
PRESENT
Chris Mirrione
Dave Giambattista
Liz King
Suzanne Stockman
OTHERS
Carl Gouveia
Lin Macholz
Pat Rapp
Marianne Michaud

The meeting was called to order at 6:30 p.m. by Chris Mirrione, President.

30 MINUTE PUBLIC COMMENT PERIOD
There were no public comments.

REVIEW OF AGENDA
Mrs. Stockman asked to add NYLA to the agenda under New Business.

PREVIOUS MINUTES
A motion was made by Dave Giambattista and seconded by Liz King to approve the minutes from the August 2019 Board meeting. Mrs. Stockman abstained because she was not at the meeting.
Motion carried 3-0.

CLAIMS
A motion was made by Liz King and seconded by Suzanne Stockman to approve Claims for August as follows:

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Motion carried unanimously.

DIRECTOR’S REPORT
Having read Mr. Gouveia’s report, the board had the following questions.

Ms. King asked if the bridge closure has affected library use. Mr. Gouveia stated that Wednesday was a bit slow but it was also the first day of school, which usually affects the number of attendees. Ms. Macholz stated that Saturday was extremely busy.

Mr. Gouveia explained the UMS collection agency procedures, and also answered a question about property and liability insurance.

Mr. Gouveia explained that the position of Town Library Director Liaison to MCLS is being eliminated and the new assistant director position in the MCLS office will focus more on member libraries.
Mr. Mirrione asked if there were any negative effects related to the school district’s office being in flux as people retire and new people are trained. Mr. Gouveia stated that there is a slight delay in some payments but they do not appear to be problematic at this time.

**COMMITTEE REPORTS**

Finance – The committee did not meet.

Personnel – Mrs. Stockman stated that the committee will present several policies for approval under New Business.

Long Range Plan – The committee did not meet.

Fairport Library Council – The committee did not meet.

Facilities & Services – The committee will schedule its annual walkthrough of the library facility for November.

Memorial – This ad hoc committee is no longer necessary and will be removed from the agenda.

**NEW BUSINESS**

The “Library Cards and Borrowing Responsibilities” document was updated to reflect a change made by MCLS to raise the fine limit for blocking card use from $5 to $20. (See attachment.)

A motion was made by Liz King and seconded by Dave Giambattista to adopt the Voting Leave Policy. (See attachment.)
Motion carried unanimously.

A motion was made by Suzanne Stockman and seconded by Liz King to adopt the Non-Harassment/Non-Discrimination Policy, to replace both 2.02 Sexual Harassment AND 2.03 Non-Harassment Policies. (See attachment.)
Motion carried unanimously.

A motion was made by Dave Giambattista and seconded by Liz King to remove Policy 2.03, as it is now combined with Policy 2.02.
Motion carried unanimously.

Mr. Giambattista gave a detailed explanation of the Paid Family Leave Policy, which the Board expects to take effect on or around January 1, 2020, pending state approval.

A motion was made by Suzanne Stockman and seconded by Dave Giambattista to adopt the New York Paid Family Leave Policy, with amendments. (See attachment.)
Motion carried unanimously.
A motion was made by Suzanne Stockman and seconded by Liz King to opt in for offering the New York Paid Family Leave Policy. Motion carried unanimously.

Mrs. Stockman stated that she would like to attend a one-day session of the NYLA Conference, held in Saratoga Springs, on Friday, November 13, 2019. She will submit the cost of this session to the library as an expense.

PRESIDENT’S COMMENTS
Mr. Mirrione asked to have a discussion related to the vacant Board position prior to the Executive Session in which specific candidates will be discussed.

Mr. Mirrione handed out a document that lists two sets of questions: Responsibilities of Trustees, and Specific Considerations for Fairport Public Library, as a framework to think about what the library needs from a new Trustee.

Additionally, Mr. Gouveia posted flipchart pages with the following questions: What qualities or traits or skills does the Library Board and its committees need today? What qualities or traits or skills does the library board and its committees need over the next four years?

Mr. Giambattista itemized four things that he considers important when deciding on a new Trustee:
- Chemistry with other Board members.
- Is there a skill gap on the Board that needs to be filled?
- The Long Range Plan needs to become a strategic plan on which all committees specifically focus. A new Trustee should be good at planning and implementing strategy.
- A new Trustee should be a bridge between the Library and the town, village, and school district. The person should have relationships in the community or the ability to build them.

