Madawaska Valley Public Library Policy Manual

Policy Type: Human Resources **Policy Number: HR-03**

Policy Title: Terms and Conditions Of Employment

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Objective
To ensure the terms and conditions of employment of the Township of Madawaska Valley Public Library Board (the Board) are in compliance with the Ontario employment legislation.

Scope
The Board shall ensure they are in compliance with the Ontario employment legislation, such as ***Employment Standards Act S.O. 2000, Chapter 41***., ***Ontario Human Rights Code R.S.O 1990 H. 19***, and the regulations of the ***Accessibility for Ontarians with Disabilities Act 2005.***

Section 1: Hours of Work

1. The Madawaska Valley Public Library (the library)'s hours of operation are set by the board in response to community needs. They include summer and winter hours during the morning, afternoon, and evening, throughout the week, including weekends. As such, library employees' hours of work are scheduled to support the delivery of library service to the public.

2. All breaks including rest and lunch breaks are scheduled by the Chief Executive Officer (the CEO) or their designate.

3. An employee is entitled to a 30-minute break free from work, taken within five hours of the start of the shift.

Section 2: Overtime

1. An employee may choose cash payment for work in excess of 70 hours in a two-week period. Payment is at the rate of one and one-half times the normal rate of hourly pay. Alternately he or she may choose to receive time off equivalent to one and a half times the hours worked at a time agreed to by the CEO or supervisor.

2. All overtime shall be pre-authorized in writing by the CEO.

Section 3: Attendance

1. An employee is responsible for communicating within a reasonable time frame before the start of the shift any absence or anticipated lateness to the CEO or his or her designated so that alternate arrangements can be made to fill the shift.

2. Repeated attendance problems are cause for formal discipline.

Section 4: Dress

1. The library strives to present an approachable and professional image to users and visitors. Employees are requested to wear business or business casual attire.

2. Casual clothing worn at school or at home (e.g. ripped jeans, short shorts, sweatpants, flip-flops, sport caps, toques), is not suitable for a work environment, unless required for a specific program.

3. Clothing must be clean and in good condition.

Section 5: Inclement Weather and Unscheduled Library Closing

1. Occasionally the library will be closed due to inclement weather or maintenance issues. If the CEO decides to close the library, employees scheduled to work that shift will be paid. Employees unable to reach the library due to inclement weather when the library is open will not be paid.

2. When weather deteriorates or a maintenance issues occurs during the workday that requires the library to close, employees sent home will be paid for the remainder of their shifts.

Section 6: Professional Development

Professional development is a shared responsibility of the library and the employees. Professional development allows employees to enhance their skills and meet the evolving needs of the library.

1. Employees are required to participate in professional development activities.

2. Professional development opportunities will take into account the accommodation needs of employees with disabilities.

3. The library pays employees to attend approved events including seminars, workshops, and conferences. The library pays for the cost of registration and travel expenses.

4. Fees for courses or tuition will be fully reimbursed to employees if courses relate directly to current work requirements. Fees are reimbursed when proof of successful course completion is submitted.

5. Fees for courses or tuition may be reimbursed by up to 50% if courses are developmental and increase competencies or provide for career progression. Fees are reimbursed when proof of successful course completion is submitted.

6. Employees must obtain prior approval from the CEO for participation in, and reimbursement for, all professional development activities.

Section 7: Job Accommodation

1. The library supports employees with disabilities by taking into account the employee's accessibility needs.

2. Upon request, and in consultation with an employee with a disability, the library will provide or arrange for the provision of accessible formats and communication support for information that is needed in order for the employee to perform his or her job as well as information that is generally available to all employees.

3. Individualized workplace emergency response information will be provided and employees will be designated and trained as emergency response support when an employee with a disability makes the library aware of the need for an accommodation.

4. The CEO or his or her designate will develop, and document, processes to support the needs of employees with disabilities in the following areas:
    a. an individual accommodation plan which meets the legislated requirements of the ***Integrated Accessibility Standards (IASR) Ontario Regulation 191/11***
    b. return to work for employees requiring accommodations after an absence due to an injury or
    c. notice of career development and advancement opportunities.

5. The CEO, or his or her designate, may require the employee to provide a doctor's letter confirming accommodation requirements. The cost of preparing such a letter will be borne by the library.

Section 8: Disconnecting from Work

1. Definitions

"Disconnecting from work" means not engaging in work-related communications, including emails, telephone calls, video calls or the sending or reviewing of other messages, including text messages, so as to be free from the performance of work.

"Employee" means a person who works at the Trillium Public Library, either part-time or full-time.

2. Responsibility

a) The Library CEO is responsible for implementing the appropriate procedures in accordance with this policy.

b) It is the responsibility of the Library CEO to ensure that a copy of this policy is given to new employees within 30 days of being hired and given to all employees within 30 days of any changes being made.

c) Employees are responsible for ensuring that they have read and understand this policy as it relates to their own work and that of other employees.

