Grievance Procedures

Because perceptions about a personnel problem may differ, your library should have a grievance procedure which employees can use if they feel that they are being treated unfairly. The grievance procedure should be explained in the personnel policy, and it should be the responsibility of the supervisor to make employees aware of it. The policy should clearly establish the lines of authority that are to be used in filing a grievance. As with any library policy, this should be approved by your library's attorney or risk management provider prior to board approval.

If an employee tries to "end-run" this policy, he or she should be told to follow the procedure. This seems to happen most often when an employee goes directly to a board member rather than to the supervisor on staff. Board members should be informed of any staff problems when this might happen and they should be reminded of the proper procedure. It is important that the board avoid any direct communication with library staff during the grievance process until such time as the library's HR policy calls for board involvement.

Grievances should be filed in writing. The first step in the grievance procedure usually is fact finding and mediation between the employee and supervisor, if it is warranted. Fact finding and mediation should be done by a superior in the organization, or if that is not possible by a competent, disinterested outsider. In small libraries it is usually done by the library board. If it is found that the grievance was warranted, any supporting documentation should be placed in the employee's personnel file.

If it is found that the grievance was unfounded, the supervisor should be warned not to take retaliatory action. If the grievance involves an ongoing dispute involving disciplinary action against the employee, the normal disciplinary procedures should continue.

Some Important Employment Laws

Although it is not possible to cover in detail all the employment laws that might affect your library, here is a short list of important laws and what they do. These descriptions are not intended as a full explanation of the law, but as a guide to some areas of HR law that you should be concerned about.
**Human Resources: Or, “...And I Thought We Were Friends!”**

- **Minimum wage** – [federal](#) and [state](#). Almost all library workers fall under the federal minimum wage laws. Make sure that you are paying them at minimum wage or more.

- **Fair Labor Standards Act** ([FLSA](#)). This includes the federal minimum wage, and it also lists requirements for overtime pay and compensatory (comp) time. It also prohibits covered employees from contributing volunteer hours to their place of employment. The Fair Labor Standards Act also includes child labor provisions, which set certain limitations on the use of juveniles as employees. If you use students under 18 years of age as pages, you should be aware of these restrictions.

- **State** and [Federal Civil Rights Laws](#) prohibit employers from discriminating on the basis of race, color, religion, sex, or national origin in hiring, promotion, and other employment policies.

- **Age Discrimination Employment Act** ([ADEA](#)) prohibits employers from discriminating on account of age. The protected age group is 40 years old and older.

- **Americans with Disabilities Act** ([ADA](#)) strengthens prohibitions on discrimination against the disabled and requires employers to make their facilities accessible to the disabled and to make reasonable changes in their accommodations for the employment of disabled people.

- **The Immigration Reform and Control Act** ([IRCA](#)) of 1986 requires that employees complete an I-9 form within three days of starting work, verifying their identity and authorization to work. Employers may condition an offer of employment on the successful applicant’s completing the form, but may not specify what documents must be used to complete the form.

- **The Family and Medical Leave Act** ([FMLA](#)) of 1993 allows employees to take up to 12 work weeks of paid or unpaid leave for certain medical and family reasons. It requires that employees taking such leave be allowed to return to their original job or an equivalent job with equivalent pay, benefits, and other employment terms and conditions.

- **Prohibited Conduct by Public Servants**. Idaho Code [18-1351](#) and [18-1359 to 18-1362](#) lists prohibited conduct on the part of Idaho public servants. One of the prohibitions is against nepotism, the hiring and employment of one’s own relatives.