Mr. Mirrione agreed that a community-minded person would be an asset. The current committees are well established, with no noticeable gaps.

Mr. Gouveia noted that the current Board consists of people with legal, financial, human resources, and operational management experience.

Mrs. Stockman stated that a relationship with the school district would be beneficial. The school district is currently planning for facilities that could affect the library.

EXECUTIVE SESSION
A motion was made by Dave Giambattista and seconded by Suzanne Stockman to go into Executive Session at 7:45 p.m. to discuss the particulars and employment history of specific candidates for the Library Board of Trustees vacancy. Motion carried unanimously.
A motion was made by Suzanne Stockman and seconded by Dave Giambattista to come out of Executive Session at 8:42 p.m.
Motion carried unanimously.

A motion was made by Dave Giambattista and seconded by Elizabeth King to appoint Jeffrey Nutting to the open Library Board of Trustees seat contingent upon his acceptance.
Motion carried unanimously.

A motion was made by Suzanne Stockman and seconded by Dave Giambattista to go into Executive Session at 8:43 p.m. to discuss pending litigation with Perinton Hills.
Motion carried unanimously.

A motion was made by Dave Giambattista and seconded by Elizabeth King to come out of Executive Session at 8:58 p.m.
Motion carried unanimously.

**ADJOURNMENT**

A motion was made by Dave Giambattista and seconded by Suzanne Stockman to adjourn at 8:58 p.m.
Motion carried unanimously.

Attachments:
Claims Summary – August
Claims Ingram – August
Claims Other – August
Library Cards and Borrowing Responsibilities
Voting Leave Policy
Non-Harassment/Non-Discrimination Policy
New York Paid Family Leave Policy

_________________________________
Pat Rapp, Clerk to the Board
INVOICE APPROVAL SHEET
BOARD MEETING
SEPTEMBER 10, 2019

INGRAM: $12,520.17
ALL OTHER INVOICES: $27,263.12
GRAND TOTAL: $39,783.29

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</tbody>
</table>
Library Cards and Borrowing Responsibilities

- A library card is required to borrow materials at all times. A completed application with a picture ID and proof of your current address is needed to obtain a card. Patrons residing outside of Monroe County may obtain a library card for a $25 annual fee.

- Library cards are renewed annually. All financial obligations should be paid before the renewal occurs.

- A current library card is required to log on to the library’s internet and office applications computers.

- The signature of a parent or guardian is required on a registration form when children in 6th grade or younger request a library card.

- If fines or fees exceed $20.00, borrowing privileges are suspended until the amount is reduced.

- Since New York State law protects the confidentiality of library patrons’ financial and circulation records, patrons should use their own cards exclusively.

- All materials at the Fairport Public Library are loaned free of charge. Materials should be returned before the library closes on the date they are due. Receipts listing the due dates for all items borrowed are given every time you check out.

- Materials returned after the due dates are considered “overdue” and a fine begins accruing against each item immediately. Fines stop accruing when the item is returned or renewed, or the maximum fine is reached. If an item is returned with missing parts, the overdue fines will continue to accrue until all parts are returned.

- Book drops may be used for all library materials. There are 3 book drops: one in the atrium in the lower level of the Village Landing (only accessible during hours of operation because the Landing is closed); one to the far left of the Library’s Main Street entrance; and one in the parking garage.

- **NOTE:** 2-day DVDs, 7-day books and VIP/Empire passes must be returned only to the Fairport Public Library.

- Materials may be reserved and/or requested from another library within Monroe County.

- Borrowers are responsible for the replacement cost of materials that are lost or damaged while on loan as well as a non-refundable $5.00 processing fee. Payments may be made by cash, check or credit card. There is a $20.00 fee for returned checks.

- If you receive an overdue notice and you believe the item has been returned, please call the owning library immediately.

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1 Fairport Village Landing | Fairport, NY 14450 | (585) 223-9091
www.fairportlibrary.org
Monday-Thursday 9AM-9PM
Friday 9AM-6PM  Saturday 9AM-5PM
Sunday 1PM-4PM (October-April)
EASY WAYS TO AVOID OVERDUES

- Keep your receipt on your refrigerator, or near your calendar. Check items off on your receipt when you return them.
- Borrow one of our book bags to transport all your items and keep them together.
- Check your account online at www.fairportlibrary.org.
- Sign up for email notification of holds and due dates.
- Some items can be renewed. Renewals can be made online or by phone at 223-9091. It is also possible to pay overdue fines online through your library account.
- Designate a spot in your house where all your library books are kept.
- Develop a library “habit.” Come to the library on the same day every three weeks (or every week if you borrow Most Wanted book or DVDs).
- Don’t let anyone else use your card. Ever.
- Notify the library immediately if you change your address, email address, or phone number.
- Do an “under where?” check before you come to the library—look for materials under the seat of your car, under your child’s bed, under the sofa, etc.

