

NORTHPORT-EAST NORTHPORT PUBLIC LIBRARY

MEETING OCTOBER 18, 2018

The regular meeting of the Board of Trustees of the Northport-East Northport Public Library was held in the Northport Library Conference Room on Thursday, October 18, 2018.

I. CALL TO ORDER

Chairperson Margaret Hartough called the meeting to order at 10:05am. Also present were Judith Bensimon, Jacqueline Elsas, Elizabeth McGrail, Assistant Director Nancy Morcerf, Director James Olney and Toni Wu of Bayside CPA PLLC, Library Accountant. Absent with previous notice was Georganne White.

II. PLEDGE OF ALLIGENCE was recite by those attending.

III. ADOPTION OF THE AGENDA

Mrs. Bensimon moved to approve the agenda, seconded by Mrs. Elsas and unanimously carried.

IV. PERIOD FOR PUBLIC EXPRESSION

V. MINUTES OF PREVIOUS MEETING

Mrs. Elsas moved to approve minutes of September 20, 2018, seconded by Mrs. Bensimon and unanimously carried.

VI. FINANCIAL SECRETARY & TREASURER'S REPORT

A. Discussion and Acceptance of Auditor's Report on Examination

After presentation and discussion of the Auditor's Report Mrs. McGrail moved to accept the Auditor's Report, seconded by Mrs. Bensimon and unanimously carried.

B. Approval of Warrants

Mrs. Bensimon moved to approve warrant for \$196,188.94, page 4139, seconded by Mrs. Elsas and unanimously carried.

Mrs. Elsas moved to approve warrant for \$292,092.60, page 4140, seconded by Mrs. McGrail and unanimously carried.

Mrs. McGrail moved to approve warrant for \$134,472.68, page 4141, seconded by Mrs. Bensimon and unanimously carried.

C. Payroll Register

Mrs. Bensimon moved to approve payroll of \$192,591.59, page 2226, seconded by Mrs. Elsas and unanimously carried.

Mrs. McGrail moved to approve payroll of \$198,976.73, page 2227, seconded by Mrs. Bensimon and unanimously carried.

D. Review of Monthly Expenditures

## E. 2017/2018 Audit Allocations of Funds

Based on the recommendations from the 2017/2018 audit by Bayside CPA PLLC presented at the October 18, 2018 Board meeting, be it resolved that the Board of Trustees moves to approve that portions of the Unappropriated Fund Balance shall be allocated to the following funds:

- The Designated Fund for Accrued Sick Benefits be increased by \$27,315 to a total of \$491,000 to cover 50% of liability, and
- The Designated Fund for Capital Improvement be increased by \$350,000 to a total of \$750,000.

Mrs. Bensimon moved to approve 2017/2018 Audit Allocation of Funds, seconded by Mrs. Elsas and unanimously carried.

## F. Review of Statistical Summary

## VII. COMMUNICATIONS

No Communications to Report

## VIII. DIRECTOR'S REPORT

**Administration**

A representative from the American Red Cross provided adult, child, and infant CPR/AED and choking training to staff. Opioid overdose training was also made available to all interested staff.

The 2019 increase in funding for the county-wide subscription to Overdrive is being discussed among the libraries in the county. Based on strong usage, contribution increases of 20%, 27.5%, or 35% are being proposed. The Directors of the Huntington and Smithtown libraries agreed that a 35% increase would provide the most appropriate funding level at this time.

**Buildings and Grounds**

The LED lighting upgrades have been completed in the Northport building Café. In addition to energy savings, the area is brighter and safer as a result of the elimination of glass fixtures above the Café tables.

Cracked and deteriorating Library Courtyard pavers have been replaced with similar pavers. The original design is no longer available so the closest match was used.

**Network and Systems**

The community room screen has been replaced, under warranty, to address the oily residue that had formed on the surface.

The Northport Art Coalition's LED stage lighting needed to be reprogrammed after being temporarily stored during the remodeling of the community room. Thankfully our Networking and Systems staff were able to decipher the complex programming originally performed by a professional lighting technician.

**Circulation**

Popularity of Museum Passes continue into the Autumn averaging 4-6 reservations during the week and 15-16 reservations on the weekends.

**Community Services**

Library staff participated in the annual Stand Down event hosted at the Northport VA Medical Center for veterans. The Library booth incorporated materials for veterans while staff provided personalized guidance to veteran resources and services available at the library.

Thirty-eight patrons raced to the library to learn more about the six Vanderbilt Cup Races that were held on Long Island roads in the early 1900s. These races, developed from the imagination of William K. Vanderbilt, Jr., were the most prestigious and thrilling auto races of their day. Town historian of North Hempstead and author Howard Kroplick shared his research, including photos from the Vanderbilt private archives.

