

CLEVELAND PUBLIC LIBRARY

Board Meeting

September 26, 2019

RESOLUTION TO REVISE THE HUMAN RESOURCES MANUAL

WHEREAS, Pursuant to Section 121.2 of the Human Resources Manual, the Board of Library Trustees must approve all changes to the Human Resources Manual; and

WHEREAS, A comprehensive review and revision of the Human Resources Manual has not occurred since 1996, and certain sections of the Human Resources Manual could benefit from being revised to reflect the prevailing practices in today's workplaces; and

WHEREAS, The Library Administration recommends that the Human Resources Manual be revised to add a new Section 314, titled "Overtime," as set forth in Exhibit "A" to this Resolution; and

WHEREAS, The Library Administration recommends that the Human Resources Manual be revised to include a rewritten Section 361, titled "Sick Leave," as set forth in Exhibit "B" to this Resolution and rescind existing Sections 362, 363, 364, 365, and 366 of the Human Resources Manual; and

WHEREAS, The Library Administration recommends that the Human Resources Manual be revised to include a rewritten Section 370, titled "Vacation Leave," as set forth in Exhibit "C" to this Resolution and rescind existing Sections 371, 372, 373, 374, 375, and 376 of the Human Resources Manual; and

WHEREAS, The Library Administration recommends that the Human Resources Manual be revised to include a rewritten Section 391, titled "Authorized Leaves of Absence," as set forth in Exhibit "D" to this Resolution and rescind existing Section 392 of the Human Resources Manual; and

WHEREAS, The Library Administration recommends that the Human Resources Manual be revised to include a new Section 393, titled "Family and Medical Leave," as set forth in Exhibit "E" to this Resolution; and

WHEREAS, The Library Administration recommends that the Human Resources Manual be revised to include a new Section 394, titled "Military Leave," as set forth in Exhibit "F" to this Resolution; and

EXHIBIT 19

WHEREAS, The Library Administration recommends that the Human Resources Manual be revised to include a new Section 395, titled “Medical Leave of Absence,” as set forth in Exhibit “G” to this Resolution; and

WHEREAS, The Library Administration recommends that the Human Resources Manual be revised to include a new Section 396, titled “Family Leave of Absence,” as set forth in Exhibit “H” to this Resolution;

WHEREAS, The Library Administration recommends that the Human Resources Manual be revised to include a rewritten Section 431, titled “Fleet Vehicles,” as set forth in Exhibit “I” to this Resolution; and

WHEREAS, The Library Administration recommends that the Human Resources Manual be revised to include a rewritten Section 432, titled “Employee-Provided Transportation (Personal Vehicle and Public Transportation),” as set forth in Exhibit “J” to this Resolution;

WHEREAS, The Library Administration recommends that the Human Resources Manual be revised to include a rewritten Section 387, titled “Bereavement Leave”, as set forth in Exhibit “K” to this Resolution; now therefore be it

RESOLVED, That the Cleveland Public Library Board of Trustees hereby approves the proposed revisions to the Human Resources Manual as set forth in Exhibits “A” through “K” of this Resolution to create Sections 314, 393, 394, 395, and 396, to update Sections 361, 370, 391, 431, 432, and 387 and to rescind Sections 362, 363, 364, 365, 366, 371, 372, 373, 374, 375, 376, and 392 to become effective September 27, 2019, and instructs the Library's management to be responsible for implementation and execution of the provisions of these policies and their related procedures.

Exhibit “A”

COMPENSATION PRACTICES – 300

OVERTIME – 314 (REVISED)

Bargaining unit employees shall be eligible for overtime pursuant to their collective bargaining agreement. Non-bargaining unit non-exempt employees shall be paid (or compensated with compensatory time) at the rate of time-and-one half their regularly hourly rate for time worked more than 37.5 hours in a work week.

Exempt employees are expected to work beyond the standard 37.5-hour work week with no additional pay.

June 18, 2009

Revised September 17, 2019

Exhibit “B”

COMPENSATION PRACTICES – 300

SICK LEAVE – 361 (REVISED)

Full time and regular part-time employees earn paid sick leave at the rate of .0577 hours for each hour compensated or 112.5 hours (15 working days) per year. Unused sick leave shall be cumulative to 900 hours.

Sick Leave Transfer

Sick leave of an employee who has been separated from public service in the State of Ohio shall be placed to the employee’s credit upon the employee’s re-employment in public service, provided that the re-employment takes place within ten years of the date on which the employee was last terminated from public service in the State of Ohio. An employee who transfers from another public agency to the library shall be credited with the unused balance of the employee’s accumulated sick leave from the last public employer up to a maximum of 900 hours.

