

**West Seneca Public Library**  
**Board Meeting Agenda - February 15, 2023 @ 4:00pm in the Large Community Room**

A. Call of the Roll.

B. Approval / Changes to Agenda.

C. Minutes of the Preceding Meeting - January 18, 2023

D. Nominations and Elections of Officers, if any.

E. Report of the Director - January 2023

1. Staff updates
2. 2022 Contract Extension & 2023 Budget Schedules
3. 2023-24 Proposed NY State Budget - Library Impacts
4. West Seneca Art Society Programs
5. 2022 B&ECPL System Community Survey Results
6. New Educator Library Card

F. Report of the Treasurer.

1. County account statement January 2023
2. Local account statement January 2023
3. Summary of accounts January 2023
4. Check abstract and approvals
5. Payroll Report through PP#26
6. System Paid Budget Report as of 12/31/2022

G. Report of the Friends of the Library.

H. Report of the President.

1. ACT Meeting Recap - Saturday, January 21, 2023
2. Reminder: Trustee Education Activity Completion Forms for ACT Meeting

I. Old Business.

J. New Business.

1. B&ECPL Personnel Policy & Procedures Manual re-approval
  - a. Revised 1/19/2023: Equal Employment Opportunity & Anti-Harassment Policy
  - b. Revised 1/19/2023: Sexual Harassment Prevention Policy

K. Public Comment.

L. Adjournment.

Next Regular Meeting: Wednesday, March 15, 2023 at 4:00pm

**West Seneca Public Library**  
**Library Board of Trustees Meeting Minutes**  
**January 18, 2023 @ 4:00 pm in the Large Community Room**

**A. Call of the Roll– Meeting called to order at 4:02pm**

- Present: Jessica Casamassa, Amanda Cleesattel, Jennifer Dobe, Cynthia Johnson, William Josefiak
- Excused: None
- Guest(s): Susan Kims (Town Board Liaison), Robert Alessi (Library Director).

**B. Approval / Changes to Agenda: none**

**C. Minutes of Preceding Meeting: (November 30, 2022)**

- No changes.

**Motion to approve:** William Josefiak

**Second:** Cynthia Johnson

**Ayes:** all

**Nays:** none

**D. Report of the Director – See November & December 2022 documents posted for details**

- New library staff started (from central) 1/17/2023 and in training
- Town in discussion proposing changes in building that may impact noise and activity level in library. Library may explore install of glass doors to reduce noise if necessary
  - Getting cost estimate for doors with help of the Town (to be submitted to CEN) which will be part of public library construction projects needs list for NYS from 2023-2027. If considering a NYS Public Library Construction Grant, this would have to be worked on soon and then turned into Central around Sept 2023 and reviewed around October 2023 by Central. Review by state comes after this with approval/awards named perhaps around spring of 2024. NYS budget for public library construction grant funds available and/or the number of other potential projects within the library system could impact the recommended level of funding after Central review.
  - Discussion/ideas around sound dampening panels if necessary before (possible) door installation- incorporated town liaison with conversation
- Reminder: Trustee Education policy now effective. Turn in completed “self assurance of trustees education activity completion” to Library Director at each completion. Library Director to retain.
- Reminder: trustees to sign off in town oath book by end of month (January 2023)

**E. Report of the Treasurer: See November & December 2022 documents posted**

- County account statements November & December 2022
- Local account statement November & December 2022
- Summary of accounts November & December 2022
- Check abstract and approvals November & December 2022

- Four checks for board approval (see documents posted for details)

**Motion to approve:** William Josefiak

**Second:** Jennifer Dobe

**Ayes:** all

**Nays:** none

**F. Report of the Friends of the Library (from Cynthia Johnson):**

- Sponsored Thanksgiving and Christmas tales as well as Emily's retirement celebration
- Spring and fall meetings for Friends proposed
- Last Saturday in January seed swap
- Author visit also upcoming (Dennis Adams- mystery author retired from BPD)
- Board suggests Chef Shannon as a Friends activity in spring/summer 2023

**G. Report of the President:**

- ACT meeting will be at West Seneca Library January 21<sup>st</sup>
  - i. West Seneca Trustees to assist

**H. Old Business:**

- None to review

**I. New Business:**

- The board wishes to formally recognize the dedication and contributions that Emily Moser ("Miss Emily") has brought to the West Seneca Library as well as her contributions to the Buffalo and Erie County Public Library System. Also noteworthy is the longevity of her dedication that has spanned generations for the love and promotion of literacy. Miss Emily was a welcoming presence, especially to children, and families who visit the library. Many trustees have fond memories of interactions with her. There is now a plaque in the children's section that is a dedicated area to Miss Emily in honor and recognition of her contributions. The library board of trustees wishes Emily well in her retirement and are in great appreciation for her services.
- Reviewed proposed 2023 West Seneca Library Budget
- **Motion to approve the proposed 2023 West Seneca Library Budget:**
  - Motion: Jennifer Dobe
  - Second: William Josefiak
  - Ayes: all
  - Nays: None

**J. Public Comment:** none

**Adjournment @ 4:52 pm**

**Motion:** William Josefiak  
**Second:** Jennifer Dobe  
**Ayes:** all  
**Nays:** none

**Next Regular Meeting: February 15, 2023 @ 4pm**  
Respectfully submitted by Amanda Cleesattel, Secretary

DRAFT

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

*January 2023*

**Circulation - January 2023**

17,932

**Revenue - County Account Fees, Copies, Print - January 2023**

\$548.39

**Library Visitors - January 2023**

7,522

**Programming - January 2023**

**(Youth)**

Make & Take Craft Bags	All month	52 bags
Tutoring	All month	144 sessions
Lego Club (2)	1/21, 1/28	61 attendees
Teen Scrape Painting	1/26	4 attendees
Fuse Beads	1/19	16 attendees

**Programming - January 2023**

**(All Ages)**

Dungeons & Dragons (3)	1/7, 1/14, 1/21	21 attendees
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**Programming - January 2023**

**(Adult)**

Knitting Club (3)	1/9, 1/23, 1/30	17 attendees
Book A Technology Trainer (5 appointments)	1/24	5 attendees
Book Club	1/30	8 attendees

## Collection Development

WSE - 2023 Funds-

AV= \$1,855 beginning balance as of 1/30/2023

MAT= \$5,276 beginning balance as of 1/30/2023

### Outreach/Meetings/Library Visits

- 1/4 Retirement gathering for Emily Moser
- 1/5 Steve Tanner re: potential doors on library entrance
- 1/9 & 1/11 Judy Fachko
- 1/11 Managers Meeting via Zoom
- 1/11 & 1/12 Susan Kims re: potential doors on library entrance
- 1/13 Contracting Director Meeting via Zoom
- 1/13 Bogdan Kotnis (local author)
- 1/18 West Seneca Public Library Board of Trustees Meeting
- 1/21 ACT Meeting
- 1/24 Job Interviewing

### Misc.

- 1/14 West Seneca Art Society exhibit installation

BOARD OF TRUSTEES  
BUFFALO & ERIE COUNTY PUBLIC LIBRARY  
MEETING DATE: December 15, 2022

AGENDA ITEM NUMBER: D.2.c.

RESOLUTION: 2022-48  
Implementing 2022 Contracting  
Library Contract Extension  
Provision

**BACKGROUND:**

On June 16, 2022, the Board adopted Resolution 2022-21, which authorized executing 2022 contracting member library contracts. That resolution and the resulting 2022 contracts incorporated items to simplify 2023 start-up. They include the ability to extend the 2022 contract into 2023, 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 2023 requested budget amount as may be amended by the Board (for example by adopting the 2023 System budget) until such time as a final 2023 contract is adopted, not to exceed July 31, 2023.

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 2022-48.

## RESOLUTION 2022-48

WHEREAS, on June 16, 2022, the Board of Trustees of the Buffalo & Erie County Public Library adopted Resolution 2022-21, which authorized executing 2022 contracting member library contracts, and

WHEREAS, the resolution and the resulting 2022 contracts incorporated a provision to extend the 2022 contract into 2023, 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 95% of the financial resources supporting the contract with each contracting member library, and

WHEREAS, Erie County's 2023 budget allocation was not finalized until December 1, 2022 and New York State's allocation likely will not be finalized before April 2023, 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 2023 fiscal year on January 1, 2023, and

WHEREAS, the contract extension provision provides for allocations based upon the 2023 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 2023 contract is adopted, not to exceed July 31, 2023, 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 2022 contract extension as described above, with budgetary amounts based upon the 2023 Board-adopted budget and any subsequent modifications thereof, and be it further

RESOLVED, that the Library Director or his 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 15, 2022.