Alexander Wu's thrilling piano solo performance offered a unique collection of Gershwin's early piano works and classic Broadway songs from Tin Pan Alley to Rhapsody in Blue for an audience of 61 patrons.

**Adult and Teen Services**

The Aaron Kramer Collection that had been donated to our library, consisting of 39 books, 7 archival boxes of materials, and a finding aid, has found a new and more appropriate home. Brooklyn College, Aaron's alma mater and former employer, will be adding this unique collection to their library.

Registration has begun for the new *Introduction to Microsoft Excel for Teens*. This program is being promoted at the local schools and, in particular, to the students enrolled in the Academy of Information Technology program.

**Children and Family Services**

Following the demonstration of the new Starling Storytime Backpack to the Mom's Group it was checked out immediately and three other Moms placed holds.

Thirty-three adults and children enjoyed learning about writing and illustrating picture books from local author Deborah Cuneo. Ms. Cuneo also led the children in a craft related to her new book, *Little Dragon and the New Baby*.

Librarians staffed a library table at the *Weekday Nursery Back to School Fair* and the *Dickinson Avenue Open House* where they distributed bibliographies, museum pass brochures, program schedules, and library card applications.

Library Card Sign-Up Month was recognized by displaying photos of children enjoying library programs with the tagline: *Having Fun Isn't Hard When You Have a Library Card*. Children were very excited to see pictures of themselves and reminisced about their younger days.

The majority of the International Global Literature (IGL) collection is being donated to Rutgers University. Doris Gebel made arrangements for the university to pick up the books that we have decided to deselect due to low usage.

**IX. PERSONNEL REPORT**

Mrs. Elsas moved to approve "B. New Employees" in the personnel report, seconded by Mrs. McGrail and unanimously carried.

Mrs. McGrail moved to approve "C. Resignations" in the personnel report, seconded by Mrs. Bensimon and unanimously carried.

Mrs. Elsas moved to approve "D. Retirements" in the personnel report, seconded by Mrs. McGrail and unanimously carried.

Mrs. McGrail moved to approve "E. Other" in the personnel report, seconded by Mrs. Bensimon and unanimously carried.

**X. REVISION OF NORTHPORT-EAST NORTHPORT PUBLIC LIBRARY BY-LAWS**

Mrs. McGrail moved to approve revisions of Northport-East Northport Public Library By-Laws, seconded by Mrs. Bensimon and unanimously carried. (see attached)

**XI. REVISION OF SEXUAL HARASSMENT POLICY**

Mrs. Elsas moved to approve revision of Sexual Harassment Policy, seconded by Mrs. McGrail and unanimously carried. (see attached)

**XII. OTHER BUSINESS**

The Library has applied for a construction grant from New York State to help fund the retaining wall project at the Northport building.

Mr. Olney shared the proposed member library increase for Live-brary downloadables.

Mr. Olney discussed the Jack Kerouac manuscript with the Board.

**XIII. DATES OF FUTURE MEETINGS**

Thursday, November 15, 2018	10:00am	Regular Meeting
Thursday, December 20, 2018	10:00am	Regular Meeting

**XIV. ADJOURNMENT**

Mrs. McGrail moved to adjourn at 12:25pm, seconded by Mrs. Bensimon and unanimously carried.

Respectfully submitted

Judith Bensimon  
Secretary



# Northport-East Northport Public Library

151 Laurel Avenue • Northport, NY 11768 • 631-261-6930  
185 Larkfield Road • East Northport, NY 11731 • 631-261-2313  
[www.nenpl.org](http://www.nenpl.org)

Dear Board Member:

The regular meeting of the Board of Trustees of the Northport-East Northport Public Library will be held on **Thursday, October 18, 2018, 10:00 AM** in the Board Conference Room. Toni Wu of Bayside CPA PLLC, library accountant, will be in attendance.

## A G E N D A

- I. Call to Order
- II. Pledge of Allegiance
- III. Adoption of Agenda (Motion required)
- IV. Period for Public Expression
- V. Minutes of previous meeting (Motion required)
- VI. Financial Secretary & Treasurer's Report
  - A. Discussion and acceptance of Auditor's Report on Examination (Motion required)
  - B. Approval of warrants (Motion required)
  - C. Acceptance of payroll registers (Motion required)
  - D. Review of monthly expenditures
  - E. 2017/2018 Audit allocation of funds (Motions required)
  - F. Review of statistical summary
- VII. Communications
- VIII. Director's Report
- IX. Personnel Report (Motion required) (to be distributed at meeting)
- X. Revision of Northport-East Northport Public Library By-Laws (Motion required)
- XI. Revision of Sexual Harassment Policy (Motion required)
- XII. Other Business
- XIII. Date of next library board meetings:  
Thursday, November 15, 2018, 10:00 AM – Regular Meeting  
Thursday, December 20, 2018, 10:00 AM – Regular Meeting
- XIV. Adjournment

