

West Seneca Public Library
Board Meeting Agenda - January 12, 2022 @ 4:00pm in the Large Community Room

A. Call of the Roll.

B. Approval / Changes to Agenda.

C. Minutes of Preceding Meeting - November 17, 2021

D. Nominations and Elections of Officers, if any.

E. Report of the Director - November & December 2021

1. 2021 Contract Extension & 2022 Budget Schedules
2. System Sexual Harassment Policy Updated

F. Report of the Treasurer.

1. County account statement November 2021 & December 2021
2. Local account statement November 2021 & December 2021
3. Summary of accounts November 2021 & December 2021
4. Check abstract and approvals
5. System Paid Budget Analysis through September 30, 2021
6. Payroll Report through PP#24

G. Report of the Friends of the Library.

H. Report of the President.

I. Old Business.

J. New Business.

1. New Library Board Trustee
2. New Library Assistant
3. Sign annual Conflict of Interest Policy statements
4. 2022 Local Accounts Budgets
5. Procurement Policy Review

Next Regular Meeting: TBD

West Seneca Library Board

Minutes for November 17, 2021

A. **Call of the Roll:** Kelly Clifford, Jennifer Dobe, Cynthia Johnson, William Josefiak , Pat Wass

Guests: Robert Alessi

B. **Approval/changes** - none

C. **Minutes of Preceding meeting** - October 20 , 2021 : motion by Josefiak, seconded by Dobe.
Motion carried unanimously.

D. **Nominations and Elections of Officers, if any** – none

*Note: West Seneca was designated a part of the orange zone micro-cluster in Erie County and on 11/20/2020, the library transitioned to curbside service only. The library reopened to the public on 1/5/2021 and services (open or curbside only) were determined weekly based on the West Seneca Public Library's Covid-19 Micro-cluster Plan and data received every Monday from the Erie County Department of Health. On 1/27/21, the Governor announced that NYS was lifting the orange and yellow zones that were in place in Erie County, meaning we will no longer be week-to-week in determining whether we are open or curbside.

Collection Development

WSE – 2021 Funds- All AV and MAT material budget funds spent by November 1 deadline

Outreach/Meetings/Library Visits

10/2 ACT Meeting (along with Bill Josefiak and Pat Wass)

10/18 Viewed Zoom Manager's Meeting from 10/13/2021

10/20 West Seneca Public Library Board of Trustees meeting

E. **Report of the Director** – Robert Alessi

- 10/2 A new exhibit by the West Seneca Art Society was installed and runs until the first Saturday in December
- Annual technology training completed by Pat Zimpfer on 10/6, Rob Alessi on 10/20 and Mary Ann Sebastian on 10/22
- 10/23 Kelly Mercer hired as a new Senior Page
- 10/30 Town responded to an issue with the side door entrance. A part was ordered and installed on 11/1.

- Emily M provided bookmarks, library card applications and a box of donated children's books to the Winchester/Potter Rd Elementary PTA Fall Fest that took place on 10/15
- Town installed edge bumpers on all study room doorways
- Donations made by John Buranich in memory of Bruce Moser

Report of the Treasurer

1. County account statement October 2021
2. Local account statement October 2021
3. Summary of accounts October 2021
4. Check abstract and approvals. Motion made by Josefiak, seconded by Clifford, 5 aye, 0 nay
6. Motion made by Dobe, seconded by Josefiak to approve usage of balance of Northwest Maker space/technology account (\$276.41) monies by Laura to purchase gadgets/items to be checked out 5 aye, 0 nay

F. Report of the Friends of the Library

1. Costume Day at the library was assisted by Friends of the Library, helped give out treats and prizes
2. Scott Dobe forwarded Central Library survey to Friends. Hope to set up a table in the future to increase participation but waiting on COVID numbers

G. Report of the President

1. Asked Director about condition of library furniture. Rob does not anticipate a need at this time. Would like to get shelving in the future
2. Asked if there have been any new directives from Central regarding COVID, None at this time
3. Thanked outgoing trustee, Kelly Clifford

H. Old Business

1. None at this time

I. New Business

1. Motion by Josefiak to approve one change on 2022 Operating Calendar. Change for Halloween 2022 to close at 5:00pm -Seconded by Johnson 5 aye, 0 nay
2. Library assistant , Kelly Waller, will be leaving her position on December 17, 2021. We wish her all the best. Will begin hiring process/interviews after position has been posted.
3. Motion by Josefiak to reapprove B&ECPL Personnel Policy & Procedures Manual (no changes at this time) Seconded by Wass. 5 aye, 0 nay

WEST SENECA PUBLIC LIBRARY MEETING DATE: November 17, 2021

RESOLUTION:

Amendments to B&ECPL Employee Handbook and Personnel Policies and Procedures Manual

BACKGROUND:

On December 18, 2014, the Board of Trustees of the Buffalo & Erie County Public Library (B&ECPL) approved and adopted the B&ECPL Personnel Policies and Procedures Manual (Manual), which contained approximately 100 policies drafted by the Human Resources Department, and the B&ECPL Employee Handbook (Handbook) to be effective January 1, 2015. Thereafter, this Board adopted the Manual at its meeting on January 14, 2015 for application to its employees.

Since January 1, 2015, a number of Personnel Policies and Procedures have been modified by the Human Resources Department at the direction of the Chief Operating Officer, several of which were necessary based on changes to the applicable laws or governing collective bargaining agreements. Other changes were minor and incidental. As stated in the Introduction of the Manual, changes made by Human Resources are distributed electronically to all library departments and contract libraries. It is the recommendation of this Board for an annual review of the changes made by Human Resources to the Manual and Handbook in the twelve (12) months prior and subsequent adoption by this Board.

ACTION REQUIRED: Motion to approve Resolution.

DRAFT

WHEREAS, the Board of Trustees of the West Seneca Public Library (WSE) has the power and duty to determine and carry out all policies and principles pertaining to operations of the library(ies); and the exclusive power and duty to control library personnel, and

WHEREAS, on December 18, 2014, the Board of Trustees of the Buffalo & Erie County Public Library (B&ECPL) approved and adopted the B&ECPL Personnel Policies and Procedures Manual (Manual) and the B&ECPL Employee Handbook (Handbook) to be effective January 1, 2015, and

WHEREAS, thereafter, on January 14, 2015 this Library Board adopted same for application to its employees, and

WHEREAS, the Human Resources Department reviews the policies and procedures in the Manual throughout the year and makes changes as necessary, and

WHEREAS, changes to said policies and procedures are incidental or based on changes to applicable laws or collectively bargained agreements, and

WHEREAS, changes to said policies and procedures may require corresponding updates to the Handbook, and

WHEREAS, on November 17, 2021, this Board reviewed the changes made by the Human Resources Department to the policies since December 2, 2020 and recommends approval of same, and

WHEREAS, this Board recommends the review of the changes annually with subsequent reaffirmation of adoption of the Manual, and adoption of the amendments, now therefore be it

RESOLVED, that the Board of Trustees of the West Seneca Public Library reaffirms its adoption of the B&ECPL Personnel Policies and Procedures Manual and Employee Handbook, and adopts the amendments made since December 2, 2020, and be it further

RESOLVED, that the Human Resources Department will continue to update the B&ECPL Personnel Policies and Procedures Manual and the Employee Handbook, as necessary, and will distribute same to all departments and contract libraries as set forth in the Introduction to the Personnel Policies and Procedures Manual, and be it further

RESOLVED, that the Board of Trustees of the West Seneca Public Library endorses the annual review of the revisions made by the Human Resources Department to the B&ECPL Personnel Policies and Procedures Manual and the Employee Handbook in the twelve (12) months prior to review for adoption by the Board.

4. Effective tomorrow November 18, 2022 any documents to be included in meetings need to be posted 24 hours prior to meeting on our website
5. Trustee Resignation, Kelly Clifford, thanked trustees and director for having the opportunity to work/volunteer with them over the past nine years

J. Public Comment

1. None at this time

K. Adjournment @ 5:07pm., Motion by Josefiak, seconded by Johnson

Next meeting, January 12, 2022@4:00pm

DRAFT

**West Seneca Public Library Board Meeting
Director's Report**

November 2021

Circulation - November 2021

9,897*

Revenue - County Account Fines, Fees, Copies, Print - November 2021

\$1,286.98*

Library Visitors - November 2021

5,795*

*Note: West Seneca was designated a part of the orange zone micro-cluster in Erie County and on 11/20/2020, the library transitioned to curbside service only. The library reopened to the public on 1/5/2021 and services (open or curbside only) were determined weekly based on the West Seneca Public Library's Covid-19 Micro-cluster Plan and data received every Monday from the Erie County Department of Health. On 1/27/21, the Governor announced that NYS was lifting the orange and yellow zones that were in place in Erie County, meaning we will no longer be week-to-week in determining whether we are open or curbside.

