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MISSION STATEMENT
June 1995
October 2006

The Marshall Public Library enriches the community by meeting its informational, educational, and recreational needs. In addition, in order to stimulate an appreciation for reading, special emphasis is placed on programs for young children. Building on the vision of the Library’s founders, it provides a facility that is friendly and technologically up-to-date.
Library Bill of Rights

The American Library Association affirms that all libraries are forums for information and ideas, and that the following basic policies should guide their services.

1. Books and other library resources should be provided for the interest, information and enlightenment of all people of the community the library serves. Materials should not be excluded because of the origin, background, or views of those contributing to its creation.

2. Libraries should provide materials and information presenting all points of view on current and historical issues. Materials should not be proscribed or removed because of partisan or doctrinal disapproval.

3. Libraries should challenge censorship in the fulfillment of their responsibility to provide information and enlightenment.

4. Libraries should cooperate with all persons and groups concerned with resisting abridgment of free expression and free access to ideas.

5. A person's right to use a library should not be denied or abridged because of origin, age, background, or views.

6. Libraries which make exhibit spaces and meeting rooms available to the public they serve should make such facilities available on an equitable basis, regardless of the beliefs or affiliations of individuals or groups requesting their use.

Adopted June 18, 1948
by the ALA Council
The Freedom to Read Statement

The freedom to read is essential to our democracy. It is continuously under attack. Private groups and public authorities in various parts of the country are working to remove or limit access to reading materials, to censor content in schools, to label "controversial" views, to distribute lists of "objectionable" books or authors, and to purge libraries. These actions apparently rise from a view that our national tradition of free expression is no longer valid; that censorship and suppression are needed to counter threats to safety or national security, as well as to avoid the subversion of politics and the corruption of morals. We, as individuals devoted to reading and as librarians and publishers responsible for disseminating ideas, wish to assert the public interest in the preservation of the freedom to read.

Most attempts at suppression rest on a denial of the fundamental premise of democracy: that the ordinary individual, by exercising critical judgment, will select the good and reject the bad. We trust Americans to recognize propaganda and misinformation, and to make their own decisions about what they read and believe. We do not believe they are prepared to sacrifice their heritage of a free press in order to be "protected" against what others think may be bad for them. We believe they still favor free enterprise in ideas and expression.

These efforts at suppression are related to a larger pattern of pressures being brought against education, the press, art and images, films, broadcast media, and the Internet. The problem is not only one of actual censorship. The shadow of fear cast by these pressures leads, we suspect, to an even larger voluntary curtailment of expression by those who seek to avoid controversy or unwelcome scrutiny by government officials.

Such pressure toward conformity is perhaps natural to a time of accelerated change. And yet suppression is never more dangerous than in such a time of social tension. Freedom has given the United States the elasticity to endure strain. Freedom keeps open the path of novel and creative solutions, and enables change to come by choice. Every silencing of a heresy, every enforcement of an orthodoxy, diminishes the toughness and resilience of our society and leaves it the less able to deal with controversy and difference.

Now as always in our history, reading is among our greatest freedoms. The freedom to read and write is almost the only means for making generally available ideas or manners of expression that can initially command only a small audience. The written word is the natural medium for the new idea and the untried voice from which come the original contributions to social growth. It is essential to the extended discussion that serious thought requires, and to the accumulation of knowledge and ideas into organized collections.
We believe that free communication is essential to the preservation of a free society and a creative culture. We believe that these pressures toward conformity present the danger of limiting the range and variety of inquiry and expression on which our democracy and our culture depend. We believe that every American community must jealously guard the freedom to publish and to circulate, in order to preserve its own freedom to read. We believe that publishers and librarians have a profound responsibility to give validity to that freedom to read by making it possible for the readers to choose freely from a variety of offerings.

The freedom to read is guaranteed by the Constitution. Those with faith in free people will stand firm on these constitutional guarantees of essential rights and will exercise the responsibilities that accompany these rights.

We therefore affirm these propositions:

1. *It is in the public interest for publishers and librarians to make available the widest diversity of views and expressions, including those that are unorthodox, unpopular, or considered dangerous by the majority.*

Creative thought is by definition new, and what is new is different. The bearer of every new thought is a rebel until that idea is refined and tested. Totalitarian systems attempt to maintain themselves in power by the ruthless suppression of any concept that challenges the established orthodoxy. The power of a democratic system to adapt to change is vastly strengthened by the freedom of its citizens to choose widely from among conflicting opinions offered freely to them. To stifle every nonconformist idea at birth would mark the end of the democratic process. Furthermore, only through the constant activity of weighing and selecting can the democratic mind attain the strength demanded by times like these. We need to know not only what we believe but why we believe it.

2. *Publishers, librarians, and booksellers do not need to endorse every idea or presentation they make available. It would conflict with the public interest for them to establish their own political, moral, or aesthetic views as a standard for determining what should be published or circulated.*

Publishers and librarians serve the educational process by helping to make available knowledge and ideas required for the growth of the mind and the increase of learning. They do not foster education by imposing as mentors the patterns of their own thought. The people should have the freedom to read and consider a broader range of ideas than those that may be held by any single librarian or publisher or government or church. It is wrong that what one can read should be confined to what another thinks proper.
3. **It is contrary to the public interest for publishers or librarians to bar access to writings on the basis of the personal history or political affiliations of the author.**

No art or literature can flourish if it is to be measured by the political views or private lives of its creators. No society of free people can flourish that draws up lists of writers to whom it will not listen, whatever they may have to say.

4. **There is no place in our society for efforts to coerce the taste of others, to confine adults to the reading matter deemed suitable for adolescents, or to inhibit the efforts of writers to achieve artistic expression.**

To some, much of modern expression is shocking. But is not much of life itself shocking? We cut off literature at the source if we prevent writers from dealing with the stuff of life. Parents and teachers have a responsibility to prepare the young to meet the diversity of experiences in life to which they will be exposed, as they have a responsibility to help them learn to think critically for themselves. These are affirmative responsibilities, not to be discharged simply by preventing them from reading works for which they are not yet prepared. In these matters values differ, and values cannot be legislated; nor can machinery be devised that will suit the demands of one group without limiting the freedom of others.

5. **It is not in the public interest to force a reader to accept the prejudgment of a label characterizing any expression or its author as subversive or dangerous.**

The ideal of labeling presupposes the existence of individuals or groups with wisdom to determine by authority what is good or bad for others. It presupposes that individuals must be directed in making up their minds about the ideas they examine. But Americans do not need others to do their thinking for them.

6. **It is the responsibility of publishers and librarians, as guardians of the people’s freedom to read, to contest encroachments upon that freedom by individuals or groups seeking to impose their own standards or tastes upon the community at large; and by the government whenever it seeks to reduce or deny public access to public information.**

It is inevitable in the give and take of the democratic process that the political, the moral, or the aesthetic concepts of an individual or group will occasionally collide with those of another individual or group. In a free society individuals are free to determine for themselves what they wish to read, and each group is free to determine what it will recommend to its freely associated members. But no group has the right to take the law into its own hands, and to impose its own concept of politics or morality upon other members of a democratic society. Freedom is no freedom if it is accorded only to the accepted and the inoffensive. Further, democratic societies are more safe, free, and creative when the free flow of public information is not restricted by governmental prerogative or self-censorship.
7. It is the responsibility of publishers and librarians to give full meaning to the freedom to read by providing books that enrich the quality and diversity of thought and expression. By the exercise of this affirmative responsibility, they can demonstrate that the answer to a "bad" book is a good one, the answer to a "bad" idea is a good one.

The freedom to read is of little consequence when the reader cannot obtain matter fit for that reader's purpose. What is needed is not only the absence of restraint, but the positive provision of opportunity for the people to read the best that has been thought and said. Books are the major channel by which the intellectual inheritance is handed down, and the principal means of its testing and growth. The defense of the freedom to read requires of all publishers and librarians the utmost of their faculties, and deserves of all Americans the fullest of their support.

We state these propositions neither lightly nor as easy generalizations. We here stake out a lofty claim for the value of the written word. We do so because we believe that it is possessed of enormous variety and usefulness, worthy of cherishing and keeping free. We realize that the application of these propositions may mean the dissemination of ideas and manners of expression that are repugnant to many persons. We do not state these propositions in the comfortable belief that what people read is unimportant. We believe rather that what people read is deeply important; that ideas can be dangerous; but that the suppression of ideas is fatal to a democratic society. Freedom itself is a dangerous way of life, but it is ours.

This statement was originally issued in May of 1953 by the Westchester Conference of the American Library Association and the American Book Publishers Council, which in 1970 consolidated with the American Educational Publishers Institute to become the Association of American Publishers.

MARSHALL PUBLIC LIBRARY
BOARD OF TRUSTEES
BY-LAWS

ARTICLE I

NAME

The name of this body shall be Marshall Public Library Board of Trustees, hereinafter termed the Board.

ARTICLE II

PURPOSE

The purpose of the Board shall be to represent the people of the city of Marshall, Missouri in the maintenance, furtherance, and disposition of the Marshall Public Library and its functions in accordance with city, county, and state laws.

ARTICLE III

LIBRARY LAWS - MISSOURI

Libraries and Library Boards are subject to many laws other than those in Chapter 182; and a complete list is available in the Librarian’s office.

The State of Missouri, in its Constitution, endorses the existence of public libraries and it promises its support of them (Article IX Section 10).

Local communities are authorized to establish public libraries and to tax themselves (approved by a vote of the people served) for the support of public libraries.

182.140. 1. Whenever voters equal to five percent of the total vote cast for governor at the last election in any city petition the mayor, common council or other proper governing body in writing asking that an annual tax be levied for the establishment and maintenance of a free public library in the city, and specify in their petition a rate of taxation on all the taxable property in the city, the governing body shall direct that the question be submitted to the voters of the city at an election. The order of the governing body and the notice shall specify the name of the city and the rate of taxation mentioned in the petition.

2. The question shall be submitted in substantially the following form:

Shall there be a tax of ............... (insert amount) on each one hundred dollars assessed valuation for a public library?
3. If, from returns of the election, the majority of all the votes cast on the question are in favor of the tax, the governing body shall enter of record a brief recital of the returns and that there has been established a public library and thereafter the free public library shall be established, and shall be a body corporate, and known as such.

4. The tax specified in the notice, subject to the provisions of this section, shall be levied and collected, from year to year, in like manner with other general taxes of the city. The proceeds of the levy, together with all interest accruing on same, with library fines, collections, bequests and donations in money, shall be deposited in the city library fund. At least once in every month the proper city finance officer shall pay over to the treasurer of the library district all moneys received and collected for the city library fund, including interest on such moneys, and shall take duplicate receipts from the treasurer, one of which he shall file with the secretary of the library district and the other of which he shall file in his settlement with the city governing body.

5. In case the proposed tax is sought as an increased tax for the maintenance of a free public library already established over a lesser tax rate theretofore voted and adopted, then such fact shall be recited in the petition and the notice of the election or whenever the city library board of trustees finds it appropriate it may order an election on the question of increasing the tax established pursuant to this section. Notice of the election shall be published in the same manner as is notice of an election to establish a city library district under this section. The notice and order shall each recite the amount of the proposed increase.

6. The question shall be submitted in substantially the following form:

Shall there be a tax increase of ............... (insert amount) over the present ...... tax for the public library?

7. If a majority of all the votes cast on the question is for the tax submitted, the tax specified in the notice shall be levied and collected in like manner with other general taxes of the city, and shall be known as and become a part of the "City Library Fund" and be administered as provided in section 182.200.

8. The tax may be reconsidered whenever the voters of the city determine by a majority vote given at an election.
11. Notwithstanding any other provisions of this chapter to the
contrary, any city may establish, operate and maintain a free public
library in accordance with the provisions of this section if the city is
located within the boundaries of a county library district that has
been established, but has not levied and collected a library tax
pursuant to section 182.020 within a year of when the county library
district was first established.

10. The authority granted by this section shall be in addition to those
powers granted in section 94.400, RSMo.

Library boards are appointed by the officials of general government (county
courts or mayors and councils) but they are independent of these appointing
bodies in the operation of a library.

182.170 When any city establishes and maintains a public library under
sections 182.140 to 182.301, the mayor or other proper official of the
city, with the approval of the legislative branch of the city
government, shall proceed to appoint a library board of nine trustees,
chosen from the citizens at large, with reference to their fitness for
the office. No member of the city government shall be a member of
the board.

182.180 The trustees shall hold office, one-third for one year, one-third for
two years and one-third for three years from the first of July following
their appointment, and at their first regular meeting shall cast lots
for the respective terms; and annually thereafter the mayor or other
proper official, before the first of July of each year, shall appoint
three trustees, who shall hold office for three years. The mayor or
other proper official, by and with the consent of the legislative branch
of the city government, may remove any trustee for misconduct or
neglect of duty.

182.190 Vacancies in the board of trustees, occasioned by removals,
resignations or otherwise, shall be reported to the proper official and
be filled in like manner as original appointments, except that if the
vacancy is an unexpired term, the appointment shall be made for
only the unexpired portion of that term. No member of the board
shall serve for more than three successive full terms and shall not be
eligible for further appointment to the board until two years after the
expiration of the third term. No trustee shall receive compensation as
such, and no person shall be employed by the board who is related
either by blood or by marriage to any trustee of the board.
Though a local government levies and collects the library tax, the use of library funds is controlled by the library board. The library board is required by law to employ a librarian who manages the affairs of the library. Libraries may contract with other libraries for mutually beneficial activities.

182.200 1. The trustees, immediately after appointment, shall meet and organize by the election of one of their number as president, and by the election of such other officers as they may deem necessary.

2. They shall make and adopt such bylaws, rules and regulations for their own guidance, and for the government of the library, as may be expedient, and not inconsistent with sections 182.140 to 182.301.

3. They shall appoint a properly qualified librarian who shall be the chief executive and administrative officer for the library.

4. They shall have the exclusive control of the expenditure of all moneys collected to the credit of the library fund, and of the construction of any library building, and of the supervision, care and custody of the grounds, rooms or buildings constructed, leased, or set apart for that purpose. All moneys received for the library shall be deposited in the city treasury to the credit of the city library fund, and shall be kept separate and apart from other moneys of the city. At least once in every month the proper city finance officer shall pay over to the treasurer of the library district all moneys received and collected for the library fund, including interest on such moneys, and take duplicate receipts from the treasurer, one of which he shall file with the secretary of the library district and the other of which he shall file in his settlement with the city governing body.

5. The board, as a body corporate, may sue and be sued, complain and defend, and make and use a common seal, purchase or lease grounds, purchase, lease, occupy or erect an appropriate building or buildings for the use of the public library and branches thereof, sell and convey real estate and personal property for and on behalf of the public library and branches thereof, issue bonds, secured by a deed of trust on any land which they own, for the purpose of the purchase of ground and for the erection of public buildings and for the improvements of existing buildings, receive gifts of real and personal property for the use and benefit of the public library and branch libraries thereof, the same when accepted to be held and controlled by the board of trustees, according to the terms of the deed, gift, devise or bequest of such property.
6. The board may extend the privileges and use of the library to nonresidents through agreements with other existing libraries allowing for exchanges of services, upon such terms and conditions as the boards of the libraries, from time to time, may prescribe.

Libraries are political subdivisions of the State and as such possess a very high degree of independence from general government.

182.480 As of October 13, 1965, and any other provisions of law to the contrary notwithstanding, all of the area or territory included within the geographical boundaries of a city, including any area or territory which becomes a part of any city pursuant to any annexation pending on October 13, 1965, which maintains a free public library supported at least in part by taxation, shall be a "municipal library district" and shall have as its purpose the furnishing of free public library services to residents of the district, and the district shall be known as "The city of ............. Municipal Library District", and each such district shall be a political subdivision of the state of Missouri and a body corporate with all the powers and rights of like or similar corporations, and as of the effective date of sections 182.130 and 182.480 to 182.510, all of the area or territory which is hereby included within a municipal library district shall be excluded from the boundaries of any existing county library district, and all of the taxable property located in the municipal library district shall only be subject to taxation by the municipal library district and shall hereafter not be subject to taxation by the county library district; provided, however, that after October 13, 1965, any annexation by a city having within its boundaries a municipal library district shall not extend the boundaries of the municipal library district, and any annexed areas shall remain in the county library district, and the taxable property in any such annexed areas shall only be subject to taxation by the county library district and shall not be subject to taxation by the municipal library district; except, that in any county not having a county library any such annexation shall likewise extend the boundaries of any existing municipal library district.

Libraries have means other than their operating levies to erect buildings.

182.655. 1. The board of trustees of the consolidated public library district may provide for the purchase of ground and for the erection of public library buildings, and for the improvement of existing buildings, and for the furnishing of said buildings and may provide for the payment of the same by the issue of bonds or otherwise, subject to the conditions and limitations set forth in this section.
2. No bonds shall be issued in an amount in excess of the constitutional limitations of the value of taxable, tangible property in the consolidated public library district, as shown by the last completed assessment for state and county purposes, nor shall such indebtedness be incurred unless it has been approved by the vote of the constitutionally required percentage of the voters of the consolidated public library district voting on the question at a municipal election. The ballot for approval shall state in boldfaced type the tax rate necessary to retire the bonds as nearly accurate as may be.