When does an item become overdue and how will I be notified?

- Date due reminder is sent by email three days before an item is due.
- Items overdue 7 and 20 days—by phone or email.
- Items overdue 42 days—a bill for replacement is emailed or sent by postcard.
- Items overdue 56 days—account referred to the collection agency if total owed is $35.00 or more.
- The collection agency will make several attempts to reach you over the course of 120 days.

Most library items can be renewed 2 times if there is no one else waiting for the title. Renewals are not available for Most Wanted (7 day) books; 2-day DVDs; and magazines.

<table>
<thead>
<tr>
<th>MATERIAL TYPE</th>
<th>LOAN</th>
<th>FINES</th>
<th>MAX. FINE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Adult books</td>
<td>3 weeks</td>
<td>$.35/day</td>
<td>$7.00</td>
</tr>
<tr>
<td>Most Wanted — New Bestsellers</td>
<td>1 week</td>
<td>$.35/day</td>
<td>$7.00</td>
</tr>
<tr>
<td>Teen books</td>
<td>3 weeks</td>
<td>$.35/day</td>
<td>$5.00</td>
</tr>
<tr>
<td>Children’s books</td>
<td>3 weeks</td>
<td>$.35/day</td>
<td>$3.00</td>
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<tr>
<td>Magazines</td>
<td>3 weeks</td>
<td>$.35/day</td>
<td>$3.00</td>
</tr>
<tr>
<td>All music &amp; audio books — Adult &amp; Teen</td>
<td>3 weeks</td>
<td>$.35/day</td>
<td>$5.00</td>
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<tr>
<td>All music &amp; audio books — Children’s</td>
<td>3 weeks</td>
<td>$.35/day</td>
<td>$3.00</td>
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<tr>
<td>DVDs—Most Wanted</td>
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<td>DVDs</td>
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<tr>
<td>Games</td>
<td>1 week</td>
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<tr>
<td>VIP/Empire Pass</td>
<td>1 week</td>
<td>$.35/day</td>
<td>$7.00</td>
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</table>
4.26 VOTING LEAVE

Fairport Public Library believes that all employees should have the opportunity to exercise his or her right to vote in elections.

TIME AWAY FROM WORK
The Library provides employees who are registered voters with up to three hours of paid time off to vote in elections overseen by the Board of Elections, such as NYS primaries or general elections in November (i.e.; not school budget or local elections). Additional time off will be without pay, except that exempt employees may receive pay, as required by applicable law.

Time off to vote will be provided only at the beginning or end of the employee's shift, unless the Library and the employee mutually agree to different timing.

ADVANCE NOTICE
Employees intending to take leave to vote must inform their supervisor at least two working days prior to Election Day. The employee's supervisor will designate when the leave should be taken (e.g., at the beginning or end of the shift).

Proof of having voted may be required.
2.02 NON-HARASSMENT/NON-DISCRIMINATION
To replace both 2.02 Sexual Harassment AND 2.03 Non-Harassment

Fairport Public Library is committed to maintaining a workplace free from all forms of unlawful harassment, including sexual harassment. Harassment based on any legally protected basis is a form of workplace discrimination. The Library prohibits unlawful harassment against anyone, for any reason, including, but not limited to an individual's actual or perceived: race; color; sex; age; creed; disability; religion, citizenship; national origin; ancestry; military status or veteran status; marital status; familial status; gender identity and expression; partnership status; credit worthiness or credit history; status as a caregiver; sexual orientation; status as a victim of domestic violence, stalking; or sex offenses; predisposing genetic characteristics; genetic information and any other status protected by law. All employees, interns, and non-employees conducting business in our workplace must refrain from engaging in unlawful harassment.