Programming - November 2021

(Youth)

Make & Take Craft Bags	All month	156 bags
Read Down Your Fines	All month	7
Preschool Storytime (5)	11/2, 11/9, 11/16, 11/23, 11/30	48 attendees
Be A Library Kid (3)	11/3, 11/10, 11/24	16 attendees
Toddler Time (2)	11/4, 11/18	63 attendees
Teen Craft Night: Pinecone Turkeys	11/18	4 attendees

Programming - November 2021

(All Ages)

Dungeons & Dragons (4)	11/6, 11/13, 11/20, 11/27	57 attendees
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Programming - November 2021

(Adult)

COVID-19 Vaccination Appointment Assistance	All month	6 requests
Books & Barks	11/1	7 attendees
Knitting Club (5)	11/1, 11/8, 11/15, 11/22, 11/29	15 attendees
Book Club	11/29	6 attendees

Collection Development

WSE - 2021 Funds- All AV and MAT material budget funds spent by Nov. 1 deadline.

Emily Moser completed the Standing Order Youth Paperback Series List for 2022.

Outreach/Meetings/Library Visits

- 11/10 Manager's Meeting via Zoom
- 10/17 West Seneca Public Library Board of Trustees Meeting

Misc.

- Annual technology training completed by Judi Romaszko on 11/1, Amy Gorksi on 11/6, Joanne Wheaton on 11/9, Kelly Mercer on 11/10, Craig Maedl on 11/13 and Renee Masters on 11/29
- Caretaker Dennis Zywczyński has been working on paint touchups throughout the library space.

**West Seneca Public Library Board Meeting
Director's Report**

December 2021

Circulation - December 2021

8,448

Revenue - County Account Fines, Fees, Copies, Print - December 2021

\$1,403.03

Library Visitors - December 2021

5,903

Programming - December 2021
(Youth)

Make & Take Craft Bags	All month	156 bags
Toddler Time (5)	12/2, 12/9, 12/16, 12/23, 12/30	125 attendees
Fuse Beads (2)	12/2, 12/30	11 attendees
Preschool Storytime (4)	12/7, 12/14, 12/21, 12/28	47 attendees
Be A Library Kid (3)	12/15, 12/22, 12/29	17 attendees
Teen Craft Night: Sock Snowmen	12/16	8 attendees

Programming - December 2021
(All Ages)

Dungeons & Dragons (3)	12/4, 12/11, 12/18	37 attendees* (12/11 was held virtually due to the weather)
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Programming - December 2021
(Adult)

COVID-19 Vaccination Appointment Assistance	All month	1 request
Knitting Club (4)	12/6, 12/13, 12/20, 12/27	24 attendees
Book Club	12/27	4 attendees

Collection Development

WSE - 2021 Funds- All AV and MAT material budget funds spent by Nov. 1 deadline.

Outreach/Meetings/Library Visits

- 12/12 Review of Manager's Meeting via Zoom

Misc.

- Annual technology training completed by Emily Moser on 12/3 and Dennis Zywczyński on 12/6. All staff have now completed this training.
- Interviews were conducted for the position of Library Assistant on 12/9 and 12/10. V Narvaez accepted the position on 12/14 with a start date of 1/3/2022.
- Caretaker Dennis Zywczyński has been working on paint touchups throughout the library space.
- The latest display of artwork by members of the West Seneca Art Society was installed on Saturday, December 4. It will remain open through February 4, 2022 and features artists Sharon Schasel and Linda Hall.
- 12/20 It was discovered that our phone lines were down around 8:30am. They were restored (with help from Spectrum and the Town) at approximately 11am.



MEMORANDUM

TO: Contract Library Managers
FROM: Kenneth H. Stone, Deputy Director - CFO *Ken*
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.

RESOLUTION 2021-42

WHEREAS, on June 17, 2021, the Board of Trustees of the Buffalo & Erie County Public Library adopted Resolution 2021-14, which authorized executing 2021 contracting member library contracts, and

WHEREAS, the resolution and the resulting 2021 contracts incorporated a provision to extend the 2021 contract into 2022, thus avoiding the November-December rush to adopt new contracts given many years' recurring pattern of final budget allocations, particularly from New York State, being in flux at the normal contract adoption time, and

WHEREAS, budgetary allocations from Erie County and New York State to the B&ECPL constitute over 90% of the financial resources supporting the contract with each contracting member library, and

WHEREAS, Erie County's 2022 budget allocation was not finalized until December 2, 2021 and New York State's allocation likely will not be finalized before April 2022, and

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

WHEREAS, the contract extension provision provides for allocations based upon the 2022 requested budget except that, should the local funds for library services be modified from those projected in the budget request, the allocation shall be based upon the modified estimate, and

WHEREAS, the extension provision will remain in effect until such time as a final 2022 contract is adopted, not to exceed July 31, 2022, and

WHEREAS, implementing the contract extension provision may be made by Board adopted resolution notifying contracting member libraries of said extension, now therefore be it

RESOLVED, that the Board of Trustees of the Buffalo & Erie County Public Library authorizes implementing the 2021 contract extension as described above, with budgetary amounts based upon the 2022 Board-adopted budget and any subsequent modifications thereof, and be it further

RESOLVED, that the Library Director or her designee is authorized to transmit this resolution to each contracting library.

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

BUFFALO AND ERIE COUNTY PUBLIC LIBRARY

BUDGET: WEST SENECA PUBLIC 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		174,392	174,392		182,246	182,246
WAGES, REGULAR PART-TIME		26,763	26,763		28,395	28,395
WAGES, PART TIME		115,228	115,228		122,167	122,167
OVERTIME (Sunday)			-			-
OTHER (Vacation Buyout)		1,368	1,368		1,946	1,946
TOTAL SALARIES & WAGES	-	317,751	317,751	-	334,754	334,754
REDUCTION FRM PERS. SVCS ACCT			-		(5,783)	(5,783)
CONTRACTUAL SALARY RESERVES		4,386	4,386			-
FRINGE BENEFITS						
EMPLOYER FICA		24,306	24,306		25,612	25,612
EMPLOYEE HEALTH INSURANCE		19,248	19,248		19,740	19,740
DENTAL PLAN		750	750		750	750
WORKERS COMPENSATION		1,487	1,487		1,562	1,562
UNEMPLOYMENT INSURANCE		750	750		789	789
HOSPITAL & MEDICAL - RETIREES		26,150	26,150		26,267	26,267
HEALTH INSURANCE WAIVER		2,400	2,400		2,400	2,400
RETIREMENT		26,888	26,888		24,162	24,162
TOTAL FRINGE BENEFITS	-	101,979	101,979	-	101,282	101,282
OFFICE SUPPLIES	-	3,937	3,937	-	3,211	3,211
REPAIRS & MAINTENANCE CHARGES						
OTHER SUPPLIES & MATERIALS	200	-	200	200	-	200
EQUIPMENT MAINTENANCE	200		200	200		200
REPAIRS & MAINT - MISC SYS		1,951	1,951		2,101	2,101
TOTAL REPAIRS & MAINTENANCE CHARGES	400	1,951	2,351	400	2,101	2,501
TRAVEL & MILEAGE EXPENSES	100		100	100		100
DUES & FEES						
MEMBERSHIP & DUES		-	-		-	-
TRAINING & EDUCATION (NYSALB, etc.)		935	935		704	704
TOTAL DUES & FEES	-	935	935	-	704	704
UTILITY CHARGES						
WATER			-			-
SEWER			-			-
TELECOMMUNICATIONS			-			-
- DATA LINES	-	336	336	-	336	336
- INTERNET - Internet access	-	37	37	-	41	41
- EQUIPMENT MAINT			-			-
- LOCAL AND LD PHONE SERVICE	-	888	888	-	908	908
TELEPHONE SUB-TOTAL	-	1,261	1,261	-	1,285	1,285
TOTAL UTILITY CHARGES	-	1,261	1,261	-	1,285	1,285
PROFESSIONAL SERVICE CONTRACT & FEES						
ADVERTISING & PROMOTION		2,166	2,166		2,708	2,708
MOVIE LICENSING AGREEMENT		232	232		235	235
OVERDRIVE DOWNLOADABLE LICENSE	-	324	324	-	324	324
SIRSI SOFTWARE MAINTENANCE	-	3,904	3,904	-	4,025	4,025
RFID EQUIPMENT MAINTENANCE		1,879	1,879		1,945	1,945
COLLECTIONS AGENCY FEES	-	1,268	1,268	-	1,110	1,110
EAP SERVICES	-	141	141	-	154	154
ONLINE CATALOG (OCLC)	-	3,177	3,177	-	3,249	3,249
VITEC SOLUTIONS/COMPUTER SUPPORT	-	2,702	2,702	-	2,577	2,577
LEGAL FEES	-	1,553	1,553	-	1,631	1,631
RFID/OCR LABELS		1,625	1,625		1,444	1,444
OTHER PRINTED SUPPLIES	-	38	38	-	38	38
CONTRACT PROFESSIONAL SERVICES (DIRECT)			-			-
TOTAL PROFESSIONAL SERVICE CONTRACTS	-	19,009	19,009	-	19,440	19,440