3. The boards of trustees shall provide for the collection of an annual tax on all taxable, tangible property in the consolidated public library district sufficient to pay the interest and principal of the indebtedness as they shall fall due and to retire the same within twenty years from the date contracted.

4. If, upon the returns from the election, which shall be certified to the board of trustees of the district, it appears that the question to incur indebtedness has been assented to by the constitutionally required percentage of the voters voting on the question, the board of trustees shall enter of record a brief recital of the returns and shall declare that the consolidated public library district board of trustees may issue bonds of the consolidated public library district in a total amount not in excess of that authorized by the voters. The board shall offer such bonds at public sale and shall provide such method as it may deem necessary for the advertisement of the sale of each issue of said bonds before the same are sold. The bonds shall be issued, payable to bearer and in denominations of not less than one hundred dollars, or some multiple thereof, payable in not more than twenty years from the date they bear, bearing interest from date at a rate not exceeding the rate allowable by law, payable semiannually, and with interest coupons attached to conform to the face thereof. All bonds shall be signed by the president of the board of trustees, attested by the signature of the treasurer, and each bond shall have impressed thereon the corporate seal of the consolidated public library district.
ARTICLE IV
COMPOSITION
The board shall be composed of nine trustees. Each trustees shall be appointed by the mayor of Marshall and be affirmed by the Marshall City Council to a term of three years. By the same method shall any unfulfilled term be satisfied by the appointment of a trustee to serve the remainder of that term. A trustee may not serve more than three complete three-year terms, but time served in fulfilling another's term shall not be reckoned for this purpose. After a two-year lapse in membership, trustees are eligible for reappointment. Terms officially begin July 1.

ARTICLE V
OFFICERS AND THEIR DUTIES
Section 1: Officers of the Board shall be a president, a vice-president, a secretary, and a treasurer elected at the July meeting. Term of office shall be one year or until their successors are duly elected.

Section 2: The president shall have served on the Board for a minimum of eighteen months.

Section 3: Vacancy in an office shall be filled at the meeting at which the vacancy is recognized.

Section 4: The president shall preside at all meetings of the board, authorize calls for any special meetings, appoint all committees, act as an ex officio member of all committees, execute all documents authorized by the Board, assume, jointly with other officers, responsibility for the disbursement of funds, and generally perform all duties associated with that office.

Section 5: The vice president, in the event of the absence or disability of the president, or of a vacancy of that office, shall assume and perform the duties and functions of the president. The vice president shall assume other duties that the president or the Board may assign the office.

Section 6: The secretary shall keep a true and accurate record of all meetings of the Board, shall issue notice of all regular and special meetings, shall prepare correspondence as directed by the president or the Board, and shall assume other duties that the president or the Board may assign the office.

Section 7: The treasurer shall oversee the bookkeeping and receipt and disbursement of funds, shall cause a financial status report to be given at each regular Board meeting, and shall assume other duties that the president or the Board may assign the office.
ARTICLE VI
MEETINGS

Section 1: The regular meetings shall be held each month, the date and hour to be set by the Board at its previous meeting. The meeting date and time shall be posted at the library.

Section 2: The president may call a special meeting at any time. Members may be notified of a special meeting personally, in writing, by email or by telephone. Only the business stated as the reason for calling the special meeting shall be transacted.

Section 3: Executive sessions may be called within any meeting for discussion of personnel matters, legal matters, or consideration of the sale, lease, or purchase of properties. Such sessions shall be open only to members of the Board.

Section 5: Five members of the Board shall constitute a quorum at any meeting.

Section 6: Members of the MPL Board of Trustees are expected to attend all scheduled meetings of the Board, and to call the library office or board president in advance of any meeting that they are not able to attend.

The failure of a trustee to attend three consecutive regularly scheduled meetings of the board, in any 12-month period, will result in his/her removal from the board. Written reminder of the policy will be given to the respective trustee after two consecutive meetings missed.

The failure of trustee to attend a total of five regularly schedule board meetings, in any continuous 12-month period, will result in his/her removal from the board. Written reminder of the policy will be given to the respective trustee after four meetings missed in any 12-month period.

An affirmative vote by a simple majority of the board, taken at a regularly scheduled board meeting, shall be required to remove a trustee according to the attendance criteria set forth in this policy, and to determine whether disclosed conditions or circumstances may present a mutually preferred alternative.

Section 7: The order of business for regular meetings shall include, but not be limited to, the following items which shall be covered in the sequence shown so far as circumstances permit:

Roll call of members
Disposition of minutes of previous meeting
Presentation to or discussion with the audience
Financial report of the library
Librarian/director's progress and service report
ARTICLE VII
COMMITTEES
(Amended June 2011)

Section 1: **Standing and Special Committees**
The standing committees shall be appointed annually in the month of July and shall consist of two or three trustees each. Special committees may be appointed by the president to present reports or recommendations to the Board and shall serve until the completion of the work for which they were appointed. The standing committees shall be the Finance Committee, the Personnel Committee, the Building and Grounds Committee, and the Technology Committee.

Section 1.1: **Finance Committee**
The Finance Committee shall be comprised of three members of the Marshall Public Library Board of Trustees, including the Treasurer. The Finance Committee’s responsibilities include, but are not limited to, considering and recommending an annual budget for full Board approval, regularly overseeing and monitoring the library’s ongoing fiscal condition, monitoring library investments, and implementing the library’s investment policy.

Section 1.2: **Personnel Committee**
The Personnel Committee shall be comprised of three members of the Marshall Public Library Board of Trustees. The Personnel Committee’s responsibilities include, but are not limited to, preparation of the annual performance review of the Library Director for discussion among the full Board prior to the formal review, assisting the Library Director in the preparation of his or her annual statement of goals and objectives for the coming year, and assuming a leadership role in the resolution of any personnel conflict which cannot be resolved by the Library Director. The Library Director is responsible for the annual review of all other library employees. This committee shall serve as a Library Director Search Committee when needed.

Section 1.3: **Building and Grounds Committee**
The Building and Grounds Committee shall be comprised of three members of the Marshall Public Library Board of Trustees. The Building and Grounds Committee’s responsibilities include, but are not limited to, responsibility for the proper maintenance of building and grounds, conducting an annual inspection of the library’s physical facility to identify which are in need of repair, and making
recommendations to the full Board on any major expenditures as a result of the annual inspection or throughout the year as the need arises.

Section 1.4: **Technology Committee**
The Technology Committee shall be comprised of two members of the Marshall Public Library Board of Trustees and the Library Director. The Technology Committee’s responsibilities include, but are not limited to, conducting an annual assessment of the technology utilized by the library in order to determine which technology is no longer needed, which technology needs to be upgraded, and which technology needs to be added; and based on this assessment, developing the library’s technology plan for the approval of the full Board.

Section 2: **Appointment of Committees**
The Chair and members of all committees shall be appointed by the President with the approval of the full Board. Terms of all committee members shall expire on the date of the Board meeting electing officers.

Section 3: **Committee Reports**
Each committee shall make a progress report to the Board at each meeting.

Section 4: **Powers of Committees**
No committee will have other than advisory powers; therefore they have no legal power to either act on behalf of the Board or enter into binding agreements.

**ARTICLE VIII**
**ADMINISTRATION OF THE LIBRARY**

Section 1: The Board shall employ a librarian/Director in accordance with established policy. It shall be the duty of each trustee to ascertain the qualifications and desirability of an applicant and set salary for said librarian/Director before appointing a librarian/Director.

Section 2: Directives to the librarian/Director may be issued upon the majority vote of a quorum attending any meeting of the Board. Such directives shall be binding upon the librarian/Director and are to be delivered to the librarian/Director by the President or his/her appointed representative.

Section 3: In so far as possible, actual administration of the library shall be left to the librarian/Director, but it shall be the duty of each trustee to ascertain that the librarian/Director is acting in accord with policy and the best interests of the citizens of Marshall. It shall be the responsibility of the librarian/Director to hire staff members and to assign duties.
Section 4: The librarian/Director shall make monthly reports to the Board pertaining to the operation of the library. At the August meeting of the Board, he/she shall submit for the approval of the Board, a proposed budget covering anticipated expenditures for the forthcoming fiscal year. The librarian/Director shall submit a copy of the statistical report submitted to the Missouri State Library at the December board meeting.

ARTICLE IX
AMENDMENTS

By-laws and policies may be amended at any regular or special meeting of the Board by the affirmative vote of a majority of the members of the Board. The proposed amendment shall be read at one meeting preceding the vote thereon.
DUTIES AND RESPONSIBILITIES

Of the Library Board of Trustees
1. Employ a competent and qualified librarian.
2. Determine and adopt written policies to govern the operation and program of the library.
3. Determine the purposes of the library and secure adequate funds to carry on the library's program.
4. Know the program and the needs of the library in relation to the community; keep abreast of standards and library trends; cooperate with the librarian in planning the library program, and support the librarian and staff in carrying it out.
5. Establish, support, and participate in a planned public relations program.
6. Assist in the preparation of the annual budget.
7. Know local and state laws; actively support library legislation in the state and nation.
8. Establish among the library policies those dealing with book and material selection.
9. Attend all board meetings and see that accurate records are kept on file at the library.
10. Attend regional, state, and national trustee meetings and workshops, and affiliate with the appropriate professional organizations.
11. Be aware of the services of the state library.
12. Report regularly to the governing officials and the general public.

Of the Librarian
1. Act as technical advisor to the board; recommend needed policies for board action; recommend employment of all personnel and supervise their work.
2. Carry out the policies of the library as adopted by the board.
3. Suggest and carry out plans for extending library services.
4. Prepare regular reports embodying the library's current progress and future needs; cooperate with the board to plan and carry out the library program.
5. Maintain an active program of public relations.
6. Prepare an annual budget for the library in consultation with the board and give a current report of expenditures against the budget at each meeting.
7. Know local and state laws; actively support library legislation in the state and nation.
8. Select and order all books and other library materials.
9. Attend all board meetings other than those in which the librarian's salary or tenure are under discussion; may serve as secretary of the board.
10. Affiliate with the state and national professional organizations and attend professional meetings and workshops.
11. Make use of the services and consultants of the state library.
12. Report regularly to the library board, to the officials of local government, and to the general public.

ETHICS STATEMENT FOR THE PUBLIC LIBRARY TRUSTEES

Trustees in the capacity of trust upon the, shall observe ethical standards with absolute truth, integrity, and honor.

Trustees must avoid situations in which personal interests might be served or financial benefits gained at the expense of library users, colleagues, or the situation.

It is incumbent upon any trustee to disqualify himself/herself immediately whenever the appearance or a conflict of interest exists.

Trustees must distinguish clearly in their actions and statements between their personal philosophies and attitudes and those of the institution, acknowledging the formal position of the board even if they personally disagree.

A trustee must respect the confidential nature of library business while being aware of and in compliance with applicable laws governing freedom of information.

Trustees must be prepared to support to the fullest the efforts of librarians in resisting censorship of library materials by groups of individuals.

Trustees who accept library board responsibilities are expected to perform all of the functions of library trustees.

Adopted by the Board of Directors of the American Library Trustee Association,
July 1985

Adopted by the Board of the Public Library Association,
July 1985

Amended by the Board of Directors of the American Library Trustee Association,
July 1988

Approval of the amendment by the Board of Directors of the Public Library Association, January 1989
LIBRARY BOARD OF TRUSTEES
CODE OF ETHICS

1. To become familiar with and committed to the major responsibility of a
governing board:
   - To appoint the library director
   - To support the library director
   - To monitor the library director’s performance
   - To clarify the library’s goals and objectives (mission)
   - To approve long-range plans
   - To approve the service program
   - To ensure financial solvency
   - To preserve institutional independence
   - To enhance the institution’s public image
   - To interpret the community to the library
   - To serve as a board of appeal
   - To assess their own performance

2. To secure adequate funds to carry on the library’s service program.
3. To devote time to learn how the institution functions – its uniqueness,
strengths and needs – its role in the community and in the basic education
   network.
4. To prepare carefully for, regularly attend, and actively participate in board
   meetings and committee assignments.
5. To accept and abide by the legal and fiscal responsibilities of the board as
   specified by institutional by-laws and state statutes and regulations.
6. To vote according to one’s individual conviction, to challenge the judgment of
   others when necessary, yet to be willing to support the majority decision of the
   board and work with fellow board members in a spirit of cooperation.
7. To avoid acting as a spokesperson for the entire board unless specifically
   authorized to do so, and maintain the confidential nature of any closed board
   deliberation.
8. To understand the role of the board as a policy-making body and to avoid
   participation in administration policy.
9. To lean and to consistently use designated institutional channels when
   conducting board business (e.g., responding to staff grievances, etc.)
10. To comply with conflict of interest policies.
11. To refrain from actions and involvements that might prove embarrassing to
    the institution and to resign if such actions or involvements develop.
12. To make judgments always on the basis of what is best for the institution
    as a whole and for the advancement of its service program rather than to serve
    special interests.

(Code adapted from: Recommendations for Improving Trustee Selection in Public Colleges &
Universities. Association of Governing Boards of Universities and Colleges. Washington, D.C.,
1980.)
MARSHALL PUBLIC LIBRARY

GENERAL LIBRARY POLICIES

1. The library will be open 58 hours per week according to the following schedule:

<table>
<thead>
<tr>
<th>Day</th>
<th>Time</th>
</tr>
</thead>
<tbody>
<tr>
<td>Monday</td>
<td>10 a.m. – 8 p.m.</td>
</tr>
<tr>
<td>Tuesday</td>
<td>10 a.m. – 8 p.m.</td>
</tr>
<tr>
<td>Wednesday</td>
<td>10 a.m. – 8 p.m.</td>
</tr>
<tr>
<td>Thursday</td>
<td>10 a.m. – 8 p.m.</td>
</tr>
<tr>
<td>Friday</td>
<td>10 a.m. – 5 p.m.</td>
</tr>
<tr>
<td>Saturday</td>
<td>10 a.m. – 5 p.m.</td>
</tr>
<tr>
<td>Sunday</td>
<td>1 p.m. – 5 p.m.</td>
</tr>
</tbody>
</table>

This schedule may be revised based on usage and need.

2. The library will be closed on the following holidays:

New Year's Eve       5 pm if falls on Mon. through Thurs.
                      1 pm if falls on Friday or Saturday
                      Closed for all hours if falls on Sunday

New Year's Day
Easter Sunday
Memorial Day
Independence Day
Labor Day
Thanksgiving “Eve”   1 pm
Thanksgiving Day
Christmas Eve        1 pm if falls on Mon. through Sat.
                      Closed for all hours if falls on Sunday

Christmas Day

3. The entire resources of the Marshall Public Library are available to all borrowers. Collections are developed for the reading abilities and special interests of children and young people, as well as adults, and library personnel are available to provide guidance if requested.

4. The Board of Trustees has established this Code of Conduct in order to make everyone’s use of the library as pleasant and productive as possible. The Board and staff enthusiastically support the library’s role as a public institution open to all people. We strive to offer high quality service free of bias and favoritism. These rules and guidelines are for the protection of all who use the Marshall Public Library. Adherence to these guidelines will enable everyone to use the library building, services, and materials in a safe and enjoyable environment.
The following rules are required of everyone using the library:

a. Civility and respect for the rights and feelings of others

b. Adherence to library policies, procedures, rules, and guidelines

c. Cooperation with reasonable requests by library employees and volunteers

The rules of the Code of Conduct Policy are as follows:

a. No drinks, food, tobacco, alcohol, or illegal drugs are permitted in the Marshall Public Library.

b. No weapons of any kind are permitted in the Marshall Public Library.

c. Patrons must adhere to the Marshall Public Library’s Internet and Computer Use Policy.

d. Patrons must adhere to the Marshall Public Library’s Unattended Child Policy. Young children should be attended and adequately supervised by a parent, guardian, or caregiver who is a responsible person of at least twelve years of age.

e. Cell phone use is not permitted in the library. Cell phones should be placed on silent or vibrate mode.

f. Appropriate clothing is required while in the library. This means shirts and shoes must be worn in the library.

g. Noise levels:
   1. The Board of Trustees and library staff are committed to providing an atmosphere where people of all ages may come to read, browse, do research, study, or engaging in library-sponsored activities. This policy does not prohibit quiet conversation between customers and/or staff members or
conversations required to carry on library programs or business.

h. Inappropriate behavior includes any activity that disturbs others, interferes with library operations, damages the building or its furnishings, as well as rudeness, profanity, or any other behavior generally considered unacceptable in a public place. This includes abusive behavior directed at library staff members or volunteers.

i. Theft/Damage to property: Intentional damage and/or defacement of materials, furnishings, equipment or premises, or attempts at theft will be prosecuted according to Missouri Revised Statutes 570.210 (Library theft, penalty). Clipping coupons, cutting articles out of magazines, removing pages from any books or magazines, hacking or altering computer settings, writing on, scratching or in any way damaging materials, furniture, or premises are included in this policy.

j. All bicycles must be placed in the bike rack before entering the library.

k. Skateboard use is not permitted on library property.

