




MEMORANDUM

TO: Contract Library Managers

FROM: Kenneth H. Stone, Deputy Director - CFO 

SUBJECT: 2021 Contract Extension and 2022 Budget Schedules

DATE: December 22, 2021

Enclosed please find a copy of Buffalo & Erie County Public Library (B&ECPL) Board Resolution 2021-42, implementing the contract extension provision, and your 2022 budget schedules based upon this resolution. As you may recall, the 2021 contract contains an automatic extension provision that extends the current contract into 2022.

The extension will be in force until final 2022 contracts are adopted, although not to extend past July 31, 2022. Budget amounts are based upon the 2022 System budget as adopted on December 16, 2021. The Library's 2022 adopted budget may be viewed at: <https://www.buffalolib.org/content/library-system/budget-information>

Items to note:

1. 2022 Page wages are adjusted to reflect the 12/31/2021 New York State minimum wage \$0.70 per hour increase (to \$13.20 per hour), while Sr. Page wages are increased by \$1.20 per hour (to \$14.20 per hour), also effective 12/31/2021, increasing the differential between Page and Sr Page rates from \$0.50 per hour to \$1.00 per hour.
2. Two system-wide policies have been enacted/updated in 2021, specifically:
 1. Internet Safety & Acceptable Use Policy - Amended 7/15/2021;
 2. Equal Employment Opportunity and Anti - Harassment Policy - Reviewed 11/18/2021 - No changes

Current versions of the above policies may be viewed/downloaded at: <https://www.buffalolib.org/content/policies>

Please call me 716-858-7170 if you have any questions.

/ma; Enclosures;
cc: K. Stone

BOARD OF TRUSTEES
BUFFALO & ERIE COUNTY PUBLIC LIBRARY
MEETING DATE: December 16, 2021

AGENDA ITEM NUMBER: E.2.c.

RESOLUTION: 2021-42
Implementing 2021 Contracting
Library Contract Extension
Provision

BACKGROUND:

On June 17, 2021, the Board adopted Resolution 2021-14 which authorized executing 2021 contracting member library contracts. That resolution and the resulting 2021 contracts incorporated items to simplify 2022 start-up. They include the ability to extend the 2021 contract into 2022, avoiding the November-December rush to adopt new contracts.

The extension capability recognized many years' recurring pattern of final budget allocations, particularly from New York State, being in flux at the normal contract adoption time. The contract extension provides for allocations based upon the 2022 requested budget amount as may be amended by the Board (for example by adopting the 2022 System budget) until such time as a final 2022 contract is adopted, not to exceed July 31, 2022.

The option to implement the contract extension provision may be made by Board-adopted resolution notifying contracting member libraries of said extension. This resolution would provide the needed notification.

ACTION REQUIRED:

Motion to approve Resolution 2021-42.