Workplace harassment will not be tolerated at Fairport Public Library. All applicants, employees, interns (paid or unpaid), contractors and individuals conducting business with Fairport Public Library are required to conduct themselves in a manner that prevents sexual or other forms of harassment in the workplace. Any employee or individual covered by this policy who engages in workplace harassment or retaliation will be subject to remedial and/or disciplinary action, up to and including termination. This policy is one component of Fairport Public Library’s commitment to a discrimination-free work environment where all employees and interns are treated with dignity and respect.

Harassment based on a protected class is against the law. All employees have a legal right to a workplace free from illegal harassment. Employees can enforce this right by filing a complaint internally with Fairport Public Library, or with a government agency or in court under federal, state or local antidiscrimination laws.

DEFINITION OF SEXUAL HARASSMENT

Sexual harassment is a form of sex discrimination and is unlawful under federal, state, and (where applicable) 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:

- 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;
- Such conduct is made either explicitly or implicitly a term or condition of employment; or
- Submission to or rejection of such conduct is used as the basis for employment 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, 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.

Sexual harassment is offensive, is a violation of our policies, is unlawful, and may subject Fairport Public Library to liability for harm to targets of sexual harassment. Harassers may also be individually subject to liability. Employees of every level who engage in sexual harassment, including managers and supervisors who engage in sexual harassment or who allow such behavior to continue, will be penalized for such misconduct.

Any employee who feels harassed should report the harassment to their supervisor, Assistant Director, or the Library Director 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:

- Physical assaults of a sexual nature, such as:
  - Touching, pinching, patting, grabbing, brushing against another employee’s body or poking another employee’s body;
  - Rape, sexual battery, molestation or attempts to commit these assaults.
- 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;
  - Subtle or obvious pressure for unwelcome sexual activities.
- Sexually oriented gestures, noises, remarks, jokes or comments about a person’s sexuality or sexual experience, which create a hostile work environment.
- Sex stereotyping occurs when conduct or personality traits are considered inappropriate simply because they may not conform to other people’s ideas or perceptions about how individuals of a particular sex should act or look.
- Sexual or discriminatory displays or publications anywhere in the workplace, such as:
  - Displaying pictures, posters, calendars, graffiti, objects, promotional material, reading materials or other materials that are sexually demeaning or pornographic. This includes such sexual displays on workplace computers or cell phones and sharing such displays while in the workplace.
- 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;
  - Sabotaging an individual’s work;
  - Bullying, yelling, name-calling.

DEFINITION OF OTHER UNLAWFUL HARASSMENT
The creation of an intimidating or hostile working environment, based on one or more of the above protected categories, constitutes unlawful harassment. Specific types of unlawful harassment, in addition to sexual harassment covered above, include, but are not limited to:

- Physical harassment refers to pushing, hitting, crowding, cornering or unwanted physical touching;
Verbal abuse refers to verbal comments, including but not limited to jokes or the use of slurs or other offensive language regarding, or made because of, an individual's actual or perceived membership in one of the protected categories listed above; Written harassment refers to derogatory or degrading written comments regarding, or made because of, an individual's membership in one of the categories listed above. Specific examples include, but are not limited to: e-mail, text messages, memos, notes, graffiti, other visual depictions or pictures, cartoons, drawing, videos; Inappropriate, unwelcomed behaviors, such as offensive gestures and wearing clothes, jewelry, signage, etc. known to be offensive to particular protected classifications; and Any other unwelcome conduct that has the purpose or effect of creating an intimidating, hostile, or offensive working environment as defined by law, or has the purpose or effect of unreasonably interfering with an individual's work performance or otherwise adversely affecting an individual's employment opportunities.

Unlawful harassment, whether it is physical, verbal or visual in nature, is a form of employee misconduct which undermines the integrity of the employment relationship within our company.

WHO CAN BE A TARGET
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 workplace harassment can be a superior, a subordinate, a coworker or anyone in the workplace including an independent contractor, contract worker, vendor, client, customer or visitor.

WHERE CAN HARASSMENT OCCUR
Unlawful 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, on personal devices or during non-work hours.

REPORTING HARASSMENT
Preventing workplace harassment is everyone’s responsibility. Fairport Public Library cannot prevent or remedy sexual harassment unless the Library knows about it. Any employee, intern (paid or unpaid) or non-employee who has been subjected to behavior that may constitute unlawful harassment is encouraged to report such behavior to their supervisor, Assistant Director or the Library Director. Anyone who witnesses or becomes aware of potential instances of workplace harassment should report such behavior to their supervisor, Assistant Director or the Library Director.