BUFFALO AND ERIE COUNTY PUBLIC LIBRARY

BUDGET: WEST SENECA PUBLIC 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 & MTLs - CONTRACT	363	-	363	363	-	363
EQUIPMENT CONTRACTS	-	-	-	-	-	-
MAINT CONTRACTS - SYS	-	430	430	-	421	421
TOTAL MAINTENANCE CONTRACTS	363	430	793	363	421	784
OTHER EXPENSES & CHARGES						
LIBRARY MATERIALS PROCESSING SUPPLIES	-	837	837	-	224	224
CANVAS LIBRARY BAGS	-	512	512	-	614	614
LIBRARY CARDS	-	44	44	-	44	44
DVD REPAIR	-	65	65	-	65	65
MISC PROGRAM EXPENSES	500	-	500	500	-	500
NYS DISABILITY	-	-	-	-	-	-
POSTAGE	100	-	100	100	-	100
PRINTING	-	-	-	-	-	-
ADVERTISING	-	-	-	-	-	-
TRAINING	-	-	-	-	-	-
REFUSE PICKUP	-	-	-	-	-	-
BANK CHARGES	-	-	-	-	-	-
JANITORIAL SERVICES	-	-	-	-	-	-
OTHER EXPENSES	-	-	-	-	-	-
TOTAL OTHER EXPENSES & CHARGES	600	1,458	2,058	600	947	1,547
RENTAL CHARGES						
EQUIPMENT	-	-	-	-	-	-
OTHER	-	-	-	-	-	-
TOTAL RENTAL CHARGES	-	-	-	-	-	-
INSURANCE CHARGES						
INSURANCE	-	-	-	-	-	-
GENERAL LIABILITY INSURANCE - SYS	-	3,255	3,255	-	3,455	3,455
TOTAL INSURANCE CHARGES	-	3,255	3,255	-	3,455	3,455
LAB & TECHNICAL EQUIP.	-	1,816	1,816	-	8,381	8,381
LIBRARY BOOKS & MEDIA						
Serials (Magazines, Newspapers, Journals, Etc.)	-	2,942	2,942	-	2,390	2,390
On-line Databases (News, Health, Literary, Homework, Business, Etc.)	-	9,609	9,609	-	6,645	6,645
E-Content	-	37,132	37,132	-	59,809	59,809
Centrally Ordered Materials	-	46,605	46,605	-	41,088	41,088
Specialized Titles / Individual Orders	-	7,980	7,980	-	7,690	7,690
TOTAL LIBRARY BOOKS & MEDIA	-	104,268	104,268	-	117,622	117,622
INTERFUND UTILITY EXPENDITURES						
NATURAL GAS	-	-	-	-	-	-
ELECTRICITY	7,200	-	7,200	7,200	-	7,200
TOTAL INTERFUND UTILITY EXPENDITURES	7,200	-	7,200	7,200	-	7,200
TOTAL INTERFUND EXP - COUNTY	-	1,074	1,074	-	2,065	2,065

BUFFALO AND ERIE COUNTY PUBLIC LIBRARY

BUDGET: WEST SENECA PUBLIC 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	8,663	563,510	572,173	8,663	589,885	598,548
REVENUE SOURCES						
COUNTY SHARE	-	547,177	547,177	-	573,586	573,586
STATE AID (Member Aid)	-	-	-	-	-	-
STATE AID (Pass through System)	-	13,664	13,664	-	13,662	13,662
SUB-TOTAL: SYSTEM APPROPRIATION	-	560,841	560,841	-	587,248	587,248
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	3,981	1,226	5,207	4,370	1,330	5,700
COPY MACHINES	988	304	1,292	920	280	1,200
PRINT COST RECOVERY	3,550	1,094	4,644	3,220	980	4,200
OTHER REVENUES	144	45	189	153	47	200
MUNICIPAL SUPPORT	-	-	-	-	-	-
DONATIONS	-	-	-	-	-	-
FUNDRAISING	-	-	-	-	-	-
INTEREST INCOME	-	-	-	-	-	-
USE OF FUND BALANCE	-	-	-	-	-	-
OTHER INCOME	-	-	-	-	-	-
TOTAL DIRECT INCOME	8,663	2,669	11,332	8,663	2,637	11,300
TOTAL REVENUE SOURCES	8,663	563,510	572,173	8,663	589,885	598,548

COUNTY SHARE vs OTHER REVENUE						
COUNTY SHARE	-	547,177	547,177	-	573,586	573,586
STATE AID	-	13,664	13,664	-	13,662	13,662
DIRECT INCOME	8,663	2,669	11,332	8,663	2,637	11,300
SUBTOTAL OTHER REVENUE	8,663	16,333	24,996	8,663	16,299	24,962
TOTAL REVENUE	8,663	563,510	572,173	8,663	589,885	598,548

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
West Seneca Public Library**

EEGroup	Current Count	Job Title	Hours	Hours per week	Salary	Total Fringes	Total Cost
	1	LIBRARY DIRECTOR II Total	2,080	40	75,221	25,698	100,919
	1	LIBRARIAN I Total	2,080	40	66,109	42,021	108,130
	1	LIBRARY ASSISTANT (CL) Total	2,080	40	40,916	14,525	55,441
FT Total	3		6,240	120	182,246	82,244	264,490
	1	CARETAKER (RPT) CL Total	1,560	30	28,395	5,913	34,308
RPT Total	1		1,560	30	28,395	5,913	34,308
	4	SENIOR PAGE PT Total	3,172	61	45,042	3,764	48,806
	3	PAGE (P.T.) Total	1,820	35	24,024	2,007	26,031
	2	LIBRARIAN I PT Total	1,404	27	32,929	5,519	38,448
	2	CLERK-TYPIST (P.T.) CL Total	1,352	26	20,172	1,686	21,858
PT Total	11		7,748	149	122,167	12,976	135,143
Grand Tot	15		15,548	299	332,808	101,133	433,941
		FTE and Average Cost per FTE	7.48				\$58,014
		Full Time Salaries			\$182,246		
		RPT Wages			\$28,395		
		Part Time Wages			\$122,167		
		Total Salaries & Wages			\$332,808		
		West Seneca - Other Payments			\$1,946	\$150	2,096
		Grand Total			\$334,754	\$101,283	\$436,037

**BOARD OF TRUSTEES
BUFFALO & ERIE COUNTY PUBLIC LIBRARY
MEETING DATE: October 21, 2021**

AGENDA ITEM NUMBER: I.1.

**RESOLUTION: 2021-34
Librarians' Association
Contract**

BACKGROUND:

The collective bargaining agreement for the Librarians Association of the Buffalo & Erie County Public Library expired December 31, 2020.

Representatives of Library Administration and the negotiating team of the Librarians' Association reached a tentative agreement on or about September 17, 2021. The membership of the Librarians Association ratified the tentative agreement on October 1, 2021. It provides economic increases effective January 1 of 2021, 2022, 2023, and 2024.

ACTION REQUIRED:

Motion to adopt Resolution 2021-34.

RESOLUTION 2021-34

WHEREAS, the Board of Trustees of the Buffalo & Erie County Public Library has statutory authority to manage its budget and has sole authority to negotiate fair settlement of labor agreements with its employees, and

WHEREAS, Librarians employed by the Buffalo & Erie County Public Library are represented by the Librarians' Association of the Buffalo & Erie County Public Library, and

WHEREAS, the current labor agreement between the Buffalo & Erie County Public Library and the Librarians' Association expired December 31, 2020, and

WHEREAS, representatives of the Buffalo & Erie County Public Library and the Librarians' Association have negotiated the terms of a successor agreement for the years 2021 through 2024, and

WHEREAS, the Board of Trustees and Library Administration have consistently expressed a need to achieve sustainability in the future while ensuring the level of service which our patrons demand and recognize the hard work and dedication of our employees who provide such service, and

WHEREAS, the tentative Agreement includes salary increases for librarians effective January 1, 2021, January 1, 2022, January 1, 2023, and January 1, 2024, and

WHEREAS, the tentative Agreement provides for changes to several provisions relating to employee leave and hours of work; and

WHEREAS, the members of the Librarians' Association ratified the tentative Agreement on October 1, 2021, and

WHEREAS, the Board of Trustees has been briefed on the Agreement, now therefore be it

RESOLVED, that the Board of Trustees of the Buffalo & Erie County Public Library endorses the Agreement under the terms and conditions discussed and authorizes the Library Director and/or her designee to execute the Agreement.

**Approved unanimously as amended at a meeting of the Board of Trustees
of the Buffalo & Erie County Public Library
on October 21, 2021.**

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				

**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

<u>PAGE</u>	<u>Step 1</u>
	\$13.20
<u>SENIOR PAGE</u>	<u>Step 1</u>
	\$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.

