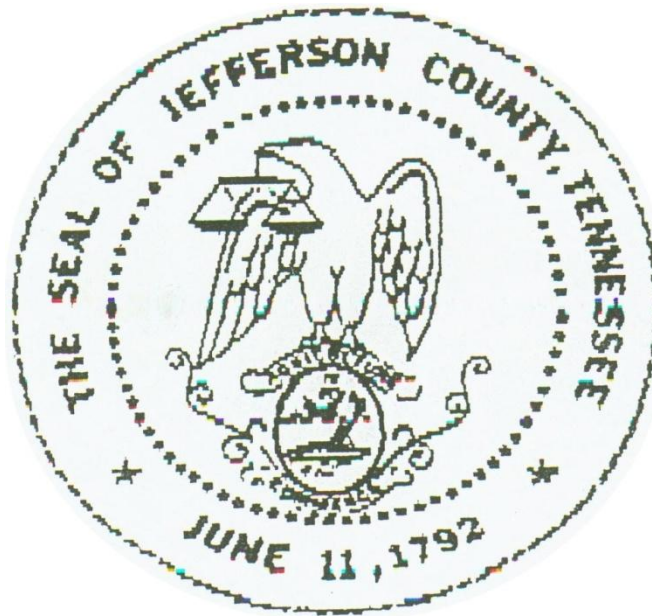


Jefferson County Library Board

Policy Handbook

12 September 2011



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TRUSTEE POLICY

MISSION STATEMENT

The mission of the Jefferson County Library System is to serve the county as a resource center by providing library materials which satisfy information needs, assist in reaching educational goals, and promote the creative use of leisure time. The library will provide programs and services for the public and will make the county residents aware of the resources and services provided. The Jefferson County Library Board will provide these services in the major communities across the county, while maintaining a geographic balance. *[This section revised 13 September 2010.]*

Ethics Statement for Public Library Trustees

“Government is a trust, And the officers of government are trustees; and both the trust and trustees are created for the benefit of the people.”

- Henry Clay, Kentucky speech (1829)

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

Trustees must promote a high level of library service while observing ethical standards.

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

It is incumbent upon any trustee to disqualify one’s self immediately whenever the appearance of 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 or individuals.

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

Developed and Adopted by the
American Library Trustee Association
and the

Public Library Association of the American Library Association
Adopted by the Jefferson County Library Board of Trustees, 21 September 1994

Jefferson County Library Board

Code of Ethics

Adopted by the Jefferson County Library Board of Trustees, 21 September 1994

As a member of the Jefferson County Library Board of Trustees, I support the mission of a public library in a free society. More specifically, I shall:

Work to ensure that the public has equal access to information, both as a Constitutional right and as the best way to sustain a democratic way of life.

Support the maintenance of a complete and balanced library collection.

Resist all efforts by groups or individuals to censor library materials.

Work toward meeting the individual library and information needs of all customers.

Maintain an independent judgment free of personal benefits, special interests, and partisan political groups.

Protect the right to privacy of library customers by keeping confidential any information about materials consulted or borrowed.

Keep all library policies free of racism, sexism, and other bigotries.

As a Jefferson County Library trustee, I recognize that a positive working relationship with the library directors and the staff is crucial to the well-being of the library and the delivery of good library service. I shall:

Work with the directors and other appropriate officials to see that the library receives adequate funding.

Recognize and support the need for professional development of the staff.

Be aware of - not manage - the implementation of plans and policies and participate in the evaluation of the general effectiveness of the Jefferson County Libraries.

Respect the professional expertise of the library staff and acknowledge that the internal operation of the libraries is the responsibility of the library directors.

Listen to all concerns of the public, refer all complaints to the library directors; and, act on such complaints at a public meeting only after they have been reviewed by the directors.

As a library board member, I agree that my responsibilities are limited to making policy, planning and goal setting, adopting budgets, authorizing payments, serving on board work committees, evaluating the directors, and encouraging effective service programs. More specifically, I realize that my responsibilities are to:

Attend board meetings regularly and, when attendance is impossible, notify the library directors or board chair.

Understand that, if I miss three consecutive regular board meetings, I become disqualified as a board member and shall submit my resignation.

Expect thorough and appropriate program and financial reports from the directors.

Read the distributed materials before each meeting.

Lend expertise and leadership to the board for achieving the goals of the library.

Participate in discussions and votes.

Serve on committees as needed.

Keep abreast of important developments in library trends and practices.

Become familiar with national, state, and local laws, and with rules and regulations regarding libraries.

Follow legal, professional, and ethical practices in making decisions.

Scrupulously avoid personal conflicts of interest and not condone them in others.

Adhere strictly to the open meetings law.

Not say anything in a board meeting that could be construed to violate anyone's civil rights.

Recognize that authority rests with the whole board assembled in public meetings; therefore, I shall make no personal statements or promises nor take any private action which may compromise the board.

Support the actions taken by a majority of the board and clearly differentiate personal opinions from board decisions.

Refrain from publicly discussing any matters relating to staff or customer privacy. *[This sentence revised 14 May 2001.]*

Collaborate to the best of my ability, with other boards, policy makers, and agencies to improve the county libraries and their services.

Actively participate in regional and state activities.

Support regional, state, and national library development programs that enhance local library development.

Support and promote the public library as an indispensable part of a livable community.

ESTABLISHMENT AND OPERATION

The Jefferson County Library Board is established in accordance with and will comply with *Tennessee Code Annotated* Section 10-2-101 through Section 10-3-111.

NON-DISCRIMINATION STATEMENT

The Jefferson County Library Board and Staff do not discriminate on the basis of race, sex, religion, color, national or ethnic origin, age, disability, or military service in its policies, or in the admission or access to, or treatment or employment in, its programs, services, or activities.

The Library Board and Staff will comply with Title VI of the Civil Rights Act of 1964 (P.L. 88-352) and all requirements imposed by the Regulations of the U.S. Department of Education, Department of Justice (28 CFR Parts 42 & 50), the Tennessee Department of State, and any directives or regulations issued pursuant to that Act. In addition, the Board and Staff will comply with the Age Discrimination in Employment Act of 1967, as amended; the Equal Pay Act of 1963, as amended; and the Americans with Disabilities Act of 1990, as amended.

SELECTION OF BOARD MEMBERS

The Jefferson County Library Board shall consist of seven (7) members on the local board and two (2) members on the Nolichucky Regional Board. Regional board members will be active members of the county board. All members of the board shall be residents of Jefferson County. In accordance with *Tennessee Code Annotated* Section 10-3-103, not more than five (5) of the members shall be of the same sex.

The current Library Board will send names of their recommendations to be appointed to open library board and regional library board seats to the Jefferson County Commission for their April meeting. Individuals and groups are welcomed and encouraged to make nominations to the board; these nominations should be submitted to the board chair in time for consideration at the board's March meeting.

The cities of Baneberry, Dandridge, Jefferson City, and White Pine shall appoint one member each to serve on the board in accordance with *Tennessee Code Annotated* 10-3-103. In the absence of an appointment by one of the cities, the library board shall make a recommendation to the county commission for appointment. There should also be representatives on the board from Strawberry Plains and other areas of the county as appropriate. *[This paragraph revised 8 March 1999.]*

Library Board members may serve for two consecutive terms of three years each with at least one year off before reappointment. Individuals may be appointed to fill an unexpired term which will not count as one of their two full terms.

BOARD MEETINGS

The library board will meet the second Monday of January, March, May, July, September, and November at 7:00 P.M. at one of the libraries on a rotating schedule. Board meetings will run no longer than two hours except for extraordinary circumstances.

The library board will follow the Tennessee open meetings provisions in *Tennessee Code Annotated* Section 8-44-101 through Section 8-44-108.

Special meetings may be called at the request of the board chair for the purpose of discussing urgent library matters.

A list of board members, regular board meeting dates and times, special called meeting dates and times, and committee meeting dates and times shall be posted in the window of each library's main entrance as soon as scheduled. Adequate public notice in other formats will be given as time permits.

REQUIREMENT FOR A QUORUM

A quorum shall be a majority of the nine members of the board, and is required for the transaction of official business. *[This section revised 13 May 2002.]*

ELECTION OF OFFICERS

The election of officers will be held during the May meeting each year. Officers to be elected are Chair, Vice-Chair, Secretary, and Treasurer. All officers will serve for one year with the option of being re-elected the following year.

DUTIES OF OFFICERS

Chair:

1. With the library directors, prepares the agenda for the board meeting.
2. Presides at the board meetings and maintains order.
3. Expedites business compatible with the rights of those present.
4. Summarizes the discussion to clarify what has been said and to keep things moving toward closure.
5. Calls for motions at appropriate times.
6. Signs documents as necessary.
7. Appoints appropriate committees as needed.

Vice-Chair:

1. Presides in the absence of the president.
2. Serves as chair of the Long-Range Planning Committee.

Secretary:

1. Takes minutes of all board meetings and distributes to all board members, the regional director, the county executive, the city administrators, the city mayors, and the library directors within 3 weeks.
2. Reads the minutes of the last meeting (if required by the group).
3. Signs the minutes after they have been approved by the board.
4. Gives copies of signed minutes and all attachments (agenda, financial report, correspondence which received action) to each library director to keep on file in each library facility in perpetuity.
5. Signs documents with the chair as necessary.
6. In the absence of the chair and vice-chair, the secretary will call the meeting to order. The first item of business will be the election of a temporary chair for the meeting.

