

Human Resources: *Or, And I Thought We Were Friends!*

Human Resources (HR) Policy

At the heart of any good personnel management system is a well-thought-out, written HR policy.

Employees of a **city library** are city employees and subject to the city's personnel policies and classifications, unless the city council has passed a city ordinance stating that library employees will be treated differently. The director of a city library is hired, supervised, and evaluated by the library board [see Idaho Code section [33-2607\(8\)](#)] and serves at the pleasure of the board [see I.C. § [33-2608](#)]. As the director of a city library, you should become thoroughly familiar with the city's human resources policy, or with whatever substitute policy the city or library has created for library employees.

It is also a good practice to get to know your library's human resources professional and attorney. If yours is a city library, these will be the city HR manager and city attorney. District libraries will have their own HR person and should have a qualified attorney on retainer. Every library should also make use of a risk management provider. If you find yourself dealing with disciplinary issues or other difficult HR problems, these are the experts to consult.

One of the largest risk management providers in Idaho is the Idaho Counties Risk Management Program [ICRMP, pronounced EYE crimp]. To learn more about ICRMP, visit <https://www.icrmp.org/>.

If you are a **district library** director, your library should have board-approved HR policy for its employees. It is advisable for your attorney or risk management provider to review these policies, which should include:

- The library's mission statement
- General expectations of all employees
- Job descriptions for all employees
- General description of compensation
- Description of benefits, including paid leave time

- Description of staff-development and continuing-education opportunities
- Hiring procedures, including promoting from within the organization
- Job evaluation procedures
- Procedures for promotion
- Procedures for progressive discipline
- Grievance procedures
- Procedures to terminate employment

Public library service is defined in I.C. § [33-2702\(6\)](#) as the provision of planned collections of materials and information services provided by a library established under the provisions of chapter [26](#) or [27](#), title 33, Idaho Code, and paid for primarily through tax support provided under these statutes. These services shall be provided at a facility, accessible to the public at regularly scheduled hours and set aside for this purpose. These services shall be governed by a citizen board appointed or elected for this purpose and shall be administered and operated by paid staff who have received appropriate training in library skills and management. The services shall meet standards established by the board of library commissioners.

So, why is it called a public library?

Not because it is open to the public, but because it is publicly funded, through property taxes paid by the residents and other taxpayers of the library's service area.

A community library staffed by volunteers is open to the public but is not funded primarily through taxation. So, it is not a public library in the legal sense.

The Idaho Commission for Libraries does not provide legal advice. Your library's HR policy should be vetted by your library's attorney or risk management provider before it is approved in an open meeting by the library's board of trustees. ***Attempting to save money by skipping this step could prove to be very costly in the future.***

Job Descriptions

Job descriptions are one of the most important elements of human resources policy because they will serve as the basis for both hiring and, if necessary, discipline. Job descriptions should include:

- A detailed description of the results of the work to be done by the position; and
- A description of the responsibilities of the position and how results will be achieved.

Hiring

To avoid discrimination or any appearance of discrimination, all job openings at the library should be advertised in multiple locations, not just in the library. Multi-branch districts should advertise in all newspapers in the district, provided that there are still local newspapers in the area. Larger libraries should advertise professional positions more widely, through the national library media. The advertisement should briefly describe the position and the minimum educational and experiential requirements that qualify for the position as well as a description of other desired educational and experiential traits (competencies) of the ideal candidate for the position. The posting can also include the anticipated starting salary or salary range and the URL where those interested in applying for the position can find additional information, including the complete job description and the anticipated starting salary, if these are not included in the advertisement.

The only exception to this procedure is when your library has a written policy of filling positions by promotion from within the agency, and when you have a qualified employee who is seeking promotion. As with all personnel policies, any internal promotion policy should be vetted by your attorney or risk management provider.

Below are some sites where your library can post its employment announcements.

- **LibIdaho** is an e-mail discussion list for people interested in all aspects of libraries and librarianship in Idaho. Membership is not limited to librarians, Idaho residents, or ILA members, but the list will probably be of greatest interest and value to those who are working in libraries in Idaho. LibIdaho is provided by the Idaho Library Association (ILA), which welcomes respectful discussion of professional issues.

To subscribe to LibIdaho, send a message to LibIdaho@simplelists.com with the message *subscribe libidaho* in the body.

