



## MEMORANDUM

**TO:** Contracting Library Directors and Managers  
**FROM:** Kenneth H. Stone, Deputy Director - CFO  
**SUBJECT:** 2022 Contracts  
**DATE:** June 17, 2022

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Please find attached two sets of your 2022 contracts which have been signed by the B&ECPL Board Chair along with one full set of the exhibits. Also find attached a copy of Resolution 2022-21 in which the Board of Trustees of the B&ECPL authorizes the Board Chair to execute 2022 contracts. An electronic version of this packet in PDF has been emailed to you so you can distribute to your board electronically for review.

Other than updating dates, updating budget figures for 2022, and updating policy based exhibits to their current adopted versions, there are no material changes in the contract documents vs. the 2021 contract. Budget figures reflect the 2022 Board-adopted budget adjusted for the impacts of increased NY State Aid and converting to fine free per Resolution 2022-12 transmitted to you in May as well as previously transmitted member aid item resolutions.

After your board acts upon the contract, please have both sets of the contract signed, retain one contract set and the full exhibit set for your records. Please return the other signed contract, along with the signed certification page (showing date and vote of your board's action) to my office. They will be effective upon your returning the signed contract.

/ma; Attachments

BOARD OF TRUSTEES  
BUFFALO & ERIE COUNTY PUBLIC LIBRARY  
MEETING DATE: June 16, 2022

AGENDA ITEM NUMBER: E.2.b.

RESOLUTION: 2022-21  
Authorize Chair to Execute 2022  
Contracts with Contracting Libraries

BACKGROUND:

During Erie County's 2022 budget process, there was limited time to adopt annual contracts. Additionally, the timing and extent of the New York State budget process was not known at budget adoption time. As this situation is an all too frequent occurrence, the annual contracts with the contracting libraries contain an automatic extension provision. This provision was implemented when the Buffalo & Erie County Public Library Board of Trustees on December 16, 2021 adopted Resolution 2021-42, implementing the extension provision until such time as a final 2022 contract is adopted, not to exceed July 31, 2022. Funding was based upon the allocation contained in the 2022 B&ECPL Board-adopted budget.

The County and New York State budgets are now in place. As has been the case for many years, the contract includes a provision to adjust the budget once the final state aid distribution schedules are finalized. Budget figures reflect the 2022 Board-adopted budget including adjustments subsequently approved by board resolution.

Other than updating dates, updating budget figures for 2022 as noted above, and updating policy based exhibits to their current adopted versions, there are no material changes in the contract documents vs. the 2021 contract. This resolution authorizes the Library Board Chair to execute 2022 contracts incorporating these items.

ACTION REQUIRED:

Motion to approve Resolution 2022-21.

## RESOLUTION 2022-21

WHEREAS, budgetary allocations from Erie County and New York State to the Buffalo & Erie County Public Library constitute the vast majority of the financial resources supporting the contract with the “Public Library,” and

WHEREAS, Erie County’s 2022 allocation was not known until early December, and New York State’s overall allocation was adopted in early April, and

WHEREAS, this made it difficult for the B&ECPL and the contracting libraries to develop, consider, and approve a contract prior to the beginning of the 2022 fiscal year on January 1, 2022, and

WHEREAS, to meet 2022 operating expenditure needs of the contracting libraries, the B&ECPL Board of Trustees on December 16, 2021 adopted Resolution 2021-42, implementing the extension provision contained in the 2021 contract until such time as a final 2022 contract is adopted, not to exceed July 31, 2022, with budgetary amounts based upon the 2022 Board-adopted budget and any subsequent modifications thereof, and

WHEREAS, Erie County’s 2022 budget is now in place and the New York State budget has been adopted, and

WHEREAS, the impact of these changes is now known, allowing necessary budget adjustments to be made, now therefore be it

RESOLVED, that the Board of Trustees of the B&ECPL authorizes the Chair of the Board of Trustees to execute 2022 contracts subject to the terms and conditions noted above and with budget figures reflecting the 2022 Board-adopted budget as amended.

Approved unanimously at a meeting of the Board of Trustees  
of the Buffalo & Erie County Public Library  
on June 16, 2022.

RESOLUTION adopted by the Board of Trustees of the  
\_\_\_\_\_ Library at a regular (or special) meeting of  
said Board of Trustees held at \_\_\_\_\_ on the \_\_\_\_\_ day of  
\_\_\_\_\_, 2022 at \_\_\_\_\_ o'clock.

I HEREBY CERTIFY, that at a meeting of the Board of Trustees of the  
\_\_\_\_\_ Library, held at \_\_\_\_\_ on  
the \_\_\_\_\_ day of \_\_\_\_\_, 2022, a resolution was adopted of which  
the following is a true copy:

RESOLVED, that pursuant to Chapter 768 of the  
Laws of 1953 of the State of New York, this Board of  
Trustees does hereby approve the agreement submitted  
by the Buffalo and Erie County Public Library for the  
furnishing of free library privileges to the people of the  
County of Erie, by this Library for the year 2022, and

BE IT FURTHER RESOLVED, that the  
President of this Board be, and he/she is, hereby  
authorized and directed to execute the same on behalf of  
this Board.

Board Secretary

\_\_\_\_\_ Ayes

\_\_\_\_\_ Noes

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Print Name

**BUFFALO AND ERIE COUNTY PUBLIC LIBRARY**

**EXHIBIT A**

**BUDGET: TOWN OF COLLINS PUBLIC LIBRARY**

DESCRIPTION	As per Res 2021-14			As per Res 2022-12		
	2021	2021 BUDGET	2021	2022	2022 BUDGET	2022
	Contract Library Direct	System Paid	Total	Contract Library Direct	System Paid	Total
<b>PERSONAL SERVICES</b>						
SALARIES & WAGES, FULL TIME	-	55,558	55,558		58,548	58,548
WAGES, REGULAR PART-TIME	2,494	20,393	22,887		-	-
WAGES, PART TIME		47,272	47,272		70,218	70,218
OVERTIME (Sunday)			-			-
OTHER (Vacation Buyout)			-		1,498	1,498
<b>TOTAL SALARIES &amp; WAGES</b>	<b>2,494</b>	<b>123,223</b>	<b>125,717</b>	<b>-</b>	<b>130,264</b>	<b>130,264</b>
<b>REDUCTION FRM PERS. SVCS ACCT</b>			<b>-</b>		<b>(3,426)</b>	<b>(3,426)</b>
<b>CONTRACTUAL SALARY RESERVES</b>		<b>1,497</b>	<b>1,497</b>			<b>-</b>
<b>FRINGE BENEFITS</b>						
EMPLOYER FICA	191	9,427	9,618		9,966	9,966
EMPLOYEE HEALTH INSURANCE		19,248	19,248		18,228	18,228
DENTAL PLAN			-		-	-
WORKERS COMPENSATION	12	579	591		605	605
UNEMPLOYMENT INSURANCE	6	292	298		306	306
HOSPITAL & MEDICAL - RETIREES	324	9,874	10,198		7,301	7,301
HEALTH INSURANCE WAIVER	1,200	-	1,200			-
RETIREMENT	333	10,931	11,264		6,963	6,963
<b>TOTAL FRINGE BENEFITS</b>	<b>2,066</b>	<b>50,351</b>	<b>52,417</b>	<b>-</b>	<b>43,369</b>	<b>43,369</b>
<b>OFFICE SUPPLIES</b>	<b>-</b>	<b>1,848</b>	<b>1,848</b>	<b>-</b>	<b>869</b>	<b>869</b>
<b>REPAIRS &amp; MAINTENANCE CHARGES</b>						
OTHER SUPPLIES & MATERIALS		-	-		-	-
EQUIPMENT MAINTENANCE			-			-
REPAIRS & MAINT - MISC SYS	-	763	763	-	822	822
<b>TOTAL REPAIRS &amp; MAINTENANCE CHARGES</b>	<b>-</b>	<b>763</b>	<b>763</b>	<b>-</b>	<b>822</b>	<b>822</b>
<b>TRAVEL &amp; MILEAGE EXPENSES</b>	<b>300</b>		<b>300</b>	<b>300</b>		<b>300</b>
<b>DUES &amp; FEES</b>						
MEMBERSHIP & DUES	120	-	120	120	-	120
TRAINING & EDUCATION (NYSALB, etc.)		632	632		450	450
<b>TOTAL DUES &amp; FEES</b>	<b>120</b>	<b>632</b>	<b>752</b>	<b>120</b>	<b>450</b>	<b>570</b>
<b>UTILITY CHARGES</b>						
WATER	150		150	150		150
SEWER			-			-
TELECOMMUNICATIONS			-			-
- DATA LINES	-	336	336	-	336	336
- INTERNET - Internet access	-	25	25	-	27	27
- EQUIPMENT MAINT			-			-
- LOCAL AND LD PHONE SERVICE	-	888	888	-	908	908
<b>TELEPHONE SUB-TOTAL</b>	<b>-</b>	<b>1,249</b>	<b>1,249</b>	<b>-</b>	<b>1,271</b>	<b>1,271</b>
<b>TOTAL UTILITY CHARGES</b>	<b>150</b>	<b>1,249</b>	<b>1,399</b>	<b>150</b>	<b>1,271</b>	<b>1,421</b>
<b>PROFESSIONAL SERVICE CONTRACT &amp; FEES</b>						
ADVERTISING & PROMOTION		564	564		705	705
MOVIE LICENSING AGREEMENT		232	232		235	235
OVERDRIVE DOWNLOADABLE LICENSE	-	324	324	-	324	324
SIRSI SOFTWARE MAINTENANCE	-	2,370	2,370	-	2,325	2,325
RFID EQUIPMENT MAINTENANCE		840	840		870	870
COLLECTIONS AGENCY FEES	-	332	332	-	291	291
EAP SERVICES	-	94	94	-	103	103
ONLINE CATALOG (OCLC)	-	827	827	-	846	846
VITEC SOLUTIONS/COMPUTER SUPPORT	-	1,353	1,353	-	649	649
LEGAL FEES	-	607	607	-	638	638
RFID/OCR LABELS		423	423		376	376
OTHER PRINTED SUPPLIES	-	13	13	-	13	13
CONTRACT PROFESSIONAL SERVICES (DIRECT)		-	-			-
<b>TOTAL PROFESSIONAL SERVICE CONTRACTS</b>	<b>-</b>	<b>7,979</b>	<b>7,979</b>	<b>-</b>	<b>7,375</b>	<b>7,375</b>