Good Attendance Incentive

Bargaining unit employees shall be eligible for a Good Attendance Incentive pursuant to their collective bargaining agreement. Non-bargaining unit employees who have a balance in their sick bank of less than 900 hours at the end of the calendar year and who use a combined total of fewer than five (5) sick days and/or emergency leave days (37.5 hours for full time employees; 20 hours for part-time regular employees) in the previous calendar year shall be awarded three (3) Good Attendance days (taken from sick leave balance) which can be used at any time within the calendar year in which they are awarded. Part-time employees shall earn days on a prorated basis (a 4-hour shift equals a “day”).

Sick Leave Payout

Bargaining unit employees shall be eligible for Sick Leave Payout pursuant to their collective bargaining agreement. Non-bargaining unit employees who have a balance of over 900 hours in their sick leave bank at the end of the calendar year will be paid 75 percent of those hours in excess of 900 hours at their current hourly rate; the remaining 25 percent of those hours are forfeited in excess of 900 hours.

Sick Leave Payout – Retirement

A non-bargaining employee with ten (10) or more years of service with the library who has applied to the Ohio Public Employee’s Retirement System (OPERS) for retirement benefits may elect to be paid in cash 25 percent of the value of any unused accumulated sick leave credit up to 500 hours (maximum number of paid hours is 125).

March 21, 1996

Revised September 17, 2019

(Rescind policies 362, 363, 364, 365, 366)

Exhibit “C”

COMPENSATION PRACTICES – 300

VACATION LEAVE – 370 (REVISED)

Bargaining unit employees shall be eligible for vacation leave pursuant to their collective bargaining agreement. Vacation time for full-time employees accumulates from the first day of employment. Vacation leave for regular part-time employees is pro-rated based on their full-time equivalency percentage. Previous service with a public employer in the State of Ohio will be counted in computing vacation leave credit for newly-hired eligible employees. Prior service credit will not be taken into account for purposes of vacation accruals for a newly hired employee who is receiving retiree benefits from the Ohio Public Employees Retirement System (OPERS) will begin accrual at the lowest level appropriate for their position.

All other full time and regular part-time employees shall accumulate vacation time as follows:

- Employees with less than three (3) years of service: .0385 per hour compensated, or 75 hours (10) days per year.
- Employees with three (3) to (5) years of service: .0577 per hour compensated or 112.5 (15) days per year.
- Professional and administrative non-bargaining employees (pay grade H and higher), as well as employees with at least five (5) years of service shall accumulate vacation leave at the rate of .0846 per hour compensated or 165 hours (22) days per year.
- Employees with greater than 25 years of service: .0962 per hour compensated or 25 days per year.

September 16, 1982

Revised September 17, 2019

(Rescind policies 371, 171.1, 372, 373, 374, 375, 376)

Exhibit “D”

COMPENSATION PRACTICES – 300

AUTHORIZED LEAVES OF ABSENCE – 391 (REVISED)

A leave of absence may be approved for employees for certain circumstances such as military duty, a serious health condition, or personal circumstances. A leave of absence may be approved for employees (upon the recommendation of a department or agency head and with the approval of the Director or their designee for special study or extended travel.

An employee absent without an approved leave may be subject to discipline up to and including termination.

February 15, 2007

Revised September 17, 2019

(Rescind policy 392)

Exhibit “E”

COMPENSATION PRACTICES – 300

FAMILY AND MEDICAL LEAVE – 393 (NEW)

It is the policy of the Cleveland Public Library to provide leave in accordance with the Public Law 103-3, Family and Medical Leave Act (FMLA) of 1993 as amended from time to time. Eligible employees shall be provided up to twelve (12) weeks of leave during a rolling twelve (12) month period in connection with any of the following reasons:

1. Incapacity due to pregnancy, prenatal medical care or child birth.
2. Care for the employee’s child after birth, or placement for adoption or foster care.
3. Care for the spouse, including lawfully married same-sex spouse, or a son, daughter, or parent, of the employee, if such spouse, son, daughter, or parent has a serious health condition.
4. Serious health condition that makes the employee unable to perform the functions of the position of such employee.
5. To address any qualifying exigency arising out of the fact that the lawfully married spouse, son, daughter or parent of the covered employee is on “covered active duty” or called to covered active duty status.

Military Family Leave - Eligible employees are entitled to receive up to 26 weeks of leave during a twelve (12) month period to care for an Armed Forces family member who has a serious injury or illness incurred while in active duty. This military leave is available during “a single twelve (12) month period” during which an eligible employee is entitled to a combined total of 26 weeks of all types of FMLA leave. The “single twelve (12) month period” begins on the first day the eligible employee takes FMLA for this reason and ends 12 months after the date.