Treasurer:

1. Keeps an accurate account of all financial transactions and makes a report to the board at the regular scheduled board meeting.
2. Signs documents as necessary.
3. Serves as chair of the Budget Committee.

BOARD MEETING AGENDA

The agenda for each board will be developed by the board chair in consultation with the library directors and will follow the standard format outlined below.

SAMPLE AGENDA

Meeting of the Jefferson County Library Board
[Month, Day, Year]
7:00 P.M.
[Name of Library]

7:00 P.M. Call to order: Presiding - _____, Chair.

Recording of members present, absent, and guests.

Comments from visitors / Other items for the agenda.

Approval of previous meeting minutes.

Correspondence and communications.

Financial Report and approval of expenditures.
Motion: "To approve the monthly expenditures and to file the financial statement for the auditors."

Library Directors Reports.

Nolichucky Regional Library Report.

Committee Reports.
Budget Committee.
Bylaws & Policy Committee.
Long-Range Planning Committee.
Nominating Committee.
Personnel Committee.

Unfinished Business.

New Business.

Information Items.

Adjournment.

Notice of Next Meeting: *[Date, Time, Place]*

PARLIAMENTARY PROCEDURE

The Jefferson County Library Board will conduct all business according to **Robert's Rules of Order** where they are not in conflict with the policies that are adopted by this board. The library board meetings will be conducted under the Robert's Rules of Order Special Parliamentary Procedures for Small Boards.

“Procedure in small boards. In a board meeting where there are not more than about a dozen members present, some of the formality that is necessary in a large assembly would hinder business. The rules governing such meetings are different from the rules that hold in assemblies, in the following respects:

Members are not required to obtain the floor before making motions or speaking, which they can do while seated.

Motions do not need to be seconded.

There is no limit to the number of times a member can speak to a question, and motions to close or limit debate generally should not be entertained.

Informal discussion of a subject is permitted while no motion is pending.

Sometimes, when a proposal is perfectly clear to all present, a vote can be taken without a motion's having been introduced. Unless agreed to by general consent, however, all proposed actions of a board must be approved by vote under the same rules as in an assembly, except that a vote can be taken initially by a show of hands, which is often a better method in such meetings.

The chairman need not rise while putting questions to vote.

The chairman can speak in discussion without rising or leaving the chair; and, subject to rule or custom within the particular board (which should be uniformly followed regardless of how many members are present), he usually can make motions and usually votes on all questions.”

- *Robert's Rules of Order, Newly Revised.*
Scott Foresman, 1990. pp.405-6.

COMMITTEES

The Library System will establish standing committees as follows: Budget Committee; Bylaws & Policy Committee; Long-Range Planning Committee; Nominating Committee; Personnel Committee. These committees will be appointed each year at the July meeting by the incoming Chair. The library director(s) will be present at all committee meetings as appropriate.

BUDGET

The board will develop annually a budget for the following fiscal year, July 1 through June 30, by its May meeting for submission to the county commission and city councils.

FINANCES

The library directors are authorized to purchase books, materials, supplies and to use continuing education funds throughout the fiscal year from the appropriate board approved budget lines for their library without additional board approval. In addition, directors are authorized to spend a reasonable amount from their fine account for their summer reading program without prior board approval.

Monies collected from the public use of any of the OTHER SERVICES (page 17) will be deposited in the individual library's fine money account. Long distance charges for the use of the fax machines may be reimbursed to the city paying the telephone bill if the city requests the reimbursement. Maintenance contracts, repairs, paper and ink supplies for library equipment may be deducted from the individual library's account without additional board approval.

Each library director is to keep a monthly Petty Cash Report of receipts and expenditures (including funds from Friends of the Library, city, and/or other sources) on a form approved by the Board. A Petty Cash Report shall be given by each library director to the board treasurer and the county finance person. Library directors may keep a maximum of \$50.00 in petty cash at the library. Any excess should be deposited in the individual library's fine money account. Cash purchases from petty cash of supplies (such as paper, typing paper, paper towels, paper clips, glue, tape, envelopes, index cards, file folders, etc.) may be made, up to \$50.00, without Board approval.

Each library director will be allowed to carry forward the dollar amount of one quarter's book money from one quarter to the next quarter. This one quarter plus any year-end surplus allocated from other accounts can be carried forward at the end of the fiscal year.

The purchase of new capital equipment over \$5,000, and the repair or replacement of existing capital equipment will be made by getting three estimates, if possible, of the cost and submitting them to the Library Board for action.

Directors may use fine money of \$800 or less at their discretion for individual purchases without board approval. Other expenditures from the fine money accounts will be requested by the library directors and approved by the library board.

Libraries are not to have separate bank accounts except with board approval and for deposit only. *[This section revised 14 May 2001]. [This section revised 13 September 2010.]*

CONFLICT OF INTEREST

No board member or staff member may engage in commerce with the library in a way that can be construed to be a conflict of interest. A conflict of interest is defined as any commercial activity that would enhance the wealth of the individual (other than employment or reimbursement for legitimate expenses) by virtue of influence they may have with the library. Exception to this include sealed bids through the normal bidding process and businesses which offer a product or service for which there is no competition within the service area of the library.

FINANCIAL AUDIT

The library system will be audited as part of the Jefferson County annual audit.

BOARD RELATIONSHIP WITH LIBRARY DIRECTORS AND STAFF

The Board shall formulate and adopt all policies. The Library Directors are charged with creating procedures to administer the policy and supervise the staff. The library directors will work with the board to develop the budget, conduct public relations, and engage in planning and review policies.

Generally the **library board has the responsibilities of**

setting policy,
hiring the library directors,
appointing support staff recommended by the library directors,
establishing the budget,
monitoring the financial aspects of the library, and
promoting public relations.

The library directors have responsibilities for

administrative functions in carrying out the policies of the board,
assisting with the budget preparations,
recommending policy revisions,
setting their own and their building support staff work schedules,
training and supervising of staff, etc. *[This section revised 14 May 2001.]*

PHYSICAL PLANTS

It shall be a responsibility of the library directors to see that their library building is maintained in good physical condition, to make recommendations to the board for annual physical facilities projects, and to report any maintenance needs.

INSURANCE

The library system will maintain an insurance policy in force on the building contents equal to 85% of the replacement costs. The owners of the individual library buildings will be responsible for carrying the appropriate insurance.

DISASTER IN THE LIBRARY

(A disaster plan will be developed for each library.)

If the library has anything unusual, such as fire, leaking roof, robbery, etc., the library staff person on duty shall contact the appropriate emergency agency immediately, then the Board Chair, and other appropriate officials. *[This paragraph revised 13 September 2010.]*

CONTINUING EDUCATION FOR TRUSTEES

The library system encourages board members to attend continuing education opportunities, especially regional workshops and state library conferences. The library will pay the state rate per mile for attendance at continuing education functions approved by the library board.

FRIENDS OF THE LIBRARY

The Library Friends groups can be an integral part of the Library System and its individual libraries. Library Friends are organized to help support the work of the libraries, not to engage in the work and responsibilities of the library board members or the library staff.

The library directors, the library board of trustees, and a Friends group need to have the same focus - to assist the library in serving the community. However, it is expected that members of a Friends group will cooperate with both of the other two, but interfere with neither.

Because of the independent nature of a Friends group, and in order to encourage cooperation and assist the Friends, the library director(s) and the board chair will meet at least once a year with the Friends President(s) to set priorities, coordinate efforts, and define roles for the good of the libraries individually and the System as a whole.

Library Friends are welcome to develop for the Jefferson County libraries in consultation with the individual library directors and/or the library board:

- Volunteer service.
- Fundraising projects.
- Help with passage of a bond issue or tax referendum.
- Lobbying the legislature or city government.
- Public relations.
- Programming helps.

ANNUAL REPORT

The library directors will submit a completed Data Collection Form each August to the Tennessee State Library & Archives with a copy to the Nolichucky Regional Library for the purpose of preparing an annual report to inform the governing body, funding sources, and the people in the community of library activities.

RECORD RETENTION

Library directors will follow the guidelines in the “Retention Schedule for General Accounting and Purchasing Records” published by the University of Tennessee County Technical Assistance Services (CTAS) to clarify T.C.A. § 10-7-404(a) for the length of time to keep records. This publication meets the requirements of the library board.
[This section revised 12 September 2011.]

POLICY REVIEW

A committee appointed by the board Chair will review the policies of the library board annually by September.

LIBRARY SERVICE POLICY

SERVICE HOURS

The Library Board in consultation with the library directors shall set the service hours for each facility, taking into account the local community service needs and highest potential usage.

HOLIDAYS

The following holidays shall be observed. Any falling on Sunday shall be observed the following Monday. Any falling on Saturday shall be observed on Friday unless Saturday is a regular working day. Staff members will be paid for the hours they are scheduled to work that fall on a holiday. Staff members will not be paid for holidays on which they are not scheduled to work. The Board may adjust holiday schedules as necessary. *[This paragraph revised 14 May 2001; section revised 14 March 2005.]*

New Year's Day
Martin Luther King Day
President's Day
Good Friday
Memorial Day
July 4
Labor Day
Columbus Day
Veteran's Day
Thanksgiving Day
Day after Thanksgiving Day
Christmas Eve
Christmas Day
Day after Christmas

CONDUCT IN THE LIBRARY

Smoking is not permitted in any library. Food or drink is not to be brought into a library except for a library sponsored activity.