5. A library card from the Marshall Public Library may be obtained without charge if a person is a permanent resident within the city limits or owns property in the City of Marshall.

a. Children are permitted to apply for a library card upon reaching the age of three (3). Children younger than three (3) may check out materials on the parent’s card. Parents should discuss rules regarding library use with their children. If a parent is concerned that their children will not respect said rules, it is the parent’s responsibility to visit the library with them. (Amended May 2008.)

b. A parent/guardian must sign the application for children under 18 years of age, in the presence of a library staff member, and assume responsibility for materials. Parents are responsible for supervising their children’s reading.

c. Non-resident borrowers will be charged an annual fee not to exceed $25 per family. The actual fee will be set annually by the Board of Trustees. Library cards will be issued to each member of the family desiring one after payment of the family fee. The current fee is $25 per family.
d. Temporary cards will be issued to transient borrowers for a period of 12 weeks at a cost of $6. Proof of identity is required.

e. A Missouri Valley College student may be issued a library card without charge. This card is for someone who goes to school at Missouri Valley but whose home address is not Marshall. It is issued for one semester and renewed at the beginning of each new semester. (If the home address is Marshall, he/she is issued a regular card) A Missouri Valley identification card is required. Student must present a letter signed by the Library Director at Murrell Library, stating he/she is a student and in good standing. This letter will be filed with his/her patron card.

f. The Marshall Public Library has a reciprocal borrowing agreement with Boonslick Regional Library in Sedalia. Any patron who has a valid Boonslick card may, with proper identification, get a regular Marshall Public Library card at no charge. The same instructions as for Marshall resident card apply.

g. If a library card is lost or stolen, the library should be notified immediately. A patron is not responsible for items checked out by an unauthorized user after the date the library is contacted. There is a $1.00 fee to replace lost or stolen library cards.

6. All library books will circulate for a period of two (2) weeks. Movies, either in videocassettes or DVDS format, are checked out for a period of one (1) week, with a limit of two (2) movies per household checked out at any one time. Music audio CDs are checked out for a period of one (1) week, with a limit of two (2) music audio CDs per household checked out at any one time.

7. Patrons are limited to eight (8) items total per library card, not including movies or music audio CDs.

8. Patrons are responsible for all materials checked out on their library card. Library card use is permitted between spouses and parent/children, with the exception of reserve items—the card that the reserve was placed under must be used in order to check out the item. All other lending of cards is prohibited. However, in the case of a visiting relative or caregiver, the cardholder may give permission for its use. Permission may be verified. (Amended November 2007)

9. Library fines are .10 per day. Patrons with overdue fees of $2.00 or less may still use their library card to check out materials. However, patrons with any overdue fines may not use the computers until the fines are paid. Patrons with overdue fines of over $2.00 will have library
privileges suspended until the materials are returned or replacements costs paid.

10. Fines will begin accruing on the day following the date that a material is due back at the library. It is realized, however, that sometimes patrons may have trouble getting back to the library on time, and any items returned to the library, or renewed, within three days of the due date will have the associated fines waived.

11. Overdue notices are a service to patrons, not a right to which they are entitled. Attempts will be made to notify a patron when an item is overdue, but it is the patron’s responsibility to return library materials on time.

   a. Patrons may renew library materials by telephone or in person if they are not on reserve for another patron. There is a limit three (3) renewals per item. (amended November 2007)

   b. **First Notice:** The library will strive to notify by telephone/postcard when materials are two (2) weeks overdue.

   c. **Final Notice:** A letter will be sent to the patron two (2) weeks after the first notification along with a statement of replacements costs for the materials. A copy of the letter and statement may also be sent to the Marshall Police Department for assistance in retrieving the overdue material.

   d. Patrons having materials that have a waiting list (reserve list) will be called when they are one (1) week overdue. Reserve list items may not be renewed.

12. Materials lost or damaged must be paid for according to the latest determined replacement price. If no price can be found, a minimum fee of $10.00 will be charged for all materials other than mass-market paperbacks, which will be charged at $5.00 each. If 1-5 items are returned damaged in a single incident, the restocking fee is $2.00 total, to be added to the replacement cost of the materials. If more than 5 items are returned damaged in a single incident, the restocking fee is $2.00 (total for the first 5 items) and an addition $1.00 per item after that, to be added to the replacement cost of the materials. The restocking fee does not apply to mass-market paperbacks. Fees for lost materials will be reimbursed upon the item’s return provided a receipt is produced as proof of payment. Materials that have been damaged must be returned to the library regardless of condition. The patron may petition the Library Director for an exception.(amended 2/7/07)
13. Fees for public use of facsimile (FAX) machine are not to exceed $5.00 for the first page; $3.00 for each page thereafter; and $1.00 per page to receive. The Board of Trustees shall decide upon the actual fee. (Current fee is $2 first page, $1 each page thereafter, $.25 per page to receive)

14. Fees for interlibrary loan shall not exceed $5.00 per transaction; payable only upon receipt of requested material. The Board of Trustees shall decide upon the actual fee. (Current fee is $3 per book)

15. In order to use the computers, patrons must have a current Marshall Public Library card and be in good standing with their materials (no overdues).

Children 17 and under must have a written parental permission card on file, signed in the presence of a library staff member, to use the Internet at the Marshall Public Library. **Children 12 years of age and under using the Internet must do so in the presence of a parent or legal guardian.**

*The Marshall Public Library does not assume responsibility for information accessed through the Internet. Parents, not the library or its staff, are solely responsible for information their child accesses from the Internet.*

Internet users found viewing offensive materials may have their Internet privileges suspended. Suspension may be permanent.

Users must assume full responsibility for learning to use the Internet. Library staff cannot provide in-depth training for Internet use or search strategies; however, they may offer basic assistance and suggestions. Because of library scheduling, Internet-trained staff may not always be available.

In using the Marshall Public Library Internet workstations, the patron agrees to the following rules:

a. Library cards are required in order to access the public use computers. Patrons who do not have their library card and want to use the computers may pay a $1.00 guest fee.

b. The patron will have a one (1) hour time limit, twice a day. If no one is waiting, patrons are allowed to stay on the computer another hour per usage, with a two (2) hour per usage maximum time limit.

c. The computers are on first come, first served basis.

d. Non-residents and/or guests who do not hold a current library card may use the Internet for a $1 fee. This fee is **per use** and is
payable before use of an Internet computer is granted. As with other patrons, use is limited to one hour, twice per day.
e. Personal documents/files **may not** be saved on the library's computers. Such documents/files will be deleted if found.
f. Floppy disks, CD-Roms and flash drives are devices acceptable for downloading information. (Amended November 2007)
g. Any data lost because of faulty disks, software or equipment is not the responsibility of the Marshall Public Library.
h. At no time will the user change settings, Windows setups, passwords, move/delete icons, change font size or screensaver, or download any files onto the library's computers, or otherwise compromise the library’s equipment or software. To do so may result in permanent suspension of the Internet card and privileges.
i. There will be a charge of .10 per page for all printing. Patron must pay for all pages he/she prints.
j. The Marshall Public Library will provide the public with word processing workstations. By using a public computer workstation, the patron agrees to the following:
   1. Patron does not attempt to modify or gain access to files, passwords or data belonging to the library, including the setup or configuration of any software or hardware.
   2. Patron does not corrupt, damage or otherwise compromise the library’s equipment or software.
   3. **At no time** shall the user save personal files, documents, or resumes on the library’s computers. Such items will be regularly deleted. Patrons may save information on floppy disks.
   4. Word processors are for patrons who possess some keyboarding skills and knowledge of word processing programs.
   5. Misuse of these computers may result in suspension of workstation privileges.
   6. Library staff is available to provide basic assistance in use of the word processors, but may not be familiar with every application. Because of the many applications available, staff cannot provide complete technical support.
k. Computers are to be used for word processing and Internet research use only. (Amended in April 2011.)
l. Out of respect for other people using the library and Internet, no more than one person per computer at a time—with the exception of a parent assisting a child with research.

16. The Marshall Public Library encourages children and families to use its facility together. In an effort to ensure the safety and well being of the
children and to provide all patrons with a facility that is safe, pleasant, and conducive to library use, the following guidelines must be observed:

a. Responsibility for the welfare and the behavior of children using the library rests with the parent/guardian or an assigned chaperone. Though staff will always respond with care and concern, they cannot assume responsibility for children's safety and comfort when they are unattended. Staff may need to contact authorities such as the police either to assist with the enforcement of discipline in the library or to ensure the safety of an unattended child.

b. Young children should be attended and adequately supervised by a parent, guardian, or caregiver who is a responsible person of at least twelve years of age.

c. Older children may use the library unattended provided they are able to maintain proper library behavior.

17. The Board of Trustees and the Director shall be alert to opportunities for cooperating with other libraries where such cooperation will bring about a desirable expansion in library service or improvement in the quality of service or both. The Board of Trustees may consider contractual arrangements with other libraries, public bodies, or political jurisdictions, keeping in mind that such arrangements must not interfere with the quality and efficiency of the Marshall Public Library service. Reciprocal borrowing arrangements with other libraries are encouraged.

18. Library service records are for the sole purpose of maintaining and conserving public property and are not to be used for identifying the titles or kinds of materials or equipment used by individual library patrons. The staff shall not provide to a third party the details, nature, or purpose of information requested by an individual patron. However, a list of overdue materials may be provided to a collection agency or the police for the purpose of retrieving the materials.

19. Such records or information shall not be revealed to any individual or agency unless ordered by a court of competent jurisdiction. Prior to release of such information or records, the Director shall consult with the City Attorney to determine the possible avenues of relief from the order. Upon receipt of any such order, the Director shall advise the City Attorney and the President of the Marshall Public Library Board of Trustees. The members of the Board of Trustees shall be informed of any action taken pursuant to such order. Any costs incurred by the library in any search through patron records, under a court order, shall be chargeable to the agency demanding such search.
20. Displays – Public
Requests made by the public for library space shall be granted only for educational, artistic and cultural materials, which are designed primarily to promote interest in the use of books, other library materials and information services. Displays shall not include prices of objects; only the name, address and telephone number of the displayer may be made available to the public. Requests shall be considered in the order in which they are received. The library reserves the right to limit the size, number of items, the schedule of any display, and the frequency with which the artist or organization may have a display.

21. Displays – Staff
Any display created by an employee of the Marshall Public Library will be considered a staff display and not a public display. Staff may create displays of library materials to encourage the use of the informational resources of the library and promote a positive view of the library in the community. Such displays should reflect all viewpoints on a given subject where appropriate.

22. Handouts
The library acts as a distribution point for handout materials for public awareness. These items may represent diverse points of view, in regard to origin, religion, background, or views and do not necessarily reflect the opinions of the library staff or board.

23. The library, at its discretion, will provide reasonable space for announcements and notices of programs and activities sponsored by civic, cultural, educational and religious groups.

24. The library will serve as a community information and distribution center for voter information, with the exclusion of candidate campaign material.

25. The library will serve as a community information and distribution of tax documents, with the exclusion of providing any tax or accounting advice.

26. Soliciting on library property will not be permitted except when pertaining to library business. No signs or posters will be displayed except when pertaining to library business, or for educational and cultural organizations at the discretion of the Director. No selling program is to be conducted in any part of the library except when approved by the library Board of Trustees.
27. It is the policy of the Marshall Public Library Board of Trustees to allow organizations and groups use of the Library Meeting Room when that facility is not needed for activities sponsored in whole or in part by the library, and when such use is not disruptive of the programs and activities of the library. Permission must be obtained from the librarian. Such permission is revocable and does not constitute a lease.

Permission to use the Library Meeting Room does not imply library endorsement of the aims, policies, or activities of any group or organization.

a. Eligibility and Allocation for Use of Meeting Room:

In scheduling the use of the meeting room, the library may grant priority first, to groups and organizations affiliated with the library; and second, to public, private, and non-profit civic, cultural, intellectual, charitable, and educational groups and organizations but not for religious purposes or for school instruction. Meeting room access will not be available for any commercial purposes. (amended 2/7/007)

b. Restriction on Use of Meeting Rooms:

1. The Meeting Room shall be available only during the normal business hours of the library.

2. All meeting of organizations held in the Library Meeting Room shall be open to the public (excepting lawful executive session of governmental bodies), and the librarian reserves the right to attend any meeting held in its facilities to ensure no unlawful activities are occurring on library premises.

3. The library may impose reasonable conditions for the use of its meeting room to ensure that public or private property is not damaged through the use of its facilities and to ensure that the comfort, convenience, safety, or welfare of the public is not disturbed. The Meeting Room is to be left by the scheduled group in the same condition in which it was found. Unlawful activity shall not be permitted in the Meeting Room or on library premises, and such activity shall be a basis to deny future use of the library Meeting Room by groups or individuals violating this policy.

4. No outside group or organization using the library Meeting Room shall charge an admission fee or sell any material or service for private profit or gain. Groups or organizations may, however, conduct such customary activities as collecting dues from members or coffee money. Groups and
organizations formed to support the programs and activities of the library may use library facilities for fundraising activities which further support that.

28. The Library Board of Trustees supports the utilization of qualified volunteers for the benefit of the library within a structured program to supplement the work of paid staff. The library Director will be responsible for the recruitment and training of volunteers for the library. Written guidance for understanding and implementation of the volunteer program will be maintained and distributed as appropriate.

29. The library Board of Trustees encourages donations and bequests to the library. Donations of money are acknowledged in the following manner:

- $1000 and over Bibliophile
- $500 and over Patron
- $200 and over Donor

In addition, donations over $200 from local clubs and organizations shall be designated as Marshall Public Library Supporters.

30. Special memorial gifts of books or other library materials will be accepted and appropriate notation placed in them acknowledging the donor. The library welcomes and encourages donations to honor a person(s) on a special occasion such as a birthday, anniversary, promotion, graduation, or a memorial gift. An acknowledgment is sent to the person(s) or the family honored, designating the name of the donor, the name of the honoree, and the occasion of the donation. Although donors of funds may suggest subjects or titles to be acquired with their donation, the library reserves the right of final selection of titles which will enhance the library’s collection. Because of normal wear, theft or mutilation, the permanence of gifts cannot be guaranteed.

31. The library will take donations of used books from patrons. The library will not accept donation materials that are not outright gifts. These materials are accepted under the condition that the Director will add any materials to the library that best fit the needs of our collection. All other materials will be given to the Friends of the Marshall Libraries for their book sales or sold on the internet. If this is not satisfactory to the donor, then we can not accept the donations. We can give the patron a “donations receipt” but may not affix a value to the donation.

32. The Marshall Public Library does not accept magazine donations or the Reader’s Digest Condensed Books. The Friends will not accept them for their book sales either.
33. Gifts of personal property, art objects, portraits, antiques and other museum-type objects are generally not considered acceptable gifts for a library, and the Board of Trustees and Director shall feel under no obligation to accept such offerings.

34. Prior to September 30th each year, the Board of Trustees shall receive an accounting of the unrestricted cash memorial gifts received that fiscal year. Unless it would place a financial hardship on the operating budget of the library, 100% of the unrestricted cash memorial gifts shall be transferred to the Memorial Endowment Fund. Depending on the degree of the hardship, between 0% - 99% of the cash memorial gifts shall be transferred. Such a Fund shall be maintained in perpetuity as an endowment with all of the income of said funds to be used annually for the general operation of the Marshall Public Library.

35. Textbooks – It is not the purpose or responsibility of the library to serve as a textbook repository for the schools. Items regarded as special materials, which are not intended for the general public, are not purchased. These items include textbooks, professional support materials or technical manuals. If a textbook is purchased, it is because it meets established standards of public library book selection rather than because it is a textbook.

36. Periodicals – Every attempt will be made to provide a unique collection of periodicals. Duplication of other libraries will be avoided. Periodicals must be indexed in the Reader’s Guide to Periodical Literature and Academic Abstracts or have strong local or statewide interest. Periodicals may not be checked out.

37. Paperbacks – Paperbacks are made available through patron donation. Once an item has been donated, the Director shall determine whether it will be added to the collection or discarded. Items not added to the collection will be donated to the Friends of the Marshall Libraries for sale. Paperbacks are not catalogued.

38. Audio Books – The library will purchase only unabridged audio books and book selection policies will apply. Abridged audios that are donated to the library may be added to the collection at the Director’s discretion.

39. Materials Selection Policy

The Marshall Public Library enriches the community by meeting its informational, educational, and recreational needs. In addition, in order to stimulate an appreciation for reading, special emphasis is based on
community demographics. Building on the vision of the library's founders, it provides a facility that is friendly and technologically up to date.

**Responsibility and Authority**

Because it is desirable to have maximum participation of the library staff in the selection of library materials, the director may delegate responsibility for selection to other staff members who are qualified by reason of experience, training, and knowledge of the community. At least one person in addition to the Director will be involved in the selection of materials. Such delegation does not relieve the Director of responsibility, but rather places the initial selection as close a possible to the point of contact with the public. This procedure is to ensure that careful consideration of the subject matter and the decision about the need to add it to the collection is not incumbent upon one individual, but subject to more than one opinion. The materials selected must not reflect the tastes, views, or interests of the Director and/or selectors. No materials are to be excluded because of the race, nationality, political, or religious views of the writer. If a difference of opinion results in the inability to make a decision about materials to be purchased, the Library Board Book Selection Committee (a committee of 3 board members to be appointed by the president) will be called upon to make the final decision.

The library is not a judicial body. Laws governing obscenity, subversive materials, and other questionable matters are subject to interpretation by the courts. Consequently, no challenged material will be removed from the library for complaints of obscenity, pornography, subversiveness, or any other category covered by law until after receipt of an independent court order. Conversely, materials judged unlawful will not knowingly be selected.