An employee’s FMLA leave may be either paid or unpaid. However, before unpaid FMLA leave may be authorized, the employee will be required to exhaust any appropriate accrued paid leave with the exception of a leave for a work-related injury that has been allowed by the Ohio Bureau of Workers Compensation. An employee requesting leave for a qualifying exigency for a service member being deployed must use all accrued vacation as part of the approved leave period.

Any other use of FMLA leave requires the use of all accrued paid sick leave followed by all other available paid leave accruals as part of the approved leave period.

Employees shall be provided employment in an equivalent position with equivalent conditions of employment upon the return from family or medical leave, in accordance with applicable laws. The library shall maintain records of the utilization of family or medical leave in

Exhibit “E”

compliance with requirements of the Department of Labor- United States Wage and Hour Division.

Exhibit “F”

COMPENSATION PRACTICES – 300

MILITARY LEAVE – 394 (NEW)

Pursuant to Ohio Revised Code (ORC) 5923.05, permanent public employees who are members of the Ohio National Guard, Ohio Organized Militia, or members of other U.S. Armed forces reserve components are entitled to a leave of absence without loss of pay for the time they are performing service in the uniformed services for periods of up to one month for each calendar year in which they are performing service in the uniformed services.

For purposes of this policy “month” means twenty-two (22), seven and one-half (7.5) or eight (8) hour work days or one hundred seventy six (176) hours within one calendar year. “Permanent public employee” means any person holding a position that requires a regular schedule of twenty-six (26) consecutive bi-weekly pay periods and does not include intermittent employees. An employee shall submit to the library the published order authorizing the call or order to the uniformed services or a written statement from the appropriate military commander authorizing that service prior to the commencement of the leave.

Any employee who is entitled to the leave provided under this policy and who is called or ordered to the uniformed services for longer than a month for each calendar year in which the employee performed service in the uniformed services, because of an Executive Order issued by the President of the United States, because of an act of Congress or because of an order to perform duty issued by the Governor, is entitled during the period designated in the order or act to a leave of absence and to be paid during each monthly pay period of that leave of absence the difference between the employee’s gross monthly wage or salary as a permanent public employee and the sum of the employee’s gross uniformed pay and allowances received that month. No differential payment shall be made to the employee during any month in which the sum of the employee’s gross uniformed pay and allowances exceeds the employee’s gross wage or salary for that period.

The Library will comply with all federal and state requirements, as relates to employee benefit coverage eligibility.

Exhibit “G”

COMPENSATION PRACTICES – 300

MEDICAL LEAVE OF ABSENCE – 395 (NEW)

Bargaining unit employees shall be eligible for a Medical Leave of Absence pursuant to their collective bargaining agreement. Non-bargaining unit employees may be eligible for a Medical Leave of Absence, a continuous leave of absence for the serious health condition of an employee, child, spouse or parent. A Medical Leave of Absence cannot exceed one year for full time and regular part time employees and six months for pages and substitutes. Employees shall be provided employment in an equivalent position with equivalent conditions of employment upon the return from Medical Leave. Eligible employees are required to use sick and vacation time; an unpaid Medical Leave will not commence until all earned time has been exhausted.

Exhibit “H”

COMPENSATION PRACTICES – 300

FAMILY LEAVE OF ABSENCE – 396

Non-bargaining unit employees may be eligible for a Family Leave of Absence, a continuous leave to care for an employee’s child after birth, or placement for adoption or foster care. A Family Leave of Absence (FLA) cannot exceed 30 days in any rolling twelve-month period and must commence within one year after the birth, placement or adoption of the child. Eligible employees are required to use vacation time; an unpaid FLA will not commence until all earned time has been exhausted.

Exhibit "I"

STAFF WELFARE AND ECONOMIC BENEFITS - 400 Fleet Vehicle and Transportation - 430

431 - Fleet Vehicles

Employees needing transportation for business or other purposes related to Cleveland Public Library activities may use one of the Library's vehicles.

431.1 Requests for the use of a Library car for out of town travel are to be made on Form 070 and must include the expected times of pick-up and return; local travel requests are made via phone or email to the Property Management department. All requests must be approved by a department or agency head and forwarded to the Property Management Department well in advance of the need for the car.

431.2 Except in unusual or emergency circumstances and with prior approval of a department or agency head, a Library employee must be the driver of the car. Any person driving a Library car must have a valid driver's license. Article 23 of the Local 860 Union Agreement and Article XXIIa of the SEIU District 1199 Union Agreement govern the Library's driver's record check procedures for union employees.