BUFFALO AND ERIE COUNTY PUBLIC LIBRARY

BUDGET: MARILLA FREE LIBRARY

DESCRIPTION	As per Res 2021-14			As per Res 2021-42		
	2021	2021	2021	2022	2022	2022
	BUDGET			BUDGET		
	Contract Library Direct	System Paid	Total	Contract Library Direct	System Paid	Total
PERSONAL SERVICES						
SALARIES & WAGES, FULL TIME	-	-	-	-	-	-
WAGES, REGULAR PART-TIME		41,114	41,114		51,882	51,882
WAGES, PART TIME		51,653	51,653		43,419	43,419
* OVERTIME (Sunday)		-	-		-	-
OTHER (Vacation Buyout)		-	-		-	-
TOTAL SALARIES & WAGES	-	92,767	92,767	-	95,301	95,301
REDUCTION FRM PERS. SVCS ACCT		-	-		(2,544)	(2,544)
CONTRACTUAL SALARY RESERVES		-	-		-	-
FRINGE BENEFITS						
EMPLOYER FICA		7,097	7,097		7,293	7,293
EMPLOYEE HEALTH INSURANCE		18,696	18,696		17,712	17,712
DENTAL PLAN		750	750		750	750
WORKERS COMPENSATION		436	436		448	448
UNEMPLOYMENT INSURANCE		220	220		226	226
HOSPITAL & MEDICAL - RETIREES		5,345	5,345		5,414	5,414
HEALTH INSURANCE WAIVER		-	-		-	-
RETIREMENT		8,281	8,281		9,163	9,163
TOTAL FRINGE BENEFITS	-	40,825	40,825	-	41,006	41,006
OFFICE SUPPLIES	-	1,013	1,013	-	834	834
REPAIRS & MAINTENANCE CHARGES						
OTHER SUPPLIES & MATERIALS	1,200	-	1,200	1,200	-	1,200
EQUIPMENT MAINTENANCE		-	-		-	-
REPAIRS & MAINT - MISC SYS	-	574	574	-	624	624
TOTAL REPAIRS & MAINTENANCE CHARGES	1,200	574	1,774	1,200	624	1,824
TRAVEL & MILEAGE EXPENSES	500	-	500	500	-	500
DUES & FEES						
MEMBERSHIP & DUES	100	-	100	100	-	100
TRAINING & EDUCATION (NYSALB, etc.)		411	411		272	272
TOTAL DUES & FEES	100	411	511	100	272	372
UTILITY CHARGES						
WATER	500	-	500	500	-	500
SEWER		-	-		-	-
TELECOMMUNICATIONS		-	-		-	-
- DATA LINES	-	336	336	-	336	336
- INTERNET - Internet access	-	17	17	-	19	19
- EQUIPMENT MAINT		-	-		-	-
- LOCAL AND LD PHONE SERVICE	-	296	296	-	319	319
TELEPHONE SUB-TOTAL	-	649	649	-	674	674
TOTAL UTILITY CHARGES	500	649	1,149	500	674	1,174
PROFESSIONAL SERVICE CONTRACT & FEES						
ADVERTISING & PROMOTION		486	486		608	608
MOVIE LICENSING AGREEMENT		232	232		235	235
OVERDRIVE DOWNLOADABLE LICENSE	-	324	324	-	324	324
SIRSI SOFTWARE MAINTENANCE	-	1,068	1,068	-	1,091	1,091
RFID EQUIPMENT MAINTENANCE		-	-		-	-
COLLECTIONS AGENCY FEES	-	192	192	-	168	168
EAP SERVICES	-	66	66	-	72	72
ONLINE CATALOG (OCLC)	-	713	713	-	729	729
VITEC SOLUTIONS/COMPUTER SUPPORT	-	676	676	-	645	645
LEGAL FEES	-	457	457	-	484	484
RFID/OCR LABELS		365	365		324	324
OTHER PRINTED SUPPLIES	-	10	10	-	10	10
CONTRACT PROFESSIONAL SERVICES (DIRECT)		-	-		-	-
TOTAL PROFESSIONAL SERVICE CONTRACTS	-	4,589	4,589	-	4,690	4,690