**BUFFALO AND ERIE COUNTY PUBLIC LIBRARY**

**BUDGET: WEST SENECA PUBLIC LIBRARY**

DESCRIPTION	As per Res 2022-12			As per Res 2022-47/48		
	2022	2022	2022	2023	2023	2023
	BUDGET			BUDGET		
Contract Library Direct	System Paid	Total	Contract Library Direct	System Paid	Total	
<b>PERSONAL SERVICES</b>						
SALARIES & WAGES, FULL TIME		182,246	182,246		183,684	183,684
WAGES, REGULAR PART-TIME		28,395	28,395		28,395	28,395
WAGES, PART TIME		122,167	122,167		124,854	124,854
OVERTIME (Sunday)			-			-
OTHER (Vacation Buyout)		1,946	1,946		2,944	2,944
<b>TOTAL SALARIES &amp; WAGES</b>	-	<b>334,754</b>	<b>334,754</b>	-	<b>339,877</b>	<b>339,877</b>
<b>REDUCTION FRM PERS. SVCS ACCT</b>		<b>(5,783)</b>	<b>(5,783)</b>			-
<b>CONTRACTUAL SALARY RESERVES</b>			-		<b>17,543</b>	<b>17,543</b>
<b>FRINGE BENEFITS</b>						
EMPLOYER FICA		25,612	25,612		26,002	26,002
EMPLOYEE HEALTH INSURANCE		19,740	19,740		26,172	26,172
DENTAL PLAN		750	750		962	962
WORKERS COMPENSATION		1,562	1,562		2,225	2,225
UNEMPLOYMENT INSURANCE		789	789		607	607
HOSPITAL & MEDICAL - RETIREES		26,267	26,267		23,858	23,858
HEALTH INSURANCE WAIVER		2,400	2,400		1,200	1,200
RETIREMENT		24,162	24,162		21,755	21,755
<b>TOTAL FRINGE BENEFITS</b>	-	<b>101,282</b>	<b>101,282</b>	-	<b>102,781</b>	<b>102,781</b>
<b>OFFICE SUPPLIES</b>	-	<b>3,211</b>	<b>3,211</b>	-	<b>3,841</b>	<b>3,841</b>
<b>REPAIRS &amp; MAINTENANCE CHARGES</b>						
OTHER SUPPLIES & MATERIALS	200	-	200	200	-	200
EQUIPMENT MAINTENANCE	200		200	200		200
REPAIRS & MAINT - MISC SYS	-	2,101	2,101	-	1,931	1,931
<b>TOTAL REPAIRS &amp; MAINTENANCE CHARGES</b>	<b>400</b>	<b>2,101</b>	<b>2,501</b>	<b>400</b>	<b>1,931</b>	<b>2,331</b>
<b>TRAVEL &amp; MILEAGE EXPENSES</b>	<b>100</b>		<b>100</b>	<b>100</b>		<b>100</b>
<b>DUES &amp; FEES</b>						
MEMBERSHIP & DUES		-	-		-	-
TRAINING & EDUCATION (NYSALB, etc.)		704	704		738	738
<b>TOTAL DUES &amp; FEES</b>	-	<b>704</b>	<b>704</b>	-	<b>738</b>	<b>738</b>
<b>UTILITY CHARGES</b>						
WATER			-			-
SEWER			-			-
TELECOMMUNICATIONS			-			-
- WIRELESS ACCESS	-		-	-	207	207
- DATA LINES	-	336	336	-	345	345
- INTERNET - Internet access	-	41	41	-	43	43
- EQUIPMENT MAINT			-			-
- LOCAL AND LD PHONE SERVICE	-	908	908	-	930	930
<b>TELEPHONE SUB-TOTAL</b>	-	<b>1,285</b>	<b>1,285</b>	-	<b>1,525</b>	<b>1,525</b>
<b>TOTAL UTILITY CHARGES</b>	-	<b>1,285</b>	<b>1,285</b>	-	<b>1,525</b>	<b>1,525</b>
<b>PROFESSIONAL SERVICE CONTRACT &amp; FEES</b>						
ADVERTISING & PROMOTION		2,708	2,708		3,398	3,398
MOVIE LICENSING AGREEMENT		235	235		235	235
OVERDRIVE DOWNLOADABLE LICENSE	-	324	324	-	211	211
SIRSI SOFTWARE MAINTENANCE	-	4,025	4,025	-	4,124	4,124
RFID EQUIPMENT MAINTENANCE		1,945	1,945		1,986	1,986
COLLECTIONS AGENCY FEES	-	1,110	1,110	-		-
EAP SERVICES	-	154	154	-	163	163
ONLINE CATALOG (OCLC)	-	3,249	3,249	-	3,624	3,624
VITEC SOLUTIONS/COMPUTER SUPPORT	-	2,577	2,577	-	2,656	2,656
LEGAL FEES	-	1,631	1,631	-	1,737	1,737
RFID/OCR LABELS		1,444	1,444		227	227
OTHER PRINTED SUPPLIES	-	38	38	-	53	53
CONTRACT PROFESSIONAL SERVICES (DIRECT)			-			-
<b>TOTAL PROFESSIONAL SERVICE CONTRACTS</b>	-	<b>19,440</b>	<b>19,440</b>	-	<b>18,414</b>	<b>18,414</b>

**BUFFALO AND ERIE COUNTY PUBLIC LIBRARY**

**BUDGET: WEST SENECA PUBLIC LIBRARY**

DESCRIPTION	As per Res 2022-12			As per Res 2022-47/48		
	2022	2022	2022	2023	2023	2023
	BUDGET			BUDGET		
	Contract Direct	Library System Paid	Total	Contract Direct	Library System Paid	Total
<b>MAINTENANCE CONTRACTS</b>						
OTHER SUP & MTLs - CONTRACT	363	-	363	300	-	300
EQUIPMENT CONTRACTS			-			-
MAINT CONTRACTS - SYS		421	421		290	290
<b>TOTAL MAINTENANCE CONTRACTS</b>	<b>363</b>	<b>421</b>	<b>784</b>	<b>300</b>	<b>290</b>	<b>590</b>
<b>OTHER EXPENSES &amp; CHARGES</b>						
LIBRARY MATERIALS PROCESSING SUPPLIES	-	224	224	-	335	335
RFID LABEL (NON-PRINTED)	-		-	-	1,133	1,133
RESALE ITEMS (BAGS, DISK, HEADPHONES)	-	614	614	-	240	240
LIBRARY CARDS	-	44	44	-		
DVD REPAIR		65	65		91	91
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			-			-
<b>TOTAL OTHER EXPENSES &amp; CHARGES</b>	<b>600</b>	<b>947</b>	<b>1,547</b>	<b>600</b>	<b>1,799</b>	<b>2,399</b>
<b>CONTINGENCY</b>						
MISCELLANEOUS - State/Member Aid	25,000		25,000			
<b>TOTAL CONTINGENCY</b>	<b>25,000</b>	<b>-</b>	<b>25,000</b>	<b>-</b>	<b>-</b>	<b>-</b>
<b>RENTAL CHARGES</b>						
EQUIPMENT			-			-
OTHER			-			-
<b>TOTAL RENTAL CHARGES</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>
<b>INSURANCE CHARGES</b>						
INSURANCE			-			-
GENERAL LIABILITY INSURANCE - SYS		3,455	3,455		3,356	3,356
<b>TOTAL INSURANCE CHARGES</b>	<b>-</b>	<b>3,455</b>	<b>3,455</b>	<b>-</b>	<b>3,356</b>	<b>3,356</b>
<b>LAB &amp; TECHNICAL EQUIP.</b>		<b>8,381</b>	<b>8,381</b>		<b>2,203</b>	<b>2,203</b>
<b>LIBRARY BOOKS &amp; MEDIA</b>						
Serials (Magazines, Newspapers, Journals, Etc.)	-	2,390	2,390	-	8,989	8,989
On-line Databases (News, Health, Literary, Homework, Business, Etc.)	-	6,645	6,645	-	10,180	10,180
E-Content		59,809	59,809		63,648	63,648
Centrally Ordered Materials	-	41,088	41,088	-	50,591	50,591
Specialized Titles / Individual Orders	-	7,690	7,690	-	14,168	14,168
<b>TOTAL LIBRARY BOOKS &amp; MEDIA</b>	<b>-</b>	<b>117,622</b>	<b>117,622</b>	<b>-</b>	<b>147,576</b>	<b>147,576</b>
<b>INTERFUND UTILITY EXPENDITURES</b>						
NATURAL GAS	-		-	-		-
ELECTRICITY	7,200		7,200	7,500		7,500
<b>TOTAL INTERFUND UTILITY EXPENDITURES</b>	<b>7,200</b>	<b>-</b>	<b>7,200</b>	<b>7,500</b>	<b>-</b>	<b>7,500</b>
<b>TOTAL INTERFUND EXP - COUNTY</b>		<b>2,065</b>	<b>2,065</b>		<b>2,227</b>	<b>2,227</b>

**BUFFALO AND ERIE COUNTY PUBLIC LIBRARY**

**BUDGET: WEST SENECA PUBLIC LIBRARY**

DESCRIPTION	As per Res 2022-12			As per Res 2022-47/48		
	2022	2022	2022	2023	2023	2023
	BUDGET			BUDGET		
	Contract Library Direct	System Paid	Total	Contract Library Direct	System Paid	Total
<b>TOTAL OPERATING EXPENSES</b>	<b>33,663</b>	<b>589,885</b>	<b>623,548</b>	<b>8,900</b>	<b>644,101</b>	<b>653,001</b>
<b>REVENUE SOURCES</b>						
COUNTY SHARE	-	577,061	577,061	-	632,030	632,030
STATE AID (Member Aid)	25,000	-	25,000	-	-	-
STATE AID (Pass through System)	838	12,824	13,662	2,100	12,071	14,171
<b>SUB-TOTAL: SYSTEM APPROPRIATION</b>	<b>25,838</b>	<b>589,885</b>	<b>615,723</b>	<b>2,100</b>	<b>644,101</b>	<b>646,201</b>
<b>DIRECT LOCAL INCOME</b>						
	Contract Library Direct	Return to System (CHR Share)	TOTAL	Contract Library Direct	Return to System (CHR Share)	TOTAL
FINES, LOST BOOKS, ETC	2,225	-	2,225	100	-	100
COPY MACHINES	1,200	-	1,200	1,500	-	1,500
PRINT COST RECOVERY	4,200	-	4,200	5,000	-	5,000
OTHER REVENUES	200	-	200	200	-	200
MUNICIPAL SUPPORT	-	-	-	-	-	-
DONATIONS	-	-	-	-	-	-
FUNDRAISING	-	-	-	-	-	-
INTEREST INCOME	-	-	-	-	-	-
USE OF FUND BALANCE	-	-	-	-	-	-
OTHER INCOME	-	-	-	-	-	-
<b>TOTAL DIRECT INCOME</b>	<b>7,825</b>	<b>-</b>	<b>7,825</b>	<b>6,800</b>	<b>-</b>	<b>6,800</b>
<b>TOTAL REVENUE SOURCES</b>	<b>33,663</b>	<b>589,885</b>	<b>623,548</b>	<b>8,900</b>	<b>644,101</b>	<b>653,001</b>

COUNTY SHARE vs OTHER REVENUE						
COUNTY SHARE	-	577,061	577,061	-	632,030	632,030
STATE AID	25,838	12,824	38,662	2,100	12,071	14,171
DIRECT INCOME	7,825	0	7,825	6,800	0	6,800
<b>SUBTOTAL OTHER REVENUE</b>	<b>33,663</b>	<b>12,824</b>	<b>46,487</b>	<b>8,900</b>	<b>12,071</b>	<b>20,971</b>
<b>TOTAL REVENUE</b>	<b>33,663</b>	<b>589,885</b>	<b>623,548</b>	<b>8,900</b>	<b>644,101</b>	<b>653,001</b>

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

**BUFFALO AND ERIE COUNTY PUBLIC LIBRARY  
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	77,101	24,543	101,644
	1	LIBRARIAN I Total	2,080	40	67,762	40,848	108,610
	1	LIBRARY ASSISTANT (CL) Total	2,080	40	38,821	18,554	57,375
<b>FT Total</b>	<b>3</b>		<b>6,240</b>	<b>120</b>	<b>183,684</b>	<b>83,945</b>	<b>267,629</b>
	1	CARETAKER (RPT) CL Total	1,560	30	28,395	5,604	33,999
<b>RPT Total</b>	<b>1</b>		<b>1,560</b>	<b>30</b>	<b>28,395</b>	<b>5,604</b>	<b>33,999</b>
	4	SENIOR PAGE PT Total	3,068	59	46,633	3,959	50,592
	3	PAGE (P.T.) Total	1,612	31	22,890	1,945	24,835
	2	LIBRARIAN I PT Total	1,456	28	33,607	5,257	38,864
	2	CLERK-TYPIST (P.T.) CL Total	1,456	28	21,724	1,845	23,569
<b>PT Total</b>	<b>11</b>		<b>7,592</b>	<b>146</b>	<b>124,854</b>	<b>13,006</b>	<b>137,860</b>
<b>Grand Tot</b>	<b>15</b>		<b>15,392</b>	<b>296</b>	<b>336,933</b>	<b>102,555</b>	<b>439,488</b>
		<b>FTE and Average Cost per FTE</b>	<b>7.40</b>				<b>\$59,390</b>
		Full Time Salaries			\$183,684		
		RPT Wages			\$28,395		
		Part Time Wages			\$124,854		
		Total Salaries & Wages			\$336,933		
		West Seneca - Other Payments			\$2,944	\$226	3,170
		<b>Grand Total</b>			<b>\$339,877</b>	<b>\$102,781</b>	<b>\$442,658</b>

BOARD OF TRUSTEES  
BUFFALO & ERIE COUNTY PUBLIC LIBRARY  
MEETING DATE: December 15, 2022

AGENDA ITEM NUMBER:  D.2.a.

