation Prohibition: No person covered by this policy shall be subject to adverse employment action including being discharged, disciplined, discriminated against, or otherwise subject to adverse employment action because the employee reports an incident of sexual harassment, provides information, or otherwise assists in any investigation of a sexual harassment complaint. The Library has a zero-tolerance policy for such retaliation against anyone who in good faith complains or provides information about suspected sexual harassment. Any employee of the Library who retaliates against anyone involved in a sexual harassment investigation will be subjected to disciplinary action, up to and including termination. Any employee, paid or unpaid intern, or non-employee¹ working in the Library who believes he has been subject to such retaliation should inform the Director. Any employee, paid or unpaid intern or non-employee who believes he has been a victim of such retaliation may also seek compensation in other available forums, as explained below in the section on Legal Protections.
4. Sexual harassment is offensive, is a violation of our policies, is unlawful, and subjects the Library to liability for harm to victims of sexual harassment. Harassers may also be individually subject to liability. Employees of every level, including the Director and Library staff (staff), who engage in sexual harassment or who knowingly allow such behavior to continue, shall be penalized for such misconduct.

5. The Library shall conduct a prompt, thorough and confidential investigation that ensures due process for all parties whenever the Director receives a complaint about sexual harassment, or otherwise knows of possible sexual harassment occurring. Effective corrective action shall be taken whenever sexual harassment is found to have occurred. All employees, including the Director and staff, are required to cooperate with any internal investigation of sexual harassment.
6. All employees are encouraged to report any harassment or behaviors that violate this policy. The Library shall provide all employees with a complaint form for reporting harassment and filing complaints (Appendix F).
7. All Library employees are required to report any complaint that they receive, or any harassment that they observe, to the Director or the Board of Trustees.
8. This policy applies to all employees, paid or unpaid interns, non-employees, and volunteers, and all must follow and uphold this policy. This policy shall be posted prominently in all work locations and be provided to employees upon hiring.

¹A non-employee is someone who is (or is employed by) a contractor, subcontractor, vendor, consultant, or anyone providing services in the workplace. Protected non-employees include persons commonly referred to as independent contractors, “gig” workers and temporary workers. Also included are persons providing equipment repair, cleaning services or any other services provided pursuant to a contract with the employer.

SEXUAL HARASSMENT

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

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

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

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

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

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

Examples of sexual harassment:

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

1. Physical assaults of a sexual nature, such as touching, pinching, patting, grabbing, intentionally brushing against another employee’s body or poking another employee’s body
2. Rape, sexual battery, molestation or attempts to commit these assaults
3. Unwanted sexual advances or propositions, such as requests for sexual favors accompanied by implied or overt threats concerning the victim’s job performance evaluation, a promotion or other job benefits or detriments
4. Subtle or obvious pressure for unwelcome sexual activities
5. Sexually oriented gestures, noises, remarks, jokes or comments about a person’s sexuality or sexual experience, which create a hostile work environment
6. Hostile actions taken against an individual because of that individual’s sex, sexual orientation, gender identity and the status of being transgender, such as interfering with, destroying or damaging a person’s workstation, tools or equipment, or otherwise interfering with the individual’s ability to perform the job
7. Sabotaging an individual’s work
8. Bullying, yelling, name-calling

Who can be a target of sexual harassment:

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

Where sexual harassment can occur:

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

RETALIATION

Unlawful retaliation can be any action that would keep a worker from coming forward to make or support a sexual harassment claim. Adverse action need not be job-related or occur in the workplace to constitute unlawful retaliation (e.g., threats outside of work hours).

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

1. Filed a complaint of sexual harassment, either internally or with any anti-discrimination agency
2. Testified or assisted in a proceeding involving sexual harassment under the Human Rights Law or other anti-discrimination law
3. Opposed sexual harassment by making a verbal or informal complaint to management, or by simply informing a supervisor or manager of harassment
4. Complained that another employee has been sexually harassed
5. Encouraged a fellow employee to report harassment

REPORTING SEXUAL HARASSMENT

Preventing sexual harassment is everyone’s responsibility. The Library cannot prevent or remedy sexual harassment unless it knows about it. Any employee, paid or unpaid intern, volunteer, or non-employee who has been subjected to behavior that may constitute sexual harassment is encouraged to report such behavior to the Director or a member of the staff. Anyone who witnesses or becomes aware of potential instances of sexual harassment should report such behavior to the Director or a member of the staff.