**BUFFALO AND ERIE COUNTY PUBLIC LIBRARY**

**EXHIBIT A**

**BUDGET: TOWN OF COLLINS PUBLIC LIBRARY**

DESCRIPTION	As per Res 2021-14			As per Res 2022-12		
	2021	2021 BUDGET	2021	2022	2022 BUDGET	2022
	Contract Library Direct	System Paid	Total	Contract Library Direct	System Paid	Total
<b>MAINTENANCE CONTRACTS</b>						
OTHER SUP & MTLs - CONTRACT	4,300	-	4,300	4,300	-	4,300
EQUIPMENT CONTRACTS			-			-
MAINT CONTRACTS - SYS		156	156		148	148
<b>TOTAL MAINTENANCE CONTRACTS</b>	<b>4,300</b>	<b>156</b>	<b>4,456</b>	<b>4,300</b>	<b>148</b>	<b>4,448</b>
<b>OTHER EXPENSES &amp; CHARGES</b>						
LIBRARY MATERIALS PROCESSING SUPPLIES	-	218	218	-	58	58
RESALE ITEMS (BAGS, DISK, HEADPHONES)	-	107	107	-	128	128
LIBRARY CARDS	-	11	11	-	11	11
DVD REPAIR		17	17		17	17
MISC PROGRAM EXPENSES	500		500	500		500
NYS DISABILITY	-		-	-		-
POSTAGE	100		100	100		100
PRINTING			-			-
ADVERTISING			-			-
TRAINING			-			-
REFUSE PICKUP			-			-
BANK CHARGES	50		50	50		50
JANITORIAL SERVICES			-			-
OTHER EXPENSES			-			-
<b>TOTAL OTHER EXPENSES &amp; CHARGES</b>	<b>650</b>	<b>353</b>	<b>1,003</b>	<b>650</b>	<b>214</b>	<b>864</b>
<b>CONTINGENCY</b>						
MISCELLANEOUS - State/Member Aid				27,000		27,000
<b>TOTAL CONTINGENCY</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>27,000</b>	<b>-</b>	<b>27,000</b>
<b>RENTAL CHARGES</b>						
EQUIPMENT		-	-		-	-
OTHER	125	-	125	125	-	125
<b>TOTAL RENTAL CHARGES</b>	<b>125</b>	<b>-</b>	<b>125</b>	<b>125</b>	<b>-</b>	<b>125</b>
<b>INSURANCE CHARGES</b>						
INSURANCE		-	-		-	-
GENERAL LIABILITY INSURANCE - SYS		1,272	1,272		1,351	1,351
<b>TOTAL INSURANCE CHARGES</b>	<b>-</b>	<b>1,272</b>	<b>1,272</b>	<b>-</b>	<b>1,351</b>	<b>1,351</b>
<b>LAB &amp; TECHNICAL EQUIP.</b>		<b>771</b>	<b>771</b>		<b>2,201</b>	<b>2,201</b>
<b>LIBRARY BOOKS &amp; MEDIA</b>						
Serials (Magazines, Newspapers, Journals, Etc.)	-	1,351	1,351	-	1,097	1,097
On-line Databases (News, Health, Literary, Homework, Business, Etc.)	-	2,359	2,359	-	1,631	1,631
E-content		9,114	9,114		14,680	14,680
Centrally Ordered Materials	-	12,135	12,135	-	10,699	10,699
Specialized Titles / Individual Orders	-	3,279	3,279	-	3,160	3,160
<b>TOTAL LIBRARY BOOKS &amp; MEDIA</b>	<b>-</b>	<b>28,238</b>	<b>28,238</b>	<b>-</b>	<b>31,267</b>	<b>31,267</b>
<b>INTERFUND UTILITY EXPENDITURES</b>						
NATURAL GAS	-	784	784	-	1,164	1,164
ELECTRICITY	-	10,404	10,404	-	11,223	11,223
<b>TOTAL INTERFUND UTILITY EXPENDITURES</b>	<b>-</b>	<b>11,188</b>	<b>11,188</b>	<b>-</b>	<b>12,387</b>	<b>12,387</b>
<b>TOTAL INTERFUND EXP - COUNTY</b>		<b>420</b>	<b>420</b>		<b>808</b>	<b>808</b>

**BUFFALO AND ERIE COUNTY PUBLIC LIBRARY**

**EXHIBIT A**

**BUDGET: TOWN OF COLLINS PUBLIC LIBRARY**

DESCRIPTION	As per Res 2021-14			As per Res 2022-12		
	2021	2021 BUDGET	2021	2022	2022 BUDGET	2022
	Contract Library Direct	System Paid	Total	Contract Library Direct	System Paid	Total
<b>TOTAL OPERATING EXPENSES</b>	<b>10,205</b>	<b>229,940</b>	<b>240,145</b>	<b>32,645</b>	<b>229,370</b>	<b>262,015</b>
<b>REVENUE SOURCES</b>						
COUNTY SHARE	1,684	229,940	231,624	2,456	229,370	231,826
STATE AID (Member Aid)		-	-	27,000	-	27,000
STATE AID (Pass through System)	1,886	-	1,886	1,885	-	1,885
<b>SUB-TOTAL: SYSTEM APPROPRIATION</b>	<b>3,570</b>	<b>229,940</b>	<b>233,510</b>	<b>31,341</b>	<b>229,370</b>	<b>260,711</b>
<b>DIRECT LOCAL INCOME</b>						
	Contract Library Direct	Return to System (CHR Share)	TOTAL	Contract Library Direct	Return to System (CHR Share)	TOTAL
FINES, LOST BOOKS, ETC	1,275	-	1,275	474	-	474
COPY MACHINES	209	-	209	200	-	200
PRINT COST RECOVERY	561	-	561	600	-	600
OTHER REVENUES	30	-	30	30	-	30
MUNICIPAL SUPPORT	4,560	-	4,560	-	-	-
DONATIONS	-	-	-	-	-	-
FUNDRAISING	-	-	-	-	-	-
INTEREST INCOME	-	-	-	-	-	-
USE OF FUND BALANCE	-	-	-	-	-	-
OTHER INCOME	-	-	-	-	-	-
<b>TOTAL DIRECT INCOME</b>	<b>6,635</b>	<b>-</b>	<b>6,635</b>	<b>1,304</b>	<b>-</b>	<b>1,304</b>
<b>TOTAL REVENUE SOURCES</b>	<b>10,205</b>	<b>229,940</b>	<b>240,145</b>	<b>32,645</b>	<b>229,370</b>	<b>262,015</b>

<b>COUNTY SHARE vs OTHER REVENUE</b>						
COUNTY SHARE	1,684	229,940	231,624	2,456	229,370	231,826
STATE AID	1,886	0	1,886	28,885	0	28,885
DIRECT INCOME	6,635	0	6,635	1,304	0	1,304
<b>SUBTOTAL OTHER REVENUE</b>	<b>8,521</b>	<b>0</b>	<b>8,521</b>	<b>30,189</b>	<b>0</b>	<b>30,189</b>
<b>TOTAL REVENUE</b>	<b>10,205</b>	<b>229,940</b>	<b>240,145</b>	<b>32,645</b>	<b>229,370</b>	<b>262,015</b>

**NOTE:** Libraries participating in the Centralized Human Resources (CHR) program have their employees' salaries/wages and fringe benefits paid through the system, using Erie County's payroll system. Amounts paid by the contracting library directly are correspondingly reduced. This results in state aid and local revenues collected exceeding local expenses paid. The excess revenues over local expenses is returned to the system to help meet the contract library's payroll needs.

**BUFFALO AND ERIE COUNTY PUBLIC LIBRARY**

**EXHIBIT A**

EEGroup	Current Count	Job Title	Hours	Hours per week	Salary	Total Fringes	Total Cost
	1	<b>LIBRARIAN I Total</b>	2,080	40	58,548	37,296	95,844
<b>FT Total</b>	<b>1</b>		<b>2,080</b>	<b>40</b>	<b>58,548</b>	<b>37,296</b>	<b>95,844</b>
	1	<b>SENIOR PAGE PT Total</b>	936	18	13,291	1,111	14,402
	2	<b>PAGE (P.T.) Total</b>	832	16	10,982	918	11,900
	1	<b>CARETAKER (PT) CL Total</b>	364	7	5,401	451	5,852
	1	<b>LIBRARY TECHNOLOGY CLERK (PT) CL Total</b>	988	19	15,071	1,260	16,331
	1	<b>CLEANER (PT) CL Total</b>	364	7	5,113	427	5,540
	3	<b>CLERK-TYPIST (P.T.) CL Total</b>	1,404	27	20,360	1,791	22,151
<b>PT Total</b>	<b>9</b>		<b>4,888</b>	<b>94</b>	<b>70,218</b>	<b>5,958</b>	<b>76,176</b>
<b>Grand Total</b>	<b>10</b>		<b>6,968</b>	<b>134</b>	<b>128,766</b>	<b>43,254</b>	<b>172,020</b>

<b>FTE and Average Cost per FTE</b>	<b>3.35</b>	<b>51,349</b>
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<b>Full Time Salaries</b>	<b>\$58,548</b>
<b>RPT Wages</b>	
<b>Part Time Wages</b>	<b>\$70,218</b>
<b>Total Salaries &amp; Wages</b>	<b>\$128,766</b>

<b>Collins - Other Payments</b>	<b>1,498</b>	<b>115</b>	<b>1,613</b>
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<b>Grand Total</b>	<b>\$130,264</b>	<b>\$43,369</b>	<b>\$173,633</b>
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Librarians Association Pay Scale  
Effective 1/1/2022

	1	2	3	4	5	A	B	C	D	E	F
Grp 7	40,591	42,709	44,812	46,914	49,021	50,165	51,320	52,453	53,608	54,750	55,902
	1,561.20	1,642.64	1,723.52	1,804.40	1,885.44	1,929.44	1,973.84	2,017.44	2,061.84	2,105.76	2,150.08
	19.515	20.533	21.544	22.555	23.568	24.118	24.673	25.218	25.773	26.322	26.876
Grp 9	46,840	49,602	52,356	55,105	57,864	59,232	60,624	61,984	63,361	64,734	66,109
	1,801.52	1,907.76	2,013.68	2,119.44	2,225.52	2,278.16	2,331.68	2,384.00	2,436.96	2,489.76	2,542.64
	22.519	23.847	25.171	26.493	27.819	28.477	29.146	29.800	30.462	31.122	31.783
Grp 10	50,282	53,285	56,285	59,280	62,294	63,800	65,287	66,791	68,295	69,790	71,290
	1,933.92	2,049.44	2,164.80	2,280.00	2,395.92	2,453.84	2,511.04	2,568.88	2,626.72	2,684.24	2,741.92
	24.174	25.618	27.060	28.500	29.949	30.673	31.388	32.111	32.834	33.553	34.274
Grp 11	57,379	60,476	63,868	67,107	70,358	71,983	73,607	75,221	76,844	78,464	80,088
	2,206.88	2,326.00	2,456.48	2,581.04	2,706.08	2,768.56	2,831.04	2,893.12	2,955.52	3,017.84	3,080.32
	27.586	29.075	30.706	32.263	33.826	34.607	35.388	36.164	36.944	37.723	38.504
Grp 12	61,364	64,958	68,569	72,147	75,747	77,551	79,333	81,147	82,952	84,750	86,551
	2,360.16	2,498.40	2,637.28	2,774.88	2,913.36	2,982.72	3,051.28	3,121.04	3,190.48	3,259.60	3,328.88
	29.502	31.230	32.966	34.686	36.417	37.284	38.141	39.013	39.881	40.745	41.611
Grp 13	66,991	70,916	74,876	78,824	82,742	84,731	86,699	88,689	90,673	92,662	94,644
	2,576.56	2,727.52	2,879.84	3,031.68	3,182.40	3,258.88	3,334.56	3,411.12	3,487.44	3,563.92	3,640.16
	32.207	34.094	35.998	37.896	39.780	40.736	41.682	42.639	43.593	44.549	45.502
Grp 14	74,668	79,121	83,524	87,953	92,383	94,598	96,830	99,064	101,286	103,507	105,728
	2,871.84	3,043.12	3,212.48	3,382.80	3,553.20	3,638.40	3,724.24	3,810.16	3,895.60	3,981.04	4,066.48
	35.898	38.039	40.156	42.285	44.415	45.480	46.553	47.627	48.695	49.763	50.831
Sunday in Charge	38.427		Sunday Reference	33.779		PT in Charge	25.618				