RESOLUTION: 2022-46  
Minimum Wage Increase Impact  
Adjustments

BACKGROUND:

On September 30, 2022 the New York State Commissioner of Labor, “*following a statutorily required [economic analysis](#) conducted by the New York State Division of the Budget (DOB),*” issued an order increasing the Upstate minimum wage by \$1.00 per hour, from the current \$13.20 to \$14.20/hour. The public comment period ended 12/11/2022 with no changes. So, this 7.6% increase will be implemented effective 12/31/2022.

This increase directly impacts Part-time Page wages, presently \$13.20 per hour and Step 0 of the Contracting Library Part-time Cleaner classification, presently at \$14.046 per hour. The minimum for these two positions must be raised to \$14.20 per hour effective 12/31/2022 to remain in compliance with the State Minimum Wage Law.

Further, it impacts the competitiveness and the Library’s ability to hire in positions with wages scales near the new rate. Specifically, Senior Pages, presently at \$14.20 per hour as well as the wage scale for the Technical Specialist Computer – Library Part-time, which presently ranges from \$15.00 to \$16.00 per hour. It also impacts a number of other classifications whose wages are near the new \$14.20 hourly amount. Those positions are represented by bargaining units whose 2023 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. That means 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.

In preparing the 2023 Proposed Budget, staff was aware that a minimum wage increase was likely to occur. However, in mid-August 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 Proposed Budget’s SAP Account #504992, Contractual Salary Reserves and is be available to support the majority of adjustments needed. The balance of the adjustments will be supported by adjusting the 2023 Budget’s SAP Account #504990, Reductions from Personnel Services. This resolution would adjust the wages of the impacted positions noted above, effective 12/31/2022 for most and retroactive to 7/2/2022 for the Technical Specialist Computer – Library Part-time position.

ACTION REQUIRED:

Motion to adopt Resolution 2022-46.

RESOLUTION 2022-46

WHEREAS, on September 30, 2022 the NY State Commissioner of Labor, "following a statutorily required economic analysis conducted by the New York State Division of the Budget (DOB)," issued an order increasing the Upstate minimum wage by \$1.00 per hour, from \$13.20 to \$14.20 per hour effective 12/31/2022, and

WHEREAS, this increase directly impacts Part-time Page wages, presently \$13.20 per hour and Step 0 of Contracting Library Part-time Cleaner wages, presently \$14.046 per hour and would make Page wages equal to the present \$14.20 per hour Senior Page wage, and

WHEREAS, given this change, both the Senior Page and the Technical Specialist Computer - Library Part-time wage schedules are no longer competitive and need to be adjusted to accommodate the needs of the present labor market, and

WHEREAS, given this increase was finalized after the Library submitted its 2023 budget request, the wage rates for impacted positions in the 2023 proposed budget were not changed, however an estimated amount of the impact was included in the 2023 Proposed Budget's SAP Account #504992, Contractual Salary Reserves and is available to support the majority of the needed adjustments, and

WHEREAS, the remaining costs may be covered by adjusting the salary savings credit amount in the 2023 budget, 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, 2022 as follows:

PAGE PT - FROM \$13.20 per hour TO \$14.20 per hour;

SENIOR PAGE PT - FROM \$14.20 per hour TO \$15.20 per hour;

CLEANER (PT) CL (change Step 0 only):

FROM: Step 0 \$14.046 per hour,

TO: Step 0 \$14.200 per hour

TECHNICAL SPECIALIST COMPUTER - LIBRARY PT:

(adjust payscale to match up with Job Group 3 - CSEA, retroactive to 7/2/2022)

FROM: Step 1 \$15.00, Step 2 \$15.50, and Step 3 \$16.00 per hour,

TO: Step 0 \$18.464, Step 1 \$19.381, Step 2 \$19.977, Step 3 \$20.573, and Step 4 \$21.164 per hour, and be it finally

RESOLVED, the Buffalo & Erie County Public Library Board of Trustees authorizes the Director or his 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 15, 2022.

# BUFFALO & ERIE COUNTY PUBLIC LIBRARY

## PAGE & SR. PAGE HOURLY WAGE RATES

EFFECTIVE DATE: DECEMBER 31, 2022

### PAGE and SENIOR PAGE WAGE SCALES

December 31, 2022 - December 30, 2023

PAGE

Step 1

\$14.20

SENIOR PAGE

Step 1

\$15.20

#### NOTES:

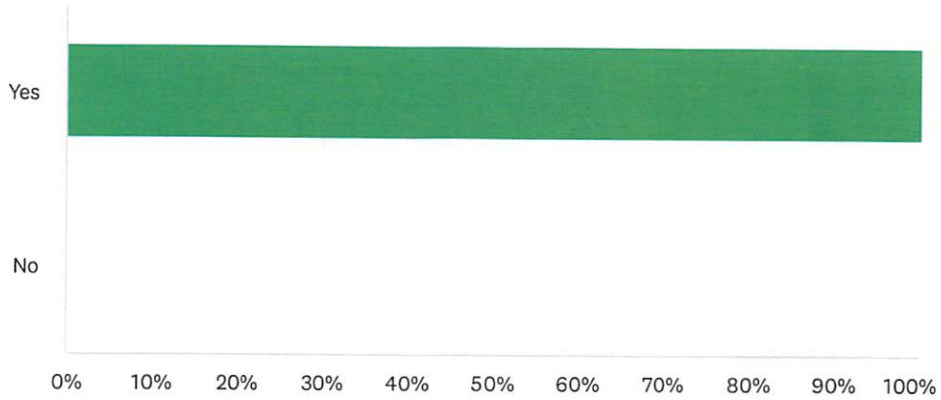
Wage scales reflect rates approved as part of the 2023 Adopted Budget:

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.