Reports of sexual harassment may be made verbally or in writing. The Library shall provide a form for submission of a written complaint (Appendix F), and all employees and non-employees are encouraged to use this report form. Employees who are reporting sexual harassment on behalf of other employees should use the report form and note that it is on another employee’s behalf.

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

SUPERVISORY RESPONSIBILITIES

1. Any member of the staff who receives a complaint or information about suspected sexual harassment, observes what may be sexually harassing behavior, or for any reason suspects that sexual harassment is occurring, is required to report such suspected sexual harassment to the Director.
2. In addition to being subject to discipline if they have engaged in sexually harassing conduct themselves, all members of the staff shall be subject to discipline for failing to report suspected sexual harassment or otherwise knowingly allowing sexual harassment to continue.
3. The Director and staff shall also be subject to discipline for engaging in any retaliation.

COMPLAINT AND INVESTIGATION OF SEXUAL HARASSMENT

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

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

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

Investigations shall be done in accordance with the following steps:

1. Upon receipt of complaint, the Director shall conduct an immediate review of the allegations, and take any interim actions, as appropriate. If a complaint is oral, the Director shall encourage the individual to complete the Sexual Harassment Report Form in writing. If he or she refuses, the Director shall fill out a Report Form based on the oral reporting.
2. If documents, emails or phone records are relevant to the allegations, the Director shall take steps to obtain and preserve them.
3. Request and review all relevant documents, including all electronic communications.
4. Interview all parties involved, including any relevant witnesses.
5. Create a written documentation of the investigation (such as a letter, memo or email), which contains the following:
 - a. A list of all documents reviewed, along with a detailed summary of relevant documents
 - b. A list of names of those interviewed, along with a detailed summary of their statements

- c. A timeline of events
 - d. A summary of prior relevant incidents, reported or unreported
 - e. The final resolution of the complaint, together with any corrective actions action(s) taken
6. Keep the written documentation and associated documents in the employer's records.
 7. Promptly notify the individual who complained and the individual(s) who responded of the final determination, and implement any corrective actions identified in the written document.
 8. Inform the individual who complained of his right to file a complaint or charge externally as outlined below.

LEGAL PROTECTIONS AND EXTERNAL REMEDIES

Sexual harassment is not only prohibited by the Library, but is also prohibited by state, federal, and local law.

Aside from the internal process at the Library, employees and non-employees may also choose to pursue legal remedies with the following governmental entities at any time:

NEW YORK STATE DIVISION OF HUMAN RIGHTS (DHR)

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

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

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

The individual does not need an attorney to file a complaint with DHR, and there is no cost to file with DHR.

DHR will investigate the individual's complaint and determine whether there is probable cause to believe that discrimination has occurred. Probable cause cases are forwarded to a public hearing before an administrative law judge. If discrimination is found after a hearing, DHR has the power to award relief, which varies but may include requiring the individual's employer to

take action to stop the harassment, or redress the damage caused, including paying monetary damages, attorney's fees and civil fines.

DHR's main office contact information is: NYS Division of Human Rights, One Fordham Plaza, Fourth Floor, Bronx, New York 10458, (718) 741-8400 [appropriate other contact info], www.dhr.ny.gov

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

UNITED STATES EQUAL EMPLOYMENT OPPORTUNITY COMMISSION (EEOC)

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

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

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

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

Local Protections:

Many localities enforce laws protecting individuals from sexual harassment and discrimination. An individual should contact the county, city or town in which he lives to find out if such a law exists. If the harassment involves physical touching, coerced physical confinement or coerced sex acts, the conduct may constitute a crime. In which case, he may contact the local police department.

Adoption of this policy does not constitute a conclusive defense to charges of unlawful sexual harassment. Each claim of sexual harassment will be determined in accordance with existing legal standards, with due consideration of the particular facts and circumstances of the claim, including but not limited to the existence of an effective anti-harassment policy and procedure.