- **PNLA's Job Page.** The Pacific Northwest Library Association is an organization of people who work in, with, and for libraries in Alaska, Alberta, British Columbia, Idaho, Montana, and Washington. On PNLA's Jobs page, the newest jobs are listed at the top of the page. To view current job openings, visit <https://pnla.org/jobs/>.
- **INALJ.** I Need a Library Job is a clearinghouse where information professionals can find and share job openings. Visit <http://inalj.com/?p=1441> to browse library and information jobs from all over the world. There is no charge for this service, although donations are welcome.
- **ALA JobLIST.** To post to the American Library Association's listing of current library and information jobs in the U.S. and Canada, visit <https://joblist.ala.org/>. There is no fee to search, but employers are required to pay for this service. Please note that print ads can be expensive, and that this method of posting may not be cost effective for a smaller library.

Application Forms

The Application form (paper or online), in addition to asking for name, address, and telephone number, should ask for information that will tell you how well the applicant meets the minimum requirements and desired traits of the ideal candidate for the position. The application should not, however, ask for unnecessary information that could lead to a charge of discrimination. Such information includes age, race, marital status, number of children, pregnancy status, social security number, or religion. In other words, ask only for the information that you need in order to evaluate the person's

ability to perform the duties of the advertised position. Do not ask for information that you do not need to make this evaluation.

A reasonable deadline for the applications should be set. Applications received after the deadline should not be considered.

If it is possible to quantify information, that is the best way of evaluating applications. For example, if years of applicable schooling are important for the position, you could award a certain number of points for each year of schooling. The same can be done with years of relevant experience. This scoring system needs to be worked out before looking at the applications. It should be applied—in writing—to each application that has been submitted.

I.C. §§ [65-502 through 65-506](#) also spell out a requirement that military veterans be given some preference for hiring for public employment in Idaho, which means that you should ask for veteran status on your job applications. This requirement can be met by using a 100-point scoring system, as outlined above, that automatically adds five points for veterans or the widows of veterans or 10 points for disabled veterans. If you do not wish to use such a system, you would probably be wise to interview all veterans who apply.

From the written application, the top three to five applicants can be chosen to interview. The interviews should help you explore each applicant's qualifications further, and it should also help determine how well they satisfy the most "personal" traits that you might be interested in. For example, if you are hiring someone to work with the public, but the applicant comes across as very shy or very aggressive in the interview process, you may want to consider if that person would really meet the library's needs. You do not have to hire the person who gets the highest score on the written application. The interview can be used as a separate test of an applicant's suitability for the job. As with the written evaluations, an objective way of scoring these interviews should be worked out before the interviews begin. Each applicant should be asked the same set of questions during the interview process. A written evaluation of each interview should be made immediately after the interview is completed. This, and all notes taken during the interview by the interviewer(s), should be retained as part of the recruitment record.

Once the decision has been made, and the person you have chosen has accepted the position, it is a matter of courtesy to inform other applicants of the decision. This is usually done via email these days, although it would be a very professional gesture to send a short note through the postal service. Such a note should simply state that the

position has been filled and wish them luck in their future job searches. You should not explain your decision in the note.

All applications and evaluation materials should be kept on file. It is important to remember that personnel information related to a public employee or applicant is exempt from public disclosure. See I.C. § [74-106\(1\)](#) for full details.

Performance Evaluations

It is the duty of the board of a **city library** to evaluate the performance of the library director [I.C. § [33-2607\(8\)](#)]. And it is the duty of the library director to evaluate the performance of every other library staff member. All performance evaluations should be done in accordance with city policies and procedures. (If the city has passed an ordinance declaring that library employees are not city employees, evaluations should be done in accordance with whatever substitute policy the library board has created for library employees.)

It is the duty of the board of a **district library** to evaluate the performance of the library director or director team [I.C. § [33-2720\(1\)\(c\)](#)]. It is the duty of the library director or director team to evaluate the performance of library staff members, based on the policies, procedures, and job descriptions approved by the library board.

Some libraries conduct probationary evaluations for new employees after their first six months on the job. Whether or not this is your policy, each person in the library should have a performance evaluation by his or her immediate supervisor once every year. When you are conducting a performance evaluation, you are not evaluating the person; you are evaluating how well the employee does the job.

There should be two components to a job evaluation. The first is a written evaluation on how well the employee accomplishes all the various desired results of the job. The desired results should be spelled out in the job description. This evaluation should be written by the employee's immediate supervisor. Both negative and positive evaluations should be explained in writing. Some libraries also have employees evaluate themselves in writing on their own success in achieving the desired results of the job. They then compare their self-evaluations with the evaluations of their supervisor.