Reports of workplace harassment may be made verbally or in writing. The written complaint form is located at the end of the handbook, and on the shared drive with FPL forms. All employees are encouraged to use this complaint form. Employees who are reporting potential harassment on behalf of other employees should use the complaint form and note that the complaint is being made on behalf of another employee.

Employees, interns (paid or unpaid) or non-employees who believe they have been a victim of workplace harassment may also seek assistance in other available forums, as explained below in the section on Legal Protections.
Any employee who feels harassed should report the harassment so that any violation of this policy can be corrected promptly. Any harassing conduct, even a single incident, can be addressed under this policy.

**MANAGEMENT RESPONSIBILITIES**

All supervisors who receive a complaint or information about suspected workplace harassment, observe what may be harassing behavior or for any reason suspect that harassment is occurring, are **required** to report such suspected sexual harassment to the Library Director.

In addition to being subject to discipline if they engaged in harassing conduct themselves, supervisors will be subject to discipline for failing to report suspected workplace harassment or otherwise knowingly allowing workplace harassment to continue.

Supervisors will also be subject to discipline for engaging in any retaliation.

**COMPLAINT INVESTIGATION**

*All* complaints or information about suspected workplace harassment will be investigated, whether that information was reported in verbal or written form. Investigations will be conducted in a timely manner and will be confidential to the extent possible.

An investigation of any complaint, information or knowledge of suspected harassment will be prompt and thorough. All persons involved, including complainants, witnesses and alleged perpetrators, will be accorded due process, as outlined below, to protect their rights to a fair and impartial investigation.

Any employee may be required to cooperate as needed in an investigation of suspected workplace harassment. Fairport Public Library will not tolerate retaliation against employees who file complaints, support another’s complaint or participate in an investigation regarding a violation of this policy.

While the process may vary from case to case, investigations should be done in accordance with the following steps:

- Upon receipt of complaint, the Library Director will conduct an immediate review of the allegations, and take any interim actions, as appropriate. If the complaint is verbal, the individual will be encouraged to complete the “Complaint Form” in writing. If he or she refuses, the Library Director will prepare a Complaint Form based on the verbal report.
- If documents, emails or phone records are relevant to the allegations, steps will be taken to obtain and preserve them.
- The Library Director will request and review all relevant documents, including all electronic communications.
- The Library Director will interview all parties involved, including any relevant witnesses.
- The Library Director will prepare written documentation of the investigation (such as a letter, memo or email), which contains the following:
  - A list of all documents reviewed, along with a detailed summary of relevant documents;
  - A list of names of those interviewed, along with a detailed summary of their statements;
  - A timeline of events;
  - A summary of prior relevant incidents, reported or unreported; and
  - The basis for the decision and final resolution of the complaint, together with any corrective actions action(s).
• Written documentation and associated documents will be maintained by the Library.
• Following the investigation, the Library Director will promptly notify the complainant and the individual(s) about whom the complaint was made of the final determination and implement any corrective actions identified in the written document.
• The Library Director will inform the complainant of their right to file a complaint or charge externally as outlined in the Legal Protections and External Remedies section of this policy.

CORRECTIVE ACTION
If a report of workplace harassment is found to be valid, immediate and appropriate corrective action will be taken. Employees or interns (paid or unpaid) who violate this policy, including the provision against retaliation, will be subject to disciplinary action, up to and including termination. Any disciplinary action will be governed by section 75 of the Civil Service Law of New York State. This determination will be based on all the facts of the case.

RETALIATION
Fairport Public Library will not tolerate retaliation against anyone who, in good faith, complains or provides information about suspected harassment.

Unlawful retaliation can be any action that could discourage an employee from coming forward to make or support a workplace harassment claim including, but not limited to being discharged, disciplined, discriminated against, or otherwise subject to adverse employment action. Adverse action need not be job-related or occur in the workplace to constitute unlawful retaliation (e.g., threats of physical violence outside of work hours).

Retaliation is unlawful under federal, state, and (where applicable) local law. The New York State Human Rights Law protects any individual who has engaged in a “protected activity.” Protected activity occurs when a person has:
• made a complaint of harassment, either internally or with any anti-discrimination agency;
• testified or assisted in a proceeding involving harassment under the Human Rights Law or other anti-discrimination law;
• opposed harassment by making a verbal or informal complaint to management, or by simply informing a supervisor of harassment;
• reported that another employee has been harassed; or
• encouraged a fellow employee to report potential harassment.