VI. Financial Secretary & Treasurer's Report  
E. 2017/2018 Audit allocation of funds  
(Motions required)

Based on the recommendations from the 2017/2018 audit by Bayside CPA PLLC presented at the October 18, 2018 Board meeting, be it resolved that the Board of Trustees moves to approve that portions of the Unappropriated Fund Balance shall be allocated to the following funds:

- the Designated Fund for Accrued Sick Benefits be increased by \$27,315 to a total of \$491,000 to cover 50% of liability, and
- the Designated Fund for Capital Improvement be increased by \$350,000 to a total of \$750,000.

**LIBRARY BOARD MEETING  
OCTOBER 18, 2018**

**ACCOUNTS PAYABLE**

<b>4139 9/19/18</b>	<b>\$ 196,188.94</b>	<b>One Hundred Ninety Six Thousand, One Hundred Eighty Eight Dollars, &amp; Ninety Four Cents</b>
<b>4140 10/3/18</b>	<b>\$ 292,092.60</b>	<b>Two Hundred Ninety Two Thousand, Ninety Two Dollars, &amp; Sixty Cents</b>
<b>4141 10/18/18</b>	<b>\$ 134,472.68</b>	<b>One Hundred Thirty Four Thousand, Four Hundred Seventy Two Dollars, &amp; Sixty Eight Cents</b>

**PAYROLL REGISTER**

<b>2226 9/21/18</b>	<b>\$ 192,591.59</b>	<b>One Hundred Ninety Two Thousand, Five Hundred Ninety One Dollars, &amp; Fifty Nine Cents</b>
<b>2227 10/5/18</b>	<b>\$ 198,976.73</b>	<b>One Hundred Ninety Eight Thousand, Nine Hundred Seventy Six Dollars, &amp; Seventy Three Cents</b>

**PERSONNEL REPORT**  
Approval of the Following Personnel Matters  
October 18, 2018

**A. Salary Increase**

<u>Name</u>	<u>Position &amp; Grade/Step</u>	<u>Department</u>	<u>Effective Date</u>
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**B. New Employees**

<u>Name</u>	<u>Position &amp; Grade/Step</u>	<u>Department</u>	<u>Effective Date</u>
Stephen Williams	Guard/\$17.90 hr.	Security	10/19/18
Andy Canadas	Guard/\$17.90 hr.	Security	10/19/18
Mary Copertino	Café Worker/\$11.50 hr.	Community Services	10/20/18
Brenna Strebel	Page/\$11.00 hr.	Circulation – NPT	10/30/18

**C. Resignations**

<u>Name</u>	<u>Position &amp; Grade/Step</u>	<u>Department</u>	<u>Effective Date</u>
Kim Langendorfer	Café Worker/\$11.50 hr.	Community Services	09/30/18
Johanna Canadas	Guard/\$17.90 hr.	Security	10/05/18
Laura O'Donohoe	Page/\$11.00 hr.	Circulation – EN	10/15/18
Olivia Paquet	Page/\$11.00 hr.	Children & Family Svcs	10/17/18
Marge Olita	PT Library Clerk/Step 12	Technical Services	10/19/18
Jessica Lyle	Page/\$11.00 hr.	Children & Family Svcs	10/30/18

**D. Retirement**

<u>Name</u>	<u>Position &amp; Grade/Step</u>	<u>Department</u>	<u>Effective Date</u>
Mary Lee Gaylor	PT Librarian/Step 9	Adult & Teen Services	12/30/18

**E. Other**

<u>Name</u>	<u>Position &amp; Grade/Step</u>	<u>Department</u>	<u>Effective Date</u>
<b>Promotion</b>			
Stacie Kuprianchik	FT Library Clerk/Step 4	Circulation Services	10/22/18

**Request for Leave of Absence**

Vincent Catalano	Guard/\$21.39 hr.	Security	09/22/18 – 10/09/18
Charles Sentowski	Guard/\$22.60 hr.	Security	10/05/18 – 01/01/19
Ariana Cusumano	Café Worker/\$11.50 hr.	Community Services	12/21/18 – 01/07/19