The second part of the process is an interview between the supervisor and the employee to address questions and concerns the employee may have regarding the

written evaluation. This interview allows the employee to respond both positively and negatively to the written evaluation. If there are problems, the employee can talk about these and sometimes a mutually satisfying solution can be found. For example, a negative comment about an employee's speed in performing a task might be explained by the employee as a result of poor equipment. If there is agreement on the issue, the written evaluation should be amended. If there is disagreement, the employee should be allowed to tell his side of the story in writing, and this document should be placed in the employee's file.

One common mistake that supervisors make in evaluating employees is to withhold the truth about problems, based on a desire "not to hurt their feelings." This mistake has two negative results. First, it means that employees will not improve their performance, because no one has told them they are not meeting expectations. Second, if disciplinary action ever becomes necessary, this will be more difficult, as there will be no documentation of longstanding problems. It is more difficult to discipline employees who have never been informed of problems with their performance.

Promotions

Many libraries promote employees from within the organization before attempting to hire a new employee. If this is the case with your library, it should be explained in your personnel policy, and all current employees should be allowed to apply for a posted position.

It is important to design an internal recruitment policy for board approval. Before a library begins to recruit internally, there must be a plan specifying who needs to be involved in the process. It is the job of your library's HR professional to provide guidance for the internal recruitment process, but understanding who else needs to be included is crucial. Another key component of this plan is establishing clear communication rules for the internal hiring process. The policy must specify who can apply for internal vacancies and provide a template of what information must be provided in these internal postings, such as salary, benefits, department location. The posting should also specify how long an employee must be in his current position before applying for a new one. Do employees need to inform their current managers before applying for a new job? Can one department head encourage another department's employee to apply for an open position? Questions such as these need to be considered when establishing the library's internal recruiting policy.

HR staff should educate managers and employees on internal recruitment to build awareness. If jobs are available, make them known to the staff. Direct employees to a specific webpage for job opportunities, send out electronic mail to the entire staff, and advertise vacancies on the library's web presence: website and social media accounts. Current employees will not apply if they do not know the need is there.

In order for internal hiring to work, managers and supervisors must engage their employees and push them to apply for open positions within the library. This means seeking out talented, qualified, and diverse applicants. If you know that a particular employee would be a great fit for another position, why not point this out to that employee and possibly help advance her career? Employees are more likely to apply if they have the support of supervisors.

Bear in mind that you should always be careful that the employee you are promoting meets the minimum qualifications that you have listed on the job description for the position. Since the promotion is a reward for better-than-average service, you should also be able to document that the employee you are promoting has had better-than-average evaluations in the lower-level position. This is especially important if more than one employee has expressed an interest in being promoted to the higher position.

A good employee in one position or department does not mean that he is the right candidate for a different position or a different department, so screen internal applicants carefully. Talk with managers and supervisors for references. If permitted, look at an employee's files to see her past employment and behavioral records.

As mentioned previously, any such internal promotion policy should be reviewed by your library's attorney or risk management provider.

Once again, when in doubt about HR issues, contact your library's HR professional, attorney, and/or risk management provider.

Progressive Discipline

Except in extreme cases, such as when someone has endangered library users or other staff members, the library should use a progressive discipline approach to employees who are having problems. One of the most important tools for preventing discipline problems is setting clear standards and expectations for performance—not only in what tasks should be accomplished and how they will be measured, but also your

expectations of how library staff members will treat one another and the library's patrons.

A progressive discipline approach begins with relatively mild measures of discipline, and proceeds to more serious steps if the problem is not corrected. The dual emphasis of this approach is on communication and on giving the errant employee a chance to improve. Some typical steps in progressive discipline are as follows:

- **Informal discussion.** The supervisor discusses the problem with the employee informally, trying to understand the problem and reach a mutually acceptable solution.
- **Oral warning.** The supervisor warns the employee that his behavior is unacceptable and that, if improvements are not made, other actions will be taken.
- **Written reprimand.** The supervisor writes a formal reprimand, copies of which are sent to the employee and the supervisor's superior. The reprimand describes the problem and consequences that might occur if the problem is not corrected. The reprimand is placed in the employee's file. At this point, there may also be some outside intervention from the supervisor's superior. The existence of a written reprimand in the file may mean—depending on the wording of your library's HR policy—that no merit raise would be warranted for that period of time.
- **Suspension.** The employee is sent home for a specific period of time. She is not paid for the time lost. The employee should be afforded notice of the allegations and an opportunity to be heard prior to suspension without pay. A note explaining the action is placed in the employee's file.
- **Termination.** The employee is dismissed. The reasons for the termination are documented and placed in her file, along with a summary of the history of the progressive discipline process.