431.3 Library fleet vehicles must not be utilized by Library employees for any personal use without permission of a department or agency head. All usage of Library fleet vehicles must be substantiated on the "IRS Mileage Log Sheet," maintained in each fleet vehicle. Each time a Library employee utilizes a fleet vehicle, he/she must document the travel date(s), his/her name, destination, business purpose for use of the vehicle, and beginning and ending odometer readings on the mileage log sheet.

Additionally, no Library employee is permitted to take a fleet vehicle home for overnight use (e.g., borrow a fleet vehicle at the end of the day to take home and utilize for travel the following day). This usage would be considered personal, and, therefore, taxable to the employee.

431.4 Personal use of a Library fleet vehicle is taxable to the employee as a fringe benefit under the IRS's "cents-per-mile" rule. Personal use is any use of the Library vehicle other than use for Library business. Under the "cents-per-mile" rule, the Library must determine the value of a vehicle that the Library provides to an employee for personal use by multiplying the standard mileage rate by the total miles the employee drives the vehicle for personal purposes. This amount must be included in the employee's wages or reimbursed by the employee.

Exhibit "J"

432 - Employee-Provided Transportation (Personal Vehicle and Public Transportation)

Employees authorized by their department heads to use their personal vehicles for Library purposes are entitled to a mileage allowance equal to the Internal Revenue Service's standard mileage rate. Employees always have the option of calculating the actual fuel costs of using their vehicle rather than using the standard mileage rates.

432.1 If an employee utilizes his/her own vehicle for Library business, he/she must possess a valid driver's license and must carry insurance coverage on said vehicle. The employee's vehicle must be in safe working order and good repair. The Library will not be held responsible for or pay for any damages, necessary repairs, or malfunctions that occur to an employee's vehicle while in use on Library business. In the event of an accident, vandalism, or similar occurrence, the employee's personal auto insurance policy would be the primary coverage, and the Library's auto insurance policy would be excess coverage. Whenever possible, employees are encouraged to carpool or arrange for the use of a Library vehicle.

432.2 Employees needing transportation from one assignment to another within the Library system will be entitled to receive bus fare to and from the second assignment unless it completes a day's schedule, in which case transportation will be paid only one way.

432.3 Employees will not be reimbursed for commuting, which is travel between an employee's personal residence and the first/last place of work within the Library system. This includes mileage, bus fare, parking, tolls, etc. Reimbursements for transportation expenses for traveling from one work location to another for Library business will be reimbursed in accordance with the guidelines stated in this policy.

432.4 Employees will not be reimbursed for both vehicle mileage costs and bus fare on the same day. If an employee claims both vehicle mileage and bus fare on the same day, the employee will be reimbursed for the lesser of vehicle mileage costs or bus fare for that entire day's travel (up to the maximum all-day bus pass amount currently in effect at the time of travel).

432.5 In no instance will the Library reimburse costs incurred by an employee for ride-sharing services (e.g., Uber, Lyft, taxis, etc.) for transportation between branches unless the use of ride-sharing services is in the best interest of the Library and is approved in advance by the employee's supervisor.

432.6 Reimbursement Procedures

- 432.6.1 Claims for reimbursement for employee-provided transportation must be made on Form 024, "Claim for Mileage/Transport Reimbursement," through Employee Self Service (ESS). For vehicle mileage, employees must include a route map printout or similar support as a receipt to substantiate the reimbursement request. Employees are to utilize Form 023, Mileage Matrix, to substantiate mileage between Library facilities. For all-day bus fare requests, employees must include the all-day pass. Other expenses, such as parking or tolls, must be accompanied by a receipt.
- 432.6.2 Employees must submit claims on a monthly basis in ESS. Claims for reimbursement must be submitted by the end of the following month (e.g., travel for the month of June must be submitted in ESS by July 31st). Reimbursements will not be made if claims are submitted past this date.
- 432.6.3 Any personal tax implications related to fleet vehicles and/or employee-provided transportation are the sole responsibility of the employee, not the Cleveland Public Library.

Exhibit “K”

COMPENSATION PRACTICES – 300

BEREAVEMENT LEAVE – 387 (REVISED)

Bargaining unit employees shall be eligible for bereavement (funeral) leave pursuant to their collective bargaining agreement.

Bereavement leave shall be granted up to five (5) days bereavement leave for a death in the immediate family. Immediate family is defined as spouse, parent (including legal guardian or other person who stands in the place of a parent), child, or sibling.

Up to three (3) days shall be granted for a death of other relatives including parents-in-law, stepchildren, grandchild, brother or sister-in-law, son or daughter-in-law, uncle, aunt, grandparent, niece or nephew.

March 17, 1976 (Funeral Leave)

Revised September 26, 2019