3. Application

The Right to Disconnect - The right to disconnect means that employees:

- Can and should stop performing their job duties and work-related tasks when they are not scheduled to work.
- Are not required to take work home with them to complete outside of regularly scheduled hours of work.
- Are not expected or required to respond to work-related communications outside their regular working hours, while on break, or during any paid or unpaid time off.
- Should take and use all their scheduled breaks (including meal breaks) and time-off entitlements (including vacation time) for non-work-related activities.
- Will not face repercussions or be penalized for not communicating outside of their regularly scheduled work hours.

a) **Needs of the Library -** From time to time, there may be legitimate situations when it is necessary to contact employees outside of normally scheduled working hours, including but not limited to:
   1. Checking availability for additional shifts such as to fill in at short notice for a sick employee.
   2. Where unforeseeable circumstances require contact out of normally scheduled working hours such as inclement weather.
   3. Where an emergency may arise.
   4. For any reason as described in the employee's job description or employment contract which requires them to be contacted outside of regular work hours, for example, for on-call operational responsibilities.

b) Workload and Productivity
   1. The Library understands that employees may want or need to work outside their normal scheduled hours of work to meet a time-sensitive deadline, to attend to an urgent matter, or due to unforeseen circumstances, however, employees should not regularly or frequently work outside their schedule hours of work to complete or catch up on work.
   2. Employees who cannot manage their workload during their regularly scheduled hours should meet with their direct supervisor to evaluate their current workload, priorities, and deadlines.

4. Communication

a) The Library may on occasion send general communications to all employees including those who are not presently at work Employees should not feel obligated to respond, nor are they expected to respond, to any communication when not at work, apart from unforeseen circumstances, such as an emergency situation. Employees on vacation or sick leave will only be expected to respond upon their return to work.
b) Employees must also respect others and avoid direct work-related communication including sending e-mails, messages or calling other employees outside their regularly scheduled working hours, during breaks, or during an employee's time off, such as their regular day off or vacation time.
c) Those employees on sick leave may be contacted for limited information related to their return to work.
d) Employees who do not reply to work-related communications outside of normal scheduled working hours will not face repercussions or be penalized.

Section 9: Complaints

Situations may occur where an employee believes that the fair and consistent application of a policy affecting him or her has not been followed. A complaint is defined as a claim that the library has violated a published policy in the manner in which an employee was treated. The library has a specific policy to address complaints related to harassment in the workplace: refer to ***HR-07 Human Rights – Workplace Harassment and Discrimination***.

Every effort shall be made to address the complaint fairly and promptly in the following manner:

a) *Step 1. Informal Step*. In many cases, disputes over the application or interpretation of policy can be resolved through a discussion between the employee and the CEO. The employee should promptly bring the matter to the attention of the CEO explaining the nature of the problem and the relief sought. A verbal response will be given in five business days. A written record of the response will be prepared.

b) *Step 2. Formal Step*. If the matter is not resolved at Step 1, the employee may proceed by submitting a written statement to the CEO within five days of receiving the verbal response for Step 1. This statement should outline the relevant facts that form the basis of the complaint indicating the policy that has allegedly been violated and stating the resolution sought. Upon the receipt of the written complaint the CEO will investigate and provide the employee with a written decision within 10 working days.

Step 3. Appeal. If the employee is unsatisfied with the response from the CEO the employee can submitting a written request to the board chair for a hearing before an appeal committee of the board. A three-member committee of the library board will hear the complaint and provide a written decision to the CEO based on stipulated facts and evidence presented at the hearing. The written decision will be reported to the CEO 20 working days after the conclusion of the hearing. The CEO will implement the decision of the library board.

Section 10: *C*onflict of Interest

1. As a public sector employer, the library must ensure that its activities are consistent with public interest. Conflict of interest is a matter of personal responsibility and integrity and should be guided by the principals of service to the public and common sense.

2. Conflict of interest is defined as a conflict between an employee's personal interest and his or her role with the library as a publicly funded employee. It generally arises when an employee has the opportunity to influence decisions in ways that could lead to personal benefit or advantage.

3. Conflict of interest may exist when a monetary gain has been or may be conferred on an employee and includes both actual and perceived conflicts. Direct monetary interest is one in which an employee or his or her family could benefit from a decision while a larger group of people could not.

4. Conflict includes any social, professional, personal or organizational affiliation that is so substantial as to interfere or appear to interfere with an employee's responsibility to the library.

5. An employee is required to disclose to the CEO, as soon as it arises, circumstances that may represent an actual, perceived or potential conflict of interest. This includes disclosure of financial interests in any entity known to have business, directly or indirectly with the library.

6. Having identified an apparent conflict of interest at the library, the CEO shall consult with the employee involved in an attempt to resolve the apparent conflict in a manner consistent with the best interests of the library and the rights of the employee, while maintaining the highest ethical standards.

Section 11: Resignations and Retirements

1. The library expects an employee who is leaving to cooperate in a smooth transfer of responsibilities.

2. The library asks that if the CEO wishes to resign, they give a minimum of one month written notice.

3. The library asks that a full-time employee who wishes to resign give written notice, of a period of time equal to the individual's annual vacation entitlement.

4. The library asks that a part-time employee who wishes to resign give a minimum of two week's written notice.

Section 12: Termination

1. The library values a secure employment relationship with its employees; however, in circumstances where this relationship must be terminated, the library provides fair and reasonable treatment in accordance with the ***Employment Standards Act*** and common law practices.

2. The library considers the following grounds for termination:

   a) continual absence without appropriate notification
   b) failure to meet standards of performance after warnings and suspensions as set out in ***HR-06 - Performance and Discipline***
   c) an act of willful misconduct, disobedience or neglect of duty.

3. Terminations are to be treated in a confidential, professional manner by all concerned.

4. Prompt notification to the staff will be given by the CEO that an employee has be dismissed.

Related Documents:

Trillium Public Library ***HR-02 Staff Selection and Assignment***
Trillium Public Library ***HR-06 Performance and Discipline***
Trillium Public Library HR-07 Human Rights – Discrimination and Harassment
Employment Standards Act S.O. 2000, Chapter 41