The library recognizes that many materials are controversial and that any given item may offend some patrons. Responsibility for what children read rests with their parents and legal guardians. Selection will not be inhibited by the possibility that books may inadvertently come into the possession of children. The staff will provide guidance when possible, but they are not responsible for children's reading or viewing choices while they are in the library.

**Labeling**

In accordance with the policy of the American Library Association, the Marshall Public Library will not describe or designate materials by affixing a prejudicial label and/or segregating them by a prejudicial system.
**General Criteria for Selection**

Items in the collection, whether purchased or donated, should meet the needs of the people in the community, keeping in mind the following factors:

- Constraints of budget
- Contemporary/social significance
- Critical acclaim
- Format and durability of material suitable for library use
- Local interest
- Patron requests
- Popular demand
- Reputation, authority, and significance of author, illustrator, editor, artist, performer, etc.
- Scarcity of material on the subject and availability elsewhere
- Timeliness and/or permanence of subject matter

**Selection of Multi-Media**

The media collection will include material of interest to children, young adults, and adults. The purchase of a media title shall be based on public demand, budgetary factors, critical reviews, quality of the production, and recognized performer, composer, and/or artist. The collection is not intended to compete with local rental stores.

**Donations of Gifts and Memorials**

The MPL welcomes and is grateful for gifts and donations of books and other materials; its collection has been enriched by contributions from individuals. Gifts and donations are accepted with the understanding that the library reserves the privilege of deciding whether the materials should be added to their collection, with no conditions governing their use, location, or disposal. The same criteria are applied to gifts as are applied to purchased items in determining their suitability for the collection. No special collection can be set up, no restrictions are permitted as to whether an item may circulate, and no directions as to the future use of it are acceptable. Gifts and donations which are not added to the collection will be disposed of according to the weeding policy.

**Tools for Selection**

Selection is not made on the basis of anticipated approval or disapproval of individuals, but solely on the merits of the selected work in relation to building the collection to serve the interests of all our users. No one publisher is relied upon exclusively. The staff makes skilled use of the following review sources, including but not limited to:

- Professional journals-Hornbook, Library Journal, Booklist, Bulletin of the Center for Children’s Books
- Trade journals
- Subject bibliographies
- Publishers' catalogues
- Reviews from reputable sources, i.e. *N.Y. Times, U.S.A. Today*, etc.
- Media and online sources
- Award list, i.e. Mark Twain, Newbery

**Special Collections**

**Genealogy**
The genealogy collection will be maintained when materials and monies are available. The library will accept gifts covering genealogy information, family histories, local records, etc. Books containing out-of-county information may also be purchased when funds are available.

**Periodicals**
The Marshall Public Library subscribes to a variety of newspapers and magazines, which cover basic general topics. We will accept gift subscriptions to a periodical that meets the Materials Selection Policy. Unsolicited periodicals will be discarded.

**Paperbacks**
The mass-marketed collection of paperbacks housed in the library will be no larger than what can be contained on the existing paperback shelves. The collection will be maintained by periodic weeding and donations.

**Weeding**
When, through evaluation and discarding, it is discovered that the material's usefulness has ended, it is retired by a process called “weeding.” The CREW (Continuous Review, Evaluation, and Weeding) method will be used. Weeding is a needed service that will enhance the credibility and use of the library materials. CREW generates information on the current strengths, weaknesses, gaps, and saturation points of the collection. Weeding may be done by the Director with other staff members being involved, based upon their knowledge of the material and/or their familiarity with the subject matter. Community “experts” in various areas may be consulted, as warranted.

**The Crew Method in Ten Steps**

**Step One:**
Make weeding a part of policy.

**Step Two:**
Gather usage statistics of your library's collection.
Step Three:  
Build weeding into the year’s calendar.

Step Four:  
Gather the following materials at the shelves to be analyzed: disposal slips, marking pens, and weeding guidelines.

Step Five:  
Study the subject areas in the collection as a whole, then one by one.

Step Six:  
Check the library’s holdings against the most recent inventory to ensure an accurate count.

Step Seven:  
Check the pulled books against The Public Library Catalog and The Fiction Catalog.

Step Eight:  
Treat the books according to the disposal steps: bindery, discard, replacement, or recycling.

Step Nine:  
Decide whether to replace the material(s) in question.

Step Ten:  
Set up displays for low circulating, high quality books that would benefit from better exposure.

*See appendix for detailed CREW policy.

MUSTIE:  
The CREW method uses an acronym, MUSTIE, to indicate when an item would be removed from the collection. MUSTIE stands for:
- Misleading and/or factually inaccurate
- Ugly (worn out beyond mending or rebinding)
- Superseded by a new edition or a better source
- Trivial (of no discernible literary or scientific merit)
- Irrelevant to the needs and interests of your community
- Elsewhere (the material may be easily borrowed from another source.)

Guidelines by Dewey Class

000 (Generalities)  
004 (Computers)
Works on computers are seldom useful after three years. Works on micro-computers and software have an even shorter life span.

010 (Bibliography)
Discard after ten years from the date of copyright

020 (Library and Information Science)
Discard all that do not conform to current, acceptable practice.

030 (General Encyclopedias)
Stagger replacement sets over a seven-year period. Older sets can be circulated up to eight years.

Other 000’s
Trivia may be kept indefinitely or until no longer considered useful or interesting.

100 (Philosophy and Psychology)
133 (Paranormal Phenomena)
Should be kept until worn, although it will be necessary to replace lost titles because this category includes the popular topics of fortune-telling, dream interpretation, and astrology.

150 (Psychology)
Self-help psychology and guidance materials may need to be reviewed for dated pictures and concepts. Replace works on clinical, comparative, and development psychology within five to eight years.

160,170 (Logic) (Ethics)
Value determined mainly by use.

200 (Religion)
Philosophical and religious materials should be reviewed individually and as a collection to ensure as many points of view as possible are presented. Include timely and comprehensive information on the six major international religions: Buddhism, Christianity, Hinduism, Islam, Judaism, and Taoism.

300 (Social Sciences)
Retain balance on controversial issues. Information should be current, accurate, and fair. Certain subject areas will need constant revision while others should be seldom weeded, and very carefully when necessary. Historical coverage of economics, communication, transportation, politics, and education may be maintained.

310 (General Statistics)
Almanacs are seldom of much use after two years. Keep only the last three years in the collection.

320 (Political Science)
Topical books and historical materials are judged more on the basis of use.

330 (Economics)
Update items available in revised editions. Be aware of radical changes in statutes, regulations, or general climate for a particular type of investment. Well-known authors with no newer books available and items intended as histories of a particular era may be retained if MUSTIE factors are acceptable.

340 (Law)
Replace when more current data becomes available. Never keep superseded editions, even on heavily-used topics.

350 (Public Administration)
Keep up-to-date; replace when state and federal administrations change or constitutional reforms occur.

360 (Social Services)
Discard career materials after five years; older reference copies may be circulated. Be particularly aware of qualification discrepancies in materials dealing with career preparation. Pay close attention to revisions in standard test books (GED, ACT, etc.). Some may be retained for 10 years or longer if certain sections have not changed.

370 (Education)
Keep historical materials only if used. Replace outdated theories.

390 (Folklore, Customs, Etiquette)
Keep standard works of Customs and Folklore. Keep only basic, up-to-date Etiquette titles.

400 (Language)
Keep dictionaries for major foreign languages (e.g., French, Spanish, Italian, German), and other languages.

500 (Natural Sciences)
Carefully evaluate anything over five years old, except botany and natural history. Replace worn classics or significant historical works with new editions. Pay particular attention to the physics, environmental issues, and astronomy sections. Many materials related to the environment are still appropriate after fifteen years while an item about atoms could be inaccurate after two years. New discoveries in energy may require updating works in this field more often than materials in subjects such as natural history. Keep basic works of significant historical or literary value, such as Charles Darwin’s classic Origin of Species.

510 (Mathematics)
Replace older materials on algebra, geometry, trigonometry, and calculus with revised editions.

550 (Earth Sciences)
Geology books on specific regions, especially Missouri, should be kept indefinitely, or until superseded by newer editions. All general materials should be replaced when new developments occur in the field (e.g., theories about continental drift and plate tectonics have been revised in recent years). Field guides for amateur fossil, gem, and rock hunters can be kept for up to 20 years if physical condition allows, unless the area described has changed dramatically through man-made developments and/or natural events.

570 (Life Sciences)
Carefully evaluate anything over 5 years old. New discoveries in this area may require updating works in this field more often.

580 (Botanical Sciences)
All general materials should be replaced when new developments occur in the field.

600 (Technology, Applied Sciences)
610 (Medicine)
Except for Anatomy and Physiology, which change very little, keep only the current year plus one previous year (one reference and one circulating) of PDR and other prescription and over-the-counter drug directories, replacing them when new editions become available. Materials on fast-changing fields of research such as AIDS, genetics, cancer may need more frequent evaluation.

630 (Agriculture)
Keep up-to-date materials on the newest techniques and hybrids. Weed dated information such as pest control using DDT.

635 (Horticulture)
General gardening books may be useful for up to 20 years. Books about propagation of specific flowers or plants are considered outdated after 10 years.

640 (Home Economics)
Be strict with old sewing and grooming materials in which styles change rapidly. Keep cookbooks unless little used. Replace worn, popular cookbook titles.

649 (Child Rearing)
Keep abreast of changing trends and new theories; replace worn standards like Dr. Spock’s Baby and Child Care with newer editions.
670 (Manufacturing)
   Keep books on old clocks, guns, toys, and other collectibles.

Other 600's (Also Business)
   Technology is making such rapid advances that any materials over five years old should be carefully evaluated, especially those dealing with drugs, space technology, sex education, radio, television, medicine, and office skills. Retain if any of the materials have historical value. One major exception is repair manuals.

700 (The Arts)
   745 (Decorative Arts)
   Retain basic techniques books if well illustrated; replace worn and dated materials. Keep all materials on the history of interior design. Discard general home decorating ideas after 10 years unless the decorating style becomes established as a distinct aspect of American interior design (e.g., Southwestern or high-tech). Keep stamp and coin catalogues up-to-date. Historical treatments of ancient, foreign, and commemorative coins may be kept indefinitely, unless focus is market valuation (five years).

770 (Photography)
   Check closely for outdated techniques and especially outdated equipment.

790 (Recreation)
   Discard and replace as rules and interests change.

Other 700's
   Keep all basic materials, especially histories of art and music. Collections of handsomely illustrated sources on art, music, and other fine arts may be irreplaceable. Sources that are heavily used should be considered for replacement or rebinding. Materials on certain hobbies may need updating.

800 (Literature)
   Keep literary criticism and history until superseded by more authoritative works. Collections versus individual works of major and minor poets, novelists, and playwrights may be weighed against collection needs and use patterns. Keep works by local authors.

900 (Geography and History)
   910 (Geography and Travel)
   Apply the MUSTIE method for guidebooks (such as the Fodor series) and for descriptive or scientific geography.
   Apply the MUSTIE method for personal narratives of travel unless of high literary or historical value.

Other 900's
The main factors are demand, accuracy of facts, and fairness of interpretation. Evaluate personal narratives and war memoirs. Consider broader histories of these conflicts, unless the author is a local person, or the book is cited in bibliography as having an outstanding style or insight. Discard dated viewpoints (e.g., McCarthy Era “World Communist Conspiracy” theory of modern history). Retain histories pertaining to the community.

**Biography**
Unless the person treated is of permanent interest or importance, such as a U.S. President, discard a biography as soon as demand lessens. This rule especially applies to ghost-written biographies of faddish celebrities. Poor quality biographies of major figures should be replaced with better ones if funds permit.

**Fiction**
Discard works no longer in demand, especially second and third copies of past bestsellers. Retain works of durable demand and/or high literary merit, but replace worn copies with new editions. Keep award books and those on reading lists (e.g., John Newbery Award, Coretta Scott King Award, The Mark Twain Award List, Gateway Award), but replace when possible with contemporary covers. Discard topical fiction on dated subjects and abridged simplified classics in favor of the original, unless needed for reluctant readers. Discard those books with outdated illustrations and story lines. Consider a book “dead” if it hasn’t circulated in two years. Carefully evaluate titles that are part of a series.

**Picture Books**
Should be evaluated on the merit of their stories and illustrations. Keep award books and those on reading lists (e.g., Show-Me Award, Building Blocks, Caldecott Award). Given the wide range of possibilities to choose from in today’s children’s literature market, there is no reason this section could be anything less than outstanding quality. Discard those with inferior binding.

**General Reference Collection**
- **Encyclopedias**- New editions should be purchased every 5 years to supersede old editions.
- **Almanacs**- Rarely useful after two years. Exception: Older editions of the Missouri Almanac should be retained indefinitely, since each contains unique features not found in later editions. Books specific to Missouri generally will not be discarded.
- **Dictionaries**- Unabridged dictionaries may be retained indefinitely unless worn or updated with a later edition. Specialized dictionaries e.g. abbreviations, slang, and acronyms should be
updated regularly. Biographical dictionaries are never discarded unless superseded by a newer edition.

**Directories** - Normally discarded when newer editions arrive.

**Atlases** - Usually revised every five years. Geographical atlases should be replaced when updated.

**Handbooks** - Subjects in the humanities (music, art, literature) may be retained indefinitely, supplemented by newer texts. Social science reference tools are considered outdated after ten years. Science resources are generally outdated in five years, although texts on botany and natural history may be retained for longer periods.

**Indexes** - Should be kept as long as the library houses the materials cited.

**Non-print Media (a.k.a. Audiovisual)**

**Weed the WORST:**

- Worn out
- Out-of-date
- Rarely used
- Supplied through ILL
- Trivial and faddish

**Videocassettes/DVDs** - Under the best circumstances, a videocassette can only be expected to last between 200 and 250 plays. DVDs may not last that long.

**Compact Disks** - CD’s are the format of choice for musical recordings. Information-based CE’s should be evaluated on:
- Physical condition
- Currency of information
- Use and duplication of information in another format.

**Audio Books** - Items in this format are particularly fragile and easily damaged. Replace companion books when they become worn if the CDs or cassette tapes are still in good condition.

**WHAT TO DO WITH WEEDED MATERIALS: TYPES OF DISPOSAL**

The CREW method is well-suited to using the simple, preprinted disposal slip (placed in each book when it is pulled) that indicates whether the book is to be sold, donated, destroyed, mended, rebound, or replaced.

Before sending a book to a bindery, compare the cost of rebounding with the cost of a new copy or edition. A new copy is often the same price as and more appealing than the rebound volume. In some cases, when the titles are out-of-print, rebounding is the best option.

Weeded material includes those resources that may not be needed in your library, but would be of possible use in other libraries or to individuals. Discarded titles require designated actions:
1. Stamp or mark in a prominent place on the item, "DELETED" or "WITHDRAWN."
2. Mark disposal slip and delete holding from database. Indicate if a replacement or update is to be ordered.
3. Determine any resulting priorities for future purchases.

Disposal of print or non-print materials can be accomplished four ways.

**Sell It:** to the public.

**Donate It:** to nursing home, hospital, adult or juvenile correctional facility, or charitable institution.

**Recycle It.**

**Destroy It:** by burning in an incinerator or by tossing it into the trash. Destruction is the last resort if the books cannot be recycled. Besides unnecessarily contributing to the already-overflowing landfills, this method of disposal is also the likeliest to cause a "weeding controversy". "Book burning" has unpleasant connotations.

**Reconsideration of Library Materials**

Comments from members of the community about the collection or individual items in the collection frequently provide librarians with useful information about interest or needs that may not be adequately met by the collection. The library welcomes expression of opinion by patrons, but will be governed by the Materials Selection Policy in making additions to or deleting items from the collection.

Patrons who request the reconsideration of library material will be asked to put their requests in writing by completing and signing a form, appended to this policy, entitled "Request for Reconsideration of Library Materials."

The Director will immediately inform the Board President of the reconsideration request. The Board President will inform all board members of this request in an expeditious manner.

Upon receipt of the formal written request, the Director will, at the earliest possible date, review the criteria used in ordering the material in question, its place in the collection, and reasons for having the material in the collection. Outside consultants may be asked for additional information as is pertinent to the subject in question. The Director will respond, in writing, to the person who initiated the request for reconsideration. The Director will keep the Board of Library Trustees informed of the disposition of the request.

Upon receipt of a written request, the Director will place the material(s) in question on the "Reserve" list while under consideration and will remain there until a decision has been made. Access to the material by
individual library patrons will be available for in-library use only, so that the material may be reviewed by a maximum number of patrons.

In the event that the person(s) who initiated the request is not satisfied with the decision of the Director, he/she may request a meeting before the Board of Library Trustees by submitting a written request to the President of the Board. Upon receipt of the request, the Board will make the request an agenda item and the person(s) will be notified of the time and place of the Board meeting. The Board of Library Trustees reserves the right to limit the length of presentation and number of speakers at the meeting.

After hearing from the person(s) making the reconsideration request, the Board will determine whether the request for reconsideration has been handled in accordance with stated policies and procedures of the Marshall Public Library. The Board will review the background information, the position of the patron and the decision of the Director. The Board will then vote to uphold or override the decision of the Director.