Even if the alleged harassment does not rise to the level of a violation of law, the individual is protected from retaliation if the person had a good faith belief that the practices were unlawful. However, the retaliation provision is not intended to protect persons making intentionally false charges of harassment.

LEGAL PROTECTIONS AND EXTERNAL REMEDIES
Harassment is not only prohibited by Fairport Public Library but is also prohibited by state, federal, and (where applicable) local law. Aside from the internal process at Fairport Public Library, employees may also choose to pursue legal remedies with the following governmental entities. While a private attorney is not required to file a complaint with a governmental agency, employees may seek the legal advice of an attorney.

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, they can sue directly in state court under the HRL, within three years of the alleged discrimination. An individual may not file with DHR if they have already filed a HRL complaint in state court.

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

An attorney is not needed to file a complaint with DHR, and there is no cost to file with DHR.

DHR will investigate your complaint and determine whether there is probable cause to believe that harassment/discrimination has occurred. Probable cause cases are forwarded to a public hearing before an administrative law judge. If harassment/discrimination is found after a hearing, DHR has the power to award relief, which varies but may include requiring your employer to take action to stop the harassment, or redress the damage caused, including paying monetary damages, attorney's fees and civil fines.


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. In general, private employers must have at least 15 employees to come within the jurisdiction of the EEOC.

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

If an individual filed 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 they live to find out if such a law exists. For example, employees who work in New York City may file complaints of sexual harassment with the New York City Commission on Human Rights. Contact their main office at Law Enforcement Bureau of the NYC Commission on Human Rights, 40 Rector Street, 10th Floor, NY, NY; call 311 or (212) 306-7450; or visit www.nyc.gov/html/cchr/html/home/home.shtml.

Contact the Local Police Department
If the harassment involves physical touching, coerced physical confinement or coerced sex acts, the conduct may constitute a crime. Contact the local police department.
NEW YORK PAID FAMILY LEAVE BENEFITS

New York’s Paid Family Leave (PFL) law provides job protected leave and wage replacement to eligible private sector employees for qualifying events. Public Sector employers were excluded from this requirement but the Fairport Public Library has determined to offer this to full-time and eligible part-time (pages and aides excluded) employees beginning 1/1/2020.

ELIGIBILITY

To be eligible, employees must: regularly work 20 or more hours per week and be employed for at least 26 consecutive workweeks preceding the first full day family leave is taken; or regularly work less than 20 hours per week and be employed for at least 175 days preceding the first full day family leave is taken. Paid time off can be counted toward an employee’s eligibility determination. Employees are eligible for PFL regardless of citizenship and/or immigration status.

PFL is granted to eligible employees who request time off for the following qualifying events:

- to participate in providing care, including physical or psychological care, for an employee’s spouse, child, stepchild, parent, parent-in-law, stepparent, grandchild, grandparent, or domestic partner with a serious health condition;
- to bond with a child during the first 12 months after the child’s birth, adoption or foster care placement with the employee, the employee’s spouse, or the employee’s domestic partner; or
- due to a qualifying exigency for the employee’s spouse, domestic partner, child, or parent who is on active military duty or has been notified of an impending call to active duty.

A serious health condition is an illness, injury, impairment, or physical or mental condition that involves: (a) inpatient care in a hospital, hospice or residential health care facility; or (b) continuing treatment or continuing supervision by a health care provider.

LENGTH OF LEAVE AND BENEFITS

PFL benefits increase in phases, according to the following schedule:

<table>
<thead>
<tr>
<th>Date</th>
<th>Maximum Weeks of Leave</th>
<th>Maximum Pay Recovered*</th>
</tr>
</thead>
<tbody>
<tr>
<td>January 1, 2020</td>
<td>10</td>
<td>60%</td>
</tr>
<tr>
<td>January 1, 2021</td>
<td>12</td>
<td>67%</td>
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</tbody>
</table>
The PFL benefit is the percent of the employee’s average weekly wage or the percent of the state average weekly wage (SAWW), whichever is less. The cap for 2019 was $746 which is 55% of the 2017 SAWW, $1,357.11. The pay percentage outlined in future years is subject to change and/or freeze by the state.

Employees who take PFL in weekly increments are eligible for the maximum number of weeks of leave, as indicated in the above chart, using a 52-week rolling look back period.