Report: ZTMR\_PAYSCALE\_REPORT  
 System: PRD/100/ZHR\_PAYSCALES  
 User: SCHLOSSK

Payscale Type: CMU

Erie County  
 Pay Scale Report  
 Pay Area: 33: AFSCME CMU

For: 01/01/2022

Page: 1  
 Date: 06/20/2021  
 Time: 11:38:37

	0	1	2	3	4	5	A	B	C	D	E
GRP 01	29216 1123.68 14.046	31059 1194.56 14.932	32442 1247.76 15.597	33823 1300.88 16.261	34748 1336.48 16.706	35668 1371.84 17.148	36244 1394.00 17.425	36814 1415.92 17.699	37386 1437.92 17.974	37960 1460.00 18.250	38532 1482.00 18.525
GRP 02	29779 1145.36 14.317	31678 1218.40 15.230	33103 1273.20 15.915	34530 1328.08 16.601	35479 1364.56 17.057	36431 1401.20 17.515	37032 1424.32 17.804	37644 1447.84 18.098	38232 1470.48 18.381	38836 1493.68 18.671	39437 1516.80 18.960
GRP 03	30863 1187.04 14.838	32864 1264.00 15.800	34364 1321.68 16.521	35861 1379.28 17.241	36860 1417.68 17.721	37860 1456.16 18.202	38490 1480.40 18.505	39144 1505.52 18.819	39765 1529.44 19.118	40398 1553.76 19.422	41030 1578.08 19.726
GRP 04	31784 1222.48 15.281	33900 1303.84 16.298	35491 1365.04 17.063	37080 1426.16 17.827	38139 1466.88 18.336	39193 1507.44 18.843	39863 1533.20 19.165	40523 1558.56 19.482	41203 1584.72 19.809	41872 1610.48 20.131	42538 1636.08 20.451
GRP 05	33623 1293.20 16.165	35922 1381.60 17.270	37648 1448.00 18.100	39372 1514.32 18.929	40523 1558.56 19.482	41673 1602.80 20.035	42476 1633.68 20.421	43281 1664.64 20.808	44088 1695.68 21.196	44891 1726.56 21.582	45689 1757.28 21.966
GRP 06	36117 1389.12 17.364	38773 1491.28 18.641	40766 1567.92 19.599	42756 1644.48 20.556	44088 1695.68 21.196	45417 1746.80 21.835	46444 1786.32 22.329	47466 1825.60 22.820	48470 1864.24 23.303	49481 1903.12 23.789	50498 1942.24 24.278
GRP 07	38759 1490.72 18.634	41912 1612.00 20.150	44277 1702.96 21.287	46646 1794.08 22.426	48223 1854.72 23.184	49797 1915.28 23.941	50964 1960.16 24.502	52123 2004.72 25.059	53279 2049.20 25.615	54446 2094.08 26.176	55615 2139.04 26.738
GRP 08	41625 1600.96 20.012	45234 1739.76 21.747	47940 1843.84 23.048	50648 1948.00 24.350	52453 2017.44 25.218	54261 2086.96 26.087	55551 2136.56 26.707	56832 2185.84 27.323	58117 2235.28 27.941	59396 2284.48 28.556	60692 2334.32 29.179

## EXHIBIT B

Report: ZTMR\_PAYSCALE\_REPORT  
 System: PRD/100/ZHR\_PAYSCALES  
 User: SCHLOSSK

Payscale Type: CMU

Erie County  
 Pay Scale Report  
 Pay Area: 30: CMU

For: 01/01/2022

Page: 1  
 Date: 06/20/2021  
 Time: 11:39:02

	0	1	2	3	4	5	A	B	C	D	E
GRP 01	30164 1160.16 14.502	31905 1227.12 15.339	32985 1268.64 15.858	34087 1311.04 16.388	35179 1353.04 16.913	36263 1394.72 17.434	36806 1415.60 17.695	37355 1436.72 17.959	37889 1457.28 18.216	38443 1478.56 18.482	38977 1499.12 18.739
GRP 02	30697 1180.64 14.758	32465 1248.64 15.608	33611 1292.72 16.159	34734 1335.92 16.699	35872 1379.68 17.246	36997 1422.96 17.787	37561 1444.64 18.058	38143 1467.04 18.338	38696 1488.32 18.604	39258 1509.92 18.874	39824 1531.68 19.146
GRP 03	31728 1220.32 15.254	33563 1290.88 16.136	34755 1336.72 16.709	35947 1382.56 17.282	37128 1428.00 17.850	38345 1474.80 18.435	38938 1497.60 18.720	39551 1521.20 19.015	40140 1543.84 19.298	40741 1566.96 19.587	41334 1589.76 19.872
GRP 04	32964 1267.84 15.848	34886 1341.76 16.772	36140 1390.00 17.375	37405 1438.64 17.983	38688 1488.00 18.600	39965 1537.12 19.214	40606 1561.76 19.522	41221 1585.44 19.818	41866 1610.24 20.128	42499 1634.56 20.432	43129 1658.80 20.735
GRP 05	34701 1334.64 16.683	36729 1412.64 17.658	38135 1466.72 18.334	39508 1519.52 18.994	40916 1573.68 19.671	42309 1627.28 20.341	43066 1656.40 20.705	43826 1685.60 21.070	44591 1715.04 21.438	45350 1744.24 21.803	46112 1773.52 22.169
GRP 06	37059 1425.36 17.817	39233 1508.96 18.862	40895 1572.88 19.661	42540 1636.16 20.452	44181 1699.28 21.241	45852 1763.52 22.044	46821 1800.80 22.510	47784 1837.84 22.973	48728 1874.16 23.427	49695 1911.36 23.892	50656 1948.32 24.354
GRP 07	39555 1521.36 19.017	41893 1611.28 20.141	43915 1689.04 21.113	45943 1767.04 22.088	47967 1844.88 23.061	49980 1922.32 24.029	51081 1964.64 24.558	52177 2006.80 25.085	53279 2049.20 25.615	54371 2091.20 26.140	55478 2133.76 26.672
GRP 08	42259 1625.36 20.317	44768 1721.84 21.523	47137 1812.96 22.662	49506 1904.08 23.801	51859 1994.56 24.932	54209 2084.96 26.062	55428 2131.84 26.648	56632 2178.16 27.227	57843 2224.72 27.809	59062 2271.60 28.395	60278 2318.40 28.980

**BUFFALO & ERIE COUNTY PUBLIC LIBRARY****PAGE & SR. PAGE HOURLY WAGE RATES****EFFECTIVE DATE: DECEMBER 31, 2021****PAGE and SENIOR PAGE WAGE SCALES****December 31, 2021 - December 30, 2022****PAGE****Step 1**

\$13.20

**SENIOR PAGE****Step 1**

\$14.20

**NOTES:**

Wage scales reflect rates approved as part of the 2021 Adopted Budget:

Page rates are consistent with mandated increases in the New York State Minimum Wage Law and Sr.

Page rates are budgeted at \$0.50 above the minimum wage.

<b>Contract Library Collins</b>				
<b>2022 Schedule of Public Service Hours</b>				
<b>Winter Hours</b>				
Total hours		34		
Sunday Hours start on:				
Sunday Hours end on:				
	Open	Close	Re-Open	Close
Sunday				
Monday	10	5		
Tuesday	11	7		
Wednesday	Closed			
Thursday	11	7		
Friday	10	5		
Saturday	10	3		
<b>Summer Hours</b>				
Total hours		34		
Summer Hours start on:				
Summer Hours end on:				
	Open	Close	Re-Open	Close
Sunday				
Monday	10	5		
Tuesday	11	7		
Wednesday	Closed			
Thursday	11	7		
Friday	10	5		
Saturday	10	3		



## Benefits Package – Library Managers

<b>Benefits</b>	
<b>Holidays</b>	10 paid holidays per year: New Year's Day, Martin Luther King, Jr. Day, Patriot's (President's) Day, Good Friday, Memorial Day, Independence Day, Labor Day, Veterans' Day, Thanksgiving, and Christmas Day.
<b>Working on Holidays</b>	Employees required to work on a holiday will be paid 8 hours of straight time for the holiday, plus receive 1.5 times the number of hours actually worked in compensatory time.
<b>Vacation</b>	<p>Employees will be eligible for vacation accruals based on years of service:</p> <ul style="list-style-type: none"> <li>• 0-2 years: 3.08 hours/pay period (10 days/year); max bank at anniversary date of 160 hours (20 days)</li> <li>• 3-9 years: 4.62 hours/pay period (15 days/year); max bank at anniversary date of 240 hours (30 days)</li> <li>• 10-15 years: 6.16 hours/pay period (20 days/year); max bank at anniversary date of 320 hours (40 days)</li> <li>• 16-24 years: 7.70 hours/pay period (25 days/year); max bank at anniversary date of 400 hours (50 days)</li> <li>• 25 or more years: 9.24 hours/pay period (30 days/year); max bank at anniversary date of 480 hours (60 days)</li> </ul> <p>Vacation is granted in 1 hour increments.</p> <p>Upon termination of employment, employees will be entitled to receive a cash payment equal to accrued vacation time. In no event will such payout exceed the maximum bank days.</p>
<b>Vacation Sell-Back</b>	Employees with 80 hours of vacation in their bank in the first week of November may sell back up to 40 hours of vacation time (in 1 hour increments) each year. Payment for such sell-back shall be made in payroll period 24.
<b>Sick Leave Accrual</b>	<p>Sick leave credit shall be earned at the rate of 4.62 hours/pay period. Such leave accumulation shall not exceed 1,800 hours.</p> <p>No credit for sick leave shall be granted for a pay period unless the employee has been on full pay status at least 50% of the working days of said pay period.</p>
<b>Sick Leave Usage</b>	<p>Sick leave with pay will be granted to an employee who is incapacitated or unable to perform the duties of their position by reasons of:</p> <ul style="list-style-type: none"> <li>• Sickness or injury of the employee;</li> <li>• Pregnancy of the employee;</li> <li>• Sickness, injury or pregnancy in the employee's immediate family requiring care and attendance of the employee. Immediate family</li> </ul>