40. Purchasing System: The quantitative criteria for determining the degree of formality to be observed for each particular purchase by the library shall be as follows:

a. Purchases under one thousand dollars. Budgeted purchases under one thousand dollars ($1,000.00) may be made directly by the Librarian without formality but purchases over $1,000.00 must be signed for by the Treasurer of the Board of Trustees.

b. Purchases from one thousand dollars to two thousand five hundred dollars. For budgeted purchases from one thousand dollars ($1,000.00) to two thousand five hundred dollars ($2,500.00), the Librarian without Board of Trustee approval, shall solicit at least three (3) bids, either in writing, by telephone, or both. The execution of the bid requirement shall be documented on a prescribed form, which form shall include a statement from the Trustees' Treasurer that the budgeted funds are available for immediate disbursement. The bids shall be submitted to the Board of Trustees for subsequent award of the contract of services to the lowest responsible bidder who submits a responsive bid which is most advantageous to the library (hereafter referred to as the "lowest responsible bidder").

c. Purchases over two thousand five hundred dollars. Whenever any contemplated purchase or contract for services is for more
than two thousand five hundred dollars ($2,500.00), the Board of Trustees, by motion, shall direct the Librarian to solicit at least three (3) written sealed bids for the items or services. The Board of Trustees shall award the purchase or contract of services to the lowest responsible bidder.

d. Solicitation of bids. Whenever any contemplated purchase or contract for services requires solicitation for bids, the Librarian shall cause to be published in at least one (1) issue of a newspaper of general circulation in the city a notice inviting bids. The first such notice shall be published at least seven (7) days prior to the date set for the receipt of the bids. Such notice shall include a general description of the repairs or improvements and the time and place for opening bids. In addition, the Librarian shall post a notice inviting bids in the city administrative offices and may mail to all responsible prospective contractors for services performed a copy of the notice inserted in the newspaper as required in this subsection. This provision shall not apply to those cases in which bids are solicited by telephone as set forth in subsection (2) hereof.

e. A special checking account will be established and utilized for the selling of books online. Disbursements from the checking account will be designated for the purchase of library materials.

41. The use of a library is significantly impacted by its location. The Marshall Public Library Board of Trustees is committed to constructing a library at a location where community residents frequently and willingly go.

a. Regulations

1. The following criteria, listed in alphabetical order, will be used by the Board of Trustees to determine sites for a library:
   a. Accessibility: The site will be easily accessible by car, bicycle, public transportation, and on-foot. The site will provide for a high degree of personal safety for people entering and leaving the building, especially at night. Natural or man-made barriers should not impede access to the site.
   b. Acquisition cost: The cost of the site will be within the Library’s budget, and the price to be paid for the site will not exceed the fair market value of the site.
c. Adjacent uses: The current and anticipated use of the surrounding land will complement the library use in terms of function, peak use times, and traffic patterns.

d. Availability: The site is currently available for acquisition. The time required to acquire the site will not negatively impact the proposed project timeline.

e. Community opinion: The site will be one that will be acceptable to the majority of the residents in the projected service area of the proposed library.

f. Construction/Site development cost: The site will enable the Library to construct a library without incurring significant additional costs to prepare the site for construction or to construct the library building.

g. Convenience: The site will be close to the geographic and/or traffic center of the area to be served.

h. Environmental issues: The site will enable the Library to construct a library building without incurring significant additional costs to mitigate prior soil contamination or other pre-existing environmental conditions such as poor drainage or unstable land formation. The site will not be located in a flood plain or on protected lands.

i. Legal matters: The site will enable the Library to acquire the property and construct the library building without incurring significant additional legal costs.

j. Parking: The site will allow for adequate onsite parking for library users and library staff.

k. Size and shape of the property: The site will allow for the construction of an efficiently designed library building. The site will allow for landscaping and required setbacks. The site will allow for expansion for landscaping and the expansion of the parking lot.

l. Visibility: The site and library building will be visible from major streets.

2. In the event that two or more potential sites are considered to be almost equal when the twelve (12) criteria above are considered, then the following criteria, listed in alphabetical order, will be considered to be of higher priority when determining which site should be selected.

   a. Adjacent uses
b. Community opinion

c. Size and shape of the property

d. Total project cost

3. Prior to the selection of a site for a library building, the Board of Trustees will provide an opportunity for public comment about the proposed site.

42. Sunshine Law Policy

WHEREAS, Section 610.023.1, RSMo, provides that a public governmental body is to appoint a custodian to maintain that body’s records and the identity and location of the custodian is to be made available upon request; and

WHEREAS, Section 610.026, RSMo, sets forth that a public governmental body shall provide access to and, upon request, furnish copies of public records; and

WHEREAS, Section 610.028.2, RSMo, provides that a public governmental body shall provide a reasonable written policy in compliance with sections 610.010 to 610.030, RSMo, commonly referred to as the Sunshine Law, regarding the release of information on any meeting, record or vote.

NOW, THEREFORE, BE IT RESOLVED:

1. That Marshall Public Library Director be and hereby is appointed custodian of the records of the Marshall Public Library and that such custodian is located at 214 N. Lafayette, Marshall MO.

2. That said custodian shall respond to all requests for access to or copies of a public record within the time period provided by statute except in those circumstances authorized by statute.

3. That the fees to be charged for access to or furnishing copies of records shall be as hereinafter provided: 10 cents per page for paper copies 9 by 14 or smaller, plus an hourly fee for duplicating time not to exceed the average hourly rate of pay for clerical staff of the public governmental body. (See Attachment B.)

4. That it is the public policy of the Marshall Public Library that meetings, records, votes, actions and deliberations of this body shall be open to the public unless otherwise provided by law.

5. That the Marshall Public Library shall comply with sections 610.010 to 610.030, RSMo, the Sunshine Law, as now existing or hereafter amended.

(Amended April 2008)
The following rules and regulations governing personnel policies for employees of the library are hereby established, which said rules and regulations are designed to promote efficiency and economy, provide for the impartial settlement of grievances, develop and maintain morale, and establish standards applicable to all employees of the library.

1. DEFINITIONS

**Immediate Family:** Shall include spouse, child, brother, sister, parents, grandparents, grandchildren, mother-in-law, father-in-law, sister-in-law, brother-in-law, legal guardian or ward of the employee concerned. The same step-relations shall be considered as members of the immediate family.

**Director:** A person hired by the Board of Trustees and given the responsibility of overseeing and managing operations of the library with the approval of the Board.

**Employee:** A person hired by the Director. A new employee shall undergo an evaluation period during the first six-month probationary period; the new employee's work, attitude, ability, and potential value will be studied and observed by the Director.

**Part-Time Employee:** An employee hired by the Director who works 39 hours or less per work week.

**Volunteer:** A person approved and assigned by the Director who performs useful duties without pay.

**Probationary Employee:** An employee hired by the Director who has not completed the probationary period of six months of satisfactory full-time employment.

**Employment Date:** The date of commencement of current full-time employment by the library. All vacation and sick leave benefits are computed from the employment date.

**Resignation or Resigned:** An action, initiated by the Director or employee to end his/her employment with the library.

**Separation or Separated:** An end to the employment by the library of the Director or employee caused by retirement or death.
**Termination or Terminated:** An action initiated by the Director to end the employment of an employee or the Board of Trustees to end the employment of the Director.

The Director will report any termination of an employee to the Board of Trustees.

2. **PROHIBITIONS**

No library employee shall continue in his position after becoming a candidate for nomination or election to any salaried public office.

No library employee shall solicit any monetary contribution to the campaign funds of any candidate for city office, nor shall any such employee make any monetary contribution to any city political campaign or to the campaign of any candidate for city office.

Nothing in this section shall be construed to prevent the exercise of the rights of employees as citizens to express their opinions and to cast their votes.

The library shall employ no person who is in arrears for city taxes.

3. **TERMS OF EMPLOYMENT**

Prior to employment at the Marshall Public Library, an applicant must undergo a criminal background check at the applicant’s expense.

Upon employment, an employee must do the following:

1. Sign a confidentiality agreement. (See Attachment B)
2. Sign a Drug Free Workplace and Substance Abuse and Testing policy statement. (See Attachment C)
3. Sign a Sexual Harassment policy statement. (See Attachment D)

4. **TENURE OF EMPLOYMENT**

The tenure of employment for every employee shall be during good behavior and the satisfactory performance of his/her duties, except for a reduction in the working force due to lack of work or insufficient funds. Employees laid off because of a reduction in force shall be given priority consideration for re-employment whenever vacancies occur in the same or similar positions. However, other eligible applicants may also be considered.
Part-time employees may be made available to fulfill a specific need. No part-time employee will be eligible for benefits provided for in “vacations and leaves” as contained in these rules and regulations.

4. OUTSIDE EMPLOYMENT RESTRICTIONS
Employees of the library shall be permitted to hold jobs in addition to their full time jobs with the library, providing said outside work does not conflict with performance of their duties with the library.

No employee shall perform any work for any other individual, firm, or company during the established workday for him/her.

If it is necessary for an employee to work additional hours for the library in excess of his/her established work day (required by the Board of Trustees or the Director) so that the personnel needed to maintain necessary library services are on duty, no employee shall be exempt from performing his/her share of overtime duty because of any outside employment commitments.

No sick leave, vacation leave, or holiday shall be granted to any employee during the time the employee is absent from his position with the library because of an injury suffered while working in the employ of an individual, firm or company other than the library.

Every employee desiring outside employment shall request to the Director (or Board of Trustees in the case of the Director) who shall determine if a conflict of interest exists.

5. RESIGNATION OF EMPLOYEE
In order to resign in good standing, an employee must give 2 weeks notice in writing of his/her intent to resign. The Director shall be required to give 90 days notice.

Failure to give adequate notice shall be sufficient reason to deny an applicant consideration for employment at a later date.

The Director may release an employee without prejudice when an employee has given adequate notice but requests an earlier release.

The Board of Trustees may release the Director without prejudice when he/she has given adequate notice but requests an earlier release.

6. DRESS GUIDELINES FOR EMPLOYEES
The following set of guidelines is established in consideration of the professional atmosphere we need to show our patrons. The purpose of this code is not to enforce uniformity or to stifle anyone’s individuality,
rather to promote a pleasant, professional environment for the library's users. It will be the Director's responsibility to enforce these guidelines.

Appropriate Attire:
- Knit shirts, polo shirts, blouses/shirts, sweaters, holiday sweatshirts and sweaters (i.e. Christmas, Halloween, 4th of July, etc.)
- Khaki slacks, casual slacks, dresses/skirts/jumpers, capris
- Dress sandals, clean tennis shoes, casual shoes or loafers

The following are not considered appropriate working attire:
- Jeans (with the exception of Fridays, which are designated as Jeans Day)
- Tank tops, tee-shirts or cropped shirts
- Brand-name/commercial logo sweatshirts
- Novelty sweatshirts (i.e. cartoon characters, 'sayings')
- 'Work-out clothing
- Rubber thongs or plastic flip-flops or high wedge heels
- Hip huggers
- Long/short overalls
- Shorts or walking shorts
- Mini-skirts or mini-dresses

Any questions or comments concerning these guidelines may be referred either to the Director or brought directly to the Board of Trustees.

7. WORK SCHEDULE
The Director shall have the power to arrange the work schedule so that the personnel needed to maintain necessary services shall be on duty. In the absence of a director, the Board of Trustees may complete this task.

8. PAY PERIODS
Pay day shall be every other Friday and shall cover the fourteen day period from Wednesday to the second following Tuesday, inclusive. Provided, however, that if a payday falls on a holiday, payment shall be made to the employees on the preceding Thursday. Employees paid on a monthly basis shall be paid at the first pay period of each month for the pay period ending on the last day of the preceding month.

9. OVERTIME COMPENSATION
For salaried exempt employees, some overtime work may be found necessary for proper performance of work duties and responsibilities (i.e., attendance at Board of Trustees meetings, training seminars, and budget meetings). Such overtime is considered part of the job and is not justification for extra pay above the pay rate established for that
particular job. Under unusual circumstances, the Board may authorize compensatory time off.

All employees who are paid on an hourly basis and whose normal work week is 40 hours, overtime work shall be compensated for by one and one-half (1 ½) times the regular hourly wage of the employee for all hours in a one (1) week cycle which exceed 40 actually working hours. Alternately, at the agreement of the Director and the employee in question, compensatory time off may be given in lieu of overtime pay.

When an employee is required to work overtime, the Director (in the case of employees) can authorize payment for overtime.

10. **TIME SHEETS REQUIRED TO VERIFY TIME WORKED**

   Time sheets submitted to the Director shall be used for verification of time worked and shall reflect actual hours worked.

11. **REIMBURSEMENT FOR USE OF AUTOMOBILE, OTHER EXPENSES**

   The Director or any employee who uses his/her own automobile in the performance of official duties shall be reimbursed on a mileage basis, provided he/she is not paid a monthly expense allowance for the use of said automobile and provided he/she has received authorization from the Director or Board of Trustees. The rate of mileage reimbursements shall be equal to that being paid by the State of Missouri at the time the expense is incurred.

   The Director or any employee who shall incur necessary expenses while carrying out official duties or while attending a conference may claim reimbursement for those expenses previously authorized by the Board of Trustees. A request for reimbursement shall be submitted to the Accounting Department on a form prepared for such purpose.

   The requesting Director or employee shall certify that the expense claimed was actually incurred by him/her personally while carrying out official duties or while attending an authorized conference. The claimed expenditures shall be supported by receipts and shall be submitted to both the Director and the treasurer of the Board of Trustees for approval.

12. **TERMINATION**

   An employee may be dismissed for one of the following reasons:
   1. During the six month probationary period when it becomes evident that the employee fails to meet the minimum requirements of the job.
   2. When a permanent employee consistently fails to perform his/her job properly. This might first be indicated by an evaluation as unsatisfactory, or after repeated warnings by his/her supervisor.
In any case, the employee will be given written warnings and an opportunity to improve performance.

3. For such reasons as gross incompetence, insubordination, willful neglect or abuse of duties and/or authority, committing an illegal act, disregard of regulations, or other reasons of a similar nature.

The Director will report any termination of an employee to the Board of Trustees.

13. TERMINATION PAY
If the library terminates the Director or employee, he/she shall receive payment due him/her for accumulated time worked and vacation to his/her credit within two (2) business days after his/her employment is terminated.

The Director or employee who resigns his/her position shall receive payment for accumulated time worked and any vacation time to his/her credit to which he/she is entitled at the next regular pay period.

14. SEVERANCE PAY
A full time employee who is terminated due to reduction in workforce shall be paid severance pay in addition to vacation time to his/her credit. Those eligible to receive severance pay shall be paid in accordance with the following schedule:

<table>
<thead>
<tr>
<th>LENGTH OF SERVICE</th>
<th>AMOUNT OF PAY</th>
</tr>
</thead>
<tbody>
<tr>
<td>Less than 1 year</td>
<td>None</td>
</tr>
<tr>
<td>Over 1 year</td>
<td>2 weeks pay</td>
</tr>
</tbody>
</table>

The Director or employee terminated for such reasons as incompetence, insubordination, willful neglect or abuse of duties and/or authority, committing an illegal act, deliberate disregard of regulations, or other reasons of a similar nature shall not be entitled to severance pay.

Any employee who resigns shall not be entitled to severance pay.

15. HOSPITALIZATION, LIFE INSURANCE, AND DENTAL INSURANCE

Eligibility

A. An employee who works at least 40 hours per week. (This does not affect any employee hired before October 2006. Prior to October 2006, full time eligibility was obtained at 30 hours per week for nine months or more per year.)

B. Eligibility begins on the first day of the month following employee's hire date.
Premiums
A. Employee coverage for life and medical insurance will be provided for the full-time employee, with the employee paying an amount set annually, per month for the insurance coverage. The Library will pay the dental insurance premium on the employee. Vision insurance will be provided at the option and the expense of the employee.
B. Dependent coverage for hospital and medical and dental insurance will be provided at the option and the expense of the employee.
C. Dependent coverage for hospital, medical, and dental insurance will be provided for the library director, with the director paying an amount set annually, per month for the dependent insurance coverage.
D. The library will pay the premium on the coverage of the employee during the time the employee draws a payroll check from the library (either for actual time worked, while on vacation or sick leave, compensatory time off, or extended sick leave).

Additional Coverage
A. Upon termination, resignation, or separation, an employee may choose to continue their medical and/or dental insurance coverage through the library group carrier within the following provisions:
   1. That the employee is ineligible for Medicare.
   2. That the employee is unable to secure other group coverage.
   3. That the premium for coverage after termination, resignation, or separation is at the employee’s expense.
   4. That extended insurance coverage under the provision of the Consolidated Omnibus Budget Reconciliation Act (COBRA), may be continued up to a maximum of eighteen (18) months for an employee and thirty-six (36) months for spouses and dependent children (from the date of termination, resignation, or separation).

16. RETIREMENT
As of October 2006, a retirement plan is provided through the city of Marshall for full-time employees. (This shall not affect any employee hired before this date.) Upon employment, the employee will receive a handbook explaining these benefits.