**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.

RESOLUTION 2021-42

WHEREAS, on June 17, 2021, the Board of Trustees of the Buffalo & Erie County Public Library adopted Resolution 2021-14, which authorized executing 2021 contracting member library contracts, and

WHEREAS, the resolution and the resulting 2021 contracts incorporated a provision to extend the 2021 contract into 2022, thus avoiding the November-December rush to adopt new contracts given many years' recurring pattern of final budget allocations, particularly from New York State, being in flux at the normal contract adoption time, and

WHEREAS, budgetary allocations from Erie County and New York State to the B&ECPL constitute over 90% of the financial resources supporting the contract with each contracting member library, and

WHEREAS, Erie County's 2022 budget allocation was not finalized until December 2, 2021 and New York State's allocation likely will not be finalized before April 2022, and

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

WHEREAS, the contract extension provision provides for allocations based upon the 2022 requested budget except that, should the local funds for library services be modified from those projected in the budget request, the allocation shall be based upon the modified estimate, and

WHEREAS, the extension provision will remain in effect until such time as a final 2022 contract is adopted, not to exceed July 31, 2022, and

WHEREAS, implementing the contract extension provision may be made by Board adopted resolution notifying contracting member libraries of said extension, now therefore be it

RESOLVED, that the Board of Trustees of the Buffalo & Erie County Public Library authorizes implementing the 2021 contract extension as described above, with budgetary amounts based upon the 2022 Board-adopted budget and any subsequent modifications thereof, and be it further

RESOLVED, that the Library Director or her designee is authorized to transmit this resolution to each contracting library.

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



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.



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?

**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.



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?

CONTRACT MEMBER LIBRARIES - Monthly Financial Report

LIBRARY: WEST SENECA PUBLIC LIBRARY

MONTH: Nov-21

SAP Acct.	Description	Adopted Budget	Budget Transfers	Year-to-Date Expenditures	Available Budget	Projected Utilization at 12/31	Projected Variance at 12/31	Comments
500000	Salaries - Full-time	0	0	0	0		0	
502000	Fringe Benefits	0	0	0	0		0	
Utility Charges:								
515000	Water	0	0	0	0		0	
515000	Sewer	0	0	0	0		0	
515000	Electric	7,200	0	7,170	30	7,200	0	
515000	Telephone - Maintenance	0	0	0	0		0	
510200	Dues and Fees	0	0	0	0		0	
545000	Rental Charges	0	0	0	0		0	
506200	Repairs & Maintenance Chgs.	763	0	0	763	763	0	
555050	Insurance Charges	0	0	0	0		0	
510000	Travel & Mileage Expenses	100	0	0	100	100	0	
530000	Other Expenses & Charges	600	0	2,625	(2,025)	600	0	
530000	Contingency (Bullet Aid)	0	0	0	0		0	
TOTAL EXPENSES		8,663	0	9,795	(1,132)	8,663	0	

DIRECT LOCAL INCOME	Adopted Budget	Budget Revisions	Y-T-D Revenues	To Be Realized	Projected Revenues	Projected Variance	Comments
Fines, Lost Books, etc.	15,231	(10,024)	8,350	(3,143)	9,000	3,793	
Copy Machines	1,808	(516)	1,570	(278)	1,650	358	
Print Cost Recovery	6,132	(1,488)	4,708	(64)	5,000	356	
Other Income	359	(170)	237	(48)	257	68	
State Funding	0	0	0	0		0	
Municipal Support	0	0	0	0		0	
Donations (priv. persons/foundations)	0	0	2,098	(2,098)		0	
Fundraising (events/booksales)	0	0	0	0		0	
Interest Income	0	0	0	0		0	
Misc Income	0	0	0	0		0	
Use of Fund Balance	0	0	0	0		0	
TOTAL DIRECT INCOME	23,530	(12,198)	16,963	(5,631)	15,907	4,575	

CONTRACT MEMBER LIBRARIES - Monthly Financial Report

LIBRARY: WEST SENECA PUBLIC LIBRARY

MONTH: Dec-21

SAP Acct.	Description	Adopted Budget	Budget Transfers	Year-to-Date Expenditures	Available Budget	Projected Utilization at 12/31	Projected Variance at 12/31	Comments
500000	Salaries - Full-time	0	0	0	0		0	
502000	Fringe Benefits	0	0	0	0		0	
Utility Charges:								
515000	Water	0	0	0	0		0	
515000	Sewer	0	0	0	0		0	
515000	Electric	7,200	0	7,170	30	7,170	30	
515000	Telephone - Maintenance	0	0	0	0		0	
510200	Dues and Fees	0	0	0	0		0	
545000	Rental Charges	0	0	0	0		0	
506200	Repairs & Maintenance Chgs.	763	0	17	746	17	746	
555050	Insurance Charges	0	0	0	0		0	
510000	Travel & Mileage Expenses	100	0	0	100	0	100	
530000	Other Expenses & Charges	600	2,098	2,625	73	2,625	73	Purchase of tables-reimb by system
530000	Contingency (Bullet Aid)	0	0	0	0		0	
TOTAL EXPENSES		8,663	2,098	9,812	949	9,812	949	

DIRECT LOCAL INCOME	Adopted Budget	Budget Revisions	Y-T-D Revenues	To Be Realized	Projected Revenues	Projected Variance	Comments
Fines, Lost Books, etc.	15,231	(10,024)	9,256	(4,049)	9,256	4,049	
Copy Machines	1,808	(516)	1,742	(450)	1,742	450	
Print Cost Recovery	6,132	(1,488)	5,012	(368)	5,012	368	
Other Income	359	(170)	257	(68)	257	68	
State Funding	0	0	0	0		0	
Municipal Support	0	0	0	0		0	
Donations (priv. persons/foundations)	0	2,098	2,098	0		(2,098)	
Fundraising (events/booksales)	0	0	0	0		0	
Interest Income	0	0	0	0		0	
Misc Income	0	0	0	0		0	
Use of Fund Balance	0	0	0	0		0	
TOTAL DIRECT INCOME	23,530	(10,100)	18,365	(4,935)	16,267	2,837	

Local Account Check Register

Number	Date	Description of Transaction	C	Debit (-)	Credit (+)	Balance
968	11/17/21	SYNCB/Amazon (makerspace supplies - fuse beads & shoe boxes 2 invoices 887558958667 & 439696665564	√	\$52.26		\$23,539.66
	11/22/21	Amazon Smile Deposit	√		\$6.51	\$23,546.17

West Seneca Public Library Bank Account Balances November 2021

M&T County Account

Balance \$22,712.87

M&T Local Account

Balance \$23,539.66 (Note: Includes \$18,403.10 Rotary)

Local M&T CD (1)

Balance \$40,698.78

Local M&T CD (2)

Balance \$5,078.05

Local M&T CD (3)

Balance \$5,078.05

Northwest Construction Grant Phase II

Balance \$0.00

M&T Construction Fundraiser Account

Balance \$15,620.34

Northwest Makerspace/Tech Account

Balance \$276.41

West Seneca Public Library Bank Account Balances December 2021

M&T County Account

Balance \$24,098.50

M&T Local Account

Balance \$23,546.17 (Note: Includes \$18,403.10 Rotary)

Local M&T CD (1)

Balance \$40,698.78

Local M&T CD (2)

Balance \$5,078.44

Local M&T CD (3)

Balance \$5,078.44

Northwest Construction Grant Phase II

Balance \$0.00

M&T Construction Fundraiser Account

Balance \$15,620.34

Northwest Makerspace/Tech Account

Balance \$276.41

January 12, 2022 Abstract of Checks

Voucher #	Date	Payee	Amount	Check#	Reason for expense	Date
2021-C15		Dobmeier Janitor Supply, Inc.	\$17.40	6383	Versamatic vacuum bags (invoice #848053)	12/6/2021
2021-L22		SYNCB/Amazon	\$17.99	969	Book ends (invoice #476687789978)	12/8/2021
2021-L23		Rotary Club of West Seneca	\$100.00	970	Rotary Club membership dues (invoice 1/1/2022 - 6/30/2022)	12/13/2021
2022-C1		Dennis Zywczyński	\$36.40	6384	Wall touch-up paint	1/5/2022
2022-C2		Dennis Zywczyński	\$15.88	6385	Wall corner guards	1/5/2022
2022-L1		SYNCB/AMAZON	\$52.30	971	Program supplies (teen craft 12/16/2022 - invoice #988747878498)	1/5/2022
2022-M1		SYNCB/AMAZON	\$247.62	1052	Makerspace supplies (4 invoices 456664937344, 755793987665, 783665338333 & 887676687699)	1/5/2022