	<p>shall include parent, spouse, sibling, child, or grandparent, or an actual member of the employee's household upon submission of sufficient proof to the employer;</p> <ul style="list-style-type: none"> <li>• Circumstances which require that medical or dental visits of the employee be made during working hours;</li> <li>• Medical or dental visits for members of the employees' immediate family who cannot provide their own transportation and which cannot be scheduled outside of the employees working hours.</li> </ul> <p>Sick leave is granted in 1 hour increments.</p> <p>Sick leave in excess of 5 consecutive workdays requires a physician's note showing incapacity/inability of the employee to perform their work, including the nature of and dates of the illness. Also, at the discretion of the Contracting Library Board of Trustees, an employee may be notified that a physician's note is required for absence of any duration.</p> <p>Once notice of resignation/retirement has been given, a physician's note is required to substantiate sick leave or vacation time will be charged.</p>
<b>Sick Leave Incentive</b>	Employees who use 1 day or less of sick leave in an anniversary year shall receive an extra sick day on their anniversary date.
<b>Sick Leave Bonuses</b>	<p>There will be a \$300 bonus for any employee who reaches a maximum of 1,800 hours of accumulated sick leave. Thereafter, an additional bonus of \$200 will be paid in any year in which the maximum amount of sick leave is maintained AND 5 or fewer sick days are utilized.</p> <p>Payment of the initial bonus will be in the first pay check after the 1,800 hours are reached. Payment of the yearly bonus will be in the first pay period of February in subsequent years.</p>
<b>Personal Leave</b>	<p>After 1 year of continuous service, employees shall be eligible for the following personal leave allowance on their anniversary date:</p> <ul style="list-style-type: none"> <li>• Hired before 10/1/2014: 6 days (48 hours)</li> <li>• Hired on/after 10/1/2014: 4 days (32 hours)</li> </ul> <p>Personal leave is granted in 1 hour increments. Application for personal leave must be filed at least 5 working days in advance when the request is for 4 days or more, or 3 working days in advance when the request is for 3 days or less. Advance notice requirements may be waived at the discretion of the Contracting Library Board of Trustees.</p> <p>Unused personal leave days shall be added to the employee's sick leave bank on the anniversary date of employment.</p>
<b>Comp Time</b>	<p>Compensatory time may be used in 15 minute increments.</p> <p>Employees may accumulate compensatory time up to 80 hours.</p> <p>Upon retirement, employees will be entitled to receive a cash payment equal to unused accrued compensatory time.</p>
<b>Other Paid Leave</b>	<b>Bereavement Leave</b> – an employee who has a death in the immediate family (parent, spouse, brother, sister, child, grandparent, grandchild, son-in-law, daughter-in-law, parent-in-law, brother-in-law, sister-in-

	<p>law, stepparent, stepchild, great-grandparent, or any other individual who is an actual member of the immediate household), upon submission of sufficient proof to the employer, shall be given time off without loss of pay to a maximum of 5 consecutive calendar days commencing with the date of death. However, if the death occurs after the employee reports to work, that day will not be counted as one of the 5 consecutive calendar days and upon giving appropriate notice, such employee will be allowed to leave for the remainder of the shift without loss of pay.</p> <p><b>Extended Sick Leave</b> – At the discretion of the Contracting Library Board of Trustees, additional sick leave, with pay, for a serious illness may be granted to an employee with at least 10 years continuous service. Prior to the granting of such leave, there must be a reasonable expectation that the employee will return to work. No extended sick leave with pay will be granted until all other accumulated leave time has been used, and no leave credits will be earned during the extended sick leave period. Maximum leave amounts are based on continuous service:</p> <ul style="list-style-type: none"> <li>• 10 years: Up to 3 months extended sick leave</li> <li>• 15 years: Up to 5 months extended sick leave</li> </ul> <p><b>Emergency Closing</b> – In the event the Contracting Library Manager or Board of Trustees declares the closing of a certain library or libraries and/or operations and/or services due to any flood, fire, uncontrolled weather conditions or other cause beyond the Library's control, affected employees will not be charged any accruals or lose any pay for the time closed.</p> <p><b>Jury Duty</b> – Upon presenting proof of the necessity of jury service or attending court for non-personal matters, employees shall receive a paid leave of absence. Employees must indicate on the court's questionnaire that they are placed on paid leave of absence during the jury service period. Employee will not be required to report to work prior to or subsequent to their court attendance/jury duty. Regular-part-time employees shall be paid on a pro-rated basis.</p> <p><b>Military Leave</b> – Leaves of absence occasioned by service in the military shall be governed by the requirements of current Federal and New York State laws.</p>
<p><b>Unpaid Leave</b></p>	<p><b>Extended Illness</b> – Contracting libraries shall follow the requirements of the Family and Medical Leave Act (FMLA).</p> <p><b>Maternity</b> – An employee who is pregnant shall be granted a leave of absence without pay for the duration of their anticipated disability, as substantiated by their physician. After delivery, the employee may return on the date recommended by their physician, provided a written statement is submitted certifying they are capable of resuming full duties.</p> <p><b>Child Care</b> – A leave of absence without pay to care for an child will be granted to:</p> <ul style="list-style-type: none"> <li>• An employee who has given birth or whose spouse has given birth to a child, within the first year of said child's birth for a period of up to 6 months; or</li> </ul>



	<ul style="list-style-type: none"> <li>An employee who has adopted a child of less than 5 years of age or a hard-to-place or handicapped child as defined in Section 451 of the N.Y. Social Services Law who is under the age of 18, and who is principally responsible for the care of the child, for a period of 6 months after custody of the child is received.</li> </ul> <p>In the event both parents are employed by the Library, the Library is not compelled to grant a 6 month leave to both parents.</p> <p><b>Family Care</b> – An employee may be granted a leave of absence without pay for up to 6 months to care for a parent, parent-in-law, child or spouse who is suffering from a serious health condition, illness or injury. It is understood that the employee shall be required to provide medical information supporting the need for their presence as a caregiver during normal hours of work and fully explaining the seriousness of the illness or injury, and any decision shall be at the discretion of the Contracting Library Board of Trustees. In addition, at the discretion of the Contracting Library Board of Trustees, leave may be granted for another individual who is an actual member of the employee's household, upon sufficient proof to the employer.</p>
<b>Health &amp; Dental Insurance</b>	<p>Health and dental insurance coverage is offered after one full calendar month of employment. Costs are deducted twice per month (24 of the 26 pay periods).</p> <p><b>Health Insurance</b> – There are 4 plan levels to choose from (Bronze, Core, Value and Enhanced):</p> <ul style="list-style-type: none"> <li>Bronze Plan – High deductible plan; no employee contribution.</li> <li>Value Plan - 85% employer contribution to monthly Value Plan premium; employee pays 15% of premium.</li> <li>Core or Enhance Plan – Employer contribution equal to 85% of the monthly cost of the <u>Value</u> Plan premium. Employee pays 15% of Value Plan premium, plus additional cost associated with Core or Enhanced Plan.</li> </ul> <p><b>Dental Insurance</b> – There are 2 plan levels to choose from:</p> <ul style="list-style-type: none"> <li>Base Plan - Single coverage at no cost; family coverage employee pays 10% of premium.</li> <li>Buy-Up Plan - If selected, employee pays the cost of the Base Plan plus the additional costs associated with the Buy-Up Plan.</li> </ul>
<b>Health Insurance Waiver</b>	<p>Employees waiving single coverage will receive \$67 per month. Employees waiving family coverage will receive \$100 per month. Payment will be made twice per month (24 of the 26 pay periods).</p>
<b>Retiree Health Insurance Pre-Age 65</b>	<p>Retirees and eligible spouses are entitled to health insurance coverage under the following terms:</p> <ul style="list-style-type: none"> <li>Hired before 10/1/2014 with 15 or more years of continuous service at the time of retirement – 100% employer contribution of Value premium;</li> <li>Hired before 10/1/2014 with 5-14 years of continuous service at the time of retirement – 75% employer contribution of Value premium;</li> <li>Hired on or after 10/1/2014 - 0% employer contribution to health insurance.</li> </ul>

<b>Retiree Health Insurance Post-Age 65</b>	<p>Retirees and eligible spouses are entitled to a designated Medicare Wraparound product under the following terms:</p> <ul style="list-style-type: none"> <li>• Hired before 10/1/2014 with 15 or more years of continuous service at the time of retirement – 100% employer contribution of Value premium;</li> <li>• Hired before 10/1/2014 with 5-14 years of continuous service at the time of retirement – 75% employer contribution of Value premium;</li> <li>• Hired on or after 10/1/2014 - 0% employer contribution to health insurance.</li> </ul>
<b>Retiree Sick Leave Accrual Benefit</b>	<p>Employees who retire with 10 years of service shall be eligible for the following:</p> <ul style="list-style-type: none"> <li>• Employees who have a minimum of 800 hours of accumulated sick leave as of the date of retirement shall receive \$2,000 cash;</li> <li>• Employees who have a minimum of 1,200 hours of accumulated sick leave as of the date of retirement shall receive \$3,000 cash;</li> <li>• Employees who have a minimum of 1,800 hours of accumulated sick leave shall receive \$5,000 cash.</li> </ul>
<b>Retirement</b>	Full-time and RPT employees are required to join the New York State & Local Retirement System (NYSLRS), the statewide pension plan for public employees in NYS.
<b>Work Week</b>	The work week shall be Saturday through Friday.
<b>Pay Period</b>	Employees shall be paid every 2 weeks. All full-time employees shall work a minimum of 80 hours per pay period. All regular part-time employees shall work between 20 and 39 hours per week, constituting 40-78 hours per pay period.
<b>Lunch</b>	At least 1/2 hour lunch, unpaid
<b>Breaks</b>	Employees are eligible to receive a 15 minute paid break per 4 hours worked.
<b>Emergency Call-In Pay</b>	<p>Should an employee be called into work when they are not scheduled, they shall be paid for a minimum of 3 hours.</p> <p>Call-in pay is not incorporated into the scheduled workweek.</p>
<b>Overtime</b>	<p>If an employee works over 40 hours in a predetermined workweek, excluding sick leave and personal leave, they shall receive time and one-half (1.5x) compensatory time for all overtime hours worked.</p> <p>Employees may request in writing monetary payment in lieu of compensatory time off. Written requests must be submitted to Human Resources by the third Monday in January. The election of cash payment shall remain in effect until the employee revokes it. Revocation may only occur during the month of December in each year.</p>

<b>Library Account Grace Period</b>	After 6 months of service, employees are eligible for a 7 day grace period on their library account. Items returned within a week of their due day will not be assessed late charges.
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<b>Optional Benefits</b>	
<b>Supplemental Retirement</b>	Employees may opt to participate in the Erie County Deferred Compensation Plan (457(b)). This is a tax-deferred retirement account administered by VALIC (member company of AIG).  Representatives from VALIC are made available to staff throughout the year or can be contacted directly; contact information is on the intranet.
<b>Flexible Spending Accounts (FSAs)</b>	Employees are able to enroll in pre-tax deduction FSAs for medical, dependent care, adoption, and parking expenses through P&A Group. Forms for such accounts must be submitted for each calendar year. More information can be found on the intranet.

<b>Regular Part-Time Employees</b>	
<b>RPT employees shall be entitled to receive all benefits provided to full-time employees, subject to the following modifications.</b>	
<b>Leave Accruals</b>	Accruals for vacation, sick and personal leave shall be pro-rated for RPT employees.
<b>Holiday Pay</b>	RPT employees shall receive 4 hours pay on designated holidays.  At the discretion of the Contracting Library Board of Trustees, an RPT employee's work schedule may be adjusted up to 4 hours at another time during the week in which the holiday falls so that the employee will actually receive pay for the number of hours for which they are normally scheduled.
<b>Working on Holidays</b>	RPT employees required to work on a holiday will be paid straight time for every hours actually worked on such a holiday, plus receive 4 hours of compensatory time.