Report approved by Board of Trustees

  
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 Secretary



# NORTHPORT-EAST NORTHPORT PUBLIC LIBRARY

## BY-LAWS

### ARTICLE I NAME AND MEMEBERS

1. In accordance with the laws governing school district libraries in New York State (Sect. 255 of the Education Law, amended by chapter 456 of the laws of 1954, and amended by chapter 933 of the laws of 1958), and under the charter granted Northport Public Library on June 25, 2914, by the Regents of the University of New York State, and the May 6, 1913 resolution adopted by the voters of U.F.S.D. #4, the Library Board, as agent for the taxpayers, shall maintain library facilities in said district.
2. These libraries shall maintain free library service to all residents subject to the rules and regulations of the Board of Trustees. Non-resident use of the facilities is established by the Board of Trustees under the guidelines of the Direct Access Regulations (Commissioner's Regulation 90.3(b)).
3. Any qualified person within the District, who agrees to comply with all the rules and regulations, to pay all fines, to make good and loss or injury to library materials, and to give immediate notice of any change of address, shall be entitled to library privileges. These privileges can be denied by the library to any borrower who does not comply with the above rules.

### ARTICLE II OFFICERS

1. The Board shall consist of five members, each elected for a five-year term in accordance with the provisions of Education Law. The term of office of one Trustee shall expire each year.
2. When a vacancy on the Board occurs, other than by expiration of the Trustee's term of office, the vacancy shall be filled by appointment of the Board until the next regular Library election. (Education Law, paragraph 226(4)).
3. The authority of the Board is vested in the Board as an entity.
4. The duties of the Board shall be to adopt such by-laws, rules and regulations for its own guidance and for the government of the Library as may be necessary and in conformity with the law.

Adopted 06/20/90  
Revised 10/18/18

5. The Board shall hire a Director who shall be considered the executive officer and official spokesperson of the Board and shall have sole charge of the administration of the library under the direction and review of the Board. The Director shall be responsible for the care of the buildings, the equipment, for the screening and recommendation of employment and subsequent direction of the staff, for the efficiency of the Library's service to the public, and for the operation of the library under the financial conditions set forth in the annual budget. The Director shall recommend to the trustees ways of providing new services, and stimulate their review of problems for the benefit of the community.

6. OFFICERS of the Board shall be elected by the members of the Board at the regular monthly meeting in July, and shall be as follows: Chairperson, Vice-Chairperson, Secretary, and Financial Secretary. The Board shall also at this meeting appoint a library Treasurer who is empowered to sign all checks approved by the Board of Trustees or their designated officials.

7. The CHAIRPERSON shall preside at all meetings of the board, authorize calls for any special meetings, appoint all committees, execute all documents authorized by the Board, serve as an ex-officio voting member of all committees, and generally perform all duties associated with that office.

8. The VICE-CHAIRPERSON, in the event of the absence or disability of the CHAIRPERSON, or of a vacancy in that office, shall assume and perform the duties and functions of the CHAIRPERSON>

9. The SECRETARY shall keep the record of the proceeding of the Board, shall issue notice of all meetings, and shall perform such other duties as may properly be associated with that office. Upon vote of the Board, the Secretary may be empowered to hire a clerk to assist in these duties.

10. The FINANCIAL SECRETARY shall be responsible for the codification of all authorized expenditures.

11. No Trustee may receive payment for goods or services. Trustees may be reimbursed for actual expenses necessarily incurred in performance of official library business.

### ARTICLE III MEETINGS

1. The proposed budget shall be presented by the Chairperson to the taxpayers of the District at the annual meeting held between March 1 and July 1, the exact date to be set by the Board of Trustees.

Adopted 06/20/90  
Revised 10/18/18

2. The regular meetings shall be held each month, the date and hour to be set by the Board at its annual meeting.

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

a. **Roll call of members**

a. Approval of agenda

b. Disposition of minutes of previous meeting and any intervening special meeting

c. Questions and petitions from the public

d. Financial Secretary and Treasurer's Report of the Library

e. Communications

f. Committee Reports

g. Old Business

h. New Business

i. Adjournment

4. Special meetings may be called by the Chairperson, or Secretary, or at the call of any three members of the Board for the transaction of business as stated in the Call for the Meeting.

5. A quorum for the transaction of business at any meeting shall consist of three members of the Board present in person.

6. Conduct of meetings – Proceedings of all meetings shall be governed by Robert's Rules of Order.

#### ARTICLE IV COMMITTEES

1. The Chairperson shall appoint Committees of one or more members each for such specific purposes as the business of the Board may require from time to time. **The Committee shall be considered to be discharged upon the completion of the purpose for which it was appointed and after the final report is made to the Board.**

**2 All Committees shall make a progress report to the Library Board at each of its meetings.**

2. No Committee will have other than advisory powers unless, by suitable action of the Board, it is granted specific power to act.