Library directors may ask customers to leave when and if they are displaying inappropriate behavior, conduct which might be a safety hazard or which creates a disturbance to other customers. Small children are not to be left unattended by a guardian or authorized adult except for planned library activities. The proper local authorities may be contacted at the discretion of the library director. The library director and library staff are not a baby sitting service for unattended children.

It is a misdemeanor to intentionally destroy, conceal, remove or impair the verity, legibility, or availability of a government record. [TCA 39-16-504] *[This paragraph added 14 July 2008.]*

FIREARMS AND WEAPONS

Firearms and weapons are prohibited in library buildings (with the exception of officers of the law in the course of their duty). [TCA 39-17-1315 9bO (2)]

The following paragraph must be posted in each library:

PURSANT TO S39-17-1359, THE OWNER/OPERATOR OF THIS PROPERTY HAS BANNED WEAPONS ON THIS PROPERTY, OR WITHIN THIS BUILDING OR THIS PORTION OF THIS BUILDING. FAILURE TO COMPLY WITH THIS PROBHITION IS PUUNISHABLE AS A CRIMINAL ACT UNDER STATE LAW AND MAY SUBJECT THE VIOLATOR TO A FINE OF NOT MORE THAN FIVE HUNDRED DOLLARS (\$500).

[This section added 14 July 2008.]

CONFIDENTIALITY OF CUSTOMER RECORDS

The Board endorses *Tennessee Code Annotated* Section 10-8-101 through Section 10-8-103 as its operations guideline, respecting the right of citizens to select their own reading material and that those selections shall be considered private and not subject to divulgence to other persons except pursuant to court order.

BORROWING PROCEDURES

Every Jefferson County resident is eligible to borrow materials from Jefferson County libraries unless involved in a legal action with a library except those with fines of \$5.00 or more. All customers must fill out an official application card. Adults must provide valid identification with legal address. Customers below the age of 18 should complete a juvenile application, which must be signed by a parent or guardian. The application card should be dated and checked periodically to be sure it is current.

[This paragraph revised 14 March 2005.]

For residents of other counties in the Nolichucky Region (Cocke, Grainger, Hamblen, Hancock, Hawkins, and Sevier), there will be no charge for a library card. Full-time students at Carson-Newman and residents of counties outside the Nolichucky Region whose local library participates in the Tennessee Library Card program may be issued a Jefferson County Library card with proper identification at no charge. For those whose local library does not participate in the Tennessee Library Card program, a non-resident, annual, non-refundable fee will be charged.

CIRCULATION OF MATERIALS

There is no charge for borrowing or reserving any library materials within the specified library, except as noted above. There is no limit on the number of items which may be borrowed at one time, although library directors may use their discretion in special situations. All materials are loaned for a period of two weeks; one week for popular books. Materials may be renewed more than once, if they are not on reserve. *[This paragraph revised 13 September 2010.]*

Library staff members will not restrict the circulation of materials based on age. Parents are responsible for maintaining the physical condition of the books checked out by their children including loss, damage or overdue, and are wholly responsible for monitoring the appropriateness of materials their children check out.

INTER LIBRARY LOANS

Materials may be requested for customers from other libraries in the state and nation.

Materials may be inter-library loaned to other libraries in the state and nation for one month, including mailing time. Best sellers, books published within the year, reference books, local history, genealogy, are not loaned. Material may be copied from the vertical files rather than loan the original copy.

Lost books and the processing fee not paid by a customer will be paid from the individual borrowing library's book budget. The return of all interlibrary loan materials will be insured by the library director at the replacement cost. *[This section revised 14 March 2005; corrected 11 January 2010.]*

OTHER SERVICES

The libraries offer the following services with fees listed in Appendix A (page 60).

1. Public use of the copy machines and fax machines will be permitted at a rate set by the board.
2. Computers may be used by the public at no charge. A charge will be set by the board for the use of the computer printers. Customers are encouraged not to monopolize computers. *[This section revised 14 May 2001; 13 September 2010.]*

OVERDUE MATERIAL

Any material checked out from one of the libraries is subject to a fine for being overdue. The library directors may use their best judgment for renewals.

Fines will be charged as listed in Appendix A (page 58). The cost of notices sent and any other similar costs are to be added to the basic fine. The maximum fine for any single item is the replacement cost of the item, plus the cost of notices sent and other similar costs. The charge for damaged material is determined by the appropriate library director.

1. Customers with overdue material will have no more than 4 months to be in compliance with returning material and/or paying all costs.
2. The library director will notify the customer by either written notices and/or personal phone calls; no more than 4 times within a 2-month period. Documentation MUST be kept as to date, time, content of notice, and any other pertinent details.
3. Customers disregarding these notices that have accumulated materials/fines of \$5.00 or more will be restricted from using local and regional libraries. The director will be responsible for notifying other local libraries and the regional director.
4. Customers with any of the above concerns will NOT be allowed to use ANY library services within the county. *[This section revised 14 March 2005.]*

Appropriate legal action may be taken at the discretion of the Jefferson County Library Board or its Chair.

When material is “lost in circulation,” the library director should send that information to the Regional Library after a period of one year. *[This section revised 14 May 2001; 13 September 2010.]*

WITHDRAWALS

Each library will weed out five per cent of their collection each year in keeping with the *Tennessee Minimum Standards for Non-Metropolitan Public Libraries*.

Disposal of materials will be left up to the library directors. Out-of-date periodicals may be given to the local schools, paper drives, or recycled as appropriate. Unauthorized removal of materials from the library is strictly prohibited.

Books of no further value may be put in a book sale or sold as scrap paper. Each library may establish a sale area for materials which have been weeded from their collection or give these items to a Friends group. The revenue from these sales will be added to the fine money account of the weeded library. Materials given to a Friends group become the property of the Friends group, and any monies received from the sale of these materials belongs to the Friends group.

DAMAGED & LOST MATERIALS

The library director determines the condition of all materials for their facility.

1. If a book is lost or damaged to the point it is unusable, the customer will be expected to pay the full price and may keep the book.

If both book and cassette in a book pak are lost, the customer will be charged the full price plus a processing fee. If either book or cassette is lost, the customer will be charged the appropriate replacement cost.

2. If a Regional Library book is damaged to the point it is unusable, the full price of the book is to be charged. (The book, the shelf list card, the money and the name and address of the person who paid for the damaged book must be sent to the Regional Library. A receipt for the money will be issued and mailed to the person who paid for the damage.)
3. If a book is damaged and is still usable, a reasonable charge will be made by the library director and the book will continue to be circulated.
4. If the damage to a Regional book is slight and the book can continue to be used, it makes no sense to charge the full price. However, whatever charge is assessed for damage to a Regional book must be sent to the Regional Library. The customer's name and address must accompany the money so a receipt may be issued and mailed to the customer.

CUSTOMER REQUEST FOR RECONSIDERATION OF MATERIAL

1. Customer completes the Request for Reconsideration Form.
2. Library director refers form to Library Board Chair.
3. A small committee is appointed by the board chair in consultation with the affected library director.
(It should include one or two trustees, one or more members of the community, the library director of the library where the request was filed, and the Nolichucky Regional Director.)
4. Each member of the committee reads or views the material.
5. The committee recommends appropriate action.
6. A written response is sent to the person who filed the request.
7. If the person filing the request is not satisfied, an appeal can be made to the full Jefferson County Library Board.

The **Request for Reconsideration** form is on the following page.

Jefferson County Library Board

Request for Reconsideration of Library Resources

Please return this completed form to the Library Director.

CUSTOMER'S NAME: _____ DATE: _____

ADDRESS: _____

CITY: _____ STATE: _____ ZIP CODE: _____

TELEPHONE: Home _____ Work _____

Do you represent yourself? _____ your organization? _____

Organization name: _____

1. Resource on which you are commenting:

Book Textbook Video Display
 Magazine Library Program Audio Recording
 Newspaper Electronic information/network (please specify)
 Other: _____

Title _____

Author/Producer _____

2. What brought this resource to your attention?

3. Have you examined the entire resource?

4. What concerns you about the resource? (Use other side or additional pages if necessary.)

5. Are there resource(s) you suggest to provide additional information and/or viewpoints on this topic?

*Revised by the American Library Association, Intellectual Freedom Committee,
June 27, 1995.*

MATERIALS SELECTION

Selection and retention of materials will be made in accordance with the Jefferson County Library System's Collection Development Policy. Memorial books may be selected or approved by the library director.

UNCLAIMED ITEMS

Clothing or other items left in the library and not claimed within three months can be disposed at the library director's discretion. A list of items and description must be posted in a conspicuous place for the customers to read when said items are found.
[This section added 8 September 2003.]

USE OF LIBRARY BUILDINGS

The library buildings are to be used for library purposes only.