*Library Manager benefits are at the discretion of the B&ECPL Board of Trustees. Content is subject to change. Please direct any specific questions about wages and benefits to Human Resources.*



## Benefits Package – Unrepresented Part-Time Staff

Part-time employees not covered by a collective bargaining agreement are not eligible for most benefits. The B&ECPL will follow all applicable federal, state and local laws and statutes as they apply to employment.

<b>Benefits</b>	
<b>Work Week</b>	Part-time employees will be scheduled for not more than 19 hours per week.
<b>Pay Period</b>	Employees shall be paid every 2 weeks.
<b>Lunch</b>	Employees scheduled to work more than 6 hours in a single shift will be provided with a 1/2 hour unpaid lunch.
<b>Breaks</b>	Employees are eligible to receive a 15 minute paid break per 4 hours worked.
<b>Library Account Grace Period</b>	After 6 months of service, employees are eligible for a 7 day grace period on their library account. Items returned within a week of their due day will not be assessed late charges.
<b>Retirement</b>	Part-time employees are eligible to join the New York State & Local Retirement System (NYSLRS), the statewide pension plan for public employees in NYS.

<b>Optional Benefits</b>	
<b>Supplemental Retirement</b>	<p>Employees may opt to participate in the Erie County Deferred Compensation Plan (457(b)). This is a tax-deferred retirement account administered by VALIC (member company of AIG).</p> <p>Representatives from VALIC are made available to staff throughout the year or can be contacted directly; contact information is on the intranet.</p>
<b>Flexible Spending Accounts (FSAs)</b>	<p>Employees are able to enroll in pre-tax deduction FSAs for medical, dependent care, adoption, and parking expenses through P&amp;A Group. Forms for such accounts must be submitted for each calendar year. More information can be found on the intranet.</p>

*Benefits are at the discretion of the B&ECPL Board of Trustees. Content is subject to change. Please direct any specific questions about wages and benefits to Human Resources.*



## **VOLUNTEER PROGRAM POLICY**

This policy is a system-wide policy for application to all libraries within the Buffalo & Erie County Public Library System.

### **I. STATEMENT OF POLICY**

The Buffalo & Erie County Public Library System (B&ECPL) is committed to fulfilling its mission through building and strengthening relationships throughout the community, including providing opportunities for direct community participation in library services. Volunteer time, energy and goodwill are invaluable assets to the B&ECPL. Volunteering at a library also offers individuals and groups a way to contribute to their community, fulfill personal goals and achieve a sense of satisfaction. Volunteering for a library in the B&ECPL can be a rewarding and exciting experience for all involved.

The B&ECPL shall accept volunteers without regard to any individual's gender, race, color, national origin, ancestry, religion, creed, age, disability, familial status, marital status, pregnancy, sexual orientation, gender identity or expression, military status, genetic predisposition, arrest or conviction status, domestic violence victim status, known relationship or association with member of a protected class, or any other basis protected by federal, state or local law.

### **II. USE OF VOLUNTEERS**

- A. The B&ECPL will support the effective utilization of volunteers to:
  - 1. Welcome talented and dedicated community members who wish to serve the B&ECPL;
  - 2. Add value to new and existing programs;
  - 3. Promote public awareness of library services;
  - 4. Increase involvement in and support of the B&ECPL by the public; and
  - 5. Connect with the community.
- B. The B&ECPL will not use volunteers to replace or augment its paid staff.
- C. Volunteers shall not be permitted to perform activities that could reveal confidential patron information; including but not limited to use of the B&ECPL circulation/borrower services database (Integrated Library System).

- D. The B&ECPL does not provide volunteers with compensation, medical or health benefits, accident or worker's compensation.

### III. VOLUNTEER PROGRAM

#### A. Becoming a Volunteer

1. Individuals interested in volunteering at the B&ECPL must fill out a *Volunteer Application* and a *Volunteer Liability Waiver and Release* form.
2. Volunteers under the age of 17 must have guardian approval to volunteer. Volunteers under the age of 17 must be overseen by a staff member or an adult volunteer who has successfully completed the volunteer application process.
3. Volunteers will be accepted based on the library's needs. A library may not accept every volunteer application.

#### B. Volunteer Expectations

1. Volunteers are expected to adhere to any applicable policies and practices regarding schedules, attendance, conduct, performance, safety procedures, proper attire, etc.
  - a. Each volunteer will have a staff member assigned as an on-site supervisor and is required to follow the procedures established by the library where they volunteer.
  - b. The supervisor and/or supervisor's designee is available for guidance and assistance of volunteer activities and is responsible for establishing the volunteer's schedule and tracking volunteer hours.
  - c. Volunteers are expected to keep their supervisor and/or supervisor's designee informed of their projects and service status, and of any schedule changes.
2. Volunteers can be released from volunteer duties at any time at the discretion of the B&ECPL.
3. Volunteers are expected to maintain the confidentiality of all patrons' use and records.

Adopted October 20, 2005.

Amended May 18, 2006.

Reviewed by Policy Committee April 23, 2009 – no changes.

Amended September 17, 2015 per Resolution 2015-27.

Amended March 17, 2016 per Resolution 2016-8.

Amended November 21, 2019 per Resolution 2019-45.

## Circulation Policy

*This policy is a system-wide policy for application to all libraries within the Buffalo & Erie County Public Library System.*

### I. INTRODUCTION

This is the Circulation Policy of the Buffalo & Erie County Public Library System (B&ECPL). All B&ECPL Libraries, including any Contract Member, Buffalo Branch, Library Outlet and the Central Library, are required to follow the policies delineated herein.

#### A. Definitions

Terms that are used in the document are defined below:

1. **Circulation** - Checking out material on a borrower's card for a prescribed loan period or downloading electronic content. Any item listed in the B&ECPL Catalog is subject to all terms of B&ECPL Circulation Policy.
2. **Traditional Library Card** - Cardholder can check out books, music, videos and use a library computer to access the internet. Cardholder can also borrow digital content.
3. **Digital content** - Services available online in a variety of formats, including, but not limited to: downloadable and streaming eBooks, eAudiobooks, eVideos, music, digital magazines, etc.
4. **Blocked** - Library card cannot be used to borrow physical materials.
5. **Barred** - Library cardholder is unable to visit library. All in-library services suspended and cannot borrow physical materials.
6. **Good Standing** - Account of library cardholder is not blocked and cardholder is not barred from visiting library.
7. **Board of Trustees** - The Board of Trustees of the Buffalo & Erie County Public Library.
8. **Administration** - The Director, Deputy Directors, Assistant Deputy Directors and other members of the Administrative Team of the Buffalo & Erie County Public Library.

## II. REGISTRATION

### A. Eligible Borrowers

Erie County residents and specified non-residents are eligible for borrowing privileges, provided they meet identification requirements as established by the Administration. Some restrictions may apply.

1. All persons who live, work, own property or attend school in Erie County are eligible for borrowing privileges at no charge, except as noted herein.
2. Other residents of New York State are eligible for borrowing privileges at a charge (effective April 18, 2005). "Other" New York State borrower privileges will expire every 12 months.

### B. Types of Library Cards

1. **Traditional** – Both in-library and digital content
  - a. **Youth** – 16 and under; parent/guardian permission required
  - b. **Adult** – persons age 17 and older
2. **Student Digital Card** – Limited to digital content; available to children through grade 12 enrolled in Erie County schools

Library cards are further defined by borrower profiles, which identify the quantities and types of material that a borrower may check out or other privileges a library patron may enjoy.

### C. Application

Eligible borrowers must complete the appropriate application.

1. Erie County Residents:
  - a. To obtain a traditional library card, the applicant may apply online or appear in person or qualify for a Proxy Application.
  - b. A valid Erie County address and an email address are required to complete the online application.
  - c. Youth must have the consent of parent/legal guardian to obtain a traditional card. Absent consent, a Student Digital Card may be issued.
2. Non-Residents:
  - a. To obtain a traditional library card, the applicant must appear in person or qualify for a Proxy Application and provide required identification and documentation.



- b. To obtain a Student Digital Card, the applicant may apply online and provide a valid address and email address. Proof of enrollment in Erie County school may be requested.

D. Registration Term

Unless otherwise specified, B&ECPL library cards do not expire. Library cardholders are subject to periodic verification of their contact information.

III. BORROWER PRIVILEGES AND RESPONSIBILITIES

A. General

1. A valid B&ECPL library card will be honored at all B&ECPL locations. A valid library card includes photocopies of the card as well as barcodes on smart devices and mobile apps. Possession of a valid card implies authorized use.
2. The borrower is responsible for all use of the library card and assumes liability for charges incurred for lost, stolen, or damaged items. The borrower is responsible for returning all borrowed items in clean condition, free from insects, pests or other contaminants.
3. Borrowers must immediately report lost or stolen cards to any B&ECPL location. Failure to do so will result in the borrower being held financially responsible for any charges incurred due to lost, stolen, or damaged items.
4. Borrowers are responsible for notifying the B&ECPL of any change of contact information including mailing address, email address or telephone number.

B. Circulation

1. Borrowers may check out material from any B&ECPL location. Unless otherwise specified, the material may be returned to any B&ECPL location.
2. Items may be renewed in accordance with B&ECPL policy provided the borrower's account is in good standing, the items are not overdue and/or are not on a request list.
3. Circulating material is shared on a system-wide basis. The B&ECPL will provide access to any circulating item listed in the B&ECPL Catalog.
4. Most circulating material may be requested from and delivered to the borrower's preferred B&ECPL location.
5. The length of the loan period, number of renewals, special regulations on returns and types and quantities of materials that can be checked out will be determined by B&ECPL System Administration.

C. Youth Accounts

1. The borrower or the parent/legal guardian who has authorized the issuance of a library card by co-signing or consenting online to an application for a youth (16 and under) is responsible for compliance with all B&ECPL rules, all use made of the card and all charges incurred on it.
2. As with all library materials, programs and services, parents/legal guardians have the sole right and responsibility to decide what is appropriate for their child, except as otherwise prohibited by law.

D. Charges

1. The borrower is responsible for all library material checked out on their library card. Pursuant to New York State Education Law Section 265, willful failure to return material may result in civil and criminal penalties.
2. Charges will be assessed for:
  - a. Lost or stolen materials; and
  - b. Any material damaged beyond normal wear and tear.
3. Other charges may include, but are not limited to, charges for missing media cases and returned checks.
4. Charges are also assessed for specified library services or items, including but not limited to, printing, making copies, flash drives, headphones and applicable maker space materials.
5. The B&ECPL will take appropriate action to collect charges, including possible referral to a third party debt recovery service, which will result in the assessment of an additional charge.
6. The B&ECPL partners with a third party debt recovery service to assist with the recovery of outstanding materials and charges. After a prescribed time period with excessive outstanding balances, borrower account information will be transmitted to a third party debt recovery service.
7. Account notifications are available but not a legal requirement. Non-receipt of a notice does not eliminate borrower liability for outstanding materials or charges.

E. Borrower Account Status

It is the borrower's responsibility to ensure their account remains in good standing. Reasons a borrower's account and/or other library privileges may be blocked or barred include, but are not limited to:

1. Failure to return library materials;
2. Accumulating charges on borrower's account that exceed prescribed limits in accordance with B&ECPL procedure;

3. Other abuses of library privileges, including but not limited to inappropriate conduct on library premises or infractions against or attempts to circumvent any B&ECPL policy; or
4. Returning items in damaged or unclean condition, including but not limited to infestation or contamination.