BUFFALO AND ERIE COUNTY PUBLIC LIBRARY

BUDGET: MARILLA FREE LIBRARY

DESCRIPTION	As per Res 2021-14			As per Res 2021-42		
	2021	2021	2021	2022	2022	2022
	BUDGET			BUDGET		
	Contract Library Direct	System Paid	Total	Contract Library Direct	System Paid	Total
MAINTENANCE CONTRACTS						
OTHER SUP & MTL - CONTRACT		-	-		-	-
EQUIPMENT CONTRACTS	500		500	500		500
MAINT CONTRACTS - SYS		73	73		69	69
TOTAL MAINTENANCE CONTRACTS	500	73	573	500	69	569
OTHER EXPENSES & CHARGES						
LIBRARY MATERIALS PROCESSING SUPPLIES	-	188	188	-	51	51
RESALE ITEMS (BAGS, DISK, HEADPHONES)	-	9	9	-	11	11
LIBRARY CARDS	-	9	9	-	9	9
DVD REPAIR		15	15		15	15
MISC PROGRAM EXPENSES	500		500	500		500
NYS DISABILITY	-	450	450	-	450	450
POSTAGE	100		100	100		100
PRINTING			-			-
ADVERTISING			-			-
TRAINING			-			-
REFUSE PICKUP			-			-
BANK CHARGES			-			-
JANITORIAL SERVICES	500		500	500		500
OTHER EXPENSES			-			-
TOTAL OTHER EXPENSES & CHARGES	1,100	671	1,771	1,100	536	1,636
RENTAL CHARGES						
EQUIPMENT		-	-		-	-
OTHER		-	-		-	-
TOTAL RENTAL CHARGES	-	-	-	-	-	-
INSURANCE CHARGES						
INSURANCE	1,700	-	1,700	1,700	-	1,700
GENERAL LIABILITY INSURANCE - SYS		958	958		1,026	1,026
TOTAL INSURANCE CHARGES	1,700	958	2,658	1,700	1,026	2,726
LAB & TECHNICAL EQUIP.		433	433		2,063	2,063
LIBRARY BOOKS & MEDIA						
Serials (Magazines, Newspapers, Journals, Etc.)	-	1,573	1,573	-	1,278	1,278
On-line Databases (News, Health, Literary, Homework, Business, Etc.)	-	1,944	1,944	-	1,344	1,344
E-Content		7,511	7,511		12,098	12,098
Centrally Ordered Materials	-	10,457	10,457	-	9,219	9,219
Specialized Titles / Individual Orders	-	3,105	3,105	-	2,992	2,992
TOTAL LIBRARY BOOKS & MEDIA	-	24,590	24,590	-	26,931	26,931
INTERFUND UTILITY EXPENDITURES						
NATURAL GAS	-	1,343	1,343	-	1,512	1,512
ELECTRICITY	-	1,886	1,886	-	1,918	1,918
TOTAL INTERFUND UTILITY EXPENDITURES	-	3,229	3,229	-	3,430	3,430
TOTAL INTERFUND EXP - COUNTY		317	317		613	613

BUFFALO AND ERIE COUNTY PUBLIC LIBRARY

BUDGET: MARILLA FREE LIBRARY

DESCRIPTION	As per Res 2021-14			As per Res 2021-42		
	2021	2021	2021	2022	2022	2022
	BUDGET			BUDGET		
	Contract Library Direct	System Paid	Total	Contract Library Direct	System Paid	Total
TOTAL OPERATING EXPENSES	5,600	171,099	176,699	5,600	175,525	181,125
REVENUE SOURCES						
COUNTY SHARE	3,233	171,099	174,332	3,133	175,525	178,658
STATE AID (Member Aid)		-	-		-	-
STATE AID (Pass through System)	1,522		1,522	1,522		1,522
SUB-TOTAL: SYSTEM APPROPRIATION	4,755	171,099	175,854	4,655	175,525	180,180
DIRECT LOCAL INCOME						
	Contract Library Direct	Return to System (CHR Share)	TOTAL	Contract Library Direct	Return to System (CHR Share)	TOTAL
FINES, LOST BOOKS, ETC	543		543	700		700
COPY MACHINES	105		105	80		80
PRINT COST RECOVERY	182		182	150		150
OTHER REVENUES	15		15	15		15
MUNICIPAL SUPPORT	-	-	-	-	-	-
DONATIONS	-	-	-	-	-	-
FUNDRAISING	-	-	-	-	-	-
INTEREST INCOME	-	-	-	-	-	-
USE OF FUND BALANCE	-	-	-	-	-	-
OTHER INCOME	-	-	-	-	-	-
TOTAL DIRECT INCOME	845	-	845	945	-	945
TOTAL REVENUE SOURCES	5,600	171,099	176,699	5,600	175,525	181,125

COUNTY SHARE vs OTHER REVENUE						
COUNTY SHARE	3,233	171,099	174,332	3,133	175,525	178,658
STATE AID	1,522	0	1,522	1,522	0	1,522
DIRECT INCOME	845	0	845	945	0	945
SUBTOTAL OTHER REVENUE	2,367	0	2,367	2,467	0	2,467
TOTAL REVENUE	5,600	171,099	176,699	5,600	175,525	181,125