**ARTICLE V  
AMENDMENTS**

1. These By-Laws may be amended by a majority vote at any regular meeting, provided notice of the proposed amendment, and the language thereof, has been given at the last preceding regular meeting.

**Adopted 06/20/90  
Revised 10/18/18**

## **NORTHPORT-EAST NORTHPORT PUBLIC LIBRARY**

### **SEXUAL HARASSMENT POLICY**

The Northport-East Northport Public Library is committed to maintaining a workplace free from sexual harassment. Sexual harassment is a form of workplace discrimination. All employees are required to work in a manner that prevents sexual harassment in the workplace. This Policy is one component of the Northport-East Northport Public Library's commitment to a discrimination-free work environment. Sexual harassment is against the law<sup>1</sup> and all employees have a legal right to a workplace free from sexual harassment and employees are urged to report sexual harassment by filing a complaint internally with the Northport-East Northport Public Library. Employees can also file a complaint with a government agency or in court under federal, state or local antidiscrimination laws.

1. The Northport-East Northport Public Library's policy applies to all employees, applicants for employment, interns, whether paid or unpaid, and non-employees<sup>2</sup>, regardless of immigration status, with the Northport-East Northport Public Library. In the remainder of this document, the term "employees" refers to this collective group.
2. Sexual harassment will not be tolerated. Any employee or individual covered by this policy who engages in sexual harassment or retaliation will be subject to remedial and/or disciplinary action (e.g., counseling, suspension, termination).
3. Retaliation Prohibition: No person covered by this Policy shall be subject to adverse action because the employee reports an incident of sexual harassment, provides information, or otherwise assists in any investigation of a sexual harassment complaint. The Northport-East Northport Public Library will not tolerate such retaliation against anyone who, in good faith, reports or provides information about suspected sexual harassment. Any employee of the Northport-East Northport Public Library who retaliates against anyone involved in a sexual harassment investigation will be subjected to disciplinary action, up to and including termination. All employees working in the workplace who believe they have been subject to such retaliation should inform a supervisor, manager, or the Director of the Northport-East Northport Public Library. All employees who believe they have been a target of such retaliation may also seek relief in other available forums, as explained below in the section on Legal Protections.
4. Sexual harassment is offensive, is a violation of our policies, is unlawful, and may subject the Northport-East Northport Public Library to liability for harm to targets of sexual harassment. Harassers may also be individually subject to liability. Employees of every level who engage in sexual harassment, including managers and supervisors who engage in sexual harassment or who allow such behavior to continue, will be penalized for such misconduct.

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<sup>1</sup> While this policy specifically addresses sexual harassment, harassment because of and discrimination against persons of all protected classes is prohibited. In New York State, such classes include age, race, creed, color, national origin, sexual orientation, military status, sex, disability, marital status, domestic violence victim status, gender identity and criminal history.

<sup>2</sup> A non-employee is someone who is (or is employed by) a contractor, subcontractor, vendor, consultant, or anyone providing services in the workplace. Protected non-employees include persons commonly referred to as independent contractors, "gig" workers and temporary workers. Also included are persons providing equipment repair, cleaning services or any other services provided pursuant to a contract with the employer.

*Adoption of this policy does not constitute a conclusive defense to charges of unlawful sexual harassment. Each claim of sexual harassment will be determined in accordance with existing legal standards, with due consideration of the particular facts and circumstances of the claim, including but not limited to the existence of an effective anti-harassment policy and procedure.*

5. The Northport-East Northport Public Library will conduct a prompt and thorough investigation that ensures due process for all parties, whenever management receives a complaint about sexual harassment, or otherwise knows of possible sexual harassment occurring. The Northport-East Northport Public Library will keep the investigation confidential to the extent possible. Effective corrective action will be determined whenever sexual harassment is found to have occurred. All employees, including managers and supervisors, are required to cooperate with any internal investigation of sexual harassment.
6. All employees are encouraged to report any harassment or behaviors that violate this policy. The Northport-East Northport Public Library will provide all employees with a complaint form for employees to report harassment and file complaints.
7. Managers and supervisors are **required** to report any complaint that they receive, or any harassment that they observe or become aware of, to the Director of the Northport-East Northport Public Library.
8. This policy applies to all employees and all must follow and uphold this policy. This policy must be provided to all employees and should be posted prominently in all work locations to the extent practicable (for example, in a main office, not an offsite work location) and be provided to employees upon hiring.

### **What Is “Sexual Harassment”?**

Sexual harassment is a form of sex discrimination and is unlawful under federal, state, and (where applicable) local law. Sexual harassment includes harassment on the basis of sex, sexual orientation, self-identified or perceived sex, gender expression, gender identity and the status of being transgender.