#### IV. CONFIDENTIALITY

Pursuant to applicable New York State laws, library records that contain names or other personally identifying details of users, including but not limited to the circulation of library materials, computer use, interlibrary loan transactions, reference queries, requests for photocopies of library materials, title reserve requests, or the in-house use of library materials, shall be confidential and shall not be disclosed except that such records may be disclosed for the proper operation of the library and shall be disclosed upon request or consent of the user or pursuant to subpoena, court order or where otherwise required by statute.

Access to borrower information is restricted to authorized staff, and, with appropriate identification, to the borrower, custodial parent or legal guardian.

#### V. AUTHORIZATION

By adopting this policy, the Board of Trustees authorizes the Administration to develop rules and regulations to implement and enforce it.

Adopted January 18, 2001.

Amended March 17, 2005.

Amended July 21, 2005.

Amended September 16, 2010 per Resolution 2010-33.

Amended December 20, 2012 per Resolution 2012-46. (Administration Revised January 2, 2014:  
Registration Term – Library cards valid 3 years.)

Amended March 17, 2016 per Resolution 2016-7. (Administration Revised June 2018:  
Registration Term – Library cards do not expire. Library card  
holders are subject to periodic verification of the borrower  
record.)

Amended October 18, 2018 per Resolution 2018-28.

Amended December 17, 2020 per Resolution 2020-43.

Amended April 21, 2022 per Resolution 2022-16.



## **Equal Employment Opportunity and Anti-Harassment Policy**

*This policy is a system-wide policy for application to all libraries within the Buffalo & Erie County Public Library System.*

*This policy is also part of the Buffalo & Erie County Public Library Personnel Policies and Procedures Manual.*

### **I. Statement of Policy**

The Buffalo & Erie County Public Library (B&ECPL) is committed to maintaining an environment free of discrimination and unlawful harassment.

#### **A. Equal Employment Opportunity**

It is the policy of the B&ECPL to provide Equal Employment Opportunity in every aspect of employment to all applicants and employees without regard to gender, race, color, national origin, ancestry, religion, creed, age, disability, familial status, marital status, pregnancy, sexual orientation, gender identity or expression, military status, genetic predisposition, arrest or conviction status, domestic violence victim status, known relationship or association with member of a protected class, or any other basis protected by federal, state or local law.

The B&ECPL will take affirmative action as called for by all applicable federal, state and local laws and executive orders to ensure that underrepresented groups are introduced into the workforce and provided promotional opportunities. Employment decisions will be made without regard to unlawful considerations.

#### **B. Unlawful Harassment**

The B&ECPL will not tolerate unlawful harassment of its employees by any supervisor, coworker, volunteer, patron, or any other person with whom employees may come into contact during work. Similarly, the B&ECPL will not tolerate its employees engaging in unlawful harassment of co-workers or of non-employees with whom they come into contact during work, including but not limited to job applicants, vendors, contractors, patrons and volunteers.

The B&ECPL prohibits all forms of unlawful harassment. Generally, unlawful harassment includes any unwelcome conduct, whether verbal, written, physical or visual, that is based upon a person's gender, race, color, national origin, ancestry, religion, creed, age, disability, familial status, marital status, pregnancy, sexual orientation, gender identity or expression, military status, genetic predisposition, arrest or conviction status, domestic violence victim status, or any other basis protected by federal, state or local law. Such conduct is unlawful and prohibited whenever it:

1. Subjects an individual to inferior terms, conditions or privileges of employment,
2. Unreasonably interferes with an individual's work performance, or
3. Creates an intimidating, hostile or offensive working environment.

C. Examples of Harassment

1. Offensive comments such as racial or ethnic slurs, jokes, epithets and innuendo;
2. Verbal or physical kidding, teasing or practical jokes based on a person's gender, race, color, national origin, ancestry, religion, creed, age, disability, familial status, marital status, pregnancy, sexual orientation, gender identity or expression, military status, genetic predisposition, arrest or conviction status, domestic violence victim status, or any other basis protected by federal, state or local law;
3. Harassing conduct based on gender, race, color, national origin, ancestry, religion, creed, age, disability, familial status, marital status, pregnancy, sexual orientation, gender identity or expression, military status, genetic predisposition, arrest or conviction status, domestic violence victim status, or any other basis protected by federal, state or local law that unreasonably interferes with an employee's work performance or creates an intimidating, hostile, or offensive working environment; or
4. Any action taken because of an individual's gender, race, color, national origin, ancestry, religion, creed, age, disability, familial status, marital status, pregnancy, sexual orientation, gender identity or expression, military status, genetic predisposition, arrest or conviction status, domestic violence victim status, or any other basis protected by federal, state or local law that alters the terms, conditions and/or privileges of employment.

D. Sexual Harassment – See Sexual Harassment Prevention Policy.

E. Applicability of Policy

1. The prohibition against discrimination and unlawful harassment applies to everyone: managers, supervisors, salaried and hourly employees, temporary employees, volunteers, contractors, trustees, public officials, appointed administrative officers, patrons or any other non-employee.
2. The B&ECPL will not allow unlawful harassment of any kind by anyone. This policy will be reviewed with all staff. It is the responsibility of each supervisor to ensure affirmative implementation of this policy to avoid discrimination, unlawful harassment or retaliation in employment and to report all violations they may become aware of. All employees are expected to be cognizant of this policy and cooperate with its implementation.
3. The B&ECPL has zero tolerance for the types of conduct described in this policy. The B&ECPL may treat instances of inappropriate conduct as a violation of this policy, regardless of the specific wording of this policy or technical definitions in the applicable laws; and the B&ECPL may deal with such conduct with disciplinary action or other forms of corrective action as deemed appropriate.
4. Any harassment based on a protected class violates this policy regardless of whether such harassment would be considered severe or pervasive under legal precedent applied to harassment claims.

## II. Procedure

### A. Reporting Discrimination, Harassment or Other Violations of This Policy

All employees, volunteers, patrons and other persons utilizing or working in B&ECPL facilities and services are encouraged to promptly report any conduct that they are subject to, or that they witness, which may violate this policy. If the B&ECPL does not know about the discriminatory or harassing conduct, it cannot act.

Prior to making a report, individuals who believe they have been discriminated against or harassed may choose to firmly and promptly notify the offender that his/her behavior is unwelcome. However, the B&ECPL recognizes that such a confrontation may be uncomfortable or even impossible. Therefore, notifying the offender is not required.

To make a report, individuals should follow the steps set forth below:

1. Notify Appropriate Staff

- a. Employees, supervisors and managers must report any incident of discrimination, retaliation, sexual harassment or other harassment.
- b. Employees who believe they have been subject to or witnessed conduct which violates this policy should immediately report the incident to their direct supervisor.
- c. If the supervisor is the alleged offender or the employee is uncomfortable reporting the incident of discrimination, harassment or retaliation to the supervisor, the incident should be reported directly to the Department Head.
- d. In the event that the circumstances of the situation make it inappropriate to report the incident to the individual's supervisor or to their Department Head, or in the event the individual is not an employee and does not have a supervisor or Department Head, the incident should be reported directly to the Human Resources Officer at (716)858-6103.
- e. Supervisors and managers must immediately report any incident or report of discrimination, retaliation, sexual harassment or unlawful harassment even if they are not the target or victim of such harassment to the Human Resources Officer.

## 2. Promptly Report Complaint

- a. B&ECPL encourages the prompt reporting of complaints so that a rapid response and appropriate action may be taken.
- b. Failure to promptly report a complaint can hinder an effective investigation.
- c. A prompt report not only aids the complainant but also helps to maintain an environment free from discrimination for all employees.
- d. Reports of harassment may be made verbally or in writing. A form for submission of a written complaint is attached to this policy, and all employees are encouraged to use this complaint form. Employees who are reporting harassment on behalf of another person should use the complaint form and note that it is on another person's behalf.

## 3. Prepare Written Report of Misconduct

- a. An accurate record of objectionable behavior or misconduct is needed to resolve a formal complaint of discrimination, retaliation and/or harassment.
- b. Any and all verbal and written reports must be submitted to the Human Resources Officer for investigation.

- c. Upon receipt of a complaint under this policy, Human Resources will complete a formal written report of the complaint, if not already done by the complainant or their supervisor.
- d. Individuals who believe they have been or are currently being subjected to discrimination, retaliation or harassment should maintain a record of objectionable conduct in order to prepare effectively for the investigation.

B. Investigating the Complaint

1. Confidentiality

Any allegation of discrimination, retaliation or unlawful harassment received by Human Resources will be investigated promptly. Confidentiality will be maintained throughout the investigatory process to the extent practical and appropriate under the circumstances.

2. Investigation Process

- a. The B&ECPL will investigate thoroughly and quickly any incident of discrimination, retaliation or harassment and will make every effort to take the wishes of the complainant into consideration, keeping the complainant informed as to the status of the investigation.
- b. Depending on the circumstances of the complaint, Human Resources will determine if the investigation will be completed internally by the Human Resources Officer or if it is more appropriate to forward the complaint to a third party for investigation.

C. Corrective Action

1. Employees

The B&ECPL will impose appropriate discipline or other corrective action, depending on the nature and seriousness of the offense, up to and including termination, against any manager, supervisor or employee found to have violated this policy, regardless of whether such conduct is considered under the law to constitute unlawful discrimination or harassment or retaliation.

2. Non-employees



When a patron, volunteer or other person not employed by the B&ECPL is found to have engaged in unlawful harassment, discrimination or retaliation against a B&ECPL employee, the Human Resources Office will advise the person of the B&ECPL's policy against such conduct, and will take such other actions as are appropriate under the circumstances, up to and including suspension of library privileges.

### **III. Protection Against Retaliation**

The B&ECPL will not, in any way, retaliate against an individual who makes a complaint of discrimination or harassment or against any participant in the investigation; nor will it permit any manager, supervisor or employee to do so. Retaliation is defined as discriminating against an employee or applicant because they opposed discrimination and/or harassment; made a charge, testified, assisted or participated in any manner in an investigation, proceeding or hearing related to prohibited conduct under this policy; or exercised any other legal right protected by federal, state or local law requiring equal opportunity.

Retaliation is a serious violation of this policy and should be reported immediately by following the reporting procedure set forth above. Depending on the nature and seriousness of the offense, the B&ECPL will impose appropriate discipline, up to and including termination, against any manager, supervisor or employee found to have retaliated against another individual for reporting discrimination and/or harassment.

#### **A. Examples of Retaliation:**

1. Treating someone who has reported an incident of discrimination and/or harassment or participated in an investigation differently from other employees (e.g. cold shoulder).
2. Making negative comments or unreasonably disciplining, reducing responsibility, denying a transfer, giving unfavorable evaluations, or scrutinizing the work, etc. of an individual because that individual has reported an incident of discrimination and/or harassment or participated in an investigation.
3. Subjecting an individual to any adverse employment action for reporting an incident of discrimination and/or harassment or participating in an investigation.
4. Encouraging or ordering other staff to retaliate against an individual who has reported an incident of discrimination and/or harassment or participated in an investigation.