JEFFERSON CITY PUBLIC LIBRARY - MEETING ROOM POLICY

1. The meeting room of the Jefferson City Public Library is available for use by civic groups or any non-profit organization.
 - Library activities have priority over other activities.
 - The room is **NOT** available for meetings of social, political, partisan, or religious purposes; for the benefit of private individuals or commercial concerns; or for the presentation of one side of controversial matters,
2. Bookings for the meeting room are to be arranged through the Library Director or the Library Assistant.
3. Fundraising events or solicitations of any kind are not permitted unless sponsored by the library.
4. No closed meetings are permitted, i.e.; the press, library personnel, members of the Board cannot be denied admission if they desire to attend.
5. The requesting individual from the organization and the organization are held responsible for the conduct of those attending the meeting and for expenses related to any possible damage to library property. Food is limited to simple refreshments (no alcohol beverages).
6. It is the responsibility of the organization to clean up after the meeting.
 - All trash should be picked up and placed in the dumpster outside.
 - Trashcan liners should be replaced for the next use.
 - Tables should be cleaned.
 - Room should be swept.
7. Smoking is prohibited in the meeting room.
8. A cash deposit fee of \$20.00 will be charged to use the meeting room. The deposit will be returned within (5) days providing the terms of the signed agreement are met.
9. The Library Board and staff do not assume any liability for groups or individuals attending a meeting in the meeting room.
10. Permitting a group to meet in the library's meeting room in no way constitutes an endorsement of the group's objectives or beliefs. If a question is raised as to the goals and activities of any group in the meeting, the Library board is the final authority in granting or refusing permission for use of the rooms.
11. A minimum of ten (10) participants is required to reserve a room.

I have read the above requirements and agree to comply with them.

Signed: _____ **Date:** _____

Organization: _____

Day requested: _____ **Time: From:** _____ **To:** _____

Person in charge: _____

Address: _____

Work Phone: _____ **Home Phone:** _____ **Cell Phone:** _____

Library use ONLY:

Date Deposit Received: _____ **Date Key Given:** _____

Date Key Returned: _____ **Date Deposit Returned:** _____

[This Meeting Room Policy added 11 September 2006.]

INTERNET / COMPUTER USAGE

Introductory Statement

The Jefferson County Library System is committed to its role in serving the information and learning needs of all its citizens. The Internet is seen as another tool or resource to be used in accordance with library policies. The purpose of access is to provide the community access to materials and information resources beyond the confines of the library's collection. However, not all sources on the Internet provide information that is accurate, complete, current, legal or philosophically acceptable to all citizens and may not meet the library's collection development standards.

Usage and Responsibility

All customers must sign up at the front desk before using the computer. There is a time limit of 30 minutes per session if others are waiting. A maximum of 3 sessions per day is allowed provided others are not waiting for access.

Parents or legal guardians of juveniles, not the library staff, are responsible for their children's use of the Internet. The library does not restrict access to the Internet. Parents or guardians are encouraged to supervise their children's Internet sessions whenever possible. Customers below the age of 18 will be permitted to use the computer only if a parent or guardian has come to the library and signed a permission slip. For recording purposes, the full name of the customer must be written down. All data will be destroyed at the end of each week after it has been compiled for reported purposes. *[This section revised 14 March 2005.]*

All users of the computer and the Internet are expected to use these resources in a responsible manner, consistent with the educational and informational purposes for which they are provided, and to follow the rules and regulations of the Jefferson County Library System.

Examples of unacceptable use include, but are not limited to:

1. Violation of computer system security;
2. Damaging or altering software and/or hardware components;
3. Unauthorized use of computer accounts, access codes, etc.;
4. Violation of software licensing agreements;
5. Violation of local, state or federal laws;
6. Violation of network usage policies and regulations;
7. Attempting to modify or gain unauthorized access to files, passwords or data belonging to others;
8. Activities that disrupt library customers and/or staff.

Only library-supplied hardware and software can be used on library computers. Users may not load their own software or connect their equipment to library computers.

Violations of the Rules and Policies

Customers violating these rules and policies will be advised of the library's policies and asked to comply. Customers who repeatedly violate these rules after previous warnings will be restricted from using the computers on that occasion. The library and its staff reserves the right to prohibit violators from future access or use of the computer and/or online services.

I have read, understand, and agree to comply with the policy stated above.

Name: _____ Library Card # _____ Date: _____

I give permission for my child to use the library computer to search the Internet in accordance with the policies stated above.

Parent/Guardian: _____ Date: _____

COMPUTER FILTERS

In accordance with the Children's Internet Protection Act (CIPA) regulations, the Jefferson County Library Board has installed filters on its computers. A staff member will disable the filter if a site appears to be wrongly blocked. Library staff will respect customer confidentiality, however, since computer screens are visible to others, they cannot be considered private. Library staff reserves the right to ensure compliance with this policy. *[This section added 14 July 2008.]*

SEX OFFENDER POLICY

- The purpose of the sex offender law is not to restrict the use of public libraries by citizens wanting or requesting help with such activities as learning job hunting skills, accessing reference and reading materials, and other legal purposes for which the library serves the public.
- The new amendment should be used only if a problem or issue arises and should be applied and interpreted only as written. Otherwise, no action related to this law is necessary by the Library Director or Library Board.
- This law gives the authority to the public library director to "reasonable restrict" the access of any person listed on the sexual offender registry, but only under certain circumstances, which are enumerated in the law.
- The library director should contact the library board chair and he/she will consult with the county or city attorney as necessary. If a library director or library board is considering restricting access to an individual on the sexual offender registry, the law includes a required procedure for notifying the individual. This procedure includes a written notice. This notice should include all points listed in and required by law. If a letter is sent, both the Library Director and the Library Board Chair must sign the letter. Local law enforcement agencies may be informed about this letter and intended action by the Library Director and/or Library Board.

[This section added 12 September 2011.]

COLLECTION DEVELOPMENT POLICY

Goals and Objectives

It is the goal of the Jefferson County Library System to obtain the maximum use of its collection by the greatest number of people.

The objectives of the Jefferson County Library System are: to select, organize, preserve, and make freely available printed and other materials to the citizens living in our service area which will assist them to:

- Educate themselves continually
- Keep pace with progress in all fields of knowledge
- Become better members of home and community
- Develop their creative and spiritual capacities
- Appreciate works of art and literature
- Make such use of leisure time to promote personal and social well-being
- Contribute to the growth of knowledge

Further, the Jefferson County Library System adheres to and wholly supports the **Library Bill of Rights** and **The Freedom to Read** and the **Freedom to View** statements which are to be considered as part of this collection development policy.

The Jefferson County Library Board has also adopted the American Library Association statements on

1. Reevaluating Library Collections,
2. Statement on Labeling,
3. Expurgation of Library Materials, and
4. Resolution on Challenged Materials.

All four of these statements are official American Library Association interpretations of the **Library Bill of Rights**.

The library service area of Jefferson County Library System consists of people of all age groups, education, abilities, and interests. Therefore, it is the policy of the System to select all kinds of materials for all potential customers

It is the policy of the Jefferson County Library System to cooperate with, but not perform the functions of, the school library in the community. The Library System's collections always seek to complement but never to replace or supplement the materials of the school library.

Basic Selection Criteria

The chief points considered in the selection of materials for the library are:

1. Public request
2. Permanence of timely value
3. Accuracy of information
4. Authoritativeness and effectiveness of presentation
5. Literary quality
6. Social significance
7. Objectivity
8. Balance of subject areas
9. Present and future needs of the community
10. Price and availability
11. Physical format

Contemporary and popular authors are included, as well as those who have demonstrated enduring worth. Titles are selected on the basis of the content as a whole and without regard to the personal history of the author.

The Library System asserts its responsibility and duty to maintain on its shelves a representative selection of materials on all subjects of interests to its customers and not prohibited specifically by law, including materials on all sides of controversial issues. The Library System will not emphasize one subject at the expense of another, or one side of a subject without regard to the other side. It will attempt to provide the important books and materials on all sides and subjects within the limitations of space and budget.

The Library System will not indicate, through use of labels or other devices, particular philosophies or moral situations expressed in a book.

To preserve valuable human expression and documents it is necessary to judge materials on more than their literary merits and scholarship. Penetrating, impartial, and critical judgment must include:

- a. the degree of accomplishment of purpose
- b. the authority and competence of the author/creator
- c. comprehensiveness in breadth and scope
- d. sincerity and fundamental objectivity
- e. readability
- f. potential usefulness
- g. relation to existing collection
- h. importance as a record of the times
- i. relative importance in comparison with other materials on the subject
- j. new and worthwhile information to the library
- k. availability of contents, indexes, bibliographic material

New editions are always considered, but sometimes very little new material is offered. Caution is exercised when considering these editions to insure adequate new material to make the purchase worthwhile.

Reprints of older or out-of-print works are purchased subject to the basic criteria of good materials selection.

Memorial and/or commemorative editions are purchased only when they will add notably to the stature of the library collection or when they are of local interest.

As the amount of money to be spent for books and materials is not large, no special collections are consciously developed.

Books and materials of local and state history are acquired, but no attempt is made to have an historically comprehensive Tennessee collection.

Leisure reading may be either fact or fiction. These are criteria for selecting books for leisure:

- a. public request
- b. invigorating quality
- c. artistic expression
- d. originality and imagination
- e. honesty of presentation
- f. physical construction
- g. interesting presentation/style
- h. good characterization
- i. timeliness

Best sellers are considered on individual merits.

Popular authors are considered on the merits of the individual work.

Ideally, every book added to the library system would be read before purchase by a library director with trained judgment, knowledge of the library's present resources, and acquaintance with the requirements of local customers. Where circumstances make such reading or viewing impossible or unnecessary, the staff makes skilled use of selection aids such as basic general lists, current general lists, special bibliographies for reference books and particular subject materials, and book reviewing journals. While reviews are a major source of information about new books and materials, they are not followed blindly. No one publication is relied upon exclusively.

The final responsibility for the selection of materials at the Jefferson County libraries rests with the library directors, assisted by staff members, operating within the framework of policies adopted by the library board. Suggestions from customers and board members are always welcomed and will be given serious consideration. Whenever possible, those people in the community who have special education or talents in a specific area will be used as subject consultants in the choice of materials.