17. VACATION, LEAVES, AND OTHER BENEFITS

HOLIDAYS
Full-time employees shall be entitled to between seven (7) and eight & one-half (8 1/2) holidays per year, which they shall receive pay at their regular rate. The major holidays shall be:
1. NEW YEAR’S EVE—The library will close at 5 pm if New Year’s Eve falls Monday through Thursday; at 1:00 pm if New Year’s Eve lands on Friday or Saturday; and will be closed completely if New Year’s Eve lands on Sunday.
2. NEW YEAR'S DAY
3. MEMORIAL DAY
4. INDEPENDENCE DAY
5. LABOR DAY
6. THANKSGIVING EVE—The library will close at 1:00 pm on the day before Thanksgiving.
7. THANKSGIVING DAY
8. CHRISTMAS EVE—The library will close at 1:00 pm if Christmas Eve lands on Monday through Saturday; and will be closed completely if Christmas Eve lands on Sunday.
9. CHRISTMAS DAY
10. EASTER

Any holiday that has not been taken by the end of the calendar year may be transferred to a vacation day, as long as the total accumulated vacation time does not exceed 104 hours.

When a holiday occurs on the day off of a full-time employee, such coincidence shall not reduce the total time off with pay that the employee shall receive. The holiday shall be treated as if it had fallen on his next workday, with the exception of Christmas Eve and New Year's Eve.

An employee on vacation shall have one less day deducted from his accrued leave for each authorized holiday occurring within the vacation period.

Any employee who is no-call, no-show may be subject to disciplinary action. Any employee who is no-call, no-show for a period of three (3) consecutive days is automatically terminated.

Employees absent without leave on a regular workday preceding or following a holiday shall not be given credit for the holiday. The holiday shall be credited as a day absent without leave.

VACATION LEAVE
Each full-time employee of the library shall earn vacation at the rate of the schedule listed below. A pay period of service shall be considered as any two week pay period in which the employee was actually on the job performing the services assigned to him/her on a majority of the working days set out in the personnel rules for the library. An employee shall be given credit for work time when on vacation leave.

Library employees

<table>
<thead>
<tr>
<th>Years of Service</th>
<th>Hours per Pay Period</th>
</tr>
</thead>
<tbody>
<tr>
<td>0 – 1 Year</td>
<td>2</td>
</tr>
<tr>
<td>1 – 5 Years</td>
<td>3</td>
</tr>
<tr>
<td>5 – 10 Years</td>
<td>4</td>
</tr>
</tbody>
</table>
10 – 15 Years of Service = 5 Hours per Pay Period
15 – 20 Years of Service = 6 Hours per Pay Period
20+ Years of Service = 7 Hours per Pay Period

The Director shall earn vacation time of two weeks the 1st year. After that, the 5-10 years rate shall be applied.

An employee on approved leaves of absence shall not be considered to be “on the job” and shall not accumulate vacation leave during these leaves for pay period or major portion of pay period in which he/she is not working.

Time taken off by an employee is deducted from his/her vacation leave at the rate of one hour deducted for each work hour taken.

Employees may carry over a maximum of 104 hours vacation leave from one calendar year to the next calendar year. No employee may receive pay in lieu of vacation leave except in case of separation, resignation, or termination of employment.

In case of separation, resignation, or termination of employment for any reason, the employee shall receive cash remuneration for any vacation leave granted to him/her, which he/she has not taken prior to the date of his/her resignation, separation, or termination.

In case of death, cash remuneration for unused vacation and sick leave shall be paid to the beneficiary of the employee, as designated on the employee’s Nomination of Beneficiary form.

Part-time employees shall not be eligible for compensated vacation leave. A part-time employee who is subsequently appointed as a full-time employee shall accrue vacation and sick leave from the date of his/her appointment as a full-time employee.

1. An authorized holiday occurring during any employee’s vacation leave shall not be charged as vacation.

SICK LEAVE
Sick leave shall be granted to an employee when he/she is unable to perform his/her duties due to the reason of personal sickness or non-job related injury, except as provided by Occupational Injury Leave. An employee may use sick leave for necessary medical, dental, and optical examination and treatment, provided that sick leave granted for such purpose shall not exceed the actual time necessary for travel, examination, and treatment.
No sick leave with pay shall be granted to any employee who is injured while working in the employee of an individual, firm, or company other than the library.

Any employee who is absent for a period of more than three consecutive working days or consistently for shorter periods and requests sick leave to cover such absence, may be required to furnish a certification from a doctor approved by the library as a condition to receiving the grant attesting to the fact that the absence of the employee has been due to sickness or injury.

Each full time employee shall receive sick leave his/her first year of service to the library at the rate of 6.5 days per year, to be accrued at the rate of two (2) hours each payroll period. Subsequent years of service to the library shall result in 78 hours of sick leave per year, to be accrued at three (3) hours per payroll period.

Unused sick leave shall be cumulative and available for an employee’s future use.

Sick leave shall accrue from the date of full time employment.

An employee must be actually engaged in performing the duties with which he is charged (or on vacation) in order to accumulate sick leave. Sick leave will be pro-rated for an employee absent from work due to injury leave, sick leave, or leave of absence for fifty percent (50%) or more of a pay period.

An employee must be actually engaged in performing the duties with which he/she is charged or on vacation leave to accumulate sick leave. An employee on prolonged injury leave, sick leave, or leave of absence shall not accumulate sick leave for the pay periods or major portion of a pay period in which he/she is not working.

In case it becomes necessary for an employee to remain off work because of extended personal sickness for a longer period of time than his/her total accumulated sick leave provides, after he/she has used all accumulated vacation, holiday, and compensatory time to his/her credit, and if he/she has been employed by the library for a period of time exceeding two (2) years before the first day of his/her extended illness, an additional leave of absence not to exceed six (6) months shall be granted. Only one 6-month period or a total of six (6) months will be granted to an employee during his/her tenure of employment.

Any employee discovered misusing his/her sick leave privilege may be dismissed.
Employees not reporting to their normal place of work or not informing the Director of their status within one hour of their normal time to begin work may be subject to disciplinary action.

**PREGNANCY LEAVE**
When it becomes necessary for an employee to interrupt her service because of pregnancy, she may request pregnancy leave. Such leave shall be considered sick leave and follow the provisions for sick leave, except that an employee requesting pregnancy leave shall return to work no later than eight (8) weeks after the birth of her child. An extension may be granted if there are extenuating circumstances.

**EMERGENCY LEAVE**
1. In the event of illness, injury or death in the immediate family of an employee, emergency leave may be granted to the employee by the Director, or by the Board of Trustees in the case of the Director.

2. Emergency leave shall be leave with pay charged against the accumulated sick leave time of the employee.

3. Emergency leave shall not exceed three (3) consecutive working days nor a total of six (6) working days per fiscal year.

4. Part-time employees shall not be entitled to emergency leave with pay.

5. Full-time employees who have regular working hours of at least 40 hours per week prescribed, may be granted emergency leave by the Director in proportion to the extent of his/her employment.

**COMPASSION LEAVE**
In the event of death to an employee’s husband or wife, mother or father, or children, three (3) special emergency days with pay shall be granted, without charge to the employee. An extension without pay may be granted under extenuating circumstances.

**OCCUPATIONAL INJURY LEAVE**
An employee injured while performing his/her assigned duties shall be entitled to the benefit of the provisions of the Workmen’s Compensation Act.

An employee injured on the job who draws pay in accordance with the Workmen’s Compensation Act shall not have his/her absence charged against accrued sick leave or vacation leave; except that he/she may elect to use accrued sick or vacation leave to offset the difference in pay.
between the Workmen’s Compensation payment and his/her regular pay. In such instance his/her accumulated sick leave or vacation leave shall be charged according to the hours paid.

No employee on occupational injury leave shall receive a combination of Workmen’s Compensation and leave pay in excess of his regular pay.

**CITIZENSHIP LEAVE**

Employees shall be granted leave with pay when it becomes necessary for them to be absent from work for the purpose of such citizenship obligations as the following:

1. Jury duty, witness when subpoenaed, voting, and other similar obligations.

The employee shall report back to his/her regular place of work if there is one hour or more remaining in the workday upon completion of the witness or jury duty.

**MILITARY LEAVE**

Temporary Training Periods

A. An employee who is a member of a United States reserve organization or National Guard unit shall be entitled to two weeks leave plus authorized travel time to attend annual military training camps or Naval Reserve cruises in addition to other authorized leaves.

B. The employee shall be entitled to his/her salary for a period not to exceed ten (10) working days while attending military training camp. Employees shall present the Director a copy of their orders as evidence of such military duty. Section 105.270 of the Revised Statutes of the State of Missouri shall apply.

**FAMILY MEDICAL LEAVE ACT OF 1993**

Administration of the Family and Medical Leave Act of 1993.

A. All requests for use of the Family and Medical Leave Act of 1993 (the “Act) by employees shall be made to the Director of the Library. All requests for family and medical leave shall be in accordance with the provisions of the Act. Eligible employees shall be entitled to the family leave in accordance with the Act.

B. It is hereby determined that for purposes of computing the twelve-month period in which the twelve weeks of leave entitlement occurs, the Library shall use the twelve-month period measured forward from the date any employee’s first such leave begins.
C. The Director may require an eligible employee to substitute any of the accrued paid vacation leave, personal leave, family leave, holiday leave or sick leave that the employee is otherwise entitled to for leave provided under subparagraph (A), (B) or (C) of subsection (a)(1) of 29 USC 2612.

D. The Director may require an eligible employee to substitute any of the accrued paid vacation leave, personal leave, holiday, or medical or sick leave for leave that the employee is otherwise entitled to for leave provided under subparagraph (C) or (D) of subsection (a)(1) of 29 USC 2612.

E. Nothing contained herein shall be construed to require the Library pay benefits in any such situation in which the Library would not normally provide paid leave.

F. If an eligible employee requests intermittent leave or leave on a reduced leave scheduled under subparagraph (C) or (D) of subsection (a)(1) of 29 USC 2612 that is foreseeable based on planned medical treatment, the Director may require such employee to transfer temporarily to an available alternate position offered by the Library for which employee is qualified provided there is equivalent pay and benefits and the position better accommodates the recurring periods of leave than the regular employment position of the employee.

G. Any eligible employee who takes family leave in accordance with the provisions of the Act without pay shall not be entitled to the accrual of any seniority or employment benefits during any period of leave or any right, benefit or position of employment other than the right, benefit, or position to which the employee would have been entitled if the employee had not taken leave.

H. If an employee does not return to work after the employee has taken Family Leave without pay under provisions of the Act, the Library shall be authorized to take whatever legal action necessary to recoup health insurance costs incurred by the Library during the time the employee took the family leave.

I. In any case which a husband and wife entitled to leave under Subsection (a) of 29 USC 2612 are employed by the Library, the aggregate number of work weeks of leave to which both may be entitled shall be limited to 12 work weeks during any 12 month period, if such leave is taken under subparagraph (A) or (B) or subsection (a)(1) of 29 USC 2612; or to care for a sick parent under subparagraph (C) or subsection (a)(1) of 29 USC 2612.

J. Nothing contained in Subdivision IV pertaining to the Family and Medical Leave Act of 1993 shall limit the Library from authorizing Special Leave in addition to the Family and Medical Leave otherwise provided herein.
18. **DISCIPLINE AND GRIEVANCES**

It shall be the duty of all employees to maintain high standards of conduct, cooperation, efficiency, and economy in their work for the library. Work shall be organized and directed in a manner calculated to achieve these objectives.

Whenever work habits, attitude, production, or personal conduct of an employee falls below an acceptable standard but does not warrant dismissal, the Director shall point out the deficiencies, either verbally or in writing.

If the seriousness of an employee's action or series of actions could result in his/her termination, the employee shall be given the opportunity of a pre-termination hearing.

**DISCIPLINE OF THE DIRECTOR**

The President of the Board of Trustees shall discipline the Director with the concurrence of the majority of the Board of Trustees.

The President shall have the authority to issue an oral or written reprimand to the Director; or the Director may be suspended or discharged by the President with concurrence of the majority of the Board of Trustees.

**GRIEVANCE PROCEDURES FOR EMPLOYEES**

All employees shall have the right, except as specified herein, to utilize the grievance and complaint procedure of this section when in the employee's opinion an action taken against him/her was without just cause. Areas of grievance include wages, discrimination, disciplinary action, and working conditions. The grievance and complaint procedure of this section shall not be available to the said employees in the following situations.

A. Employees who have not completed a six month probationary period
B. Temporary employees

**STEP 1:** A written grievance must be taken to the Director within five (5) working days following the occurrence. The written documentation must specify circumstances and state the remedial action requested. The Director shall investigate and document the matter and render his/her decision within five (5) working days. Such decision shall be given in writing to the employee and shall be signed by both the employee and Director.
STEP 2: In the event that STEP 1 does not resolve the situation, the employee, within five (5) working days of receipt of the written decision by the Director, may file a written appeal to the Board of Trustees. Such appeal shall set forth in substance the employee's grievance and reason for appeal. The Board of Trustees shall schedule a hearing and such hearing shall be within twenty (20) working days of receipt of the appeal.

The employee and the Director shall have the right to be heard and to present evidence and may be represented by legal counsel. The employee's failure to attend the hearing will constitute just cause for dismissal of the appeal. After hearing and consideration of the evidence, the Board of Trustees shall issue its decision within 5 days after the hearing. Such decision shall be given in writing to the employee.

GRIEVANCE PROCEDURES FOR THE DIRECTOR
The Director shall have the right to utilize the grievance and complaint procedure of this section when in the opinion of the Director an action taken against him/her was without cause. Areas of grievance include wages, discrimination, disciplinary action, and working conditions.

The Director must submit the grievance in writing to the Board of Trustees within fifteen (15) working days of the occurrence of the grievance. The written documentation must specify circumstances and state the remedial action requested. The Board of Trustees shall schedule a hearing and such hearing shall be within fifteen (15) working days of receipt of the appeal.

The Director shall have the right to be heard and to present evidence and may be represented by legal counsel. The Director's failure to attend will constitute just cause for dismissal of the appeal. After hearing and considering the evidence, the Board of Trustees shall issue a decision within 5 days, which shall be given in writing to the Director. The decision of the Board of Trustees shall be final.

19. EMPLOYEE RELATIONS
It is the policy of the Marshall Public Library to promote and ensure equal opportunity for all persons (without regard to race, creed, color, marital status, national origin, religion, sex, age, handicap political affiliation or ancestry) employed or seeking employment, using Library facilities or being served by the Library. The policy of equality applies to every aspect of Library employment practice and policy involving all activity areas.

The Marshall Public Library assures non-discrimination in recruiting, hiring, training, placement, advancement, compensation, working conditions, demotion, layoffs and termination.
All applicants and employees shall be expected to be qualified for the position they are seeking and to indicate, through performance, capability of at least acceptable performance of assigned duties. Encouragement, information and appropriate on-the-job orientation and training are to be provided to all new employees to assist them in performing their job assignments effectively.

Although EEO Affirmative Action shall be considered a top priority, it shall not unreasonably infringe upon the goal of efficient, productive and continuing public service.

Employees are expected to participate in library sponsored events as required by the Director.

Employees may withdraw library materials from the library in accordance with the regulations established by the library upon presentation of their library card.

Changes to these Personnel Policies may be made by the Board of Trustees as needed. To avoid any misunderstanding, a copy of this document shall be kept on file signed by each employee, stating that he/she has read and understands the contents.

20. **HOSPITALITY**
The funds for hospitality will be collected each July in the amount of $20 per board member. Unused funds shall be accumulated and available for future use.

**SPECIAL DAYS**

Holiday Reception

National Library Workers Day (potluck provided by board on evening of)

**RETIREMENT**
In the event that an employee of the Marshall Public Library retires, the following steps shall be taken:

a. Mail congratulations card (signed by director and board president).


c. Hold retirement reception.
**WEDDING**
In the event that an employee of the Marshall Public Library gets married, the following steps shall be taken:
   a. Mail congratulations card (signed by director and board president).

**BIRTH OF A CHILD**
In the event that an employee of the Marshall Public Library experiences the birth of a child, the following steps shall be taken:
   a. Mail congratulations card (signed by director and board president)

**ILLNESS OF STAFF MEMBER**
   a. Mail get well card (signed by director and board president)
   b. Purchase flowers.

**ILLNESS OF SPOUSE, PARENT, CHILD OF STAFF MEMBER**
   a. Mail get well card (signed by director and board president)

**LOSS OF FAMILY MEMBER**
In the event that an employee of the Marshall Public Library experiences the loss of an immediate family member (see Definitions), the following steps shall be taken:
   a. Mail sympathy card (signed by director and board president)
ATTACHMENT A

REQUEST FOR RECONSIDERATION OF LIBRARY MATERIALS
Marshall Public Library
Marshall, Missouri

ENTIRE FORM MUST BE COMPLETED FOR MATERIAL TO BE RECONSIDERED.