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

Marilla Free Library

EEGroup	Current Count	Job Title	Hours	Hours per week	Salary	Total Fringes	Total Cost
	1	LIBRARY MANAGER RPT (FREE) CL Total	1,768	34	43,419	32,602	76,021
RPT Total	1		1,768	34	43,419	32,602	76,021
	2	SENIOR PAGE PT (FREE) Total	832	16	11,814	988	12,802
	1	SENIOR LIBRARY CLERK PT (FREE) CL Total	988	19	15,658	3,147	18,805
	1	CARETAKER PT (FREE) CL Total	364	7	5,401	1,085	6,486
	1	CLEANER PT (FREE) CL Total	364	7	5,435	455	5,890
	1	CLERK TYPIST P.T. (FREE) CL Total	936	18	13,574	2,729	16,303
PT Total	6		3,484	67	51,882	8,404	60,286
Grand Total	7		5,252	101	95,301	41,006	136,307
		FTE and Average Cost per FTE	2.53				53,876
		Full Time Salaries			\$0		
		RPT Wages			\$43,419		
		Part Time Wages			\$51,882		
		Total Salaries & Wages			\$95,301		
		Grand Total			\$95,301	\$41,006	\$136,307

BOARD OF TRUSTEES
BUFFALO & ERIE COUNTY PUBLIC LIBRARY
MEETING DATE: July 15, 2021

AGENDA ITEM NUMBER: E.3.a.

RESOLUTION: 2021-24
Amend Internet Safety and
Acceptable Use Policy

BACKGROUND:

The Buffalo & Erie County Public Library's (B&ECPL) Board of Trustees adopted an Internet Safety and Acceptable Use Policy on June 20, 2002 to govern internet access and public computer use at all libraries of the B&ECPL System. The Policy has been reviewed and amended periodically, most recently on November 19, 2020.

The Library has a structure for process and review of standing policies to ensure that they remain timely and effective. This procedure was used in the process to review the Internet Safety and Acceptable Use Policy.

The Board's Policy Committee met on June 17, 2021 to review the attached proposed amended Internet Safety and Acceptable Use Policy. Changes were recommended due to a new B&ECPL program that allows for lending of Wi-Fi hotspots and Chromebooks. Language has been updated to clarify the policy applies on library-owned devices used outside of library buildings. Recommendations for change and new language are shaded; strike-throughs are deleted text.

The Policy Committee recommends the proposed amended Internet Safety and Acceptable Use Policy for approval by the full Board.

ACTION REQUIRED:
Motion to adopt Resolution 2021-24.

RESOLUTION 2021-24

WHEREAS, the Buffalo & Erie County Public Library (B&ECPL) has a structure for process and review of standing policies to ensure that they remain timely and effective, and

WHEREAS, the Policy Committee used this process to review and make recommendations which are reflected in the attached draft amended Internet Safety and Acceptable Use Policy which has been vetted by B&ECPL legal counsel, and

WHEREAS, recommended changes include updating language to clarify the policy applies on library-owned devices used outside of library buildings, and

WHEREAS, the Policy Committee recommends the attached proposed amended Internet Safety and Acceptable Use Policy for approval by the full Board, now therefore be it

RESOLVED, that the Board of Trustees of the B&ECPL adopts the proposed revisions to the B&ECPL's Internet Safety and Acceptable Use Policy to supersede and replace the prevailing policy last reviewed November 19, 2020, and be it further

RESOLVED, that the amended Internet Safety and Acceptable Use Policy replace the existing policy in each Contract Library's annual agreement, Exhibit H, and be it finally

RESOLVED, that a copy of the approved Internet Safety and Acceptable Use Policy be distributed to all B&ECPL libraries, Contract Libraries and Contract Library Trustees as well as posted on the B&ECPL's website.

Approved unanimously at a meeting of the Board of Trustees
of the Buffalo & Erie County Public Library
on July 15, 2021.



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. All internet access and computing resources provided by the B&ECPL are 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 or on a library-owned computing device 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 (CIPA) 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 Library-owned computing devices offering 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 Library-owned computing devices 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 email, 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 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.
Amended July 15, 2021.