Sexual harassment includes unwelcome conduct which is either of a sexual nature, or which is directed at an individual because of that individual's sex when:

- Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment, even if the reporting individual is not the intended target of the sexual harassment;
- Such conduct is made either explicitly or implicitly a term or condition of employment; or
- Submission to or rejection of such conduct is used as the basis for employment decisions affecting an individual's employment.

A sexually harassing hostile work environment includes, but is not limited to, words, signs, jokes, pranks, intimidation or physical violence which are of a sexual nature, or which are directed at an individual because of that individual's sex. Sexual harassment also consists of any unwanted verbal or physical advances, sexually explicit derogatory statements or sexually discriminatory remarks made by someone which are offensive or objectionable to the recipient, which cause the recipient discomfort or humiliation, which interfere with the recipient's job performance.

Sexual harassment also occurs when a person in authority tries to trade job benefits for sexual favors. This can include hiring, promotion, continued employment or any other terms, conditions or privileges of employment. This is also called “quid pro quo” harassment.

Any employee who feels harassed should report so that any violation of this policy can be corrected promptly. Any harassing conduct, even a single incident, can be addressed under this policy.

### **Examples of sexual harassment**

The following describes some of the types of acts that may be unlawful sexual harassment and that are strictly prohibited:

- Physical acts of a sexual nature, such as:
  - Touching, pinching, patting, kissing, hugging, grabbing, brushing against another employee's body or poking another employee's body;
  - Rape, sexual battery, molestation or attempts to commit these assaults.
- Unwanted sexual advances or propositions, such as:
  - Requests for sexual favors accompanied by implied or overt threats concerning the target's job performance evaluation, a promotion or other job benefits or detriments;
  - Subtle or obvious pressure for unwelcome sexual activities.
- Sexually oriented gestures, noises, remarks or jokes, or comments about a person's sexuality or sexual experience, which create a hostile work environment.
- Sex stereotyping occurs when conduct or personality traits are considered inappropriate simply because they may not conform to other people's ideas or perceptions about how individuals of a particular sex should act or look.
- Sexual or discriminatory displays or publications anywhere in the workplace, such as:
  - Displaying pictures, posters, calendars, graffiti, objects, promotional material, reading materials or other materials that are sexually demeaning or pornographic. This includes such sexual displays on workplace computers or cell phones and sharing such displays while in the workplace.
- Hostile actions taken against an individual because of that individual's sex, sexual orientation, gender identity and the status of being transgender, such as:
  - Interfering with, destroying or damaging a person's workstation, tools or equipment, or otherwise interfering with the individual's ability to perform the job;
  - Sabotaging an individual's work;
  - Bullying, yelling, name calling.

### **Who can be a target of sexual harassment?**

Sexual harassment can occur between any individuals, regardless of their sex or gender. New York Law protects all employees. Harassers can be a superior, a subordinate, a coworker or anyone in the workplace including an independent contractor, contract worker, vendor, client, customer or visitor.

### **Where can sexual harassment occur?**

Unlawful sexual harassment is not limited to the physical workplace itself. It can occur while employees are traveling for business or at employer-sponsored events or parties. Calls, texts, emails, and social media usage by employees can constitute unlawful workplace harassment, even if they occur away from the workplace premises, on personal devices or during non-work hours.

### **Retaliation**

Unlawful retaliation can be any action that could discourage a worker from coming forward to make or support a sexual harassment claim. Adverse action need not be job-related or occur in the workplace to constitute unlawful retaliation (e.g., threats of physical violence outside of work hours).

Such retaliation is unlawful under federal, state, and (where applicable) local law. The New York State Human Rights Law protects any individual who has engaged in "protected activity." Protected activity occurs when a person has:

- made a complaint of sexual harassment, either internally or with any anti-discrimination agency;
- testified or assisted in a proceeding involving sexual harassment under the Human Rights Law or other anti-discrimination law;
- opposed sexual harassment by making a verbal or informal complaint to management, or by simply informing a supervisor or manager of harassment;
- reported that another employee has been sexually harassed; or
- encouraged a fellow employee to report harassment.

Even if the alleged harassment does not rise to the level of a violation of law, the individual is protected from retaliation if the person had a good faith belief that the practices were unlawful. However, the retaliation provision is not intended to protect persons making intentionally false charges of harassment.

### **Reporting Sexual Harassment**

**Preventing sexual harassment is everyone's responsibility.** The Northport-East Northport Public Library cannot prevent or remedy sexual harassment unless it knows about it. Any employee who has been subjected to behavior that may constitute sexual harassment is encouraged to report such behavior to a supervisor, manager or the Director of the Northport-East Northport Public Library. Anyone who witnesses or becomes aware of potential instances of sexual harassment should report such behavior to a supervisor, manager or the Director of the Northport-East Northport Public Library.