5. Engaging in other behavior that can reasonably be construed to be retaliatory.

#### **IV. Legal Remedies**

Employees or job applicants who believe they have been discriminated against, harassed or retaliated against in violation of this policy should first file an internal complaint with the B&ECPL's Human Resources Officer, as described above. If an employee or job applicant is dissatisfied with the response, they may file a complaint with the Equal Employment Opportunity Commission (EEOC) at (716)551-4441 and/or the New York State Division of Human Rights at (716)847-7632, which are authorized to investigate the allegations in the complaint. Employees or job applicants also may contact a private attorney or union representative should they believe they have been subjected to any form of discrimination, harassment or retaliation.

Adopted April 20, 2017 per Resolution 2017-11 (supersedes independently adopted EEO Policy contained in the B&ECPL Employee Handbook and Personnel Policies and Procedures Manual on December 18, 2014 and the Anti-Harassment Policy last amended March 17, 2016). (Administration Revised July 2018 – updated phone number Section II.A.1.d).

Amended December 20, 2018 per Resolution 2018-40.

Amended November 21, 2019 per Resolution 2019-43.

Reviewed by Policy Committee November 19, 2020 – no changes.



## COMPLAINT OF HARASSMENT, DISCRIMINATION, OR RETALIATION

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The Buffalo & Erie County Public Library prohibits harassment or discrimination because of gender, race, color, national origin, ancestry, religion, creed, age, disability, familial status, marital status, pregnancy, sexual orientation, gender identity or expression, military status, genetic predisposition, arrest or conviction status, domestic violence victim status, known relationship or association with member of a protected class, or any other basis protected by federal, state or local law. The B&ECPL acknowledges its legal and ethical obligation to protect the right of all persons to an environment free from discrimination, harassment, and retaliation. If you believe you have been harassed, discriminated against, or retaliated against in violation of B&ECPL policy, please complete this complaint form.

### General Information:

<b>Date:</b>		
<b>Name:</b>		
<b>Address:</b>		
<b>City:</b>	<b>State:</b>	<b>Zip:</b>
<b>Home Phone No.:</b>	<b>Work Phone No.:</b>	
<b>Department:</b>		
<b>Supervisor's Name:</b>		
<b>Supervisor's Phone No.:</b>		

**Specific Information about Your Complaint:**

**1. WHO IS HARASSING YOU, DISCRIMINATING AGAINST YOU, AND/OR RETALIATING AGAINST YOU? (Include name(s) and job title(s))**

**2. WHAT HAPPENED TO YOU TO PROMPT THIS COMPLAINT? (Be as specific as possible in describing the harassment/discrimination/retaliation. Include names, dates, and locations. Try to describe the “who, what, where, when, why, and how” of the incident(s).)**

**3. DID ANYONE WITNESS THE INCIDENT(S) DESCRIBED ABOVE? IF SO, STATE THE NAME OF THE INDIVIDUAL WHO WITNESSED EACH INCIDENT.**

<b>4. WITH WHOM (if anyone) HAVE YOU DISCUSSED THE INCIDENT(S)?</b>
<b>5. HAVE YOU PREVIOUSLY BEEN SUBJECTED TO HARASSMENT, DISCRIMINATION, OR RETALIATION BY THE INDIVIDUALS IDENTIFIED IN YOUR RESPONSE TO QUESTION 1? IF SO, PLEASE DESCRIBE EACH PRIOR INCIDENT IN DETAIL. (Include names, dates, and locations. Try to describe the “who, what, where, when, why, and how” of the incident(s).)</b>
<b>6. DO YOU HAVE WRITTEN DOCUMENTATION (e.g. cards, letters, text messages, or journals) RELEVANT TO YOUR COMPLAINT? IF SO, DESCRIBE THE DOCUMENT(S).</b>

**7. ARE YOU AWARE OF OTHER PERSONS WHO HAVE EXPERIENCED HARASSMENT, DISCRIMINATION, OR RETALIATION BY THE PERSON HARASSING, DISCRIMINATING, OR RETALIATING AGAINST YOU? IF SO, STATE THE NAME AND THE DETAILS OF THEIR EXPERIENCES, IF KNOWN TO YOU.**

**8. HOW DO YOU SUGGEST OR PREFER THAT YOUR COMPLAINT BE RESOLVED?**





## Internet Safety and Acceptable Use Policy

*This policy is a system-wide policy for application to all libraries within the Buffalo & Erie County Public Library System.*

### I. GENERAL STATEMENT OF POLICY

1. As part of its mission, the Buffalo & Erie County Public Library (B&ECPL) System provides Internet access and computing resources for public use.
2. Internet access at all libraries of the B&ECPL is provided by B&ECPL and is subject to the terms of this policy.
3. The B&ECPL provides wireless access at all locations, enabling patrons who visit local libraries to use their privately owned computer equipment or Wi-Fi-enabled devices to access the Internet. Wireless access does require user acceptance of the B&ECPL's *Internet Safety and Acceptable Use Policy*. All wireless access at any B&ECPL location is filtered.
4. Consistent with B&ECPL Circulation Policy, with the exception of the United States Government Publishing Office (GPO), parental permission for Internet access using Library equipment is required for individuals who have not attained the age of 17. Individuals who have not attained the age of 17 may access the GPO website, and materials available on this site, from all B&ECPL public access computers. Restrictions have been put in place to prevent further access to the Internet.
5. The B&ECPL assumes no responsibility for any loss or damages, direct, indirect, incidental, or consequential, arising from patron use of the B&ECPL's Internet connections or any other use of its computing resources.
6. The B&ECPL does not monitor and has no control over the information on the Internet and does not warrant or guarantee the reliability or truthfulness of information obtained from the Internet. As with all B&ECPL resources, patrons are advised to exercise their own critical judgment when evaluating the validity and appropriateness of information found on the Internet. Certain information may be inaccurate, misleading or offensive to some individuals.
7. As a limited public forum under the First Amendment of the United States Constitution, the B&ECPL enforces reasonable "time, place and manner" restrictions on the public display of content, to ensure constitutionally protected access to information (including images) by users, while limiting unwanted exposure of that information to others.



8. Unauthorized access to B&ECPL's computer resources, including hacking and all other unlawful computer activity, is strictly prohibited.
9. To comply with the Children's Internet Protection Act and restrict access to online content that may be considered harmful to minors or offensive to adults, the B&ECPL employs technology protection measures (including filters) on all computers with Internet access. As required by the Children's Internet Protection Act, blocking shall be applied to visual depictions of material deemed to be obscene, child pornography, or harmful to minors. Users are cautioned that filters are not foolproof and due to technological limitations cannot obstruct access to all potentially harmful or offensive content. In addition, filters may block access to some legitimate or constitutionally protected material found on the Internet. By law, individuals who have attained the age of 17 have the right to unfiltered Internet access for bona fide research or other lawful purposes.

## II. CHILDREN, PARENTS AND THE INTERNET

1. Parents/guardians have the sole right and responsibility to decide what is appropriate for their child. The B&ECPL does not act *in loco parentis* (i.e., in the place or role of the parent). Parents/guardians are responsible for the supervision of their child's Internet activity. Children who use the Internet unsupervised may be exposed to inappropriate or disturbing information and images.
2. The B&ECPL has taken the following measures designed to assist in the safe and effective use of these resources by all minors (individuals who have not attained the age of 17). The B&ECPL:
  - a. Employs technology protection measures (including filters) on all computers offering Internet access;
  - b. Develops and maintains special web pages for children and teens;
  - c. Develops and provides training programs on safe and effective Internet use; and
  - d. Provides online and printed information about child safety and information on educational or recreational uses of the Internet.
3. To address the issue of the safety and security of minors when using e-mail, social networking sites, or other forms of direct electronic communications, the B&ECPL advises parents and guardians to encourage minors to:
  - a. Never give out identifying information such as their full name, address, telephone number, or school name;
  - b. Let parents/guardians decide if personal information such as first name or age should be revealed;

- c. Always tell their parents or another adult they trust if they see something online that is frightening or that they do not understand, or if they observe or experience something that might be cyberbullying;
- d. Never respond to messages that make them feel uncomfortable or uneasy;
- e. Never arrange to meet in person someone they have met online unless they discuss it with their parents/guardians and an adult accompanies them;
- f. Have parents/guardians report an incident to the National Center for Missing & Exploited Children at 1-800-843-5678 or [CyberTipline.org](https://www.cybertipline.org) if one becomes aware of the transmission of child pornography;
- g. Remember that people online may not be who they say they are; and
- h. Remember some things they read on the Internet may not be true.

### III. USER RESPONSIBILITIES

1. All patrons must abide by the Rules of Conduct in effect at the library they are visiting and are expected to use Internet and/or computing resources in a responsible and orderly manner. Failure to comply with the policies and regulations that govern the use of the B&ECPL's Internet access and personal computing resources may result in immediate suspension of library privileges including but not limited to eviction from library buildings and notification of disciplinary process and, where necessary, civil liability and/or criminal prosecution. The following are prohibited:
  - a. Damaging equipment, software, or data;
  - b. Violating system security;
  - c. Violating any legal agreement (e.g., software licenses);
  - d. Using the Internet for any illegal activity, criminal purposes or violating any federal, state or local law (e.g., copyright, child pornography);
  - e. Using or installing personal software on B&ECPL equipment;
  - f. Engaging in any activity that is cyberbullying, harassing or defamatory; and
  - g. Engaging in activities that may be judged as disruptive by library staff or patrons.

User responsibilities are not limited to the above and may be subject to change.

Adopted by the B&ECPL Board of Trustees at a public meeting, following normal public notice, on June 20, 2002.

Amended, July 18, 2002, December 18, 2003, February 16, 2006, September 28, 2006, July 19, 2012, May 21, 2015 and December 17, 2015.

Reviewed by Policy Committee September 22, 2016 – no changes.

Amended September 21, 2017.

Amended October 18, 2018.

Amended November 21, 2019.

Reviewed by Policy Committee November 19, 2020 – no changes.



## **Sexual Harassment Prevention Policy**

*This policy is a system-wide policy for application to all libraries within the Buffalo & Erie County Public Library System.*

This policy is also part of the *Buffalo & Erie County Public Library Personnel Policies and Procedures Manual*.

### **I. Statement of Policy**

The Buffalo & Erie County Public Library (B&ECPL) is committed to maintaining an environment free from sexual harassment. Sexual harassment is a form of workplace discrimination and it is against the law. This policy is one component of B&ECPL's commitment to a discrimination-free environment. Everyone has a legal right to a workplace free from sexual harassment. All employees working in B&ECPL locations are required to work in a manner that prevents sexual harassment and are urged to report sexual harassment by filing a complaint internally with the B&ECPL. Complaints may also be filed with a government agency or in court under federal, state or local antidiscrimination laws.

#### **A. Applicability**

1. This policy applies to all employees, applicants for employment, interns, whether paid or unpaid, contractors and persons conducting business with B&ECPL, without regard to immigration status.
2. All employees, paid or unpaid interns, and non-employees are expected to follow and uphold this policy. This policy must be provided to all employees and should be posted prominently in all work locations to the extent practicable and be provided to employees upon hiring.
3. Sexual harassment will not be tolerated. Any employee or individual covered by this policy who engages in sexual harassment or retaliation will be subject to remedial and/or disciplinary action (e.g., counseling, suspension, termination).
4. 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.
5. Sexual harassment may subject B&ECPL to liability for harm to targets of sexual harassment; and harassers may also be individually subject to liability.