Contract Library "System Paid" Budget Analysis

West Seneca Public Library

As of 9/30/2021

	"System Paid" Budget*	Jan-Sept 2021	July	August	September	Actual 2021 Expenses	2021 Year End Projection	Projected Year End Surplus/(Shortfall)
Salaries & Wages, Full Time								
Salaries & Wages, Full Time	174,392.00	86,292.31	14,699.70	14,699.70	14,699.70	130,391.41	175,151.10	(759.10)
Other Payments	1,368.00	0.00				0.00		1,368.00
Overtime		0.00				0.00	0.00	0.00
Total Salaries & Wages, Full Time	175,760.00	86,292.31	14,699.70	14,699.70	14,699.70	130,391.41	175,151.10	608.90
Wages, Regular Part-Time	26,763.00	13,101.89	2,468.99	2,541.65	2,316.04	20,428.57	28,146.43	(1,383.43)
Wages, Part Time	115,228.00	43,606.11	8,859.92	10,534.57	7,888.64	70,889.24	95,816.33	19,411.67
Contractual Reserve	4,386.00					0.00		4,386.00
Employer FICA Total	24,306.00	10,588.12	1,929.66	2,063.40	1,845.05	16,426.23	22,147.67	2,158.33
Employee Health Insurance	19,248.00	9,248.67	1,183.77	1,228.33	2,079.42	13,740.19	17,923.97	1,324.03
Dental Plan	750.00	295.68	68.46	54.12	62.76	481.02	655.50	94.50
Health Insurance Waiver	2,400.00	1,200.00	200.00	200.00	200.00	1,800.00	2,400.00	0.00
NYS Retirement	26,888.00	13,521.61	2,415.50	2,415.50	2,415.50	20,768.11	28,470.02	(1,582.02)
Disability	0.00	0.00				0.00		0.00
Natural Gas (NFG)	0.00	0.00				0.00	0.00	0.00
Electricity	0.00	0.00				0.00	0.00	0.00
Bottom Line Total	395,729.00	177,854.39	31,826.00	33,737.27	31,507.11	274,924.77	370,711.02	25,017.98

Notes:

System Paid Budget per Res 2021-14

2021 West Seneca Payroll Report_PP24



As of Pay Period 24

FT PERSONNEL			
Title	YTD Expensed	Budgeted	Remaining
Librarian Director II	69,796.40	72,224.00	2,427.60
Librarian I	60,368.00	63,475.00	3,107.00
Library Assistant	35,546.99	38,693.00	3,146.01
Caretaker (RPT)	25,158.55	26,748.00	1,589.45
FT Totals	\$ 190,869.94	\$ 201,140.00	\$ 10,270.06

PT PERSONNEL			
Title	YTD Expensed	Budgeted	Remaining
Clerk Typist PT	17,871.32	21,237.00	3,365.68
Librarian I PT	26,015.22	27,015.00	999.78
Page PT	16,473.50	32,500.00	16,026.50
Senior Page	29,478.25	34,476.00	4,997.75
PT Totals	89,838.29	115,228.00	25,389.71

TOTAL COMBINED			
	YTD Expensed	Budgeted	Remaining
Caretakers	25,158.55	26,748.00	1,589.45
Clerk Typists	17,871.32	21,237.00	3,365.68
Librarian I	86,383.22	90,490.00	4,106.78
Librarian Director II	69,796.40	72,224.00	2,427.60
Library Assistant	35,546.99	38,693.00	3,146.01
Pages	16,473.50	32,500.00	16,026.50
Senior Page	29,478.25	34,476.00	4,997.75
Other Payments		5,754.00	5,754.00
Combined Totals	280,708.23	322,122.00	41,413.77

ANNUAL BUDGET	\$ 322,122.00
PROJECTED ENDING BALANCE	\$ 305,721.31
Projected Ending Balance	\$16,400.69

West Seneca Public Library
CONFLICT OF INTEREST POLICY

ARTICLE I Purpose

The purpose of this Conflict of Interest policy is to protect the West Seneca Public Library when it is contemplating entering into a transaction or arrangement that might benefit the private interest of an officer, trustee, or Key Person of the West Seneca Public Library. It provides guidelines for handling perceived, potential or actual Conflicts of Interest and addresses procedures and disclosures of Related Party Transactions. This policy is intended to supplement but not replace any applicable state and federal laws governing Conflict of Interest applicable to nonprofit and charitable organizations.

ARTICLE II Definitions

2.1. Interested Person. An Interested Person is any trustee, officer, employee or member of a committee with powers delegated by the Board of Trustees, who (1) has a direct or indirect Financial Interest, as defined below, and/or (2) is a Related Party, as defined below.

2.2. Disinterested Trustee. A Disinterested Trustee is any trustee who is not an Interested Person.

2.3. Relative. A Relative of an individual means his or her spouse or domestic partner as defined in Section 2994-a of the Public Health Law, ancestors, brothers and sisters (whether whole or half blood), children (whether natural or adopted), grandchildren; great-grandchildren, and spouses or domestic partners of brothers, sisters, children, grandchildren and great-grandchildren.

2.4. Financial Interest. A person has a Financial Interest if the person has, directly or indirectly, through business, investment, or a Relative:

(A) An ownership or investment interest in any entity with which the West Seneca Public Library has a transaction or arrangement;

(B) A compensation arrangement with the West Seneca Public Library or with any entity or individual with which the West Seneca Public Library has a transaction or arrangement, except for compensation payable to a Trustee of the West Seneca Public Library for service on the Board that is to be made available or provided to all Trustees of the West Seneca Public Library on the same or substantially similar terms; or

(C) A potential ownership or investment interest in, or compensation arrangement with, any entity or individual with which the West Seneca Public Library is negotiating a transaction or arrangement.

Compensation includes direct and indirect remuneration as well as gifts or favors that are not insubstantial.

2.5. Substantial Financial Interest. A Financial Interest in a Related Party Transaction is a "Substantial Financial Interest" if, in the discretion of the Board after giving due consideration to the material facts and circumstances of the Financial Interest as presented, the Board determines that such Financial Interest is substantial.

2.6. Related Party. A Related Party includes:

(A) any trustee, officer or Key Person of the West Seneca Public Library or any Affiliate of the West Seneca Public Library or any other person who exercises the powers of trustees, officers or Key Persons over the affairs of the West Seneca Public Library or any Affiliate of the West Seneca Public Library;

(B) any Relative of an individual described in clause (A) of this section; or

(C) any entity in which any individual described in clauses (A) and (B) of this section has a thirty-five percent or greater ownership or beneficial interest or, in the case of a partnership or professional corporation, a direct or indirect ownership interest in excess of five percent.

2.7. Key Person means any person, other than a director or officer, whether or not an employee of the West Seneca Public Library, who:

(A) has responsibilities, or exercises powers or influence over the West Seneca Public Library as a whole similar to the responsibilities, powers, or influence of directors and officers;

(B) manages the West Seneca Public Library, or a segment of the Library that represents a substantial portion of its activities, assets, income or expenses; or

(C) alone or with others controls or determines a substantial portion of the West Seneca Public Library's capital expenditures or operating budget.

2.8. Affiliate of the West Seneca Public Library. An Affiliate of the West Seneca Public Library means any entity controlled by or in control of the West Seneca Public Library.

2.9. Related Party Transaction. A Related Party Transaction means any transaction, agreement or any other arrangement in which a Related Party has a Financial Interest and in which the West Seneca Public Library or any Affiliate of the West Seneca Public Library is a participant, except that a transaction shall not be a Related Party Transaction if:

(A) the transaction or the Related Party's Financial Interest in the transaction is de minimis;

(B) the transaction would not customarily be reviewed by the board or boards of similar organizations in the ordinary course of business and is available to others on the same or similar terms; or

(C) the transaction constitutes a benefit provided to a Related Party solely as a member of a class of beneficiaries that the West Seneca Public Library intends to benefit as part of the accomplishment of its mission, which benefit is available to all similarly situated members of the same class on the same terms.

2.10. Conflict of Interest. A Conflict of Interest exists if an outside interest or activity influences or appears to influence the ability of an individual to exercise objectivity or impair the individual's ability to perform his or her responsibility in the best interests of the West Seneca Public Library.

ARTICLE III Disclosure

3.1. Initial Disclosure. Prior to the initial election of any trustee, officer, or member of a committee with powers delegated by the Board or hiring of any Key Person, the prospective trustee, officer, committee member, or Key Person shall complete, sign and submit to the Chair of the Governance Committee a written Disclosure Statement, attached as Appendix A, identifying, to the best of his or her knowledge, the following information:

(A) any entity of which such prospective trustee, officer, committee member, or Key Person is an officer, trustee, member, owner (either as a sole proprietor or a partner), or employee and with which the West Seneca Public Library has a relationship; and

(B) any transaction in which the West Seneca Public Library is a participant and in which the prospective trustee, officer, committee member, or Key Person might have a Financial Interest that may give rise to a Conflict of Interest or Related Party Transaction.

3.2. Annual Disclosure. Each trustee officer, member of a committee with powers delegated by the Board of Trustees, and Key Person shall annually submit to the Chair of the Governance Committee the written Disclosure Statement, attached as Appendix A, in which such person:

(A) identifies, to the best of his or her knowledge, the information specified in Paragraphs (A) and (B) of Section 3.1 of this Article;

(B) affirms that he or she has received a copy of the Conflict of Interest policy, read and understands the policy, agrees to comply with the policy, and understands the West Seneca Public Library is charitable and in order to maintain its federal tax exemption it must engage primarily in activities which accomplish one or more of its tax-exempt purposes.

3.3. Continuing Duty to Disclose. In connection with any actual or possible Conflict of Interest or Related Party Transaction which may arise in the ordinary course of the year and within Board or committee meetings, an Interested Person must disclose the existence of the Financial Interest and be given the opportunity to disclose all material facts to the Board of Trustees or the Governance Committee. Such disclosure may be made in a written statement or orally at a meeting of the Board, provided that such oral disclosure must be documented in the minutes of the meeting at which such disclosure is made and given to the Governance Committee for review in accordance with Article IV, Section 4.2.