Reports of sexual harassment may be made verbally or in writing. A form for submission of a written complaint is attached to this Policy, and all employees are encouraged to use this complaint form. Employees who are reporting sexual harassment on behalf of other employees should use the complaint form and note that it is on another employee's behalf.

Employees, paid or unpaid interns or non-employees who believe they have been a target of sexual harassment may also seek assistance in other available forums, as explained below in the section on Legal Protections.

### **Supervisory Responsibilities**

All supervisors and managers who receive a complaint or information about suspected sexual harassment, observe what may be sexually-harassing behavior or for any reason suspect that sexual harassment is occurring, **are required** to report such suspected sexual harassment to the Director of the Northport-East Northport Public Library.

In addition to being subject to discipline if they engaged in sexually-harassing conduct themselves, supervisors and managers will be subject to discipline for failing to report suspected sexual harassment or otherwise knowingly allowing sexual harassment to continue.

Supervisors and managers will also be subject to discipline for engaging in any retaliation.

### **Complaint and Investigation of Sexual Harassment**

**All** complaints or information about sexual harassment will be investigated, whether that information



was reported in verbal or written form. Investigations will be conducted in a timely manner, and will be confidential to the extent possible.

An investigation of any complaint, information or knowledge of suspected sexual harassment will be prompt and thorough, commenced immediately and completed as soon as possible. The investigation will be kept confidential to the extent possible. All persons involved, including complainants, witnesses and alleged harassers will be accorded due process, as outlined below, to protect their rights to a fair and impartial investigation.

Any employee may be required to cooperate as needed in an investigation of suspected sexual harassment. The Northport-East Northport Public Library will not tolerate retaliation against employees who file complaints, support another's complaint or participate in an investigation regarding a violation of this policy.

While the process may vary from case to case, investigations should be done in accordance with the following steps:

- Upon receipt of complaint, the Director of the Northport-East Northport Public Library will conduct an immediate review of the allegations, and take any interim actions (e.g., instructing the respondent to refrain from communications with the complainant), as appropriate. If complaint is verbal, encourage the individual to complete the "Complaint Form" in writing. If he or she refuses, prepare a Complaint Form based on the verbal reporting.
- If documents, emails or phone records are relevant to the investigation, take steps to obtain and preserve them.
- Request and review all relevant documents, including all electronic communications.
- Interview all parties involved, including any relevant witnesses;
- Create a written documentation of the investigation (such as a letter, memo or email), which contains the following:
  - A list of all documents reviewed, along with a detailed summary of relevant documents;
  - A list of names of those interviewed, along with a detailed summary of their statements;
  - A timeline of events;
  - A summary of prior relevant incidents, reported or unreported; and
  - The basis for the decision and final resolution of the complaint, together with any corrective action(s).
- Keep the written documentation and associated documents in a secure and confidential location.
- Promptly notify the individual who reported and the individual(s) about whom the complaint was made of the final determination and implement any corrective actions identified in the written document.
- Inform the individual who reported of the right to file a complaint or charge externally as outlined in the next section.

### **Legal Protections and External Remedies**

Sexual harassment is not only prohibited by the Northport-East Northport Public Library but is also prohibited by state, federal, and, where applicable, local law.

Aside from the internal process at the Northport-East Northport Public Library, employees may also choose to pursue legal remedies with the following governmental entities. While a private attorney

is not required to file a complaint with a governmental agency, you may seek the legal advice of an attorney.

In addition to those outlined below, employees in certain industries may have additional legal protections.

### **State Human Rights Law (HRL)**

The Human Rights Law (HRL), codified as N.Y. Executive Law, art. 15, § 290 et seq., applies to all employers in New York State with regard to sexual harassment, and protects employees, paid or unpaid interns and non-employees, regardless of immigration status. A complaint alleging violation of the Human Rights Law may be filed either with the Division of Human Rights (DHR) or in New York State Supreme Court.

Complaints with DHR may be filed any time **within one year** of the harassment. If an individual did not file at DHR, they can sue directly in state court under the HRL, **within three years** of the alleged sexual harassment. An individual may not file with DHR if they have already filed a HRL complaint in state court.

Complaining internally to the Northport-East Northport Public Library does not extend your time to file with DHR or in court. One year or three years is counted from date of the most recent incident of harassment.

You do not need an attorney to file a complaint with DHR, and there is no cost to file with DHR.