Whenever the progressive discipline process reaches a point where specific potential consequences are presented to the employee, it is advisable to discuss the situation with your library's attorney or risk management provider.

Grievance Procedures

Because perceptions of a personnel problem may differ, your library should have a grievance procedure which employees can use if they feel that they are being treated unfairly. The grievance procedure should be explained in the personnel policy, and it should be the responsibility of the supervisor to make employees aware of it. The policy should clearly establish the lines of authority that are to be used in filing a grievance. As with any library policy, this should be vetted by your library's attorney or risk management provider prior to board approval.

If an employee tries to do an "end run" around this policy, he should be told to follow the procedure. This seems to happen most often when an employee goes directly to a board member rather than to his supervisor. When a staff member does approach a board member instead of his supervisor, trustees should be reminded of the proper procedure and chain of command. It is important that the board avoid any direct communication with library staff members during the grievance process until such time as the library's HR policy calls for board involvement.

Grievances should be filed in writing. The first step in the grievance procedure usually is fact finding and mediation between the employee and her supervisor, if it is warranted. Fact finding and mediation should be done by a staff member superior in rank to the supervisor of the employee filing the grievance. If that is not possible, fact finding should be done by a competent, disinterested outsider. In small libraries, it is usually done by the library board. If it is found that the grievance was warranted, any supporting documentation should be placed in the employee's personnel file.

If it is found that the grievance was unfounded, the supervisor should be warned not to take retaliatory action. If the grievance involves an ongoing dispute involving disciplinary action against the employee, the normal disciplinary procedures should continue.

Important Employment Laws for Directors and Trustees to Know About

Although it is not possible to cover in detail all the employment laws that might affect your library, here is a short list of important laws and what they do. These descriptions are not intended as a full explanation of the law, but as a guide to some areas of HR law that you should be aware of. For legal advice, please contact your library's attorney or risk management provider.

- **Minimum wage.** Almost all library workers fall under the federal and state minimum wage laws. Make sure that you are paying them at minimum wage or more.
- **Fair Labor Standards Act (FLSA).** This includes the federal minimum wage, requirements for overtime pay, and requirements for compensatory (comp) time. It also prohibits covered employees from contributing volunteer hours to their place of employment. The FLSA includes child labor provisions, which set certain limitations on the use of juveniles as employees. If you hire pages¹ under 18 years of age, you should be aware of these restrictions.
- **State and Federal Civil Rights Laws** prohibit employers from discriminating on the basis of race, color, religion, sex, or national origin in hiring, promotion, and other employment policies.
- **Age Discrimination Employment Act (ADEA)** prohibits employers from discrimination on account of age. The protected age group is 40 years old and older.
- **Americans with Disabilities Act (ADA)** is a civil rights law that prohibits discrimination based on disability. It affords similar protections against discrimination to Americans with disabilities as the Civil Rights Act of 1964, which made discrimination based on race, religion, sex, national origin, and other characteristics illegal. In addition, unlike the Civil Rights Act, the ADA also requires covered employers to provide reasonable accommodations to employees with disabilities and imposes accessibility requirements on public accommodations.

¹ A page is a library staff member responsible for delivering materials from closed stacks and assigned the routine task of general stack maintenance (reshelving, shelf reading, etc.). In public libraries, pages are often part-time employees or volunteers who are trained to perform stack maintenance.

- **The Immigration Reform and Control Act (IRCA)** of 1986 requires that employees complete an I-9 form within three days of starting work, verifying their identity and authorization to work. Employers may condition an offer of employment on the successful applicant's completing the form but may not specify what documents must be used to complete the form.
- **The Family and Medical Leave Act (FMLA)** of 1993 allows employees to take up to 12 work weeks of paid or unpaid leave for certain medical and family reasons. It requires that employees taking such leave be allowed to return to their original job or an equivalent job with equivalent pay, benefits, and other employment terms and conditions.
- **Prohibited Conduct by Public Servants.** Idaho Code sections 18-1351 and 18-1359 to 18-1362 list prohibited conduct on the part of Idaho public servants. One of the prohibitions is against nepotism, the hiring and employment of one's own relatives.
- You may have questions about your role as an employer. The **Resources for Job Creators** website provides answers to common questions about workers and business: <https://www.employer.gov/>.