# Q1 1. Have you visited a Buffalo & Erie County Public Library in the last 6 months?

Answered: 81 Skipped: 0



**ANSWER CHOICES**

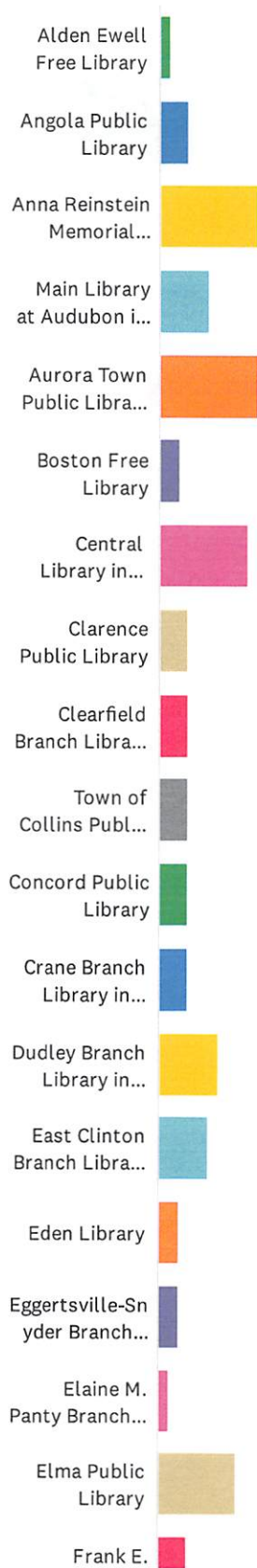
**RESPONSES**

Yes	100.00%	81
No	0.00%	0
<b>TOTAL</b>		<b>81</b>

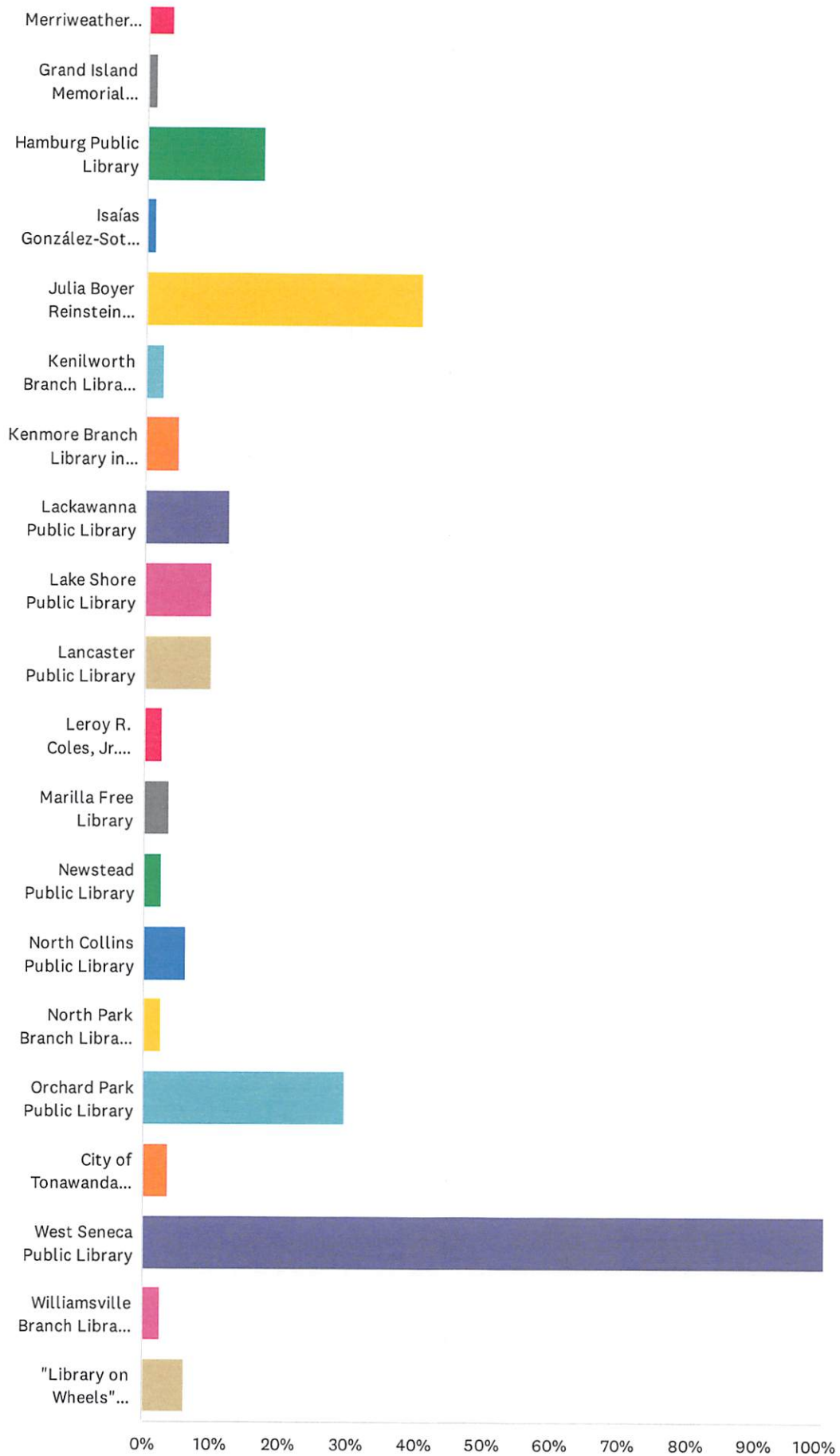


## Q2 2. Which library or libraries have you visited? Select all that apply.

Answered: 81 Skipped: 0



# Library Community Survey - fall 2022



## Library Community Survey - fall 2022

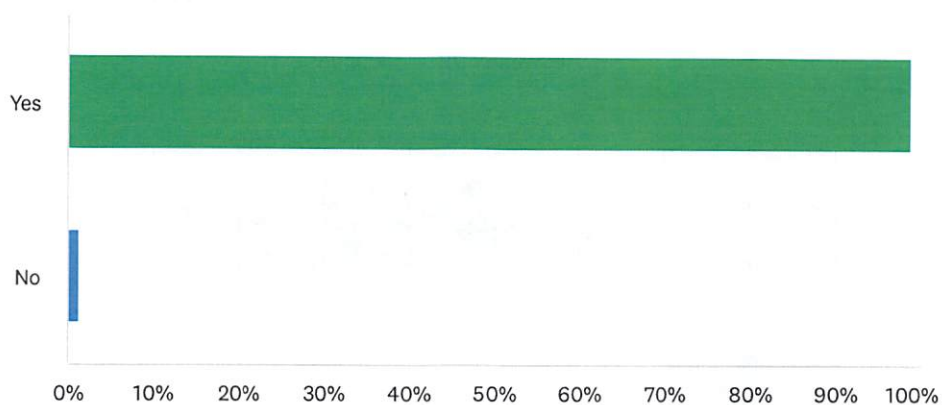
<b>ANSWER CHOICES</b>	<b>RESPONSES</b>	
Alden Ewell Free Library	1.23%	1
Angola Public Library	3.70%	3
Anna Reinstein Memorial Library in Cheektowaga	12.35%	10
Main Library at Audubon in Amherst	6.17%	5
Aurora Town Public Library in East Aurora	12.35%	10
Boston Free Library	2.47%	2
Central Library in downtown Buffalo	11.11%	9
Clarence Public Library	3.70%	3
Clearfield Branch Library in Amherst	3.70%	3
Town of Collins Public Library	3.70%	3
Concord Public Library	3.70%	3
Crane Branch Library in Buffalo	3.70%	3
Dudley Branch Library in Buffalo	7.41%	6
East Clinton Branch Library in Buffalo	6.17%	5
Eden Library	2.47%	2
Egbertsville-Snyder Branch Library in Amherst	2.47%	2
Elaine M. Panty Branch Library (formerly Riverside Branch) in Buffalo	1.23%	1
Elma Public Library	9.88%	8
Frank E. Merriweather, Jr. Branch Library in Buffalo	3.70%	3
Grand Island Memorial Library	1.23%	1
Hamburg Public Library	17.28%	14
Isaías González-Soto Branch Library in Buffalo	1.23%	1
Julia Boyer Reinstein Memorial Library in Cheektowaga	40.74%	33
Kenilworth Branch Library in Tonawanda	2.47%	2
Kenmore Branch Library in Tonawanda	4.94%	4
Lackawanna Public Library	12.35%	10
Lake Shore Public Library	9.88%	8
Lancaster Public Library	9.88%	8
Leroy R. Coles, Jr. Branch Library in Buffalo	2.47%	2
Marilla Free Library	3.70%	3
Newstead Public Library	2.47%	2
North Collins Public Library	6.17%	5
North Park Branch Library in Buffalo	2.47%	2

## Library Community Survey - fall 2022

Orchard Park Public Library	29.63%	24
City of Tonawanda Public Library	3.70%	3
West Seneca Public Library	100.00%	81
Williamsville Branch Library in Amherst	2.47%	2
"Library on Wheels" Bookmobile or Library2GO van	6.17%	5
Total Respondents: 81		

### Q3 3. Do you have a Buffalo & Erie County Public Library card?

Answered: 81 Skipped: 0



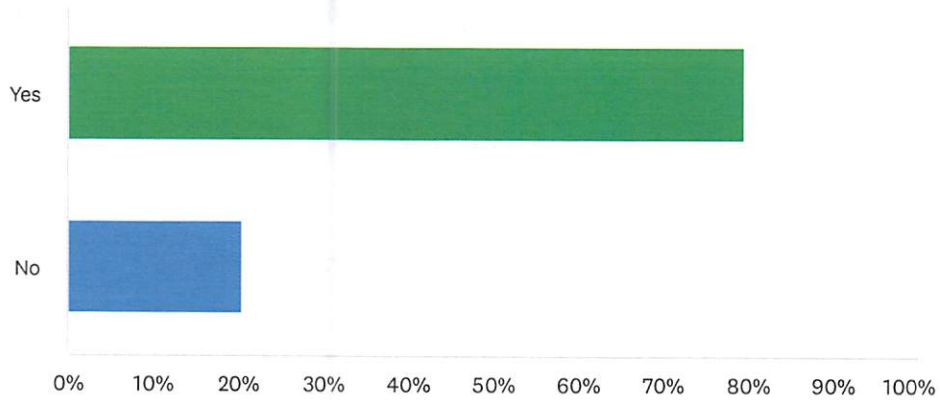
**ANSWER CHOICES**

**RESPONSES**

Yes	98.77%	80
No	1.23%	1
<b>TOTAL</b>		<b>81</b>

Q4 4. Did you know your local libraries offer FREE, onsite and/or online (virtual) programs? (Online programs can be viewed through the Library system website, Facebook page(s), Zoom, and/or YouTube, etc.)

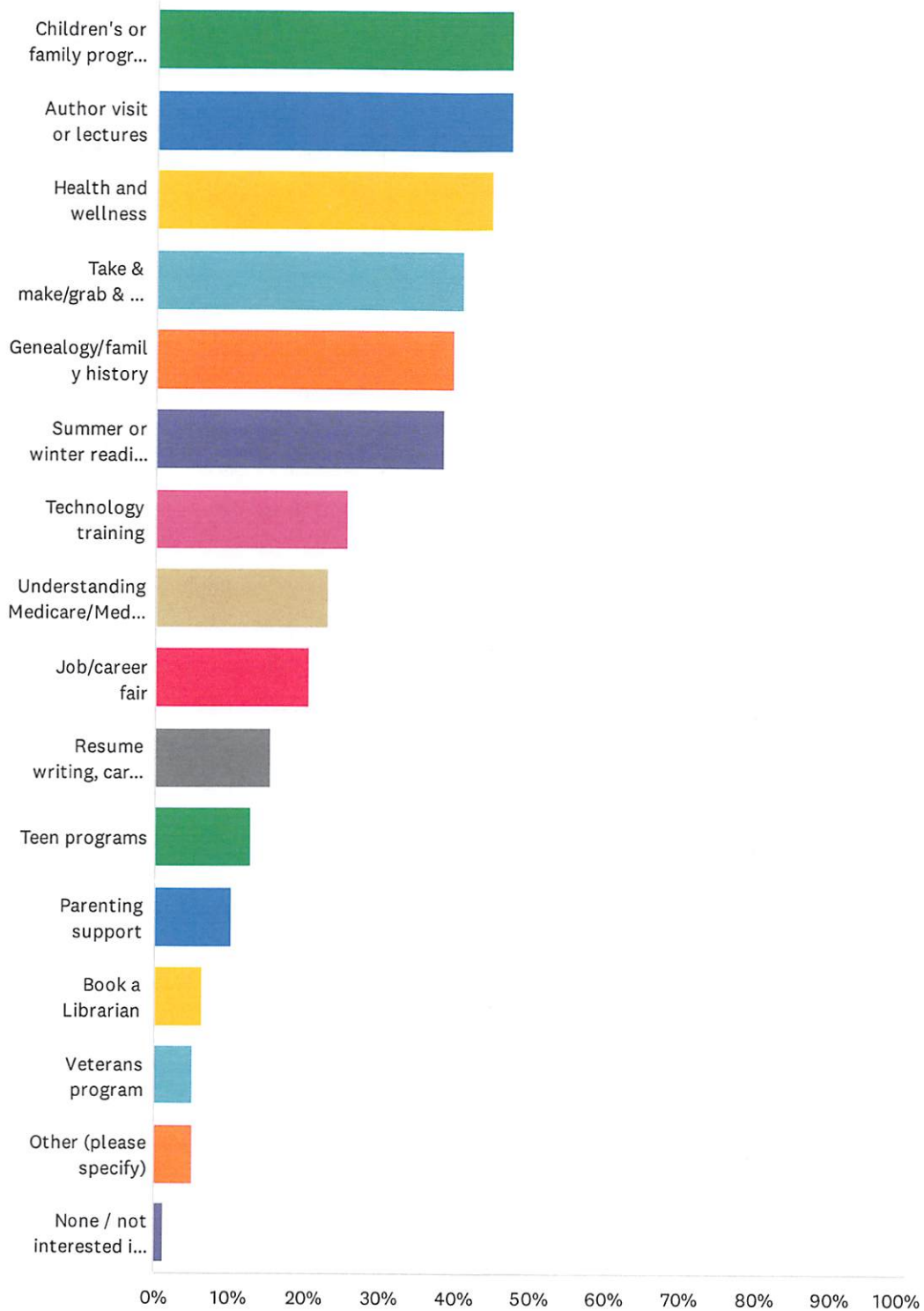
Answered: 78 Skipped: 3



ANSWER CHOICES	RESPONSES	
Yes	79.49%	62
No	20.51%	16
TOTAL		78

### Q5 5. What type(s) of programming would interest you and/or your family? Select all that apply.

Answered: 78 Skipped: 3



## Library Community Survey - fall 2022

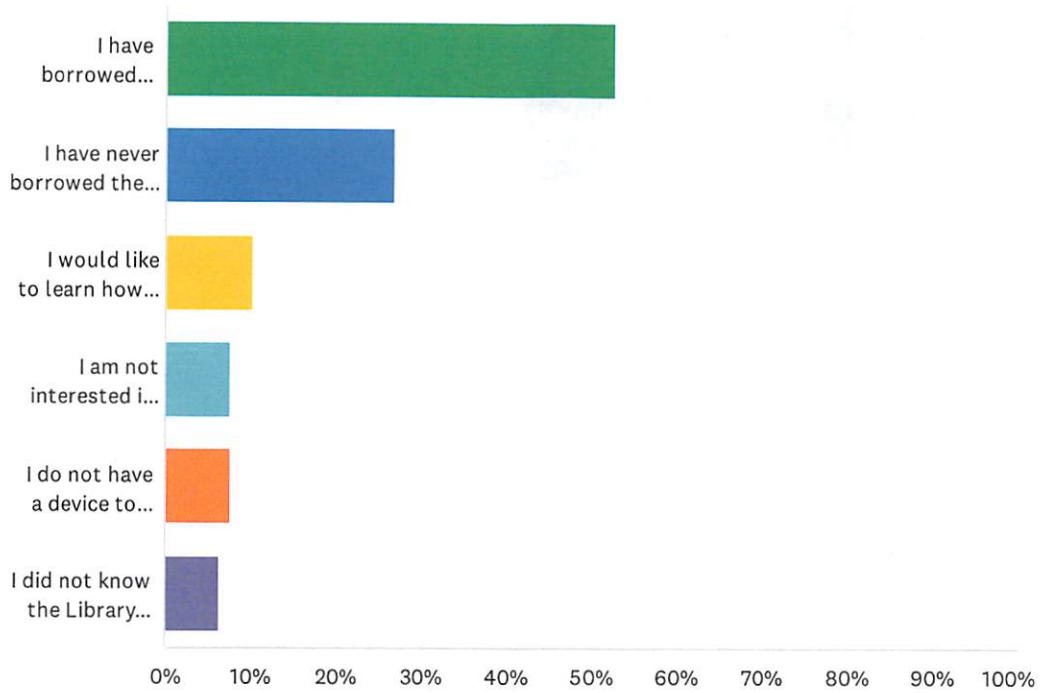
<b>ANSWER CHOICES</b>	<b>RESPONSES</b>	
Children's or family programs (storytime, movies, crafts)	47.44%	37
Author visit or lectures	47.44%	37
Health and wellness	44.87%	35
Take & make/grab & go activity/craft	41.03%	32
Genealogy/family history	39.74%	31
Summer or winter reading activity/contest	38.46%	30
Technology training	25.64%	20
Understanding Medicare/Medicaid program	23.08%	18
Job/career fair	20.51%	16
Resume writing, career planning, money management	15.38%	12
Teen programs	12.82%	10
Parenting support	10.26%	8
Book a Librarian	6.41%	5
Veterans program	5.13%	4
Other (please specify)	5.13%	4
None / not interested in attending onsite or virtual programs	1.28%	1
Total Respondents: 78		