BOARD OF TRUSTEES
BUFFALO & ERIE COUNTY PUBLIC LIBRARY
MEETING DATE: December 16, 2021

AGENDA ITEM NUMBER: E.3.a.

RESOLUTION: 2021-44
Amend Sexual Harassment
Prevention Policy

BACKGROUND:

The Buffalo & Erie County Public Library Board of Trustees adopted a Sexual Harassment Prevention Policy on December 20, 2018. The Policy has been reviewed and amended periodically, most recently on August 12, 2020.

The Library has a structure for process and review of standing policies to ensure that they remain timely and effective. This procedure was used to review the Sexual Harassment Prevention Policy.

The Board's Policy Committee met on November 18, 2021 to review the attached proposed amended Sexual Harassment Prevention Policy. The revisions to the Sexual Harassment Prevention Policy are minor housekeeping changes, to update a title and an address. Recommendations for change and new language are shaded; strike-throughs are deleted text.

The Policy Committee recommends the proposed amended Sexual Harassment Prevention Policy for approval by the full Board.

ACTION REQUIRED:

Motion to adopt Resolution 2021-44.

RESOLUTION 2021-44

WHEREAS, the Buffalo & Erie County Public Library has a structure for process and review of standing policies to ensure that they remain timely and effective, and

WHEREAS, the Policy Committee used this process to review and make recommendations which are reflected in the attached draft amended Sexual Harassment Prevention Policy which has been vetted by B&ECPL legal counsel, and

WHEREAS, recommended changes are minor, including updating a title and an address, and

WHEREAS, the Policy Committee recommends the attached proposed amended Sexual Harassment Prevention Policy for approval by the full Board, now therefore be it

RESOLVED, that the Board of Trustees of the B&ECPL adopts the proposed revisions to the B&ECPL's Sexual Harassment Prevention Policy to supersede and replace the prevailing policy last revised August 12, 2020, and be it further

RESOLVED, that copies of the approved amended Sexual Harassment Prevention Policy replace the existing policy in the B&ECPL Personnel Policies and Procedures Manual as Chapter 8, Section 2, and be it further

RESOLVED, that the amended Sexual Harassment Prevention Policy replace the existing policy in each Contract Library's annual agreement, Exhibit I, and be it finally

RESOLVED, that the Board of Trustees of the B&ECPL authorizes this policy be transmitted to all B&ECPL libraries, Contract Library Directors, and Contract Library Trustees and authorizes public posting on the Library's website.

Approved unanimously at a meeting of the Board of Trustees
of the Buffalo & Erie County Public Library
on December 16, 2021.



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 Officer. 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 Officer. Anyone who witnesses or becomes aware of potential instances of sexual harassment should report such behavior to a supervisor, manager or the Human Resources Officer.

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 Officer.

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 Officer 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 Officer 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, Main Place Tower, 350 Main Street 10th Fl. Suite 1000B, Buffalo, New York 14202. You may call (716) 847-7632 or visit: www.dhr.ny.gov.

Contact DHR at (888) 392-3644 or visit dhr.ny.gov/complaint for more information about filing a complaint. The website has a complaint form that can be downloaded, filled out, notarized and mailed to DHR. The website also contains contact information for DHR's regional offices across New York State.

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 or via email at info@eeoc.gov.

If an individual filed an administrative complaint with DHR, DHR will file the complaint with the EEOC to preserve the right to proceed in federal court.

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.
Amended December 16, 2021 per Resolution 2021-44.



Buffalo & Erie County Public

LIBRARY

COMPLAINT OF HARASSMENT, DISCRIMINATION, OR RETALIATION

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:

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

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?



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.

Reviewed by Policy Committee November 18, 2021 - no changes.



COMPLAINT OF HARASSMENT, DISCRIMINATION, OR RETALIATION

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:

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

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?

BOARD OF TRUSTEES
BUFFALO & ERIE COUNTY PUBLIC LIBRARY
MEETING DATE: December 16, 2021

AGENDA ITEM NUMBER: E.2.a.