Children's Materials

The basic policy of materials selection for children is to choose the best new books and replace and duplicate only those older titles which are considered important. The selection includes books for recreational reading, inspirational books of lasting value, and books of information covering a wide range of knowledge that will satisfy the child's natural curiosity and widen their interests. Each book is judged on its own merits; it is considered also in relation to the collection as a whole and in relation to the children for whom it is intended. Special attention will be paid to the illustrations and the physical qualities (binding, paper, etc.). Size of print and vocabulary development are especially important to consider in children's books for the very young.

In the selection of children's materials it must be remembered that parents may want to send their children to the library to select books on their own, and indeed part of the learning and growing-up process for children is to be able to select books for themselves. The Jefferson County Library System is sensitive to parents needs concerning adequate information about sex education. The library will not hesitate to purchase materials for children to be used by adults in the process of teaching sex education in the home.

Gifts

The library has been favored by public-spirited citizens as a beneficiary of gifts. Since such additions to our revenues assist in carrying out our purposes, they are always encouraged and welcomed.

1. **Gifts of money:** Tax revenues are the normal source of income for all public libraries. Gifts and endowments are encouraged to enrich and expand library programs. Such gifts are tax deductible.
2. **Gifts of books or other materials:** Materials selected for the collections must meet high selection criteria on the basis of literary quality and usefulness. Gift materials are screened by the same standards as are all other materials; therefore, the library's acceptance of a gift is not a guarantee that such gift will be processed into the regular collections and made available to the public. Such gifts as are found acceptable are cataloged and placed in their regular places on the shelves where they are most useful, rather than in a special gift collection. Special book plates are inserted to identify gifts and memorials when requested; but, with this exception, gifts are considered part of the regular collection.

By accepting and using such gifts, the libraries assume no special obligations to the donors. Gifts which do not meet the Library System's selection criteria are disposed of in whatever ways the library sees fit.

The library system does not accept for permanent deposit materials which are not given as outright gifts.

Withdrawals

In order to maintain a vital, interesting, and usable collection, the Jefferson County libraries continually remove from their collections items which through usage or the passage of time are no longer suitable for use or are no longer necessary. The following criteria will be used when considering material for withdrawal:

1. **Volumes of no use to the library:** Three to five years without circulating, the library director's knowledge that it has not been used in the library for reference purposes, and that it is not a standard title would probably warrant discarding. Even classics, if unused because of unattractive appearance, should be replaced with better editions.
2. **Books of poor content:** Such material as: outdated information (applies especially in the sciences, medicine, geography, technology, and travel); trivial subject matter or a trivial approach to it; mediocrity of writing, poor vocabulary, etc.; false information; unused volumes of sets; repetitious series, particularly in the children's field; superseded editions. Unneeded duplicate titles of fiction and non-fiction as well as superfluous books in subject fields in which the community has little interest will also be removed.
3. **Books of very poor appearance:** Badly bound and printed editions: small print; shoddy binding; dull print; cramped margins; poor illustrations; soft pulpy paper through which the print shows. Worn out books: yellow, brittle paper; mutilated pages; missing pages; frayed bindings; broken backs; dingy or dirty covers. Sets whose antiquated appearance discourages use.

It shall be the responsibility of each library director employed by the board of trustees to use their own knowledge of books and materials and the advisory assistance available, when necessary or possible, to make the decision to remove materials from the shelves and dispose of them in a suitable manner.

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 their 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 by the ALA Council June 18, 1948;
Amended February 2, 1961,
January 23, 1980, and January 23, 1996.

THE FREEDOM TO READ

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 avoid the subversion of politics and the corruption of morals. We, as citizens 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 citizen, by exercising critical judgment, will accept the good and reject the bad. The censors, public and private, assume that they should determine what is good and what is bad for their fellow citizens.

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 need the help of censors to assist them in this task. 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.

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 or unpopular with 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 with any expression the prejudgment of a label characterizing it 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 the citizen. 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.

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.

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 citizens 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.

A Joint Statement by:
American Library Association and the Association of American Publishers.

Adopted June 25, 1953; revised January 28, 1972, January 16, 1991, July 12, 2000,
by the ALA Council and the AAP Freedom to Read Committee.

FREEDOM TO VIEW

The Freedom to View, along with the freedom to speak, to hear, and to read, is protected by the First Amendment to the Constitution of the United States. In a free society, there is no place for censorship of any medium of expression. Therefore, we affirm these principles:

1. It is in the public interest to provide the broadest access to films and other audiovisual materials because they have proven to be among the most effective means for the communication of ideas. Liberty of circulation is essential to insure the constitutional guarantee of freedom of expression.
2. It is in the public interest to provide for our audiences, films and other audiovisual materials which represent a diversity of views and expression. Selection of a work does not constitute or imply agreement with or approval of the content.
3. It is our professional responsibility to resist the constraint of labeling or prejudging a film on the basis of the moral, religious, or political beliefs of the producer or filmmaker or on the basis of controversial content.
4. It is our professional responsibility to contest vigorously, by all lawful means, every encroachment upon the public's freedom to view.

PERSONNEL POLICY

EMPLOYMENT

The Jefferson County Library Board and Staff do not discriminate on the basis of race, sex, religion, color, national or ethnic origin, age, disability, or military service in its policies, or in the admission or access to, or treatment or employment in, its programs, services, or activities.

The Library Board and Staff will comply with Title VI of the Civil Rights Act of 1964 (P.L. 88-352) and all requirements imposed by the Regulations of the U.S. Department of Education, Department of Justice (28 CFR Parts 42 & 50), the Tennessee Department of State, and any directives or regulations issued pursuant to that Act. In addition, the Board and Staff will comply with the Age Discrimination in Employment Act of 1967, as amended; the Equal Pay Act of 1963, as amended; and the Americans with Disabilities Act of 1990, as amended.

The Jefferson County Library Board shall employ any and all persons necessary for the operation of the Jefferson County Library System. Employees shall not be a board member or be an immediate family member to a board member, neither shall relatives work at the same library. Employees shall serve at the pleasure of the Jefferson County Library Board.

No provision of these policies shall be construed as an employment agreement or legal contract. Employment with the library is “at will” and nothing in these policies shall be considered as a promise of employment for a definite duration. The library board reserves the right to modify or change the policies at its sole discretion without notice and also reserves the right to not apply these policies in individual cases where application, in the opinion of the board, is considered inappropriate. Any agreement for a specified period of time or contrary to the foregoing, if such agreement is to be made, shall be in writing and signed by the individual employee and the Library Board. These policies are not intended to and do not bestow any additional rights to employment or employment benefits to library board employees.

These policies are subject to revision in the light of continuing experience, and it is the employee’s responsibility to bring to their supervisor’s attention difficulties they have in understanding these policies or how they will be administered. The library board welcomes recommendations for revision which will contribute to the purposes of these policies.

GENERAL QUALIFICATIONS FOR EMPLOYMENT

1. U.S. citizen
2. High School education
3. Typing ability and computer skills
4. Library experience desirable
5. Valid Driver’s License

[This paragraph revised 12 September 2011.]

SELECTION OF STAFF

Selection will be based solely on merit. There will be no favoritism due to race, creed, sex, marital status, political affiliation, or personal connection. Library directors shall be selected by a majority vote of the Library Board. Support staff will be selected by the individual library director, subject to approval by the Board.

PROBATIONARY PERIOD

Each newly hired employee is subject to a ninety (90) day probationary period from the first day of employment. The board reserves the right to extend the time of this period. Each employee is required to follow the established policies and procedures. This probationary period is established so that the board can determine if the new employee is able to follow the policies and procedures. If the new employee is not performing the job duties, the employee can be terminated at any time during the probationary period.

DRESS CODE

All staff members (salaried and volunteer) are expected to maintain a professional appearance when on duty. Each employee will be neat and clean at all times.

SALARY

Salary of all employees shall be set by the Board. Employees will receive their salary checks no later than the seventh day of the following month. Increases shall be based on length of service, merit, and availability of funds.

All staff shall be paid monthly upon receipt of an accurate time sheet sent to the County Executive's office and treasurer on the last working day of the month.

WORKERS' COMPENSATION INSURANCE

Worker's Compensation Insurance is provided for library employees to provide protection in case of injury or contracting an occupational illness while performing job duties.

Should an employee not be able to work because of an injury or illness caused by job duties, the amount of earnings received during the time off is determined by state law.

An employee who receives an on-the-job injury or contract an illness related to the job must report this to the library board chair immediately. Failure to do so can result in being disqualified from receiving this benefit.

Provisions of the Workers' Compensation Law will be followed. Any employee who attempts to defraud the Workers' Compensation Law will be discharged and will be subject to investigation and prosecution by the State of Tennessee.

FLEXTIME SCHEDULING

The library directors shall work a flextime schedule to accommodate library customers and other library needs or concerns.

Work schedules will be adjusted on a weekly basis to meet the budgeted work hours. Unless an emergency situation arises on the last day of the work week, library directors are expected to eliminate hours of work that are not budgeted by using daily flextime scheduling.

In the event of accumulated hours on the last day of the work week, the compensatory time policy of the Jefferson County will be followed: "Pursuant to regular practice and overtime policy in place prior to April 15, 1986, non-exempt county employees are given compensatory time off at the rate of time and one-half for hours actually worked over forty hours in each work week, except departments having different systems which comply with legal standards."