<b>#</b>	<b>OTHER (PLEASE SPECIFY)</b>	<b>DATE</b>
1	music program	11/3/2022 2:14 PM
2	Weekday school age programs for homeschoolers	10/27/2022 7:03 PM
3	Day time homeschool programs!	10/24/2022 3:19 PM
4	Homeschool programs	10/24/2022 12:13 PM



Q6 6. Did you know libraries offer downloadable books, audiobooks, magazines, and this year launched 24/7 streaming services with movies, music albums, and graphic novels? Which of the following best describes your use of these services? Select all that apply.

Answered: 78 Skipped: 3



**ANSWER CHOICES**

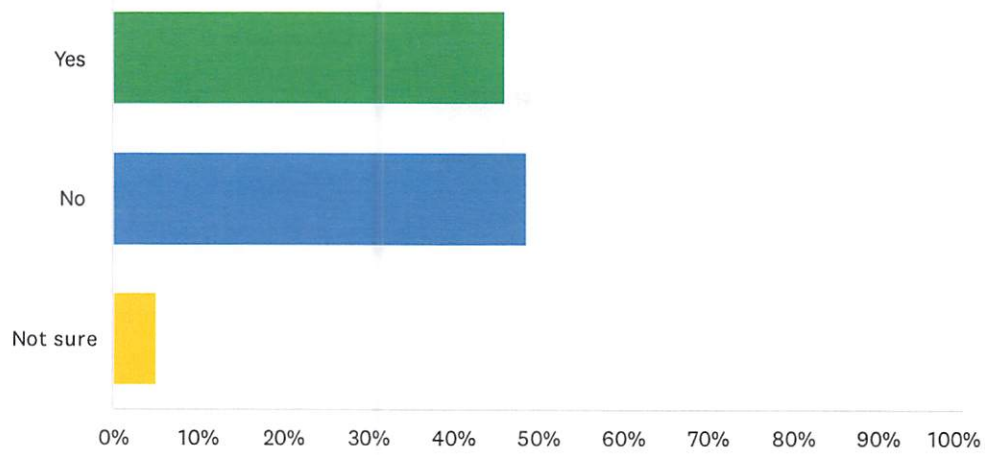
**RESPONSES**

I have borrowed downloadable eBooks, eAudioBooks, eMagazines and/or streamed movies/music from the Library.	52.56%	41
I have never borrowed these types of materials from the Library, but would like to.	26.92%	21
I would like to learn how to download eBooks and/or eAudioBooks from the Library.	10.26%	8
I am not interested in reading/watching/listening to digital content.	7.69%	6
I do not have a device to use.	7.69%	6
I did not know the Library offered digital content.	6.41%	5

Total Respondents: 78

### Q7 7. Did you know you can borrow Chromebook laptops and hotspots from all Buffalo & Erie County Public Libraries?

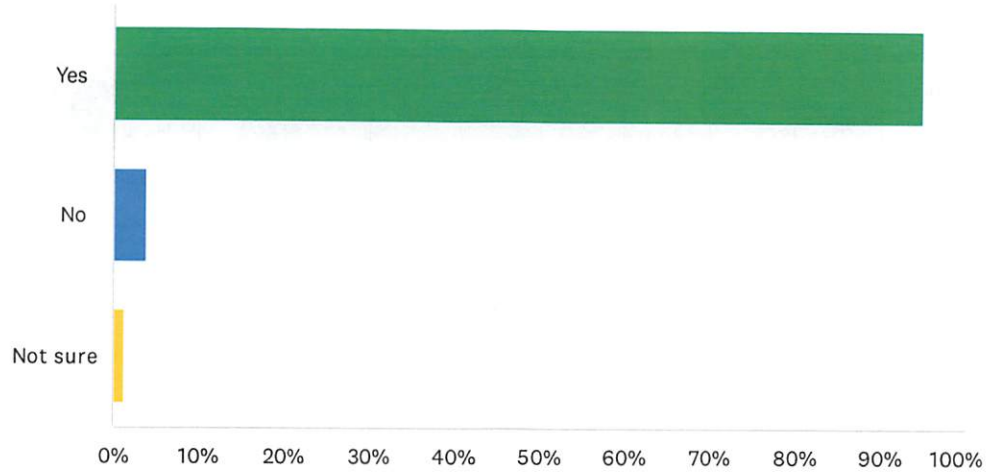
Answered: 78 Skipped: 3



ANSWER CHOICES	RESPONSES	
Yes	46.15%	36
No	48.72%	38
Not sure	5.13%	4
TOTAL		78

### Q8 8. Did you know all Buffalo & Erie County Public Libraries offer free high-speed Wi-Fi access inside and outside of the building and public computers for onsite use?

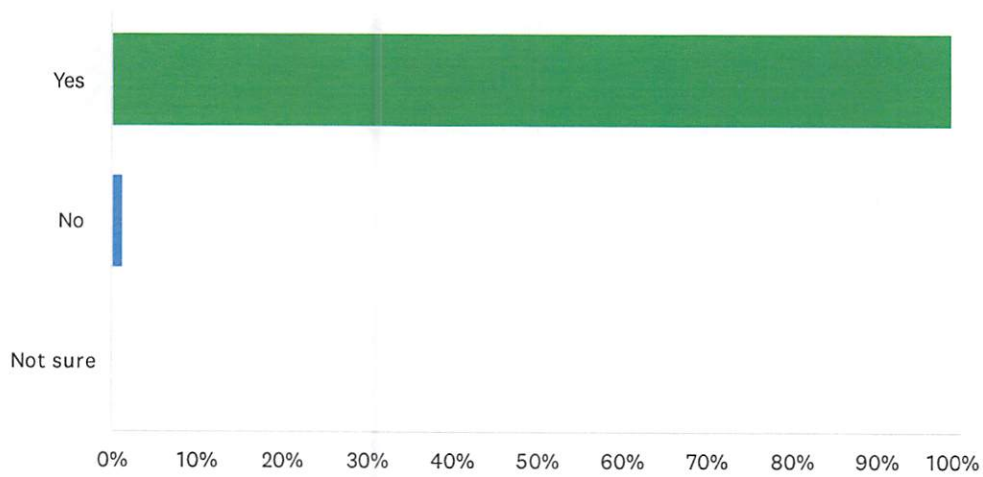
Answered: 78 Skipped: 3



ANSWER CHOICES	RESPONSES	
Yes	94.87%	74
No	3.85%	3
Not sure	1.28%	1
<b>TOTAL</b>		<b>78</b>

Q9 9. Did you know you can place a free hold on materials and have them delivered to your preferred library? Did you also know that you can return most materials to any Buffalo & Erie County Public Library?