RESOLUTION: 2021-40
Minimum Wage Increase Impact
Adjustments

BACKGROUND:

On September 22, 2021, the New York State Commissioner of Labor, subsequent to receiving an analysis of the state of the economy in each region and the effect of the minimum wage conducted by the New York State Division of the Budget, issued an order increasing the Upstate minimum wage by \$0.70 per hour, from the current \$12.50 to \$13.20 per hour. This 5.6% increase is effective December 31, 2021.

This increase directly impacts Part-time Page and Senior Page wages, presently \$12.50 and \$13.00 per hour respectively, as well as the 3-step wage scale for the Technical Specialist Computer – Library Part-time title, which presently ranges from \$13.00 to \$14.00 per hour. It also impacts a number of other classifications whose wages are near the new \$13.20 hourly amount. Those positions are represented by bargaining units whose 2022 wage rates are the subject of negotiations still under way.

Part-time Page, Senior Page, and Technical Specialist Computer – Library positions are not represented by a bargaining unit. As non-bargaining unit employees, they are not eligible to receive wage scale adjustments without approval by the System Board of Trustees, which can occur as part of the budget process or via individual resolution. Additionally, the relative value of the \$0.50 hourly wage differential between the Page and Senior Page classifications has diminished, as the minimum wage has grown from \$8.00 per hour as of December 31, 2013 to \$13.20 per hour as of December 31, 2021.

In preparing the 2022 Proposed Budget, staff was aware that a minimum wage increase was likely to occur. However, on August 16, when the Library submitted its budget request, the amount of that increase was unknown, so the wage rates for impacted positions were not changed. Rather, an estimated amount of the total impact was included in the 2022 Proposed Budget's SAP Account #504992, Contractual Salary Reserves and would be available to support the adjustments recommended in this resolution.

This resolution would adjust the wages of the three impacted unrepresented classifications to address minimum wage impacts, effective December 31, 2021, including increasing the Page/Senior Page differential from \$0.50 to \$1.00 per hour.

ACTION REQUIRED:

Motion to adopt Resolution 2021-40.

RESOLUTION 2021-40

WHEREAS, on September 22, 2021, the New York State Commissioner of Labor issued an order increasing the Upstate minimum wage by \$0.70 per hour (5.6%) from the current \$12.50 to \$13.20 per hour effective December 31, 2021, and

WHEREAS, this increase directly impacts Part-time Page and Senior Page wages, presently \$12.50 and \$13.00 per hour respectively, as well as the 3-step wage scale for the Technical Specialist Computer - Library Part-time title, which presently ranges from \$13.00 to \$14.00 per hour, and

WHEREAS, the relative value of the \$0.50 hourly wage differential between the Page and Senior Page classifications has diminished as the minimum wage has grown from \$8.00 per hour as of December 31, 2013 to \$13.20 per hour as of December 31, 2021, and

WHEREAS, given this increase was finalized after the Library submitted its 2022 budget request, the wage rates for impacted positions in the 2022 proposed budget were not changed, however an estimated amount of the total impact was included in the 2022 Proposed Budget's SAP Account #504992, Contractual Salary Reserves and is available to support needed adjustments, and

WHEREAS, being non-bargaining unit employees, the Buffalo & Erie County Public Library Board of Trustees must approve their wage scales, which can occur as part of the budget process or via individual resolution, now therefore be it

RESOLVED, the Buffalo & Erie County Public Library Board of Trustees approves wage scale adjustments effective December 31, 2021 as follows:

PAGE PT: FROM \$12.50 per hour TO \$13.20 per hour

SENIOR PAGE PT: FROM \$13.00 per hour TO \$14.20 per hour

TECHNICAL SPECIALIST COMPUTER - LIBRARY PT:

FROM Step 1 \$13.00, Step 2 \$13.50, and Step 3 \$14.00 per hour

TO Step 1 \$15.00, Step 2 \$15.50, and Step 3 \$16.00 per hour, and be it finally

RESOLVED, the Buffalo & Erie County Public Library Board of Trustees authorizes the Interim Library Director or her designee to execute the steps and documents needed to effectuate the above adjustments.

Approved unanimously at a meeting of the Board of Trustees
of the Buffalo & Erie County Public Library
on December 16, 2021.

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.