## B. What Is “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, self-identified or perceived sex, gender expression, gender identity and the status of being transgender.

1. 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:
  - a. 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 reporting individual is not the intended target of the sexual harassment;
  - b. Such conduct is made either explicitly or implicitly a term or condition of employment; or
  - c. Submission to or rejection of such conduct is used as the basis for employment decisions affecting an individual’s employment.
2. A sexually harassing hostile work environment includes, but is not limited to, 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, or cause the recipient discomfort or humiliation, or interfere with the recipient’s job performance.
3. 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.

Anyone covered by this policy who feels harassed should report so that any violation of this policy can be corrected promptly. Any harassing conduct, even a single incident, can be addressed under this policy, regardless of whether such harassment would be considered severe or pervasive under precedent applied to harassment claims.

## C. Examples of Sexual Harassment

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

1. Physical acts of a sexual nature, such as:

- a. Touching, pinching, patting, kissing, hugging, grabbing, brushing against another employee's body or poking another employee's body;
  - b. Rape, sexual battery, molestation or attempts to commit these assaults.
- 2. Unwanted sexual advances or propositions, such as:
  - a. Requests for sexual favors accompanied by implied or overt threats concerning the target's job performance evaluation, a promotion or other job benefits or detriments;
  - b. Subtle or obvious pressure for unwelcome sexual activities.
- 3. Sexually oriented gestures, noises, remarks or jokes, or comments about a person's sexuality or sexual experience, which create a hostile work environment.
- 4. 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.
- 5. Sexual or discriminatory displays or publications anywhere in the workplace, such as:
  - a. 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.
- 6. Hostile actions taken against an individual because of that individual's sex, sexual orientation, gender identity and the status of being transgender, such as:
  - a. Interfering with, destroying or damaging a person's workstation, tools or equipment, or otherwise interfering with the individual's ability to perform the job;
  - b. Sabotaging an individual's work;
  - c. Bullying, yelling, name-calling.

D. Who can be a target of sexual harassment?

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

E. Where can sexual harassment occur?

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

## **II. Prohibition Against Retaliation**

No person covered by this Policy shall be subject to adverse action because the employee reports an incident of sexual harassment, provides information, or otherwise assists in any investigation of a sexual harassment complaint. B&ECPL will not tolerate such retaliation against anyone who, in good faith, reports or provides information about suspected sexual harassment. Any employee of B&ECPL who retaliates against anyone involved in a sexual harassment investigation will be subjected to disciplinary action, up to and including termination. All employees, paid or unpaid interns, or non-employees working in the workplace who believe they have been subject to such retaliation should inform a supervisor, manager or the Human Resources Manager. All employees, paid or unpaid interns, or non-employees who believe they have been a target of such retaliation may also seek relief in other available forums, as explained under Section 5 Legal Protections.

### **A. What is retaliation?**

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

Such 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 “protected activity.” Protected activity occurs when a person has:

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

### **B. Good faith claims**

Even if the alleged harassment does not turn out to 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.

### **III. Reporting Sexual Harassment**

#### **A. Who Should Report**

Preventing sexual harassment is everyone's responsibility. B&ECPL cannot prevent or remedy sexual harassment unless it knows about it. Any employee, paid or unpaid intern, or non-employee who has been subjected to behavior that may constitute sexual harassment is encouraged to report such behavior to a supervisor, manager or the Human Resources Manager. Anyone who witnesses or becomes aware of potential instances of sexual harassment should report such behavior to a supervisor, manager or the Human Resources Manager.

Reports of sexual harassment may be made verbally or in writing. A form for submission of a written complaint is attached to this policy, and all employees are encouraged to use this complaint form. Employees who are reporting sexual harassment on behalf of another person should use the complaint form and note that it is on another person's behalf.

#### **B. Supervisory Responsibilities**

All supervisors and managers who receive a complaint or information about suspected sexual harassment, observe what may be sexually harassing behavior or for any reason suspect that sexual harassment is occurring, are required to report such suspected sexual harassment to the Human Resources Manager.

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

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

### **IV. Complaint and Investigation of Sexual Harassment**

An investigation of any complaint, information or knowledge of suspected sexual harassment will be prompt and thorough, commenced immediately and completed as soon as possible. The investigation will be kept confidential to the extent possible. All persons involved, including complainants, witnesses and alleged harassers will be accorded due process, as outlined below, to protect their rights to a fair and impartial investigation.



A. Complaint

All complaints or information about sexual harassment will be investigated, whether that information was reported in verbal or written form.

B. Witnesses

All employees, including managers and supervisors, are required to cooperate with any internal investigation of sexual harassment. B&ECPL will not tolerate retaliation against employees who file complaints, support another's complaint or participate in an investigation regarding a violation of this Policy.

C. Investigation Process

While the process may vary from case to case, the following steps of the investigation process will ensure a thorough and complete investigation:

1. Upon receipt of complaint, the Human Resources Manager will conduct an immediate review of the allegations, and take any interim actions, as appropriate.
2. If complaint is verbal, encourage the individual to complete the "Complaint Form" in writing. If they refuse, the Human Resources Manager will prepare a Complaint Form based on the verbal complaint.
3. If documents, emails or phone records are relevant to the investigation, take steps to obtain and preserve them.
4. Request and review all relevant documents, including all electronic communications.
5. Interview all parties involved, including any relevant witnesses.
6. Create a written documentation of the investigation (such as a letter, memo or email), which contains the following:
  - a. A list of all documents reviewed, along with a detailed summary of relevant documents;
  - b. A list of names of those interviewed, along with a detailed summary of their statements;
  - c. A timeline of events;
  - d. A summary of prior relevant incidents, reported or unreported; and
  - e. The basis for the decision and final resolution of the complaint, together with any corrective action(s).
7. Keep the written documentation and associated documents in a secure and confidential location.
8. Promptly notify the individual who reported and the individual(s) about whom the complaint was made of the final determination and implement any corrective actions identified in the written document.

9. Inform the individual who reported of the right to file a complaint or charge externally as outlined in the next section.

## V. Legal Protections and External Remedies

Sexual harassment is not only prohibited by B&ECPL but is also prohibited by state, federal, and, where applicable, local law.

Aside from the internal process at B&ECPL, 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, you may seek the legal advice of an attorney.

### A. State Human Rights Law (HRL)

The Human Rights Law (HRL), codified as N.Y. Executive Law, Art. 15, § 290, et seq., applies to all 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 the Division of Human Rights (DHR) or in New York State Supreme Court.

Effective August 12, 2020, complaints may be filed with the DHR any time **within 3 years** 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 sexual harassment. An individual may not file with DHR if they have already filed a HRL complaint in state court.

Complaining internally to B&ECPL 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.

You do not need an attorney 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 sexual harassment has occurred. Probable cause cases are forwarded to a public hearing before an administrative law judge. If sexual harassment 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 of monetary damages, attorney's fees and civil fines.

DHR's main office contact information is: NYS Division of Human Rights, 65 Court Street #506, Buffalo, New York 14202. You may call (716) 847-7632 or visit: [www.dhr.ny.gov](http://www.dhr.ny.gov).

Contact DHR at (888) 392-3644 or visit [dhr.ny.gov/complaint](http://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.

#### B. Civil Rights Act of 1964

The United States Equal Employment Opportunity Commission (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.

An employee alleging discrimination at work can file a "Charge of Discrimination." The EEOC has district, area, and field offices where complaints can be filed. Contact the EEOC by calling 1-800-669-4000 (TTY: 1-800-669-6820), visiting their website at [www.eeoc.gov](http://www.eeoc.gov) or via email at [info@eeoc.gov](mailto: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.

#### C. 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.

#### D. Contact the Local Police Department

If the harassment involves unwanted physical touching, coerced physical confinement or coerced sex acts, the conduct may constitute a crime. Contact the local police department.

Adopted December 20, 2018 per Resolution 2018-41.

Amended November 21, 2019 per Resolution 2019-44.

Amended August 12, 2020 per Resolution 2019-44.





## COMPLAINT OF HARASSMENT, DISCRIMINATION, OR RETALIATION

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The Buffalo & Erie County Public Library prohibits harassment or discrimination because of gender, race, color, national origin, ancestry, religion, creed, age, disability, familial status, marital status, pregnancy, sexual orientation, gender identity or expression, military status, genetic predisposition, arrest or conviction status, domestic violence victim status, known relationship or association with member of a protected class, or any other basis protected by federal, state or local law. The B&ECPL acknowledges its legal and ethical obligation to protect the right of all persons to an environment free from discrimination, harassment, and retaliation. If you believe you have been harassed, discriminated against, or retaliated against in violation of B&ECPL policy, please complete this complaint form.

### General Information:

<b>Date:</b>		
<b>Name:</b>		
<b>Address:</b>		
<b>City:</b>	<b>State:</b>	<b>Zip:</b>
<b>Home Phone No.:</b>	<b>Work Phone No.:</b>	
<b>Department:</b>		
<b>Supervisor's Name:</b>		
<b>Supervisor's Phone No.:</b>		

**Specific Information about Your Complaint:**

**1. WHO IS HARASSING YOU, DISCRIMINATING AGAINST YOU, AND/OR RETALIATING AGAINST YOU? (Include name(s) and job title(s))**

**2. WHAT HAPPENED TO YOU TO PROMPT THIS COMPLAINT? (Be as specific as possible in describing the harassment/discrimination/retaliation. Include names, dates, and locations. Try to describe the “who, what, where, when, why, and how” of the incident(s).)**

**3. DID ANYONE WITNESS THE INCIDENT(S) DESCRIBED ABOVE? IF SO, STATE THE NAME OF THE INDIVIDUAL WHO WITNESSED EACH INCIDENT.**

**4. WITH WHOM (if anyone) HAVE YOU DISCUSSED THE INCIDENT(S)?**

**5. HAVE YOU PREVIOUSLY BEEN SUBJECTED TO HARASSMENT, DISCRIMINATION, OR RETALIATION BY THE INDIVIDUALS IDENTIFIED IN YOUR RESPONSE TO QUESTION 1? IF SO, PLEASE DESCRIBE EACH PRIOR INCIDENT IN DETAIL. (Include names, dates, and locations. Try to describe the “who, what, where, when, why, and how” of the incident(s).)**

**6. DO YOU HAVE WRITTEN DOCUMENTATION (e.g. cards, letters, text messages, or journals) RELEVANT TO YOUR COMPLAINT? IF SO, DESCRIBE THE DOCUMENT(S).**

**7. ARE YOU AWARE OF OTHER PERSONS WHO HAVE EXPERIENCED HARASSMENT, DISCRIMINATION, OR RETALIATION BY THE PERSON HARASSING, DISCRIMINATING, OR RETALIATING AGAINST YOU? IF SO, STATE THE NAME AND THE DETAILS OF THEIR EXPERIENCES, IF KNOWN TO YOU.**

**8. HOW DO YOU SUGGEST OR PREFER THAT YOUR COMPLAINT BE RESOLVED?**