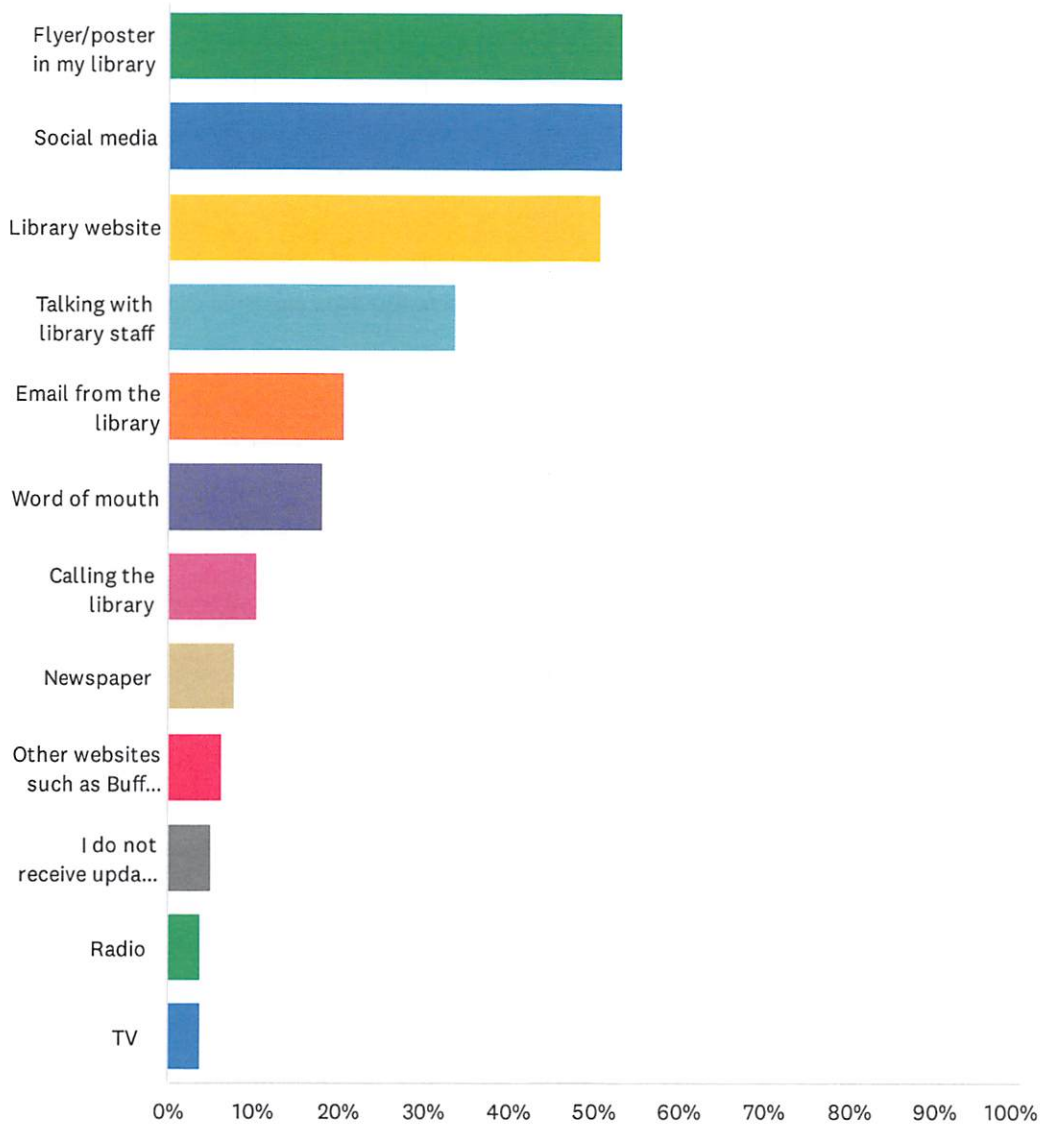
Answered: 78 Skipped: 3



ANSWER CHOICES	RESPONSES	
Yes	98.72%	77
No	1.28%	1
Not sure	0.00%	0
TOTAL		78

### Q10 10. How do you get updates about library hours and activities? Select all that apply.

Answered: 77 Skipped: 4



## Library Community Survey - fall 2022

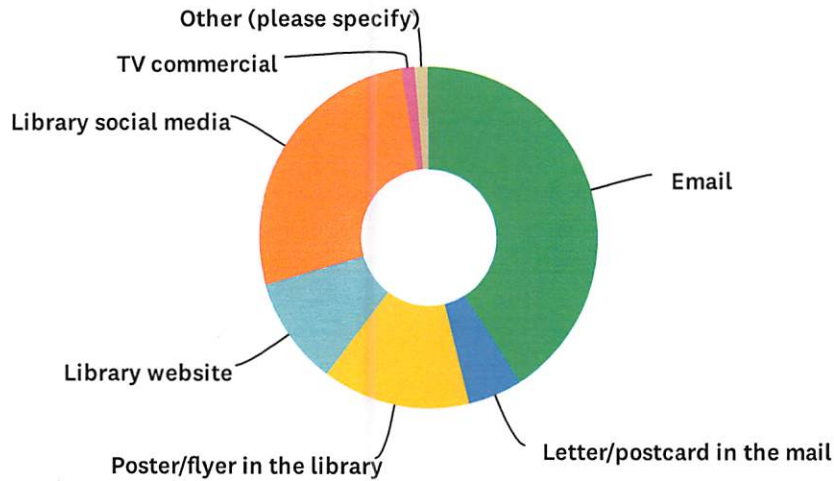
<b>ANSWER CHOICES</b>	<b>RESPONSES</b>	
Flyer/poster in my library	53.25%	41
Social media	53.25%	41
Library website	50.65%	39
Talking with library staff	33.77%	26
Email from the library	20.78%	16
Word of mouth	18.18%	14
Calling the library	10.39%	8
Newspaper	7.79%	6
Other websites such as Buffalo Rising, WNY Family Magazine, Kids Out & About, Buffalo.com, Step Out Buffalo, etc.	6.49%	5
I do not receive updates on anything from the Library	5.19%	4
Radio	3.90%	3
TV	3.90%	3
Total Respondents: 77		

#	PLEASE SPECIFY WHICH SOCIAL MEDIA CHANNELS, NEWSPAPERS, AND RADIO/TV STATIONS YOU RECEIVE UPDATES ABOUT THE LIBRARY THROUGH.	DATE
1	Facebook	12/11/2022 8:39 PM
2	Facebook	12/9/2022 10:54 AM
3	Bee Newspapers	12/2/2022 1:30 PM
4	n/a	11/20/2022 11:45 PM
5	Facebook	11/18/2022 11:36 AM
6	Facebook	11/16/2022 6:59 PM
7	Facebook	11/11/2022 8:30 AM
8	Facebook	10/29/2022 4:07 AM
9	Facebook	10/27/2022 7:38 PM
10	Facebook	10/27/2022 4:08 PM
11	Facebook	10/27/2022 11:42 AM
12	Facebook	10/25/2022 2:36 PM
13	facebook	10/24/2022 7:08 PM
14	Facebook	10/24/2022 3:19 PM
15	Facebook	10/24/2022 2:14 PM
16	Facebook	10/24/2022 1:24 PM
17	FB	10/24/2022 11:45 AM
18	Facebook	10/23/2022 5:04 PM
19	Google	10/21/2022 7:31 PM
20	Facebook	10/21/2022 5:05 PM



### Q11 11. What is the single best way for the Library to communicate information with you about new programs and initiatives?

Answered: 78 Skipped: 3



ANSWER CHOICES		RESPONSES	
Email		41.03%	32
Letter/postcard in the mail		5.13%	4
Poster/flyer in the library		14.10%	11
Library website		10.26%	8
Library social media		26.92%	21
Radio commercial		0.00%	0
TV commercial		1.28%	1
Other (please specify)		1.28%	1
TOTAL			78

#	OTHER (PLEASE SPECIFY)	DATE
1	Bee Newspapers	12/2/2022 1:30 PM



## Q12 Is there anything else you would like to share?

Answered: 19 Skipped: 62

#	RESPONSES	DATE
1	Not at this time	12/13/2022 6:34 PM
2	East Aurora staff is the best	12/9/2022 2:56 PM
3	We love the toddler program at West Seneca. Miss Emily is great and my son enjoys it very much. We appreciate the time planning this program and the cute crafts	11/16/2022 6:59 PM
4	We need our Libraries.	11/16/2022 5:13 PM
5	I enjoy the knitting group at the West Seneca library every Monday. I always come home with a book or two also. Always check out the books on sale and basket raffles	11/16/2022 5:12 PM
6	you're all great!	11/14/2022 4:12 PM
7	Love the free holds feature.	11/14/2022 3:16 PM
8	I love the library!	10/31/2022 11:38 PM
9	I am VERY grateful for our library. It's importance to our community cannot be overstated.	10/26/2022 6:33 PM
10	Love the library!	10/26/2022 5:14 PM
11	Would love to see some day time programs added for school age children who homeschool. Thanks!	10/24/2022 3:19 PM
12	Our family greatly enjoys many programs offered by the libraries.	10/24/2022 2:14 PM
13	Would love if the toys and other materials would fully return to the children's areas in the libraries we visit.	10/24/2022 12:13 PM
14	We love the library's children's activities and librarians!	10/23/2022 5:04 PM
15	I like Hoopla but it is very limited compared to what I can physically find at my library as far as movies or music rentals.	10/21/2022 5:58 PM
16	Everyone at West Seneca goes above and beyond to help.	10/21/2022 5:55 PM
17	When the world was shutdown with covid the BECPL stepped up to the plate and made books accessible in creative ways. During that time books kept me from thinking about the very sad state of affairs and with them I was able to visit new friends, go to news places, and learn new things. Making overdue books fine free and doing automatic renewals are just two more pluses for library users. Congratulations for all your efforts to make the libraries more accessible to everyone.	10/21/2022 5:04 PM
18	Thank you for all you do!	10/21/2022 5:03 PM
19	No	10/21/2022 4:13 PM

## Q13 What is your zip code?

Answered: 75 Skipped: 6

#	RESPONSES	DATE
1	14224	12/30/2022 11:42 PM
2	14224	12/13/2022 6:34 PM
3	14227	12/11/2022 8:39 PM
4	14224	12/9/2022 4:29 PM
5	14224	12/9/2022 4:18 PM
6	14052	12/9/2022 2:56 PM
7	14224	12/9/2022 10:54 AM
8	14224	12/8/2022 11:01 PM
9	14224	12/8/2022 10:36 PM
10	14139	12/8/2022 10:18 AM
11	14224	12/8/2022 10:17 AM
12	14224	12/2/2022 1:36 PM
13	14226	12/2/2022 1:30 PM
14	14210	12/2/2022 1:22 PM
15	14227	12/2/2022 1:20 PM
16	14218	12/2/2022 11:20 AM
17	14220	11/30/2022 11:09 AM
18	14226	11/22/2022 4:55 PM
19	14043	11/22/2022 4:55 PM
20	14206	11/22/2022 4:40 PM
21	14224	11/20/2022 11:45 PM
22	14227	11/18/2022 11:36 AM
23	14224	11/16/2022 6:59 PM
24	14052	11/16/2022 5:13 PM
25	14210	11/16/2022 5:12 PM
26	14224	11/15/2022 10:54 PM
27	14224	11/14/2022 4:18 PM
28	14224	11/14/2022 4:17 PM
29	14224	11/14/2022 4:12 PM
30	14224	11/14/2022 3:16 PM
31	14218	11/11/2022 8:30 AM
32	14220	11/11/2022 7:37 AM
33	14218	11/9/2022 4:27 PM

# Library Community Survey - fall 2022

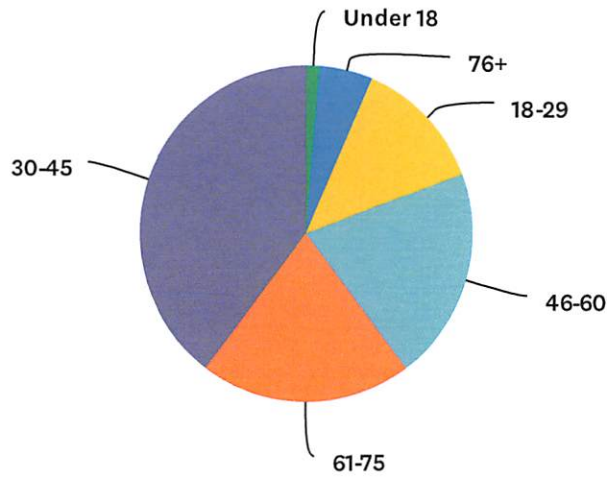
34	14218	11/9/2022 4:17 PM
35	14224	11/9/2022 4:16 PM
36	14075	11/9/2022 4:02 PM
37	14075	11/9/2022 4:01 PM
38	14085	11/7/2022 1:30 PM
39	14227	11/7/2022 1:20 PM
40	14206	11/3/2022 2:14 PM
41	14220	11/1/2022 7:43 PM
42	14220	11/1/2022 6:37 PM
43	14086	10/31/2022 11:38 PM
44	14220	10/30/2022 4:35 PM
45	14224	10/29/2022 4:07 AM
46	14219	10/28/2022 11:07 AM
47	14224	10/28/2022 10:42 AM
48	14224	10/27/2022 7:38 PM
49	14150	10/27/2022 7:03 PM
50	14224	10/27/2022 4:08 PM
51	14224	10/27/2022 11:42 AM
52	14224	10/26/2022 6:33 PM
53	14086	10/26/2022 5:14 PM
54	14043	10/26/2022 3:08 PM
55	14030	10/25/2022 6:54 PM
56	14224	10/25/2022 2:36 PM
57	1424	10/24/2022 7:08 PM
58	14224	10/24/2022 3:19 PM
59	14224	10/24/2022 2:14 PM
60	14220	10/24/2022 1:24 PM
61	14225	10/24/2022 12:23 PM
62	14034	10/24/2022 12:13 PM
63	14227	10/24/2022 11:45 AM
64	14075	10/24/2022 5:28 AM
65	14219	10/23/2022 7:51 PM
66	14219	10/23/2022 5:04 PM
67	14218	10/21/2022 7:31 PM
68	14224	10/21/2022 5:58 PM
69	14224	10/21/2022 5:55 PM
70	14224	10/21/2022 5:05 PM
71	14059	10/21/2022 5:04 PM

# Library Community Survey - fall 2022

72	14222	10/21/2022 5:03 PM
73	14227	10/21/2022 5:02 PM
74	14224	10/21/2022 4:13 PM
75	14224	10/21/2022 4:13 PM

## Q14 What is your age range?

Answered: 78 Skipped: 3



### ANSWER CHOICES

### RESPONSES

Under 18	1.28%	1
76+	5.13%	4
18-29	12.82%	10
46-60	20.51%	16
61-75	20.51%	16
30-45	39.74%	31
<b>TOTAL</b>		<b>78</b>

## Buffalo & Erie County Public Library Educator Card

The B&ECPL offers Educator Library Cards to educators in Erie County. If you are a teacher, home school educator or day care provider living or working in our service area, and you have a personal library card in good standing, you are eligible for an Educator Card.