ARTICLE IV General Procedures

4.1. General Prohibitions.

(A) An Interested Person is precluded from being present at or participating in any Board or committee deliberation or vote related to the transaction or arrangement giving rise to a Conflict of Interest or Related Party Transaction. Notwithstanding the foregoing, the Board of Trustees or the Governance Committee, may request that an Interested Person present information to the Board or Governance Committee prior to the commencement of deliberations or voting relating thereto.

(B) An Interested Person shall not directly or indirectly attempt to influence improperly the deliberation or voting on the transaction or arrangement giving rise to the conflict.

4.2. Determining Whether a Conflict of Interest or Related Party Transaction Exists.

(A) After the Interested Person's disclosure of the existence of and all material facts relating to his or her Financial Interest as required under Article III, and after any discussion among the remaining members of the Board of Trustees or the Governance Committee and the Interested Person regarding the facts and circumstances of the Financial Interest, the Governance Committee shall discuss and make a recommendation to the Board as to each of the determinations required by Paragraphs (C) and (D) of this Section 4.2. Alternatively, if the existence of the Financial Interest initially arises at a meeting of the Board of Trustees, then the Board of Trustees can directly make the determinations required without seeking recommendations from the Governance Committee, provided the Interested Person leaves the meeting while the remaining members of the Board of Trustees discusses the information disclosed.

(B) Upon due discussion and consideration of the Governance Committee recommendations, the Board shall make each of the determinations required by Paragraphs (C) and (D) of this Section 4.2.

(C) Upon discussion, the remaining Board members shall decide and document in the meeting minutes if the transaction or arrangement constitutes a Related Party Transaction as defined in Article II, Section 2.9. If so, then the Board of Trustees must also determine and document in the meeting minutes whether the Related Party has a Substantial Financial Interest, as defined in Article II, Section 2.5, in the proposed Related Party Transaction. Regardless of whether or not the Financial Interest is a Substantial Financial Interest, a Related Party Transaction is subject to the procedures set forth in Article V.

(D) If the transaction or arrangement does not constitute a Related Party Transaction as defined in Article II, Section 2.9, then the remaining Board members in their discretion shall decide if a Conflict of Interest, as defined in Article II, Section 2.10, exists nonetheless, after giving due consideration to the material facts and circumstances presented. If the Board determines that the transaction or arrangement involves a Conflict of Interest, then such transaction or arrangement is subject to the procedures set forth in Article V.

ARTICLE V Procedures for Addressing Conflicts of Interest & Related Party Transactions

5.1. Consideration of Alternatives.

(A) If the transaction or arrangement is a Related Party Transaction in which the Related Party has a Substantial Financial Interest, then consideration of alternatives in accordance with this section is mandatory. For Conflicts of Interest, consideration of alternatives is within the discretion of the Board of Trustees. After disclosure and discussions with the Interested Person, the Board of Trustees may appoint a Disinterested Trustee or committee of Disinterested Trustees to investigate alternatives to the proposed transaction or arrangement. Alternatives must be presented to the Board of Trustees and must be documented in the minutes of the meeting at which the determination is made.

(B) If alternatives are investigated and presented to the Board, then after exercising due diligence and giving due consideration for any such alternative transactions presented, the Board of Trustees shall determine whether the West Seneca Public Library can obtain with reasonable efforts a more advantageous transaction or arrangement from a person or entity that would not give rise to a Conflict of Interest or Related Party Transaction.

5.2. Board Decision.

(A) If alternatives are considered, whether mandatory or discretionary, and if the Board of Trustees determines that a more advantageous transaction or arrangement is not reasonably possible under circumstances not producing a Conflict of Interest or Related Party Transaction, the Board of Trustees shall determine by a majority vote of the Board whether the transaction or arrangement is in the West Seneca Public

Library's best interest, for the West Seneca Public Library's own benefit, and whether it is fair and reasonable.

(B) In conformity with the above determination, in accordance with the West Seneca Public Library's bylaws, the Board of Trustees shall make its decision as to whether to enter into the transaction or arrangement.

(C) If the transaction or arrangement involves a Related Party Transaction in which the Related Party has a Substantial Financial Interest, then a majority of the Board members present at the meeting is required to approve such transaction.

5.3. Documentation Required. In connection with all actual or possible Conflicts of Interest and Related Party Transactions, the Board of Trustees shall document in the minutes of the meeting at which such determinations are made the following:

(A) The names of the persons who disclosed or otherwise were found to have a Financial Interest in connection with an actual or possible Conflict of Interest or Related Party Transaction, the nature of the Financial Interest, any action taken to determine whether a Conflict of Interest or Related Party Transaction was present, and the Board's decision as to whether a Conflict of Interest, Related Party Transaction or Substantial Financial Interest in a Related Party Transaction in fact existed.

(B) The names of the persons who were present for discussions and votes relating to the transaction or arrangement, the content of the discussions at the meeting regarding the proposed transaction or arrangement, including the alternatives to the proposed transaction or arrangement considered, if any.

(C) The determination as to whether the transaction or arrangement is fair, reasonable and in the West Seneca Public Library's best interest.

(D) The determination as to whether to enter into the transaction or arrangement which gives rise to the Conflict of Interest or Related Party Transaction. If the Board of Trustees approves a Related Party Transaction in which the Related Party has a Substantial Financial Interest, then the minutes must also including the basis for such approval.

(E) A record of any votes taken in connection with the proceedings.

ARTICLE VI Oversight & Reviews

6.1. Oversight Responsibility. The designated Governance Committee of the Board, as defined in the West Seneca Public Library's bylaws, shall oversee the adoption of, implementation of, and compliance with this Conflict of Interest policy in accordance with the procedures contained herein and within the process and authority granted under the Bylaws.

6.2. Violation of the Conflict of Interest Policy.

(A) If the Governance Committee has reasonable cause to believe a trustee, officer or Key Person has failed to disclose an actual or possible Conflict of Interest or Related Party Transaction, it shall inform such person of the basis for such belief and afford such person an opportunity to explain the alleged failure to disclose.

(B) If, after hearing the response of the trustee, officer or Key Person and after making further investigation as warranted by the circumstances, the Governance Committee determines that the trustee, officer or Key Person has failed to disclose an actual or possible Conflict of Interest or Related Party Transaction, it shall recommend to the Board appropriate disciplinary and corrective action, up to and including dismissal or termination, and referral to the New York State Board of Regents for possible removal of a trustee, pursuant to New York State Education Law Section 226.

6.3. Periodic Reviews. To ensure the West Seneca Public Library operates in a manner consistent with its charitable purposes and does not engage in activities that could jeopardize its tax-exempt status, the Board shall conduct periodic reviews. The periodic reviews shall, at a minimum, include the following subjects:

(A) Whether compensation arrangements and benefits are reasonable, based on competent survey information, and the result of arm's length bargaining.

(B) Whether partnerships, joint ventures, and arrangements with management organizations conform to the West Seneca Public Library's written policies, are properly recorded, reflect reasonable investment or payments for goods and services, further charitable purposes and do not result in impermissible or excessive benefit.

6.4. Use of Outside Experts. When conducting the periodic reviews as provided for in Article VI, Section 6.3, the West Seneca Public Library may, but need not, use outside advisors. If outside experts are used, their use shall not relieve the Board of Trustees of its responsibility for ensuring periodic reviews are conducted.

Approved by the West Seneca Public Library Board of Trustees on October 16, 2019. Adopted on November 20, 2019. (Supersedes Article VII: Conflict of Interest from the Bylaws of the Trustees of the West Seneca Public Library.) Reviewed and approved October 28, 2020. Adopted December 2, 2020.

Appendix A

**DISCLOSURE STATEMENT
OF THE
WEST SENECA PUBLIC LIBRARY**

The undersigned, being a trustee, officer, Key Person of the West Seneca Public Library, hereby acknowledges and confirms the following:

(1) I have received, read and understand the West Seneca Public Library's Conflict of Interest Policy in effect as of the date written below, and I agree to comply with the Conflict of Interest Policy.

(2) I understand that the West Seneca Public Library is charitable and in order to maintain its federal tax exemption it must engage primarily in activities which accomplish one or more of its tax-exempt purposes.