Type of Material:______________________________________________________________
Title:__________________________________________________________________________
Author:______________________ Publisher:_________________________
Request initiated by:_____________________________________________________________
Address:________________________ Telephone:______________
Person making request represents: Self:______ Group:_________
Identify group or organization represented:_________________________________________

1. To what in the material do you object? Please be specific: cite pages and passages, frames in a filmstrip, film or video sequence, etc.
__________________________________________________________________________
__________________________________________________________________________

2. What do you feel might result from the use of this material?
__________________________________________________________________________
__________________________________________________________________________

3. For what age group would you recommend this material? ___________

4. Is there anything good about this material?
__________________________________________________________________________
__________________________________________________________________________

5. Did you read or view the material in its entirety? _________________

If you answered ‘no’, what parts did you read or view?
__________________________________________________________________________

6. Are you aware of the judgment of this material by experts in the field?


7. What do you believe is the theme or purpose of this material?

8. What would you like the library to do about this material?

9. What other material, serving substantially the same purpose, would you recommend in place of this?

Date: _______  Signature of Complainant: ______________________
ATTACHMENT B
REQUEST FOR ACCESS TO PUBLIC MEETING RECORDS
Marshall Public Library Board of Trustees
Marshall, Missouri

To the Director of the Marshall Public Library:

This is a request for records under the Missouri Sunshine Law, Chapter 610, Revised Statutes of Missouri.

I request that you make available to me the following records: _______
(Describe the records as specifically as possible. Where you are asking for records that cover only a particular period, such as last year or a specific month, identify that time period.)

If you know the subject matter of the records, but do not have additional information, use this alternative:
I request that you make available to me all records that relate to _______
(Be as specific as possible; include dates if you can.)

If you want and are willing to pay for copies of the records, rather than just being able to see them:
I request that the records responsive to my request be copied and sent to me at the following address: _______.

If you believe your request serves the public interest, and is not just for personal or commercial interest, you may ask that the fees be waived: I request that all fees for locating and copying the records be waived.
The information I obtain through this request will be used to _______(Tell how you will use the information and why that use is in the public interest.)

Please let me know in advance of any search or copying if the fees will exceed $____ (Insert amount you are willing to pay without additional information about the documents.)

If portions of the requested records are closed, please segregate the closed portions and provide me with the rest of the records.

(Insert your name, address, phone number or electronic mail address)
Attachment B – Employee Confidentiality Agreement
Employee Confidentiality Agreement

The Marshall Public Library staff provide essential and valuable services to the community at large. While engaging in these functions, employees collect or may have access to personal and privileged information concerning individuals associated with the Marshall Public Library. This requires a commitment of confidentiality to protect privacy. Unless there is a proper and appropriate request, unauthorized disclosure or access of this information could create legal liability and loss of public confidence in the Marshall Public Library.

ACCORDINGLY, THE UNDERSIGNED HEREBY AGREES NOT TO RELEASE THE FOLLOWING PERSONAL OR PRIVILEGED INFORMATION WITHOUT PROPER LEGAL AUTHORIZATION:

1. Any information from library patron records concerning circulation history [materials checked out from the Marshall Public Library].
2. Any personal information from library patron records (phone number, address, etc.)
3. Any information stored in Library computers, including passwords.

Signature: ______________________________________ Date: __________

Print Full Name: ____________________________________________
Attachment C – Drug Free Workplace and Substance Abuse and Testing Policy Statement
ORDINANCE NO. 7307

AN ORDINANCE ADOPTING AND AMENDING THE COMPREHENSIVE DRUG-FREE WORKPLACE AND CONTROLLED SUBSTANCES AND ALCOHOL ABUSE AND TESTING POLICY FOR THE CITY OF MARSHALL, MISSOURI

WHEREAS, state and federal laws require multiple substance abuse policies and procedures for City of Marshall employees, some of which relate to all employees, appointed and elected officials, volunteers, board members, contractors and their employees while present on City property and/or engaged in City functions, and others relate only to employees performing safety sensitive functions; and

WHEREAS, the Council previously adopted a Mandatory Seat Belt, Alcohol and Drug Abuse Policy on November 18, 1991; and

WHEREAS, the Council previously adopted a Drug-Free Workplace policy on September 16, 1991; and

WHEREAS, the Council previously adopted a Controlled Substances and Alcohol Use and Testing Policy on December 18, 1995 and subsequently amended to date of August 4, 1999; and

WHEREAS, the Council is required to adopt a Transit System Substance Abuse Policy; and

WHEREAS, the Council desires to consolidate all alcohol and drug abuse policies so that employees and citizens may easily locate the comprehensive substance abuse policy of the City.

NOW THEREFORE, BE IT ORDAINED by the Council of the City of Marshall, Missouri, as follows:

Section 1. That, in order to protect the public health, safety and welfare, the Comprehensive Drug-Free Workplace and Controlled Substances and Alcohol Abuse and Testing Policy, is hereby adopted as follows:

CITY OF MARSHALL
DRUG-FREE WORKPLACE AND
SUBSTANCE ABUSE AND TESTING POLICY

1.0 POLICY

The City of Marshall recognizes that drug abuse and drug dependency are increasingly significant issues facing all employers. The City further recognizes drug abuse as a
potential health, safety and security problem. The City of Marshall is dedicated to providing safe, dependable, and economical police, fire, sanitation, street and transportation services to our citizens and patrons. City of Marshall employees are our most valuable resource and it is our goal to provide a healthy, satisfying working environment that promotes the well being of our employees and advances opportunities for personal growth. In meeting these goals, it is our policy to (1) assure that employees are not impaired in their ability to perform assigned duties in a safe, productive, and healthy manner; (2) create a workplace environment free from the adverse effects of drug abuse and alcohol misuse; (3) prohibit the unlawful manufacture, distribution, dispensing, possession, or use of controlled substances; and (4) to encourage employees to seek professional assistance anytime personal problems, including alcohol or drug dependency, adversely affect their ability to perform their assigned duties.

2.0 PURPOSE

2.1 General

The purpose of this policy is to assure worker fitness for duty and to protect our employees, passengers, and the public from the risks posed by the misuse of alcohol and use of prohibited drugs. This policy is also intended to comply with all applicable Federal regulations governing workplace anti-drug and alcohol programs in the emergency services and transit industry. The Federal Transit Administration (FTA) of the U.S. Department of Transportation has published 49 CFR Part 653 and Part 654, as amended, that mandate urine drug testing and breath alcohol testing for safety-sensitive positions and prohibits performance of safety-sensitive functions when there is a positive test result. The U.S. Department of Transportation (DOT) has also published 49 CFR Part 40, as amended, which sets standards for the collection and testing of urine and breath specimens. In addition, the Federal government published 49 CFR Part 29, "The Drug-Free Workplace Act of 1988" which requires the establishment of drug-free workplace policies and the reporting of certain drug-related offenses to the FTA. The Federal Highway Administration’s Controlled Substances and Alcohol Use and testing rules were enacted pursuant to 49 CFR Part 382. This policy incorporates those requirements for safety-sensitive employees and others when so noted.

2.2 Requirements of All Employees

Employees are expected to report to work on time and in appropriate mental and physical condition for work. Employees are not to report to work under the influence of intoxicants (alcoholic beverages or illegal drugs) and shall not consume, use or possess intoxicants at any time during their scheduled work day, on City property, or in any City vehicle (while traveling to or from City property while on duty).

3.0 APPLICABILITY

This policy applies to all safety-sensitive and non-safety-sensitive City and transit system employees, appointed and elected officials, paid part-time employees, contract
employees, contractors when they are on City property or when performing any City-related safety-sensitive or non-safety-sensitive business, all employees whose job classification requires them to hold a commercial driver's license (CDL), all police officers, reserve police officers and all fire personnel. This policy applies to off-site lunch periods or breaks when an employee is scheduled to return to work. Volunteers working for the City, including volunteer firemen, auxiliary police officers, visitors, vendors, contractor employees, park department referees, coaches and volunteers are governed by this policy while on City premises and will not be permitted to conduct City business if found to be in violation of this policy. This policy is in addition to, and does not replace, the City’s Personnel Policy as it relates to pre-employment physicals, hiring, testing, transfers, training, disciplinary procedures, grounds for dismissal or any other area that may be addressed therein. The Marshall Municipal Utilities has a similar policy in effect, and thus this policy does not apply to Utility employees.

A safety-sensitive function is any duty related to the safe operation of mass transit service or other City vehicles, including the operation of a revenue service vehicle (whether or not the vehicle is in revenue service), police and fire vehicles, dispatch, maintenance of a revenue service vehicle or equipment used in revenue service, maintenance of police, fire, sanitation and street department vehicles, security personnel who carry firearms, and any other position which requires that the employee hold a Commercial Driver's License. A list of safety-sensitive positions that perform one or more of the above-mentioned duties is attached.

4.0 PROHIBITED SUBSTANCES

"Prohibited substances" addressed by this policy include the following:

4.1 Illegally Used Controlled Substances or Drugs

The use of any illegal drug or any substance identified in Schedules I through V of Section 202 of the Controlled Substance Act (21 U.S.C. 812), as further defined by 21 CFR 1300.11 through 1300.15 is prohibited at all times unless a legal prescription has been written for the substance. This includes, but is not limited to: marijuana, amphetamines, opiates, phencyclidine (PCP), and cocaine, as well as any drug not approved for medical use by the U.S. Drug Enforcement Administration or the U.S. Food and Drug Administration. Illegal use includes use of any illegal drug, misuse of legally prescribed drugs, and use of legally obtained prescription drugs. Safety sensitive employees will be tested for marijuana, cocaine, amphetamines, opiates, and phencyclidine as described in Section 6.0 of this policy.

4.2 Legal Drugs

The appropriate use of legally prescribed drugs and non-prescription medication is not prohibited. However, the use of any substance which carries a warning label that indicates that mental functioning, motor skills, or judgment may be adversely affected must be reported to a City or transit system supervisor. In addition, the employee must
obtain a written release from the attending physician releasing the person to perform their job duties any time they obtain a performance-altering prescription.

A legally prescribed drug means that the individual has a prescription or other written approval from a physician for the use of a drug in the course of medical treatment. It must include the patient's name, the name of the substance, quantity/amount to be taken, and the period of authorization. The misuse or abuse of legal drugs while performing City or transit business is prohibited.

4.3 Alcohol

The use of beverages containing alcohol or substances including any medication, mouthwash, food, candy, or any other substance such that alcohol is present in the body while performing City or transit business is prohibited. The concentration of alcohol is expressed in terms of alcohol per 210 liters of breath as measured by an evidential breath-testing device.

5.0 PROHIBITED CONDUCT

5.1 Manufacture, Trafficking, Possession, and Use

City and Transit system employees are prohibited from engaging in the unlawful manufacture, distribution, dispensing, possession, or use of prohibited substances on City or transit authority premises, in City or transit vehicles, in uniform or while on City or transit authority business. Employees who violate this provision will be discharged. Law enforcement shall be notified, as appropriate, where criminal activity is suspected.

5.2 Intoxication/Under the Influence

Any safety-sensitive or non-safety-sensitive employee who is reasonably suspected of being intoxicated, impaired, under the influence of a prohibited substance, or not fit for duty shall be suspended from job duties pending an investigation and verification of condition. Employees found to be under the influence of a prohibited substance or who fail to pass a drug or alcohol test shall be removed from duty and subject to disciplinary action. A drug or alcohol test is considered positive if the individual is found to have a quantifiable presence of a prohibited substance in the body above the minimum thresholds defined in 49 CFR Part 40, as amended.

5.3 Alcohol and Drug Use

No safety-sensitive or non-safety-sensitive employee should report for duty or remain on duty when his/her ability to perform assigned safety-sensitive functions is adversely affected by alcohol or when his/her breath alcohol concentration is 0.04 or greater. No safety-sensitive or non-safety-sensitive employee shall use alcohol while on duty, in uniform, while performing safety-sensitive functions, or just before or just after performing a safety-sensitive function. No safety-sensitive or non-safety-sensitive
employee shall use alcohol within four hours of reporting for duty, or during the hours that they are on call. No employee shall possess any quantity of alcohol while on duty unless the alcohol is manifested for a specific municipal purpose.

All safety sensitive employees are prohibited from reporting for duty or remaining on duty any time there is a quantifiable presence of a prohibited substance in the body above the minimum thresholds defined in 49 CFR Part 40, as amended. Violation of these provisions is prohibited and punishable by disciplinary action up to and including termination.

5.4 Compliance with Testing Requirements

All safety-sensitive and non-safety-sensitive employees will be subject to urine drug testing and breath alcohol testing as a condition of employment. Any safety-sensitive or non-safety-sensitive employee who refuses to comply with a request for testing shall be removed from duty and their employment terminated. Any safety-sensitive or non-safety-sensitive employee who is suspected of providing false information in connection with a test, or who is suspected of falsifying test results through tampering, contamination, adulteration, or substitution will be required to undergo an observed collection. Verification of falsifying test results will result in the employee's removal from duty and their employment terminated. Refusal can include an inability to provide a sufficient urine specimen or breath sample without a valid medical explanation, as well as a verbal declaration, obstructive behavior, or physical absence resulting in the inability to conduct the test. Drug tests can be performed any time a safety sensitive employee is on duty. An alcohol test can be performed when the safety sensitive employee is actually performing a safety sensitive duty, just before, or just after the performance of a safety sensitive duty.

5.5 Treatment Requirements

All employees are encouraged to make use of the available resources for treatment for alcohol misuse and illegal drug use problems. Under certain circumstances, employees may be required to undergo treatment for substance abuse or alcohol misuse. Any employee who refuses or fails to comply with City or transit system requirements for treatment, after care, or return to duty shall be subject to disciplinary action, up to and including termination. The cost of any treatment or rehabilitation services will be paid for directly by the employee or their insurance provider. Employees will be allowed to take accumulated sick leave and vacation leave to participate in the prescribed rehabilitation program. Conscientious efforts to seek treatment will not jeopardize any employee’s job and will not be noted in any personnel record unless there is an independent supervisor initiated referral pursuant to these policies and procedures.
5.6 Notifying the City or Transit System of Criminal Drug Conviction

All employees are required to notify the City or transit system of any criminal drug statute conviction for a violation occurring in the workplace within five days after such conviction. Failure to comply with this provision shall result in disciplinary action, up to and including termination.

5.7 Proper Application of the Policy

The City and transit system is dedicated to assuring fair and equitable application of this substance abuse policy. Therefore, supervisors/managers are required to use and apply all aspects of this policy in an unbiased and impartial manner. Any supervisor/manager who knowingly disregards the requirements of this policy, or who is found to deliberately misuse the policy in regard to subordinates, shall be subject to disciplinary action, up to and including termination.

6.0 TESTING PROCEDURES

Analytical urine drug testing and breath testing for alcohol may be conducted when circumstance warrant or as required by Federal regulations. All safety-sensitive and non-safety-sensitive employees shall be subject to testing prior to employment, for reasonable suspicion, and following an accident as defined in Section 6.2, 6.3, and 6.4 of this policy. In addition, all safety-sensitive and non-safety-sensitive employees will be tested prior to returning to duty after failing a drug or alcohol test and after completion of the Substance Abuse Professional's recommended treatment program and subsequent release to duty. Follow-up testing will also be conducted following return to duty for a period of one to five years, with at least six tests performed during the first year.

Those employees who perform safety-sensitive functions as defined in the attachment to this policy shall also be subject to testing on a random, unannounced basis.

Testing shall be conducted in a manner to assure a high degree of accuracy and reliability and using techniques, equipment, and laboratory facilities, which have been approved, by the U.S. Department of Health and Human Service (DHHS). All testing will be conducted consistent with the procedures put forth in 49 CFR Part 40, as amended. The procedures will be performed in a private, confidential manner and every effort will be made to protect the employee, the integrity of the drug testing procedure, and the validity of the test result.

The drugs that will be tested for include marijuana, cocaine, opiates, amphetamines, and phencyclidine. Urine specimens will be collected using the split specimen collection method described in 49 CFR Part 40. Each specimen will be accompanied by a DOT Chain of Custody and Control Form and identified using a unique identification number that attributes the specimen to the correct individual. An initial drug screen will be conducted on the primary urine specimen. For those specimens that are not negative, a
confirmatory Gas Chromatography/Mass Spectrometry (GC/MS) test will be performed. The test will be considered positive if the amounts present are above the minimum thresholds established in 49 CFR Part 40, as amended. The test results from the laboratory will be reported to a Medical Review Officer. A Medical Review Officer (MRO) is a licensed physician with detailed knowledge of substance abuse disorders and drug testing. The MRO will review the test results to ensure the scientific validity of the test and to determine whether there is a legitimate medical explanation for a confirmed positive test result. The MRO will contact the employee, notify the employee of the positive laboratory result, and provide the employee with an opportunity to explain the confirmed test result. The MRO will subsequently review the employee's medical history/medical records to determine whether there is a legitimate medical explanation for a positive laboratory result. If no legitimate medical explanation is found, the test will be verified positive and reported to the program manager. If a legitimate explanation is found, the MRO will report the test result as negative.

The split specimen will be stored at the initial laboratory until the analysis of the primary specimen is completed. If the primary specimen is negative, the split will be discarded. If the primary is positive, the split will be retained for testing if so requested by the employee through the Medical Review Officer.

In instances where there is a reason to believe an employee is abusing a substance other than the five drugs listed above, the City and transit system reserves the right to test for additional drugs under the City and transit system’s own authority using standard laboratory testing protocols.