It is expected that compensatory time for library directors will be taken within the current pay period. If it occurs during the last week of the pay period, it may be taken off during the next pay period. *[This section added and adopted 20 November 2000.]*

VOLUNTEER WORKERS

The Volunteer Program of the Jefferson County Library System is designed to enhance and expand public service to the community. Volunteers learn more about the library serves the community's needs.

Definition: A volunteer is an individual, 16 years or older, who assists with work done at the individual libraries and receives no paid time for hours volunteered. Exception to the age limit may be made at the discretion of the library director. The library will NOT provide any medical, health, accident, or worker's compensation to any volunteer.

Other Requirements:

Be at work on time for volunteer hours and notify the library if this is not possible.

Follow the directions of the library director as to duties assigned.

Must be able to communicate clearly and meet the requirements of the assignments.

Respond appropriately to requests from library customers.

Project a positive outlook and a willingness to assist.

Be subject to all library policies and procedures.

Name tags are to be worn at all times.

A record of dates and hours worked are to be kept at the library.

Conform to the library's dress code policy.

Be VERY aware of the liability related to privacy of information regarding customers.

Recruitment and Supervision:

Volunteers will be recruited by the library staff through personal contact, library website, in-library publicity or through requests from organizations.

Volunteers will work under the direct supervision of the library director or the library assistant in charge.

The volunteer forms as to information and education are to be completed by the volunteer and library director.

Training will be provided by the library director or assistant with a written list of duties to be assigned.

Volunteers may be dismissed by the director according to a particular situation.

Volunteer Opportunities:

Assist with shelving of books and other library materials.

Assist with the summer reading program.

Provide assistance during the Friends' book sales

Assist with other duties as assigned:

VOLUNTEER EDUCATION FORM

Name _____

Date _____

All library policies, including privacy and confidentiality of information, that affect my volunteer services, have been explained to me. I fully understand these policies and agree to abide by them as a library volunteer. A copy of the volunteer policy has been given to me for reference.

Signature of Volunteer _____

Library Director _____

[This section added 8 September 2008; revised November 2010.]

CONTINUING EDUCATION AND MEETING ATTENDANCE

The library directors and support staff are expected to attend all Nolichucky Region in-service events as appropriate, travel and attendance at which will be considered work time. Library directors or library assistants who attend required regional workshop will be compensated for the hours of travel to and from as well as the hours of the workshop up to the normal hours worked in a week. If the hours are over the regularly scheduled hours, the flex-time policy will be in effect. *[This paragraph revised 12 September 2011.]*

Staff members may apply to attend additional training events. Based on available funds and training needs of the staff member, one of the following options may be authorized by the board:

1. Library work time with total expenses paid;
2. Library work time, but at personal expense;
3. Personal time, but at library expense;
4. Personal time (leave without pay) at personal expense.

Staff members may arrange their schedules with their supervisors to accommodate attendance at an approved event. All materials purchased by the library for a training event become the property of the library.

Mileage of staff members to attend meetings will be reimbursed at the current State of Tennessee rate. *[This sentence added and adopted 14 May 2001.]*

Tennessee Library Association Annual Meeting:

Salary for a working day plus expenses are paid.

Legislative Day:

Salary for a working day plus expenses are paid.

Director's Meetings:

Salary for actual hours.

Jefferson County Board Meeting:

Salary for duration of each meeting.

Regional Library In-Services:

Paid from the beginning of the meeting until it adjourns.

VACATION

Vacation time is pro-rated to the number of hours worked per week, according to the Table below. Vacation time is earned from the first day of employment: it can not be used until after the probationary period is completed. Years of employment are calculated from the date an employee is hired. Vacation time may not be used before it is earned.

County Coordinator (MLS)	NOT APPLICABLE	During the 1st Year of employment	During the 2nd - 5th Year of employment	During the 6th Year & each year after
Director & Support Staff who work	1st year of employment	2nd - 5th Year of employment	6th - 15th Year of employment	16th Year & each year after
39-40 hours per week	is entitled to 48 hrs per yr earned at 4 hrs per mo	is entitled to 96 hrs per yr earned at 8 hrs per mo	is entitled to 120 hrs per yr earned at 10 hrs per mo	is entitled to 160 hrs per yr earned at 13.33 hrs per mo
33-38 hours per week	is entitled to 46 hrs per yr earned at 3.8 hrs per mo	is entitled to 91.2 hrs per yr earned at 7.6 hrs per mo	is entitled to 117 hrs per yr earned at 9.75 hrs per mo	is entitled to 152 hrs per yr earned at 12.66 hrs per mo
27-32 hours per week	is entitled to 38.4 hrs pr yr earned at 3.2 hrs pr mo	is entitled to 76.8 hrs pr yr earned at 6.4 hrs pr mo	is entitled to 96 hrs per yr earned at 8 hrs per mo	is entitled to 128 hrs per yr earned at 10.66 hrs per mo
21-26 hours per week	is entitled to 31.2 hrs per yr earned at 2.6 hrs per mo	is entitled to 62.4 hrs per yr earned at 5.2 hrs per mo	is entitled to 78 hrs per yr earned at 6.5 hrs per mo	is entitled to 104 hrs per yr earned at 8.66 hrs per mo
20 hours per week	is entitled to 24 hrs per yr earned at 2 hrs per mo	is entitled to 48 hrs per yr earned at 4 hrs per mo	is entitled to 60 hrs per yr earned at 5 hrs per mo	is entitled to 80 hrs per yr earned at 6.66 hrs per mo

All employees working less than twenty hours per week will receive vacation time earned at 1.5 hours per month.

Employees who are released before completion of their probation forfeit any vacation credit. Staff members do not earn vacation credit for time on a leave or absence without pay.

If a library-observed holiday falls within the scheduled vacation period of any staff member, no vacation credit is deducted for that day.

Employees who are hospitalized after their vacation begins may be considered to be on sick leave from the first day of hospitalization, and may postpone the remaining vacation to a later date. Employees who are ill during a scheduled vacation may take the option to use sick leave to cover this time.

No employee may give any leave to another employee. Accumulation of vacation time is allowed up to 4 weeks and must be used within two years of being earned. Use of vacation time shall be recorded on the monthly time sheet. *[This section revised 14 May 2001.]*

SICK LEAVE

Sick leave is to be taken only when employees or members of their immediate families are sick. Immediate family is defined as spouse, parent, children, brothers or sisters, grandparents or grandchildren of the employee or legal guardians or dependents. In-laws in these categories are included. Ordinarily, sick leave may not be used before it is earned. However, in the event of catastrophic illness or accident, an employee may request approval for advanced sick leave which has not been earned. The following criteria apply: 1) for self or to support immediate family only; 2) the ninety days probationary period has been met; 3) the amount of sick leave advanced (not yet earned) is limited to the amount the employee normally would earn on an annual basis; 4) the advanced days will be deducted monthly as the sick days are earned until the total number of advanced days is returned; 5) if the employee leaves employment prior to returning all advanced sick leave, the hourly value of the sick leave amount will be deducted from the employee's final paycheck; 6) the library board must give approval for each employee requesting this benefit. Unused sick leave will not be paid if an employee resigns.

Use of sick leave shall be recorded on the monthly time sheet.

Employees are expected to schedule all routine medical and dental appointments at times other than scheduled work hours. Vacation will be used when sick leave expires. No employee may give any leave to another employee.

At the Library Board's discretion, the employee claiming sick leave may be required to furnish a certificate from a physician stating that the employee has been incapacitated from work for the period of absence; and/or that the employee is again physically able to perform their duties.

Unused sick leave can be credited toward retirement. Credit for one month of service will be given for each twenty days (sixty hours) of unused sick leave the employee has at the time of their retirement. Accumulated sick leave has no value except for the purpose granted.

Sick leave is pro-rated according to the number of hours worked per week, according to the Table below. Sick leave is earned from the first day of employment: it can not be used until after the probationary period is completed. Years of employment are calculated from the date an employee is hired.

Staff Members

who work 39-40 hours per week	are entitled to 96 hrs per year earned at 8 hrs per month
33-38 hours per week	are entitled to 91.2 hrs per year earned at 7.6 hrs per month
27-32 hours per week	are entitled to 76.8 hrs per year earned at 6.4 hrs per month
21-26 hours per week	are entitled to 62.4 hrs per year earned at 5.2 hrs per month
20 hours per week	are entitled to 48 hrs per year earned at 4 hrs per month

All employees working less than twenty hours per week will receive sick leave earned at 1.5 hours per month. *[This section revised 14 May 2001.]*

FUNERAL LEAVE

In the case of death in the employee's immediate family, the employee is eligible for paid leave which will not be charged to vacation or sick leave. Paid funeral leave is for scheduled work days which fall between the day of death and the day following the funeral, not to exceed 3 working days.

Immediate family shall be defined as spouse, parent, children, brothers or sisters, mother-in-law, father-in-law, grandparents or grandchildren of the employee and legal guardians or dependents.

An employee who claims funeral leave may, at the discretion of the board chair, be required to furnish confirmation of the death which may include an obituary notice or funeral home announcement

JURY DUTY AND LEGAL LEAVE

Upon receiving a summons to report for jury duty or subpoenaed, the staff member shall mail a copy of the summons to the treasurer the same day received. The employee will be granted a leave of absence when required to appear in Federal or State court as a juror. Employees shall receive regular compensation for days scheduled to work during time served on jury duty or when subpoenaed as a witness. The employee may retain all compensation received for serving as a juror. If an employee is relieved from jury duty during working hours after serving less than three hours, the employee must report back to work.