(3) **Personal Interests & Relationships.** I am an officer, director, trustee, member, owner (either as a sole proprietor or a partner), or an employee of the following entities with which the West Seneca Public Library has a relationship: *[If none, please write "None." If such interests exist, please specify the capacity in which you hold such an interest (for example, employee, director, or owner). If an owner, please specify your percentage ownership].*

(4) **Interests & Relationships of Relatives.** A Relative (spouse or domestic partner, ancestors, brothers and sisters (whether whole or half blood), children (whether natural or adopted), grandchildren; great-grandchildren, and spouses or domestic partners of brothers, sisters, children, grandchildren and great-grandchildren) of mine is an officer, director, trustee, member, owner (either as a sole proprietor or a partner), or an employee of the following entities with which the West Seneca Public Library has a relationship: *[If none, please write "None." If such interests exist, please specify the Relative (for example, sibling or spouse) and the Relative's position (for example, employee, director, or owner). If an owner, please specify the percentage ownership].*

(5) Transactions. The West Seneca Public Library is a participant in the following transactions in which I or my Relative may have a Financial Interest that may give rise to a Conflict of Interest or Related Party Transaction, as defined in the Conflict of Interest Policy. *[If none, please write "None." If such transaction(s) exists, please specify the transaction and the potential financial interest involved and whether you or a Relative has such an interest for any such transaction(s). Please specify the Relative and their position, if applicable.]*

I certify that the above statements are true and correct to the best of my knowledge.

Name: _____

Position: _____

Signature: _____

Date: _____

Approved by the West Seneca Public Library Board of Trustees on October 16, 2019. Adopted on November 20, 2019. (Supersedes Article VII: Conflict of Interest from the Bylaws of the Trustees of the West Seneca Public Library.) Reviewed and approved October 28, 2020. Adopted December 2, 2020.

West Seneca Public Library Local Account Budgets 2022

M&T Local Checking Account

Opening Balance: \$23,546.17 (Note: Includes \$18,403.10 Rotary)

Estimated Revenue: \$2,500

\$2,450 (\$1,000 Rotary/Additional Donations/Book Sale)

\$50 (Filament / 3D printing cost recovery)

Estimated Expenses: \$7,330

\$270 (Dues/memberships)

\$300 (Building/cleaning supplies)

\$1,000 (Programming supplies)

\$300 (Material processing/labeling supplies)

\$60 (Newspaper subscription)

\$5,400 (Material purchases-\$5,000 Rotary and \$400 future donations)

Estimated Closing Balance: \$18,716.17 (Rotary estimated closing balance \$14,403.10)

M&T Construction Fundraiser Account

Opening Balance: \$15,620.34

Estimated Revenue: \$0.00

Estimated Expenses: \$0.00

Estimated Closing Balance: \$15,620.34

Northwest Makerspace/Tech Account

Opening Balance: \$276.41

Estimated Revenue: \$0.00

Estimated Expenses: \$276.41 (Tech gadgets and storage/carrying cases)

Estimated Closing Balance: \$0.00

Additional Local Accounts

Local M&T CD (1) - Balance \$40,698.78

Local M&T CD (2) - Balance \$5,078.44

Local M&T CD (3) - Balance \$5,078.44

Northwest Construction Grant Phase II - Balance \$0.00

**WEST SENECA PUBLIC LIBRARY
PROCUREMENT POLICIES AND PROCEDURES
AS REQUIRED UNDER GENERAL MUNICIPAL LAW SECTIONS 103 and 104-B.**

I. STATEMENT OF PURPOSE

The purpose of these policies and procedures is to protect taxpayers by assuring that competition is sought in a reasonable, cost-effective manner for all West Seneca Public Library (WSPL) procurements where practicable and required by law. Goods and services that are not required by law to be procured pursuant to competitive bidding must be procured in a manner to assure the prudent and economical use of public moneys, to facilitate the acquisition of goods and services of maximum quality at the lowest possible cost and to "guard against favoritism, improvidence, extravagance, fraud and corruption" as required by New York State (NYS) General Municipal Law (GML) §104-b.

The WSPL at its discretion may utilize the services of the Buffalo & Erie County Public Library Business Office, following Buffalo & Erie County Public Library Procurement Policies, to undertake procurement on behalf of the WSPL for some or all of the situations addressed in this policy. The policies and procedures below apply when the WSPL itself undertakes a procurement activity.

II. PROCUREMENT PROCEDURES (REF. GML §§ 103,104,104-b)

A. Bidding Procedures

When analyzing a request for acquisition of goods and services, an initial determination must be made as to whether a particular procurement is subject to competitive bidding. Some preliminary issues should be considered: Is the proposed procurement a purchase contract or a contract for public work? Is the amount requested above the applicable limit provided by law? Do any exceptions apply (e.g. state contract, sole source, and/or public emergency)? If the amount requested is less than the bidding limits required, what procedures apply that promote competition and maintain a level of efficiency consistent with WSPL requirements?

B. Bidding Guidelines

NYS GML §103 requires advertised bidding for procurements over \$20,000 for general commodities/services (Purchase Contract), and \$35,000 for public work. Although not defined in GML §103, the Office of the State Comptroller has expressed the opinion that

the term "purchase contract" applies to the procurement of commodities (e.g. equipment, materials, supplies, and some services), while the term "contract for public work" encompasses contracts for services, labor and construction (see 1987 Opns St Comp No. 87-46, p 70: 1979 Opns St Comp No. 79-762, p 160). If it is determined that competitive bidding (GML §103) is not applicable for an acquisition, documentation must justify how the decision was reached.

For procurements less than \$5,000, verbal, telephone, email, fax, written, or single source quotations may be used. Procurements of commodities/services between \$5,000 and \$20,000 and contracts for public work between \$5,000 and \$35,000 are subject to the informal bid process. Procurements under \$2,500 may be undertaken using the Library requisition for equipment and non-stock items process.

Consideration must be given to acquisitions made of the same or similar items over the course of the fiscal year where the aggregate value may exceed the competitive bidding threshold. Orders that may exceed \$5,000 over the course of the year must follow the informal bid process unless those purchases are made off current available County, State, Federal or other Municipal contracts or for other reasons bidding is not practical. Multiple purchase orders to one vendor will be allowed if that vendor has an existing SAP Outline Agreement and/or Contract with the WSPL. All others need to comply with the applicable procedures herewith.

C. Formal Competitive Bid Process

On purchases of \$20,000 and greater for commodities/services, and contracts for public work greater than \$35,000, the formal sealed bid process must be used. Bid specifications are prepared by the requesting unit and the WSPL Director. Each formal bid is advertised in a newspaper with a circulation of 50,000 or greater covering the WSPL's chartered service area. In addition, all formal bids are advertised on the Internet and can be downloaded by interested parties and prospective bidders accordingly.

In determining the necessity for competitive bidding, the aggregate amount to be expended in a fiscal year for an item or commodity to be purchased, or for the same type or similar public work, must be considered. It is established that the purpose of the bidding statutes may not be frustrated or avoided by artificially splitting or breaking up contracts into lesser agreements, or entering into a series of agreements, for sums below the bidding limitations. As a general rule, items or work of the same or similar nature which are customarily provided by the same vendor or contractor should be treated as a single item for the purposes of determining whether the dollar threshold will be exceeded (see, e.g., 1992 Opns St Comp No. 92-46, p 115).

D. Informal Bidding Process

Purchases of commodities and/or services between \$5,000 and \$20,000 and contracts for public work between \$5,000 and \$35,000 will be procured by the WSPL Director using bids first obtained from three sources where practical. Deviations from this policy must be approved by the WSPL Board of Trustees in writing, which shall become part of the purchase documentation. Purchase requisitions and/or inquiry bid files or items within this threshold will include a notation indicating the names of all vendors who were contacted, the name of the individuals quoting for the firm, the date contacted, and the prices quoted by the vendors. A contract award will be to the lowest responsible bidder. Informal bids may be sealed (written), email, facsimile (fax), or telephone quotes at the Director's discretion. Any exceptions to this process must be documented pursuant to the Responsibilities/Exceptions section of this policy.

E. Special Purchase Situations

In other instances where it is determined competitive bidding is not required, such as emergencies, sole source procurements, or professional services, written justification must be attached to the file. The following is a description of procedures for making these types of procurements.

1. Sole Source (No-Bid) Contracts: When circumstances are presented to the Director, which serves the public interest indicating valid reasons that a request can be met by only one qualified vendor, the Director may waive the bidding requirement. Goods and services, which may be procured from only one source, are defined as "sole source" items. It is important to note that there must be a single supplier of the item or service and there are no substantial equivalents. Sole source situations generally exist when an item is manufactured by only one firm, and a vendor has the exclusive franchise or distributorship for an item.

To initiate a sole source purchase, the Director must be confident that conditions exist in the marketplace such that the requested goods or services are available from only one supplier and no substantial equivalents exist. In making these determinations, the Director will document the unique benefits to the WSPL of the item or service as compared to other products available in the marketplace. (See, gen., 1988 Opns St Comp No. 88-35, p 65)

Even though there is only one source of supply, the Director must still obtain a quotation for the vendor. Upon receipt of the properly executed quotation (written, fax, e-mail), the staff will then proceed to write the purchase order.

Since market conditions change over the years, a previously substantiated sole source may find new entrants to a formerly monopolized market. All sole sources should be verified. It can be a situation where the staff knows the marketplace has changed or it simply may be the need to verify the marketplace has not changed. It is understood that the mere likelihood that only one firm will bid is insufficient to justify sole source procurement. (1983 Opns St. Comp. No 83-124, p 156)

2. Emergencies: GML 103(4), provides that purchases may be made without competitive bidding in the event that a public emergency arises due to an accident or other unforeseen occurrence. Emergencies do not include situations caused by a lack of planning on the part of the WSPL. While it will be the WSPL staff that requests an emergency purchase, the Director with approval of the WSPL's legal counsel will determine if it qualifies as an actual emergency. WSPL legal counsel will determine if the statutory criteria are met on a case-by-case basis. If approved, the Director may issue an emergency declaration.