Employees who take PFL in daily increments (intermittent leave) are eligible for paid leave based on the average number of days worked per week during a base period.

**INTERMITTENT USE**

Eligible employees may take leave under the PFL on an intermittent basis, in full-day increments. Employees may not take partial-day leave under PFL.

When an employee takes intermittent PFL, the employee must provide notice to the Library Director as soon as is practicable before each day of intermittent leave.

**EMPLOYEE NOTICE REQUIREMENTS**

In the case of a foreseeable leave, a covered employee must provide the Library Director with advance notice 30 days before the date on which the leave would begin. If the employee is unable to provide 30 days’ notice, he or she must provide notice as soon as it is practicable under the circumstances. Usually, this means giving notice the same day the employee receives notice or the next business day. If an employee does not give the Library Director timely notice, the employee’s PFL leave may be delayed or denied.

In giving notice, an employee must provide sufficient information for the PFL INSURANCE CARRIER to determine if the leave qualifies for PFL and the anticipated timing and duration of the leave.

**PROCEDURE FOR REQUESTING LEAVE**

Employees must complete and submit a Request for Paid Family Leave Form (PFL-1) with supporting documentation as detailed by PFL INSURANCE CARRIER.

**CONTINUATION OF BENEFITS DURING LEAVE**

Employees are entitled to continue group health benefits under the same terms and conditions as if they were on the job during PFL. Employees are required to pay their portion of the premium **BY WHEN**. Fairport Public Library’s obligation to maintain health insurance coverage ceases if an employee’s premium payment is more than 30 days late. If the health care premium is overdue, the Library will notify the employee in writing at least 15 days before coverage is to cease, advising
that coverage will be dropped on a specified date at least 15 days after the date of
the letter unless payment has been received by that date.

If group health plan benefits lapse because an employee has not made the
required premium payments, then upon the employee’s return from PFL, the
employee will be restored to coverage/benefits equivalent to those the employee
would have had if paid family leave had not been taken and premium payment(s)
had not been missed, including family or dependent coverage.

If an employee chooses not to retain group health plan coverage during PFL, then
upon the employee’s return from leave, the employee shall be reinstated into the
health plan on the same terms the employee had prior to taking leave.

An employee’s use of PFL leave will not result in the loss of any employment
benefits that accrued prior to the start of an employee’s PFL leave (unless such
accrued benefits, such as paid time off, were used during PFL leave). The
employee, however, will not accrue any additional benefits or seniority during any
period of PFL leave that is not paid through use of accrued leave benefits, unless
otherwise required by law.

All other employee-paid benefits will be retained as long as the employee
continues to make premium payments.

**IMPACT OF OTHER LEAVES/BENEFITS**

Employees may NOT choose to supplement PFL benefits with applicable vacation
leave/sick leave/personal leave to receive full salary.

**FMLA**

If an employee takes PFL leave for an event that also qualifies as leave under the
FMLA, the employee’s PFL leave will run concurrently with available FMLA leave.

**SICK LEAVE**

Employees cannot use PFL and sick leave benefits at the same time, but can use
them consecutively if applicable and permitted.

If an employee is unable to work and qualifies for workers’ compensation benefits,
the employee may not use PFL benefits at the same time the employee is receiving
workers’ compensation benefits.

**COST**

In 2019, the employee contribution is 0.153% of an employee’s gross wages each
pay period. The maximum annual contribution is $107.97. Employees earning less
than the Statewide Average Weekly Wage (SAWW) of $1,357.11 will contribute
less than the annual cap of $107.97, consistent with their actual wages.

The Library has opted to pay the cost of PFL benefits at this for 2020. Employees
are subject to income and employment tax on the employer contribution. This
policy is subject to change. PFL premiums are set by NY State. Any changes including possible employee co-payments after 2020 will be communicated to employees when information is available.

WAIVER OPTION
Only Fairport Public Library full-time and part-time (over 20 hours) employees are covered by this policy; therefore, a waiver is not applicable. Pages and aides are not participants.

PERIODIC STATUS REPORTS AND RETURN FROM LEAVE
The Library may require an employee on PFL leave to report periodically on the employee’s status and intent to return to work to the extent permitted by law.

Any employee who exercises his or her right to PFL will receive job protection. This means that upon the expiration of that leave, the employee will be entitled to return to the same position the employee held when leave began, or to an equivalent position with equivalent pay and other terms and conditions of employment.