The above provisions concerning compensation for time in court do not apply if the employee is involved as a plaintiff or defendant in private litigation. On these occasions, the employee must take vacation time or leave without pay.

INCLEMENT WEATHER AND HAZARDOUS CONDITIONS

Any library may be closed at the discretion of the library director due to inclement weather or other unusual occurrences as lack of heat or air, water damage, or other disaster-like events.

If the library has to be closed due to inclement weather or other hazardous events, the library staff will be paid for their regularly scheduled hours. *[This section revised 19 November 2001; the County Executive approved this portion of the policy on 20 November 2001; section revised 14 March 2005.]*

SPECIAL LEAVE WITHOUT PAY

Any staff member may be granted leave without pay at the discretion of the board. A sufficient reason must be presented by the employee. During the period, the employee will not accrue vacation, sick leave, or other benefits.

LIBRARY ASSISTANTS & SUBSTITUTES

1. Library assistants and substitutes shall be selected by the appropriate library director and officially approved by the Library Board subject to the same policies of employment, selection, and qualifications as those set forth for library directors.
2. Library assistants who work 32 hours or more will receive sick and vacation leave, retirement, health insurance, and workmen's compensation insurance. Library assistants who work 31 hours or less will receive sick and vacation leave, worker's compensation insurance but are not eligible to receive retirement or health insurance benefits.
3. The schedule of work hours for library assistants and substitutes shall be determined by the library directors within the budget established by the Library Board.
4. Library assistants and substitutes shall work in case of a library director's absence, sickness, approved annual leave (vacation time), or approved special leave.
5. Only officially approved library assistants and substitutes shall work in the absence of the library director.
6. Library assistant and substitute wages will be paid by the County Executive's office only on receipt of an accurate time sheet and approved by the library director at the end of the month. *[This section revised 14 May 2001.]*

SEXUAL OR RACIAL HARASSMENT

Sexual or racial harassment as defined by Federal Law is considered misconduct in the work place and could be grounds for dismissal. If it occurs, the offender will be warned. If it continues the offender will be dismissed.

Any employee who feels that they have been or are being subjected to sexual or racial harassment is urged to contact the director immediately. The offended employee may contact the board chair if the complaint is against the director. The director or the board will deal with the complaint promptly and resolve this issue.

SUBSTANCE ABUSE

It is the policy of the Jefferson County Library Board to provide a safe and healthful environment for its employees and patrons. Therefore, the following are strictly prohibited during working hours, while on library property, or while on library business:

1. Being under the influence of illegal drugs or alcohol
2. The sale, possession, transfer or purchase of illegal drugs; or
3. The possession or consumption of alcohol beverages

Any employee whose off-duty substance abuse results in on-the-job impairment (including but not limited to excessive absenteeism or tardiness, carelessness or disregard for safety, or poor work), or who commits an unlawful act or whose conduct discredits the county library system in any way is in violation of this policy.

FAMILY AND MEDICAL LEAVE

The Library Board will comply with the provisions of the Family and Medical Leave Act 1993 when applicable.

PREGNANCY/MATERNITY LEAVE

Pregnancy will be treated as a temporary disability. Reasonable accommodation will be made for pregnant employees. A request for maternity leave must be presented to the library director and/or library board three months before the anticipated date of departure for maternity leave. This request shall be in writing and should include anticipated departure date, expected length of maternity leave, and statement of intent to return to full-time library employment after maternity leave. Failure to give three months' advance notice because of a medical emergency which necessitates that maternity leave begin earlier than originally anticipated does not forfeit any rights or benefits solely because of such failure. A pregnant employee is expected to accept maternity leave voluntarily when a doctor determines that she is unable to perform her tasks in the work place. The library may require a pregnant employee to submit to an examination by a doctor other than her own if the library pays for such an examination.

Maternity leave will be calculated as any other illness. Accumulated sick leave and vacation leave may be used for maternity leave, but when that time is used, the employee will be considered on leave without pay until such time that the employee is released by her physician to return to work.

Maternity leave of a minimum of four months up to six months without pay may be granted if it can be done without detriment to the work of the library and/or if a satisfactory temporary replacement is available. In no case will the employee be required to return to work earlier than 30 work days following the birth of the child.

When the employee returns from maternity leave, she will be assigned to the position which she left, whenever possible. The library may opt to rehire the employee in another position of equal status and pay. In the event the employee cannot be assigned to the previous position, she will be placed in a position of similar status and pay, without a break in service.

If the library board/library director find that the employee has utilized the period of maternity leave to pursue other employment opportunities, or if the library board/library director finds that the employee has worked part-time or full-time for another employer during the maternity leave, then the library board shall not be liable under this section to reinstate the employee at the end of the maternity leave.

It is the intent of this policy to comply with The Pregnancy Discrimination Act amendment to Title VII of the United States Civil Rights Act of 1964 and the Tennessee Maternity Leave Law (*Tennessee Code Annotated* Section 4-21-408 (1988)). These rules and regulations will be superseded by Federal Law when applicable.

EMPLOYMENT CONCLUSIONS

An employee wishing to resign must do so in writing. In order to leave in good standing, library directors must give a written notice at least one (1) month in advance; others must give at least a two (2) week notice. All resignations must include the employee's reason for resigning. Persons who have resigned forfeit all rights as employees of the library.

Grounds for dismissal shall be: 1) Misconduct on the job (e.g. Drinking alcohol at work, drug use, or sexual harassment); 2) Inefficiency on the job (e.g. failure to meet work performance standards); 3) Failure to perform on the job (e.g. Not doing the job as outlined in the job description; or 4) Failure to comply with provisions of the personnel policy.

If the library board considers an employee's performance unsatisfactory, the board chair will warn the employee, pointing out where improvement is necessary and suggesting ways in which the employee may improve. If performance remains unsatisfactory, the board shall give the employee notice of dismissal. A regular member of the library staff shall be notified of such dismissal in writing, in person or via certified mail. If the employee wishes a hearing, such must be requested within seven days of receipt of the dismissal notice. A hearing before the Board will then be scheduled with at least 14 days of elapsed time between the dismissal notice and such hearing. Both sides, if they so desire, may have a limited number of witnesses at the hearing.

In cases where continued employment would be seriously detrimental to the employee or to the library, the director may effect an instant dismissal, with the letter of notification to be a formality following the action.

Statement of Professional Ethics

Adopted by the Jefferson County Library Directors, 3 December 1996

- I. We provide the highest level of service to all library users through appropriate and usefully organized resources; equitable service policies; equitable access; and accurate, unbiased, and courteous responses to all requests.
- II. We uphold the principles of intellectual freedom and resist all efforts to censor library resources.
- III. We protect each library user's right to privacy and confidentiality with respect to information sought or received and resources consulted, borrowed, acquired or transmitted.
- IV. We recognize and respect intellectual property rights.
- V. We treat co-workers and other colleagues with respect, fairness and good faith, and advocate conditions of employment that safeguard the rights and welfare of all employees of our institutions.
- VI. We do not advance private interests at the expense of library users, colleagues, or our employing institutions.
- VII. We distinguish between our personal convictions and professional duties and do not allow our personal beliefs to interfere with fair representations of the aims of our institutions or the provision of access to their information resources.
- VIII. We strive for excellence in the profession by maintaining and enhancing our own knowledge and skills, by encouraging the professional development of co-workers, and by fostering the aspirations of potential members of the profession.

*- Adopted by the Jefferson County Library Directors
and the
Library Directors and Branch Heads in the Nolichucky Region
3 December 1996*

Developed and Adopted by the
American Library Association
28 June 1995

The Jefferson County Library System

LIBRARY DIRECTOR for Dandridge / White Pine POSITION DESCRIPTION

SUPERVISION AND DIRECTION

The Library Director will receive general supervision and direction from the Library Board. The Library Director shall comply with all established policies and operational procedures associated with the proper conduct of a public library.

POSITION REQUIREMENTS

Education: A minimum high school education is required as well as the ability to operate personal computers and associated software on a routine basis. Knowledge of automated office equipment is desirable. The ability to deal effectively and courteously with the public consisting of all ages and personalities is required.

Experience: Previous library experience is desirable but not required.

Physical: The work environment consists primarily of indoor activities. Normal/corrected eyesight and hearing within normal range is required. Must be able to lift and carry books and/or cartons of books weighing up to 40 pounds on an occasional basis and must be able to lift and carry books up to 10 pounds on a regular basis. Stooping, bending and walking is required to restock shelves and to assist patrons with finding their requested library materials. Climbing is required on a regular basis through the use of movable step stools to reach books placed on higher shelves. The Library Director must have a valid motor vehicle operator's license and be able to drive to meetings, training, and other events.

Appropriate dress, as for a business office, is required at all times while working in or representing the library.

POSITION SUMMARY

The Library Director is responsible for the operation and administration of the assigned facility including supervising staff and volunteers; selecting, acquiring, cataloging, circulating, and weeding library materials; assisting patrons with locating materials and using various library equipment; promoting the library through various civic activities; maintaining and organizing an appropriate stock inventory of reading and viewing materials; and maintaining an adequate stock inventory of supply items necessary for operating a public library.