**Benefits:**

- Check out up to 100 items.
- Classroom and personal use material on separate library records.
- Six (6) week loan periods on selected materials used in the classroom.
- Use your Educator Card at any Buffalo & Erie County Public Library.

### Educator Library Card Application

Name: \_\_\_\_\_  
Last
First
Middle

Preferred Name: \_\_\_\_\_

Home Address: \_\_\_\_\_  
Street
City
Zip Code

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

School Name: \_\_\_\_\_ Grade: \_\_\_\_\_

School Address: \_\_\_\_\_  
Street
City
Zip Code

Personal Library Card Number: \_\_\_\_\_

**How to apply:** Please complete the above form and bring it, along with your personal library card, to any B&ECPL location. Your Educator Card may be used for classroom materials only and is not for personal use. You are responsible for any lost or damaged materials checked out to your Educator Card.

I agree to follow all library rules and to be responsible for all materials checked out to my Educator Card.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

<b>Staff Use Only</b>		
Educator ID # 10001 _____	Staff Initials _____	Date _____

## CONTRACT MEMBER LIBRARIES - Monthly Financial Report

LIBRARY: WEST SENECA PUBLIC LIBRARY

MONTH: Jan-23

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	
<b>Utility Charges:</b>								
515000	Water	0	0	0	0		0	
515000	Sewer	0	0	0	0		0	
515000	Electric	7,500	0	1,195	6,305	7,170	330	
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.	700	0	0	700	700	0	
555050	Insurance Charges	0	0	0	0		0	
510000	Travel & Mileage Expenses	100	0	0	100		100	
530000	Other Expenses & Charges	600	0	0	600	600	0	
530000	Contingency (Bullet Aid)	0	0	0	0		0	
<b>TOTAL EXPENSES</b>		<b>8,900</b>	<b>0</b>	<b>1,195</b>	<b>7,705</b>	<b>8,470</b>	<b>430</b>	

DIRECT LOCAL INCOME	Adopted Budget	Budget Revisions	Y-T-D Revenues	To Be Realized	Projected Revenues	Projected Variance	Comments
Fines, Lost Books, etc.	100	0	43	57	100	0	
Copy Machines	1,500	0	129	1,371	1,500	0	
Print Cost Recovery	5,000	0	371	4,629	5,000	0	
Other Income	200	0	6	194	200	0	
State Funding	0	0	0	0	0	0	
Municipal Support	0	0	0	0	0	0	
Donations (priv. persons/foundations)	0	0	0	0	0	0	
Fundraising (events/booksales)	0	0	0	0	0	0	
Interest Income	0	0	0	0	0	0	
Misc Income	0	0	0	0	0	0	
Use of Fund Balance	0	0	0	0	0	0	
<b>TOTAL DIRECT INCOME</b>	<b>6,800</b>	<b>0</b>	<b>549</b>	<b>6,251</b>	<b>6,800</b>	<b>0</b>	

Local Account Check Register

Number	Date	Description of Transaction	C	Debit (-)	Credit (+)	Balance
	1/10/23	Donation deposit cash (from John Buranich in memory of Bruce Moser)	√		\$100.00	\$22,586.98
999	1/18/23	Robert Alessi (nail polish and blank items for water marbling)		\$46.38		\$22,540.60



**West Seneca Public Library Bank Account Balances January 2023**

**M&T County Account**

**Balance \$44,541.43 (Note: Includes \$25,000 Assemblyman Burke State Aid)**

**M&T Local Account**

**Balance \$22,540.60 (Note: Includes \$17,003.76 Rotary)**

**Local M&T CD (1)**

**Balance \$40,714.07**

**Local M&T CD (2)**

**Balance \$5,079.96**

**Local M&T CD (3)**

**Balance \$5,079.96**

**Northwest Construction Grant Phase II**

**Balance \$0.00**

**M&T Construction Fundraiser Account**

**Balance \$14,319.36**

**Northwest Makerspace/Tech Account**

**Balance \$0.00**

**February 15, 2023 Abstract of Checks**

<b>Voucher #</b>	<b>Date</b>	<b>Payee</b>	<b>Amount</b>	<b>Check#</b>	<b>Reason for expense</b>	<b>Date</b>
2023-C2	2/15/2023	Dennis Zywczyński	\$ 29.40	6404	Paint for study rooms from Sherwin-Williams	2/8/2023
2023-C3	2/15/2023	Robert Alessi	\$ 29.88	6405	Hand sanitizer from Lowe's	2/8/2023
2023-C4	2/15/2023	BECPL	\$ 2,539.98	6406	Order for Private Library Materials out of money sent by Assemblyman Burke	2/8/2023
VOID CHECK		VOID Local Memorial Acct		1000	VOIDED CHECK	2/8/2023
2023-L2	2/15/2023	BECPL	\$ 542.20	1001	Order for Private Library Materials out of money donated by Lions Club (408.93), Bliemeister (27.50), Bigelow (57.15), Seel (42.85), and Rotary (5.77)	2/8/2023
2023-L3	2/15/2023	Robert Adler	\$ 20.00	1002	Member library dues for Association of the Boards of Trustees of the Contract Libraries of BECPL	2/8/2023
2023-L4	2/15/2023	Amazon Capital Services, Inc.	\$ 149.23	1003	Plastic aprons, plastic palatte knives for painting, VELCRO dots for Makerspace, 16oz black acrylic paint, 16 oz white acrylic paint, USB 4-port charger station, Dreo Tower fan for Makerspace	2/8/2023

## 2022 West Seneca Payroll Report



As of Pay Period **26**

FT PERSONNEL			
Title	YTD Expensed	Budgeted	Remaining
Librarian Director II	78,014.36	75,221.00	(2,793.36)
Librarian I	67,267.40	66,109.00	(1,158.40)
Library Assistant	37,706.81	40,916.00	3,209.19
Caretaker (RPT)	28,391.89	28,395.00	3.11
<b>FT Totals</b>	<b>211,380.46</b>	<b>210,641.00</b>	<b>(739.46)</b>

PT PERSONNEL			
Title	YTD Expensed	Budgeted	Remaining
Clerk Typist PT	19,186.51	20,172.00	985.49
Librarian I PT	29,187.26	32,929.00	3,741.74
Page PT	19,061.30	24,024.00	4,962.70
Senior Page	42,215.81	45,042.00	2,826.19
<b>PT Totals</b>	<b>109,650.88</b>	<b>122,167.00</b>	<b>12,516.12</b>

TOTAL COMBINED			
	YTD Expensed	Budgeted	Remaining
Caretakers	28,391.89	28,395.00	3.11
Clerk Typists	19,186.51	20,172.00	985.49
Librarian I	96,454.66	99,038.00	2,583.34
Librarian Director II	78,014.36	75,221.00	(2,793.36)
Library Assistant	37,706.81	40,916.00	3,209.19
Pages	19,061.30	24,024.00	4,962.70
Senior Page	42,215.81	45,042.00	2,826.19
Other Payments		1,946.00	1,946.00
Savings Goal		(5,783.00)	(5,783.00)
<b>Combined Totals</b>	<b>321,031.34</b>	<b>328,971.00</b>	<b>7,939.66</b>

ANNUAL BUDGET	\$	328,971.00
ENDING BALANCE	\$	338,491.87
<b>Ending Balance</b>		<b>(9,520.87)</b>

**Contract Library "System Paid" Budget Analysis**

**West Seneca Public Library**

**As of 12/31/2022**

	"System Paid" Budget*	Jan-Sept 2022	August	September	October	November	December	Actual 2022 Expenses	Year End Surplus/(Shortfall)
<b>Salaries &amp; Wages, Full Time</b>									
Salaries & Wages, Full Time	182,246.00	102,888.19	15,875.71	15,185.43	14,495.20	15,185.45	30,669.10	194,299.08	(12,053.08)
Other Payments	1,946.00	0.00				1,446.56	5,000.00	6,446.56	(4,500.56)
Overtime		0.00						0.00	0.00
<b>Total Salaries &amp; Wages, Full Time</b>	<b>184,192.00</b>	<b>102,888.19</b>	<b>15,875.71</b>	<b>15,185.43</b>	<b>14,495.20</b>	<b>16,632.01</b>	<b>35,669.10</b>	<b>200,745.64</b>	<b>(16,553.64)</b>
Wages, Regular Part-Time	28,395.00	16,519.60	2,632.80	2,216.74	2,400.07	2,288.25	2,433.86	28,491.32	(96.32)
Wages, Part Time	122,167.00	65,531.91	10,257.59	9,273.06	8,000.80	8,036.13	8,155.42	109,254.91	12,912.09
Savings Goal	(5,783.00)	0.00						0.00	(5,783.00)
Employer FICA Total	25,612.00	13,614.36	2,153.30	2,015.97	1,861.25	2,105.44	3,418.63	25,168.95	443.05
Employee Health Insurance	19,740.00	14,184.24	2,957.72	2,170.21	1,965.72	2,660.73	3,125.02	27,063.64	(7,323.64)
Dental Plan	750.00	473.54	83.24	44.63	9.21	74.30	74.83	759.75	(9.75)
Health Insurance Waiver	2,400.00	700.00	100.00	100.00	100.00	100.00	100.00	1,200.00	1,200.00
NYS Retirement	24,162.00	15,305.06	1,292.37	1,957.89	1,316.98	1,362.68	2,157.68	23,392.66	769.34
Disability	0.00	0.00						0.00	0.00
Natural Gas (NFG)	0.00	0.00						0.00	0.00
Electricity	0.00	0.00						0.00	0.00
<b>Bottom Line Total</b>	<b>401,635.00</b>	<b>229,216.90</b>	<b>35,352.73</b>	<b>32,963.93</b>	<b>30,149.23</b>	<b>33,259.54</b>	<b>55,134.54</b>	<b>416,076.87</b>	<b>(14,441.87)</b>

**Notes:**

System Paid Budget per Res 2022-12

Overage in Health coverage due to change from Waiver to Single coverage due to change in staffing

Overage in Full Time Salary & Other Payment due to Retirement payout.

## **SELF-ASSURANCE of Trustee Education Activity Completion**

Beginning January 1, 2023, each library trustee, elected or appointed, of a board of trustees is required to complete a minimum of two hours of trustee education annually. (Education Law 260-d as added by *Chapter 468 of the Laws of 2021*)

Please use this self-assurance form if a certificate of completion is not available from the approved education activity provider. Please submit this form to the library board president for review and signature. Trustees should retain a copy of the signed form.