When circumstances support an emergency procurement, the WSPL Director must submit the required written emergency declaration to the WSPL Board of Trustees. The WSPL staff and/or Director must then locate a source for the required goods or service. The goal must always be to obtain the lowest price from the vendor who can best meet the delivery requirements. If the item is included in a WSPL and/or Buffalo & Erie County or Erie County contract listing, the contract vendor should be contacted first. Once the sources and price have been established, an emergency purchase order will be processed. It should be noted that in the event of a contract for services, the emergency contract will not exist for a term beyond the reasonable limits of the existence of the emergency situation. Similarly, in the case of an emergency involving the acquisition of commodities, the quantity acquired will be no more than needed to address the emergency situation at the time.

The procurement procedure will be the same as a routine informal or formal bid except that advertising and bidding is not required. The purchase order must state "Emergency purchase approved by (Name), WSPL Director." A copy of the WSPL Director's written emergency declaration must be attached to the purchase order.

3. Professional Services: Professional, technical or consulting services are not the type of services which may properly be the subject of competition based solely on the compliance with the objective, uniform standards of the bid specification, pursuant to a bid being awarded to the lowest responsible bidder. The determination of whether the professional service exemption is applicable must be made on a case-by-case basis, examining the particular services needed. Generally professional services include, but are not limited to, the specialized expertise of interpreters, consultants, attorneys, engineers or architects.

Contracts for professional, technical or other consultant services having a value of \$25,000 or more are procured by the use of Requests for Proposals (RFP). The WSPL staff, subject to the review and approval of the Director, shall advertise the Request for Proposals (RFP), and designate a committee of three to review the proposals and choose a vendor. RFPs are distributed to interested parties and are advertised on the Internet and can be downloaded by interested parties and prospective proposers accordingly. Though not required, the WSPL may also advertise in trade publications. The review committee or staff designee will select a vendor from the responses received and create a proposal to submit to the WSPL Director for review and recommendation to the WSPL Board of Trustees, which upon review and by resolution may provide approval to contract.

Contracts for legal counsel and professional, technical or other consultant services related to the WSPL legal issues having a value of \$25,000 or more shall be subject to review by the WSPL Director, who may utilize an RFP process or submit written justification for the contract which shall be reviewed by the WSPL Board of Trustees, which upon review and by Resolution may provide approval to contract.

Contracts for professional, technical or other consultant services having a value of less than \$25,000 shall be subject to review and approval by the WSPL Director, who may, within the limits of the appropriations provided therefore, contract for said services.

4. True Lease: Leases for real property shall not be considered a purchase or contract. True lease agreements are neither purchases nor contracts for public works and, thus, are not subject to competitive bidding under GML 103 (Exley v Village of Endicott, 21NY2d 426, 434 NYS2d992). Lease agreements require the WSPL Director's authorization before any procurement activity can begin. Documentation for the leasing versus purchasing decision should be made and should include a cost benefit analysis. Final approval to authorize entering into a lease with an annual value of under \$20,000 shall be by the WSPL Director. Final approval to authorize entering into a lease with an annual value of \$20,000 or more shall be by resolution adopted by the

WSPL Board of Trustees. The competitive bidding statutes cannot be circumvented by casting an agreement which is truly a purchase or a contract for public work in terms of a lease.

5. Insurance: Insurance requirements for vendors are to be reviewed and approved by the WSPL's legal counsel on a periodic basis. The purchase of insurance is to be conducted through the WSPL Director or her/his designee in consultation with the WSPL's legal counsel.

6. Second Hand Equipment acquired from other government agencies: The requesting WSPL unit must have approval from the appropriate outside government official as well as budgetary approval from the Director before the purchase of surplus and second hand supplies, material or equipment is initiated. The WSPL Director will verify that the purchase price is fair through market price comparisons via industry publications and other procurement sources. Competitive bidding is not required according to GML §103 (6) (21 Opns St Comp, 1965, p 615).

F. Single Source Purchases (\$2,500 to \$5,000)

For purchases between \$2,500 and \$5,000, the WSPL Director has the option to award a purchase order to a single source vendor, usually recommended by the requesting unit. It is the Director's responsibility to ensure that the purchase price is fair through price comparisons from available sources. If there is reason to believe that the price quote is not within an acceptable range for the product or products in question, the Director may request an informal quote or bid using the Informal Bidding Process.

G. Exempted from GML 103, 104-b

Procurements from Industries for the Blind or Industries for the Disabled (NYSID - See also State Finance Law, §162), New York State Correctional Industries (CORCRAFT - See also Correction Law, §§ 184,186), and Federal, State, or Local contracts or Approved Purchasing Cooperative Agreements are exempted from GML 103 competitive bidding and GML 104-b purchasing policies. Although General Municipal Law exempts these types of purchases from the requirements of written or verbal quotations, use of the exemption must be documented with relevant information and/or copies of Federal, State or Local contracts.

Approved Purchasing Cooperative Agreements include those created by the National Cooperative Purchasing Alliance, OMNIA Partners, Public Sector (formerly US Communities and the National Intergovernmental Purchasing Alliance), The

Cooperative Purchasing Network, Connecticut Consortium Cooperative Purchasing, National Association of State Procurement Officials (NASPO), Sourcwell (formerly National Joint Powers Alliance), PEPPM Technology Bidding and Purchasing Program, and the National Purchasing Partners (NPP) to provide materials, equipment, supplies or services. Additional Purchasing Cooperative Agreements not listed above that are approved for use by Erie County shall also qualify for use by the WSPL.

Requirements of section II.e.3, professional services, may also be waived by use of such cooperative agreements.

H. Responsibilities/Exceptions

The Director is the responsible Purchasing Agent for the WSPL. The Director and WSPL staff are responsible for following the policies and procedures described herein and all relevant laws as they pertain to competitive bidding. (GML §104-b (2)(f)). If an award is made to a vendor other than the lowest price offered, written documentation stating the basis for such award and a justification that the award is in the best interest of the WSPL, must be provided to and retained by the WSPL Director.

I. Updating Policies and Procedures

The West Seneca Public Library Board of Trustees shall review this policy and procedures at least annually and shall solicit comments from the WSPL Director (GML §104-b (3),(4)).

J. Unintentional Failure to Comply

The unintentional failure to comply with the provisions of GML 104-b shall not be grounds to void action taken or give rise to a cause of action against the West Seneca Public Library or any officer or employee thereof. (GML §104-b (5))

III. DOCUMENTATION PROCEDURES

A. Quotes

1. Minimum Information Requirements - At a minimum, all quotations should include the date, item description, name of the vendor and vendor's representative, vendor contact information.
2. Verbal/Telephone Quotes - The information is recorded on the purchase order and becomes part of the purchasing document.
3. Single Source Quotes - The Director, or his/her designee, will solicit one written, faxed, emailed or verbal quotation. Written or faxed/emailed quotations are attached to the file copy of the purchase order. All verbal quotations will be documented on the purchase order in accordance with the above verbal/telephone quotes procedure.
4. Written Quotes - When utilizing written quotes, where practicable a minimum of three quotations should be solicited and documented.
5. Fax/Email Quotes - Fax/email quotes may be accepted for any quotation under \$20,000 for commodities/services and under \$35,000 for contracts for public work.

B. Price Verification

WSPL staff is required to verify New York State contract and/or cooperative purchasing agreement pricing when applicable and practical. If price lists are not available through NYS OGS and/or the respective cooperative purchasing agreement sponsor, WSPL staff must receive pricing from the vendors and shall include some written affidavit of price validity.

C. Bid Language (Extensions/Alternate submissions)

When bids are to be used in multiple time periods and/or for multiple orders requiring the vendor to hold pricing, it is mandatory that language in the bid document states the intention to do the same. The language must be clear and concise and should leave no doubt with respect to its intended use. The same holds true for the alternative bid submissions. The language must be clear and if the alternates are to be accepted, the Director should make every effort to notify all potential vendors of our acceptance of the same.

D. Post Bid Negotiations

Post bid negotiations are the responsibility of the Director or his/her designee. WSPL units are not permitted to assume this responsibility.

E. Request For Proposals

RFPs are used for obtaining professional, technical and consulting services (which may or may not include legal services). The requesting WSPL staff is responsible for submitting specifications to the WSPL Director for review. If it is determined that the service is not biddable, the WSPL Director may proceed in accordance with State and local laws. Evaluations are conducted in accordance with process described in the Professional Services section of this policy.

Approved by the West Seneca Public Library Board of Trustees on Oct 16, 2019.
Adopted November 20, 2019. Reviewed, amended and re-approved June 23, 2021.
Reviewed, amended and re-approved January 12, 2022.

DRAFT