Tests for breath alcohol concentration will be conducted utilizing a National Highway Traffic Safety Administration (NHTSA)-approved testing device operated by a trained technician. If the initial test indicates an alcohol concentration of 0.02 or greater, a second test will be performed to confirm the results of the initial test. The confirmatory test will be performed using an NHTSA-approved evidential breath-testing device (EBT) operated by a trained breath alcohol technician (BAT). The BAT will identify each test by a unique sequential identification number. This number, time, and unit identifier will be provided on each EBT printout. The EBT printout along with an approved alcohol testing form will be used to document the test, the subsequent results, and to attribute the test to the correct employee. The test will be performed in a private, confidential manner as required by 49 CFR Part 40 as amended. The procedure will be followed as prescribed to protect the employee and to maintain the integrity of the alcohol testing procedures and validity of the test result.

A safety-sensitive or non-safety-sensitive employee who has confirmed alcohol concentration of greater than 0.02 but less than 0.04 will be removed from his/her position for eight hours unless a retest results in a concentration measure of less than 0.02. The inability to perform safety-sensitive duties due to an alcohol test result of greater than 0.02 but less than 0.04 will be considered an unexcused missout subject to City and transit system disciplinary procedures. An alcohol concentration of 0.04 or
greater will be considered a positive alcohol test in violation of this policy and a violation of the requirements set forth in 49 CFR Part 654 for safety-sensitive employee.

Any safety-sensitive or non-safety-sensitive employee that has a confirmed positive drug or alcohol test will be removed from his/her position, informed of educational and rehabilitation programs available, and referred to a Substance Abuse Professional (SAP) for assessment. A positive drug and/or alcohol test will also result in disciplinary action up to and including termination.

The City and transit system affirm the need to protect individual dignity, privacy, and confidentiality throughout the testing process. In addition, if at any time the integrity of the testing procedures or the validity of the test results is compromised, the test will be cancelled.

6.1 Employee Requested Testing

Any safety-sensitive or non-safety-sensitive employee who questions the results of a required drug test under paragraphs 6.2 through 6.7 of this policy may request that the split sample be tested. This test must be conducted at a different DHHS-certified laboratory. The test must be conducted on the split sample that was provided by the employee at the same time as the original sample. All costs for such testing are paid for by the employee unless the result of the split sample test invalidates the result of the original test or the employee cannot afford to pay the cost. The method of collecting, storing, and testing the split sample will be consistent with the procedures set forth in 49 CFR Part 40, as amended. The employee's request for a split sample test must be made to the Medical Review Officer within 72 hours of notice of the original sample verified test result. Requests after 72 hours will only be accepted if the delay was due to documentable facts that were beyond the control of the employee.

6.2 Pre-Employment Testing

All safety-sensitive and non-safety-sensitive position applicants shall undergo urine drug testing prior to hire or transfer into a safety-sensitive position. Receipt by the City and transit system of a negative drug test result is required prior to employment. Failure of a pre-employment drug test will disqualify an applicant for employment for a period of 120 days. Evidence of the absence of drug dependency from a Substance Abuse Professional that meets with the approval of the City or transit system and a negative pre-employment drug test will be required prior to further consideration for employment. The cost for the assessment and any subsequent treatment will be the sole responsibility of the individual. A pre-employment/pre-transfer test will also be performed anytime an employee's status changes from an inactive status in a safety-sensitive position to an active status in a safety-sensitive position (i.e., return from Worker's Comp., return from leave of absence).
6.3 Reasonable Suspicion Testing

All safety-sensitive and non-safety-sensitive employees may be subject to a fitness for duty evaluation, and urine and/or breath testing when there are reasons to believe that drug or alcohol use is adversely affecting job performance. A reasonable suspicion referral for testing will be made on the basis of documented objective facts and circumstances that are consistent with the short-term effects of substance abuse or alcohol misuse. Examples of reasonable suspicion include, but are not limited to, the following:

1. Physical signs and symptoms consistent with prohibited substance use or alcohol misuse.

2. Evidence of the manufacture, distribution, dispensing, possession, or use of controlled substances, drugs, alcohol, or other prohibited substance.

3. Occurrence of a serious or potentially serious accident that may have been caused by prohibited substance abuse or alcohol misuse.

4. Fights (to mean physical contact), assaults, and flagrant disregard or violations of established safety, security, or other operating procedures.

Reasonable suspicion referral must be made by a supervisor who is trained to detect the signs and symptoms of drug and alcohol use and who reasonably concludes that an employee may be adversely affected or impaired in his/her work performance due to possible prohibited substance abuse or alcohol misuse.

6.4 Post-Accident Testing

All safety-sensitive and non-safety-sensitive employees will be required to undergo urine and breath testing if they are involved in an accident with a City of Marshall or Transit vehicle (regardless of whether or not the vehicle is in revenue service) that results in a fatality. This includes all surviving safety-sensitive employees that are operating the vehicle and any other whose performance could have contributed to the accident. In addition, a post-accident test will be conducted if an accident results in injuries requiring immediate transportation to a medical treatment facility; or one or more vehicles incurs disabling damage; unless the employee can be completely discounted as a contributing factor to the accident. The accident definition may include some incidents where an individual is injured even though there is no vehicle collision.

Following an accident, the employees will be tested as soon as possible, but not to exceed eight hours for alcohol testing and 32 hours for drug testing. Any employee involved in an accident must refrain from alcohol use for eight hours following the accident or until he/she undergoes a post-accident alcohol test. Any safety-sensitive employee who leaves the scene of the accident without justifiable explanation prior to submission to drug and alcohol testing will be considered to have refused the test and their employment
terminated. Employees tested under this provision will include not only the operations personnel, but also any other covered employee whose performance could have contributed to the accident.

6.5 Random Testing

Employees in safety-sensitive positions will be subjected to random, unannounced testing. The selection of safety-sensitive employees for random alcohol testing will be made using a scientifically valid method that ensures each covered employee that they will have an equal chance of being selected each time selections are made. The random tests will be unannounced and spread throughout the year. Tests can be conducted at any time during an employee's shift (i.e. beginning, middle, end). Employees are required to proceed immediately to the collection site upon notification of their random selection.

6.6 Return-To-Duty Testing

All safety-sensitive and non-safety-sensitive employees who previously tested positive on a drug or alcohol test must test negative (below 0.02 for alcohol) on a return-to-duty test and be evaluated and released to duty by a Substance Abuse Professional before returning to work. A Substance Abuse Professional (SAP) is a licensed physician or certified psychologist, social worker, employee assistance professional, or addiction counselor certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission or by the International Certification Reciprocity Consortium/Alcohol and Other Drug Abuse. The SAP must also have clinical experience in the diagnosis and treatment of drug and alcohol related diseases. Before scheduling the return to duty test, The SAP must assess the employee and determine if the required treatment has been completed.

6.7 Follow-Up Testing

Safety-sensitive and non-safety-sensitive employee will be required to undergo frequent, unannounced urine and/or breath testing following their return to duty. The follow-up testing will be performed for a period of one to five years with a minimum of six tests to be performed the first year. A qualified Substance Abuse Professional will determine the frequency and duration of the follow-up tests beyond the minimum.

7.0 EMPLOYMENT ASSESSMENT

Any safety-sensitive or non-safety-sensitive employee who tests positive for the presence of illegal drugs or alcohol above the minimum thresholds set forth in 49 CFR Part 40, as amended, will be referred for evaluation by a Substance Abuse Professional (SAP). A SAP is a licensed or certified physician, psychologist, social worker, employee assistance professional, or addiction counselor with knowledge of and clinical experience in the diagnosis and treatment of alcohol and drug-related disorders. The SAP will evaluate each employee to determine what assistance, if any, the employee needs in resolving problems associated with prohibited drug use or alcohol misuse.
Assessment by a SAP or participation in the City or transit system's Employee Assistance Program does not shield an employee from disciplinary action or guarantee employment or reinstatement with the City and transit system. The City of Marshall Personnel Policies or Transit Disciplinary Code should be consulted to determine the penalty for performance-based infractions and violation of policy provisions.

When a safety-sensitive or non-safety-sensitive employee is allowed to return-to-duty, he/she must properly follow the rehabilitation program prescribed by the SAP, the employee must have negative return-to-duty drug and alcohol tests, and be subject to unannounced follow-up testing for a period of one to five years. The cost of any treatment or rehabilitation services will be paid directly by the employee or their insurance provider. Employees will be allowed to take accumulated sick leave and vacation leave to participated in the prescribed rehabilitation program.

8.0 INFORMATION DISCLOSURE

All drug and alcohol testing records will be maintained in a secure manner so that disclosure of information to unauthorized persons does not occur. Information will only be released in the following circumstances:

1. To a third party only as directed by specific, written instruction of the employee;

2. To the decision-maker in a lawsuit, grievance, or other proceeding initiated by or on the behalf of the employee tested;

3. To a subsequent employer upon receipt of a written request from the employee;

4. To the National Transportation Safety Board during an accident investigation;

5. To the DOT or any DOT agency with regulatory authority over the City or transit system or any of its employees, or to a State oversight agency authorized to oversee rail fixed-guideway systems; or

6. To the employee, upon written request.

9.0 EMPLOYEE AND SUPERVISOR TRAINING

The City shall annually conduct a training program (which may coincide with the safety training required under other policies) for all safety-sensitive employees to familiarize the employees with the City's rules and regulations regarding beverage alcohol and non-prescribed controlled drugs. All employees shall be required annually to sign a statement indicating they are aware of the City's policies regarding drug and alcohol use.
All safety sensitive employees will undergo a minimum of 60 minutes of training on the signs and symptoms of drug use including the effects and consequences of drug use on personal health, safety, and the work environment. The training must also include manifestations and behavioral cues that may indicate prohibited drug use.

Supervisors will also receive 60 minutes of reasonable suspicion training on the physical, behavioral, and performance indicators of probable drug use and 60 minutes of additional reasonable suspicion training on the physical, behavioral, speech, and performance indicators of probable alcohol misuse.

Information on the signs, symptoms, health affects and consequences of alcohol misuse is presented in Attachment 2 of this policy.

10.0 RE-ENTRY CONTRACTS

Employees who re-enter the workforce must agree to a re-entry contract. That contract may include (but is not limited to):

1. A release to work statement from the Substance Abuse Professional.

2. A negative test for drugs and/or alcohol.

3. An agreement to unannounced frequent follow-up testing for a period of one to five years with at least six tests performed the first year.

4. A statement of work-related behaviors.

5. An agreement to follow specified after care requirements with the understanding that violation of the re-entry contract is grounds for termination.

11.0 SYSTEM CONTACT

Any questions regarding this policy or any other aspect of the drug free and alcohol-free City and transit program should contact the following City and transit system representative:

Program Manager:

Name: Charles Tryban
Title: City Administrator, Program Manager
Address: City of Marshall, 214 N. Lafayette
Telephone: (660) 886-2225
FAX: (660) 886-
Medical Review Officer:

Name: Norbert T. Belz, MD, MPH, FACPM
Address: 1423 N. Jefferson Ave., Springfield, MO 65802
Telephone: (417) 269-3813
FAX: (417) 269-3817

Substance Abuse Professional:

Name: David R. Rasse
Title: 
Address: P.O. Box 38, 78 W. Arrow
Telephone: (660) 886-3373
FAX: 

Section 2. That Section 2 of Ordinance No. 6579, passed November 18, 1991 and Ordinance No. 6563, passed September 16, 1991 are hereby repealed. All provisions in any other ordinance or resolution inconsistent with the provisions of this policy are hereby repealed.

Section 3. This ordinance shall be in full force and effect upon final passage and approval.
PASSED by the Council of the City of Marshall, Missouri, this 5th day of February, 2001.

[Signature]
President

APPROVED by the Mayor this 5th day of February, 2001.

[Signature]
Mayor

FILED this 5th day of February, 2001.

[Signature]
City Clerk
ATTACHMENT 1

City of Marshall and Transit System

Safety-Sensitive Functions

Transit System Administrator (If Performs Dispatch Functions)
Transit System Operations Manager
Transportation Dispatcher (If Performs Dispatch or Driver Functions)
Full-time Bus Drivers
Part-time Bus Drivers
Leadman/Mechanic
Mechanic
Bus Washer/Fueler
Full-time Vehicle Drivers
Part-time Vehicle Drivers
Police Officers
Reserve Police Officers
Fire Department Personnel
Volunteer Firemen
Dispatchers
All Employees Required to have a Commercial Drivers License
All Employees Required or Permitted to Carry Firearms on Duty
All Employees who Operate a Revenue Service Vehicle
All Employees who Operate any City Owned Vehicle, of any description, on public streets, roads or highways.
Attachment D – Sexual Harassment Policy Statement
CITY OF MARSHALL, MISSOURI
PERSONNEL POLICY

A. The following policies and procedures apply to all officers and employees of the City of Marshall, Missouri, including, but not limited to full and part-time employees, elected and appointed officials, permanent and temporary employees, employees covered or exempted from personnel rules or regulations, and employees or contractors working under contract for the City.

B. This policy shall be distributed to all employees of the City. Every employee will be required to acknowledge his or her receipt of this policy in writing. A copy of that acknowledgment shall be kept on permanent file in the City. Department heads and supervisors shall also be responsible for insuring that all employees under their direction are familiar with this policy.

C. Sexual harassment is behavior with sexual content or overtones that is unwelcome and personally offensive. It can consist of sexually oriented “kidding” or jokes; physical contact such as patting, pinching or purposely rubbing up against another person’s body; demands or requests for sexual favors tied to promises of better treatment or threats concerning employment; discriminating against an employee for refusing to “give in” to demands or requests for sexual favors; or rewarding or granting favors to one who submits to demands or requests for sexual favors. Sexual harassment includes conduct directed by men toward women, conduct directed by men toward men, conduct by women toward men, and conduct directed by women toward women.

D. Employees are not only encouraged to report instances of sexual harassment, they are obligated to report instances of sexual harassment. Employees are obligated to cooperate in every investigation of sexual harassment, including, but not necessarily limited to coming forward with evidence, both favorable and unfavorable, to a person accused of sexual harassment, fully and truthfully making a written report or verbally answering questions when required to do so by an investigator during the course of an investigation of sexual harassment. Disciplinary action may be taken against any employee who fails to report instances of sexual harassment, or who fails or refuses to cooperate in the investigation of a complaint of sexual harassment. No disciplinary action or negative job related action shall be taken against any person who in good faith files a sexual harassment complaint, or who provides truthful information in a sexual harassment investigation.

E. It is the policy of the City of Marshall that sexual harassment by any employee, commission member, board member, mayor, member of the public, or employees of outside organizations will not be tolerated. Sexual harassment is generally considered to be a violation of the sex discrimination provisions of the Title VII
of the 1964 Civil Rights Acts and subsequent amendments. Under no conditions will verbal and/or physical conduct of a sexual nature toward any employee be condoned. This includes situations as employment, promotions, wage and salary increase, and any other circumstances that might contribute to an intimidated, hostile, or offensive work environment.

F. The following procedures apply to the filing of a sexual harassment complaint. Employees have a right to circumvent the employee chain of command in selecting which of the following persons to whom to make a complaint of sexual harassment.

(1) Any employee who feels they have been subjected to sexual harassment should immediately report the incident to their supervisor. If the supervisor is in any manner a party to the sexual harassment, or does not respond to the employee request, the employee may directly contact the City Administrator. In the event the City Administrator is the subject of the complaint, the employee may contact the Mayor or any member of the City Council. Every supervisor receiving a report of sexual harassment shall immediately notify the City Administrator. In the event the report is made to an elected official, that official shall notify the chairman, or a member of the Personnel and Environment Committee (the “Committee”).

(2) The initial report shall be in writing, setting forth the name of the individual making the complaint, the person(s) subject of the complaint, the date(s) and the nature of the offending actions. The report shall be dated and signed by the employee making the complaint, and the supervisor or other person receiving the complaint. One copy shall be retained by the employee making the complaint and one copy shall be retained by the person to whom the complaint is made. **No oral complaints will be accepted**. If the employee is not contacted by the City Administrator, the City Clerk, or an elected official within three business days of the filing of the complaint, the employee lodging the complaint shall make direct contact, in writing, with one of those officials.

(3) Any employee who feels that any person or situation they are exposed to constitutes sexual harassment should immediately indicate to the individual(s) involved or their supervisor that the action, words, situation, or other circumstances are unwelcome and the employee would like them/it to stop or be charged.

(4) All supervisors who have received a complaint of sexual harassment shall immediately inform the City Administrator, who shall conduct an investigation of the complaint and file a report with the Committee (copy to the employee filing the complaint) indicating:

a. The findings of the investigation;
b. Names of involved individuals;
c. Date(s) of incident(s);
d. Events surrounding the incident(s); and
e. Proposed Action

(5) The committee shall review the complaint and either approve the recommended action or present for implementation an alternate action.

G. Penalty for participating in sexual harassment:

(1) Any employee participating in sexual harassment will be subject to strict disciplinary action which may include termination.

(2) Outside vendors may be prohibited from trading with the City.

(3) Disciplinary actions concerning board members, the mayor and members of the public will be addressed by the mayor and City Council.

The foregoing personnel policy was, upon motion made and seconded passed by the Council of the City of Marshall, Missouri, on May 6, 1996.

The foregoing personnel policy was approved by the Mayor of the City of Marshall, Missouri, on May 6, 1996.

Mitchel F. Geisler, Mayor

Attest:  

Janet French, City Clerk
I have received and read the City of Marshall’s Sexual Harassment Policy Statement for Employees.

__________________________   ____
Signature                  Date