DHR will investigate your complaint and determine whether there is probable cause to believe that sexual harassment has occurred. Probable cause cases are forwarded to a public hearing before an administrative law judge. If sexual harassment is found after a hearing, DHR has the power to award relief, which varies but may include requiring your employer to take action to stop the harassment, or redress the damage caused, including paying of monetary damages, attorney's fees and civil fines.

DHR's main office contact information is: NYS Division of Human Rights, One Fordham Plaza, Fourth Floor, Bronx, New York 10458. You may call (718) 741-8400 or visit: [www.dhr.ny.gov](http://www.dhr.ny.gov).

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

### **Civil Rights Act of 1964**

The United States Equal Employment Opportunity Commission (EEOC) enforces federal anti-discrimination laws, including Title VII of the 1964 federal Civil Rights Act (codified as 42 U.S.C. § 2000e et seq.). An individual can file a complaint with the EEOC anytime within 300 days from the harassment. There is no cost to file a complaint with the EEOC. The EEOC will investigate the complaint, and determine whether there is reasonable cause to believe that discrimination has occurred, at which point the EEOC will issue a Right to Sue letter permitting the individual to file a complaint in federal court.

The EEOC does not hold hearings or award relief, but may take other action including pursuing cases in federal court on behalf of complaining parties. Federal courts may award remedies if discrimination

is found to have occurred. In general, private employers must have at least 15 employees to come within the jurisdiction of the EEOC.

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

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

### **Local Protections**

Many localities enforce laws protecting individuals from sexual harassment and discrimination. An individual should contact the county, city or town in which they live to find out if such a law exists. For example, employees who work in New York City may file complaints of sexual harassment with the New York City Commission on Human Rights. Contact their main office at Law Enforcement Bureau of the NYC Commission on Human Rights, 40 Rector Street, 10th Floor, New York, New York; call 311 or (212) 306-7450; or visit [www.nyc.gov/html/cchr/html/home/home.shtml](http://www.nyc.gov/html/cchr/html/home/home.shtml).

### **Contact the Local Police Department**

If the harassment involves unwanted physical touching, coerced physical confinement or coerced sex acts, the conduct may constitute a crime. Contact the local police department.

## Northport-East Northport Public Library

### Complaint form for Reporting Sexual Harassment

New York State Labor Law requires all employers to adopt a sexual harassment prevention policy that includes a complaint form for employees to report alleged incidents of sexual harassment.

If you believe that you have been subjected to sexual harassment, you are encouraged to complete this form and submit it the Director of the Northport-East Northport Public Library. Once you submit this form, your employer must follow its sexual harassment prevention policy and investigate any claims.

If you are more comfortable reporting verbally or in another manner, your employer is still required to follow its sexual harassment prevention policy by investigating the claims as outlined at the end of this form.

**For additional resources, visit: [ny.gov/combating-sexual-harassment](http://ny.gov/combating-sexual-harassment)**

#### **COMPLAINANT INFORMATION**

Name:

Home Address:

Work Address:

Home Phone:

Work Phone:

Job Title:

Email:

Circle preferred communication method above.

#### **SUPERVISORY INFORMATION**

Immediate Supervisor's Name:

Title:

Work Phone:

Work Address:

#### **COMPLAINT INFORMATION**

1. Your complaint of Sexual Harassment is made against:

Name:

Title:

Work Address:

Work Phone:

Relationship to you: Supervisor Subordinate Co-Worker Other

*Adoption of this form does not constitute a conclusive defense to charges of unlawful sexual harassment. Each claim of sexual harassment will be determined in accordance with existing legal standards, with due consideration of the particular facts and circumstances of the claim, including but not limited to the existence of an effective anti-harassment policy and procedure.*

2. Please describe the conduct or incident(s) that is the basis of this complaint and your reasons for concluding that the conduct is sexual harassment. Please use additional sheets of paper if necessary and attach any relevant documents or evidence.

3. Date(s) sexual harassment occurred:

Is the sexual harassment continuing?    Yes    No

4. Please list the name and contact information of any witnesses or individuals that may have information related to your complaint:

*The last two questions are optional, but may help facilitate the investigation.*

5. Have you previously complained or provided information (verbal or written) about sexual harassment at the Northport-East Northport Public Library. If yes, when and to whom did you complain or provide information?

*Employees that file complaints with their employer might have the ability to get help or file claims with other entities including federal, state or local government agencies or in certain courts.*

6. Have you filed a claim regarding this complaint with a federal, state or local government agency?  
Yes    No

Have you instituted a legal suit or court action regarding this complaint?  
Yes    No

Have you hired an attorney with respect to this complaint?  
Yes    No

*I request that the Northport-East Northport Public Library investigate this complaint of sexual harassment in a timely and confidential manner as outlined below, and advise me of the results of the investigation.*

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