I give the following assurance:

I attended the following trustee education activity:

Trustee Name: \_\_\_\_\_

Approved Provider: \_\_\_\_\_

Title of Activity: \_\_\_\_\_

Topic/Content: \_\_\_\_\_

Format (e.g. workshop, webinar, online course): \_\_\_\_\_

Date of Activity: \_\_\_\_\_

Contact Hours: \_\_\_\_\_

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**Trustee Signature/Date**

## **PERSONNEL POLICIES AND PROCEDURES**

**WEST SENECA PUBLIC LIBRARY MEETING DATE: February 15, 2023**

### **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 months prior and subsequent adoption by this Board. The last review and approval of the Manual took place November 17, 2021.**

**ACTION REQUIRED: Motion to approve Resolution.**

**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 February 15, 2023, this Board reviewed the changes made by the Human Resources Department to the policies since November 17, 2021 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 November 17, 2021, 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 months prior to review for adoption by the Board.**

BOARD OF TRUSTEES  
BUFFALO & ERIE COUNTY PUBLIC LIBRARY  
MEETING DATE: January 19, 2023

AGENDA ITEM NUMBER: G.2.a.

RESOLUTION: 2023-1  
Amend Equal Employment  
Opportunity and Anti-Harassment  
Policy

**BACKGROUND:**

The Buffalo & Erie County Public Library Board of Trustees adopted an Equal Employment Opportunity (EEO) and Anti-Harassment Policy on April 20, 2017. The Policy was last amended on November 21, 2019 and last reviewed on November 18, 2021.

The Library has a process for review of standing policies to ensure they remain timely and effective. This procedure was used to review the EEO and Anti-Harassment Policy. Recommended changes include updates to reflect changes in New York State law, changes to library practices, and utilization of patron-inclusive language for clarity. These changes were vetted by B&ECPL legal counsel.

The Board's Policy Committee met on January 6, 2023 to review the attached proposed amended EEO & Anti-Harassment Policy and recommended it for approval by the full Board.

Thereafter, an amendment to the NYS Human Rights Law added citizenship and immigration status as protected classes. At the Executive Committee on January 12, 2023 Deputy Director Jeannine Doyle advised of the change to the law and recommended further amendment to the EEO & Anti-Harassment Policy to add the new protected classes.

Mark-up and clean versions of the amended policy are attached.

The Executive Committee recommended the proposed amended Equal Employment Opportunity & Anti-Harassment Policy for approval by the full Board as approved and recommended by the Policy Committee with the addition of the new protected classes in accordance with the NYS Human Rights Law.

**ACTION REQUIRED:**

Motion to adopt Resolution 2023-1.



## PROPOSED RESOLUTION 2023-1

WHEREAS, the Buffalo & Erie County Public Library Board of Trustees adopted an Equal Employment Opportunity (EEO) and Anti-Harassment Policy on April 20, 2017, and the policy has been reviewed and/or amended periodically, most recently on November 18, 2021, and

WHEREAS, B&ECPL's System Administration has recommended updates to the policy to reflect changes in New York State law, including additional protected classes, changes to library practices, and utilization of patron-inclusive language for clarity, and

WHEREAS, these changes have been vetted by B&ECPL legal counsel, and

WHEREAS, the Policy Committee recommends the attached proposed amended EEO and Anti-Harassment 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 EEO and Anti-Harassment Policy to supersede and replace the existing policy last amended November 21, 2019, and be it further

RESOLVED, that copies of the approved amended EEO and Anti-Harassment Policy replace the existing policy in the B&ECPL Personnel Policies and Procedures Manual as Chapter 8, Section 1, and be it further

RESOLVED, that the amended EEO and Anti-Harassment Policy replace the existing policy in each Contract Library's annual agreement, Exhibit G, 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.



## **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, citizenship or immigration status, 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, citizenship or immigration status, 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~~
- ~~3.1. 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, citizenship or immigration status, 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, citizenship or immigration status, 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, citizenship or immigration status, 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. Such conduct may also be treated as a violation of the applicable library's Rules of Conduct.
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 or contract Library Director.
- 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 contract Library Director, or in the event the individual is not an employee ~~and does not have a supervisor or Department Head or contract Library Director~~, the incident should be reported directly to the Equality, Diversity and Inclusion Officer Human Resources Officer at eeo@buffalolib.org. (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 Equality, Diversity and Inclusion Officer Human Resources Officer.
- e.f. In the event that the complaint is against a contract Library Director, the Equality, Diversity and Inclusion Officer will notify the applicable Board President.

## 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 individuals employees are encouraged to use this complaint form. Individuals 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 Equality, Diversity and Inclusion Officer ~~Human Resources Officer~~ for investigation.
- c. Upon receipt of a complaint under this policy, the Equality, Diversity and Inclusion Officer ~~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 the Equality, Diversity and Inclusion Officer ~~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, the Equality, Diversity and Inclusion Officer ~~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 Equality, Diversity and Inclusion Officer ~~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 ~~individual 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 ~~individual 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.
- ~~5.6.~~ Disclosing an employee's personnel files because they have opposed any practices forbidden under the New York State Human Rights Law ("NYS HRL"), filed a complaint, testified or assisted in any proceeding under NYS HRL, except where the disclosure is made in the course of commencing or responding to a complaint in any proceeding under the NYS HRL or any other civil or criminal action or other judicial or administrative proceeding as permitted by applicable law.

#### IV. Legal Remedies

~~Individuals~~ ~~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 Equality, Diversity and Inclusion Officer ~~Human Resources Officer~~, as described above. If an ~~individual~~ ~~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. ~~Individuals~~ ~~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**

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

**General Information:**

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

**Specific Information about Your Complaint:**

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

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

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

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

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

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

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

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



## **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, citizenship or immigration status, 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.

1. 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, citizenship or immigration status, 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.

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, citizenship or immigration status, 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, citizenship or immigration status, 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, citizenship or immigration status, 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. Such conduct may also be treated as a violation of the applicable library's Rules of Conduct.
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 or contract Library Director.
- 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 contract Library Director, or in the event the individual is not an employee, the incident should be reported directly to the Equality, Diversity and Inclusion Officer at [eeo@buffalolib.org](mailto:eeo@buffalolib.org).
- 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 Equality, Diversity and Inclusion Officer.
- f. In the event that the complaint is against a contract Library Director, the Equality, Diversity and Inclusion Officer will notify the applicable Board President.

## 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.
- 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 individuals are encouraged to use this complaint form. Individuals 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 Equality, Diversity and Inclusion Officer for investigation.
- c. Upon receipt of a complaint under this policy, the Equality, Diversity and Inclusion Officer 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 the Equality, Diversity and Inclusion Officer 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, the Equality, Diversity and Inclusion Officer will determine if the investigation will be completed internally 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 Equality, Diversity and Inclusion Officer 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 individual 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 individuals (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.
6. Disclosing an employee's personnel files because they have opposed any practices forbidden under the New York State Human Rights Law ("NYS HRL"), filed a complaint, testified or assisted in any proceeding under NYS HRL, except where the disclosure is made in the course of commencing or responding to a complaint in any proceeding under the NYS HRL or any other civil or criminal action or other judicial or administrative proceeding as permitted by applicable law.

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

Individuals 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 Equality, Diversity and Inclusion Officer, as described above. If an individual 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. Individuals 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.

Amended January 19, 2023 per Resolution 2023-1.



**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:**

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

**Specific Information about Your Complaint:**

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

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

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

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

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

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

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

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

BOARD OF TRUSTEES  
BUFFALO & ERIE COUNTY PUBLIC LIBRARY  
MEETING DATE: January 19, 2023

AGENDA ITEM NUMBER: G.2.b.

RESOLUTION: 2023-2  
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 was last amended on December 16, 2021.

The Library has a process for review of standing policies to ensure they remain timely and effective. This procedure was used to review the Sexual Harassment Prevention Policy. Recommended changes include updates to reflect changes in New York State law and addition of language specific to non-employee incidents. These changes were vetted by B&ECPL legal counsel.

The Board's Policy Committee met on January 6, 2023 to review the attached proposed amended Sexual Harassment Prevention Policy. Mark-up and clean versions of the amended policy are attached.

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

**ACTION REQUIRED:**

Motion to adopt Resolution 2023-2.



## PROPOSED RESOLUTION 2023-2

WHEREAS, the Buffalo & Erie County Public Library Board of Trustees adopted a Sexual Harassment Prevention Policy on December 18, 2018, and the policy has been reviewed and/or amended periodically, most recently on December 16, 2021, and

WHEREAS, B&ECPL's System Administration has recommended updates to the policy to reflect changes in New York State law and inclusion of language specific to non-employee incidents, and

WHEREAS, these changes have been vetted by B&ECPL legal counsel, 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 existing policy last amended December 16, 2021, 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.



## **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.

4.5. Patrons and other non-employees who engage in sexual harassment will be addressed in accordance with each library's Rules of Conduct and applicable laws.

6. 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 Office. 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). Retaliation may also include, but is not limited to, disclosing an employee's personnel files because they have opposed any practices forbidden under the New York State Human Rights Law ("NYS HRL"), filed a complaint, testified or assisted in any proceeding under NYS HRL, except where the disclosure is made in the course of commencing or responding to a complaint in any proceeding under the NYS

HRL or any other civil or criminal action or other judicial or administrative proceeding as permitted by applicable law.

Such retaliation is unlawful under federal, state, and (where applicable) local law. The ~~New York State Human Rights Law (NYS HRL)~~ 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.

—Examples of Retaliation

~~Retaliation may include, but is not limited to, disclosing an employee’s personnel files because they have opposed any practices forbidden under NYS HRL, filed a complaint, testified or assisted in any proceeding under NYS HRL, except where disclosures is made in the course of commencing or responding to a complaint in any proceeding under the NYS HRL or any other civil or criminal action or other judicial or administrative proceeding as permitted by applicable law.~~

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

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 Office.

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 Office~~f~~ 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 Office~~f~~ 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.



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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.

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The EEOC does not hold hearings or award relief, but may take other action including pursuing cases in federal court on behalf of complaining parties. Federal courts may award remedies if discrimination is found to have occurred. In general, private employers must have at least 15 employees to come within the jurisdiction of the EEOC.

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

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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.



## COMPLAINT OF HARASSMENT, DISCRIMINATION, OR RETALIATION

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

### General Information:

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

**Specific Information about Your Complaint:**

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

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

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

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

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

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

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

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



## **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. Patrons and other non-employees who engage in sexual harassment will be addressed in accordance with each library's Rules of Conduct and applicable laws.
6. 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 Office. 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). Retaliation may also include, but is not limited to, disclosing an employee's personnel files because they have opposed any practices forbidden under the New York State Human Rights Law ("NYS HRL"), filed a complaint, testified or assisted in any proceeding under NYS HRL, except where the disclosure is made in the course of commencing or responding to a complaint in any proceeding under the NYS HRL or any other civil or criminal action or other judicial or administrative proceeding as permitted by applicable law.

Such retaliation is unlawful under federal, state, and (where applicable) local law. The NYS HRL 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 Office. Anyone who witnesses or becomes aware of potential instances of sexual harassment should report such behavior to a supervisor, manager or the Human Resources Office.

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 Office.

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 Office 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 Office 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).
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Amended January 19, 2023 per Resolution 2023-2.



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**General Information:**

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



**Specific Information about Your Complaint:**

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

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

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

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

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