ESSENTIAL DUTIES

1. Carries out the policies of the library as adopted by the Board; recommends needed policies for Board action; recommends short-range and long-range goals and objectives for the library.
2. Prepares an annual budget for the library in consultation with the Board.
3. Attends all Board meetings and serves as secretary of the Board if required; keeps Board meeting records on file at the library.
4. Selects and orders all books, materials, and equipment according to the Board's Collection Development Policy.
5. Acts as technical advisor to the Board and recommends employment of all personnel and supervises their work.
6. Evaluates performance of ancillary staff on an annual basis on their anniversary dates.
7. Keeps informed about community changes, trends, needs, and interests; recommends programs and needs of the library in relation to the community; carries out plans for extending services of the library; and maintains awareness of public library standards and library trends.

8. Maintains accurate financial, personnel, patron, and statistical records and submits a variety of monthly and annual reports for the Board, Jefferson County Commission, City Councils, and the Nolichucky Regional Library.
9. Acts as public relations representative for the library engaging in such activities as writing articles for the local newspaper, hosting adult reading programs, planning and conducting summer reading programs and story hours, assisting home demonstration clubs with reading programs, planning and presenting programs for schools, head starts, and other civic clubs, and assisting with Friends of the Library activities by organizing book sales and other activities, etc.
10. Affiliates with state and national professional organizations, attends professional meeting and workshops, and provides professional development opportunities for the staff.
11. Makes full use of regional and state library services to provide an appropriate stock of library materials to serve the needs of all library patrons.
12. Assists customers in the use of the full range of library services, materials and information resources.
13. Accepts and acknowledges memorials, gifts and donations to the library through personal contact or mail.
14. Assists patrons and the public with reference and genealogical services as needed.
15. Maintains the facility in a neat and attractive appearance; decorates the library for special occasions and informational items.
16. Follows legal, professional, and ethical practices when making decisions and carrying out responsibilities.
17. Attends all in-service workshops, meetings scheduled by the Regional Library.
18. Follows legal, professional, and ethical practices when making decisions and carrying out responsibilities.

This Position Description is not intended to be all-inclusive. The Library Board reserves the right to revise or change position duties as the need arises and reserves the right to change position descriptions, position duties, or working schedules where appropriate and reasonable to accommodate individuals with disabilities. This Position Description does not constitute a written or implied contract of employment.

I have reviewed the Position Description for Library Director and certify I am capable of meeting the requirements and fulfilling the duties contained within this Position Description.

Employee/Applicant Signature

Date

The Jefferson County Library System

LIBRARY DIRECTOR for Jefferson City & Strawberry Plains POSITION DESCRIPTION

SUPERVISION AND DIRECTION

The Library Director will receive general supervision and direction from the Library Board. The Library Director shall comply with all established policies and operational procedures associated with the proper conduct of a public library.

POSITION REQUIREMENTS

Education: A Masters Degree in Library Science is desirable as well as the ability to operate personal computers and associated software on a routine basis. Knowledge of automated office equipment is desirable. The ability to deal effectively and courteously with the public consisting of all ages and personalities is required.

Experience: Previous library experience is desirable but not required.

Physical: The work environment consists primarily of indoor activities. Normal/corrected eyesight and hearing within normal range is required. Must be able to lift and carry books and/or cartons of books weighing up to 40 pounds on an occasional basis and must be able to lift and carry books up to 10 pounds on a regular basis. Stooping, bending and walking is required to restock shelves and to assist patrons with finding their requested library materials. Climbing is required on a regular basis through the use of movable step stools to reach books placed on higher shelves. The Library Director must have a valid motor vehicle operator's license and be able to drive to meetings, training, and other events.

Appropriate dress, as for a business office, is required at all times while working in or representing the library.

POSITION SUMMARY

The Library Director is responsible for the operation and administration of the two facilities including supervising staff and volunteers; selecting, acquiring, cataloging, circulating, and weeding library materials; assisting customers with locating materials and using various library equipment; promoting the library through various civic activities; maintaining and organizing an appropriate stock inventory of reading and viewing materials; and maintaining an adequate stock inventory of supply items necessary for operating a public library.

ESSENTIAL DUTIES

1. Carries out the policies of the libraries as adopted by the Board; recommends needed policies for Board action; recommends short-range and long-range goals and objectives for the library.
2. Prepares an annual budget for the libraries in consultation with the Board.
3. Attends all Board meetings; keeps Board meeting records on file at the libraries.
4. Selects and orders all books, materials, and equipment according to the Board's Collection Development Policy and the County's purchasing guidelines.
5. Acts as technical advisor to the Board and recommends employment of all personnel and supervises their work.
6. Schedules weekly hours at both libraries; schedules hours for the library assistants and clerk(s).
7. Evaluates performance of library assistants and library clerk on an annual basis on their anniversary dates.
8. Keeps informed about community changes, trends, needs, and interests; recommends programs and needs of the library in relation to the community; carries out plans for extending services of the library; and maintains awareness of public library standards and library trends.

9. Maintains accurate financial, personnel, patron, and statistical records and submits a variety of monthly and annual reports for the Board, Jefferson County Commission, City Councils, and the Nolichucky Regional Library.
10. Acts as public relations representative for the libraries, engaging in such activities as writing articles for the local newspaper, hosting adult reading programs, planning and conducting summer reading programs and story hours, assisting home demonstration clubs with reading programs, planning and presenting programs for schools, head starts, and other civic clubs, and assisting with Friends of the Library activities by organizing book sales and other activities, etc.
11. Affiliates with state and national professional organizations, attends professional meeting and workshops, and provides professional development opportunities for the staff.
12. Makes full use of regional and state library services to provide an appropriate stock of library materials to serve the needs of all library patrons.
13. Assists customers in the use of the full range of library services, materials and information resources.
14. Accepts and acknowledges memorials, gifts and donations to the libraries through personal contact or mail.
15. Cross-trains staff in all staff duties.
16. Oversees the maintenance of the facilities in a neat and attractive appearance; decorates the libraries for special occasions and informational items.
17. Attends all in-service workshops, meetings scheduled by the Regional Library.
18. Follows legal, professional, and ethical practices when making decisions and carrying out responsibilities.

This Position Description is not intended to be all-inclusive. The Library Board reserves the right to revise or change position duties as the need arises and reserves the right to change position descriptions, position duties, or working schedules where appropriate and reasonable to accommodate individuals with disabilities. This Position Description does not constitute a written or implied contract of employment.

I have reviewed the Position Description for Library Director and certify I am capable of meeting the requirements and fulfilling the duties contained within this Position Description.

Employee/Applicant Signature

Date

[This Position Description added 10 July 2006.]

The Jefferson County Library System

LIBRARY ASSISTANT POSITION DESCRIPTION

SUPERVISION AND DIRECTION

The Library Assistant will receive supervision and direction from the Library Director and shall comply with all established policies and operational procedures associated with proper conduct of a public library.

POSITION REQUIREMENTS

Education: A high school education is required with typing ability. Knowledge of automated office equipment with a willingness to be trained is desirable.

Experience: Previous library experience is helpful but not required.

Physical: The work environment consists primarily of indoor activities. Normal/corrected eyesight and hearing within normal range is required. Must be able to lift and carry books and/or cartons of books weighing up to 40 pounds on an occasional basis and must be able to lift and carry books up to 10 pounds on a regular basis. Stooping, bending and walking is required to restock shelves and to assist customers with finding their requested materials. Climbing is required on a regular basis through the use of movable step stools to reach books placed on higher shelves.

Appropriate dress, as for a business office, is required at all times while working in or representing the library.

Duties and Responsibilities

1. Assists and refers customers according to their needs.
2. Performs or oversees circulation desk functions.
3. Assists customers with use of library equipment.
4. Informs customers of status of overdue materials and availability of requested books.
5. Performs registration of new and reregistered customers.
6. Performs reference assistance, referring questions or searches to the Library Director if necessary.
7. Accepts and processes interlibrary loans for customers.
8. Accepts payments for overdue materials, memorial gifts, lost books, use of library equipment, and sale books; maintains fine logs and prepares overdue notices.
9. Assists with shelving and reshelving books and other circulating materials.
10. Answers phones routinely.
11. Responsible for processing, maintenance and storage of periodicals.
12. Assists in the preparation of statistical reports, as needed.
13. Assists in training and monitoring volunteers or student workers.
14. Performs data entry and processing of new materials.
15. Serves in the absence of the director.
16. Performs other related duties as required by circumstances or the library director.

[This section revised 14 March 2005.]

This Position Description is not intended to be all-inclusive. The Library Board reserves the right to revise or change position duties as the need arises and reserves the right to change position descriptions, position duties, or working schedules where appropriate and reasonable to accommodate individuals with disabilities. This Position Description does not constitute a written or implied contract of employment.

I have reviewed the Position Description for Library Assistant and certify I am capable of meeting the requirements and fulfilling the duties contained within this Position Description.

Employee/Applicant Signature

Date

The Jefferson County Library System

LIBRARY CLERK POSITION DESCRIPTION

SUPERVISION AND DIRECTION

The Library Clerk will receive supervision and direction from the Library Director and shall comply with all established policies and operational procedures associated with proper conduct of a public library.

POSITION REQUIREMENTS

Education: A high school education is required with typing ability. Knowledge of automated office equipment with a willingness to be trained is desirable.

Experience: Previous library experience is helpful but not required.

Physical: The work environment consists primarily of indoor activities. Normal/corrected eyesight and hearing within normal range is required. Must be able to lift and carry books and/or cartons of books weighing up to 40 pounds on an occasional basis and must be able to lift and carry books up to 10 pounds on a regular basis. Stooping, bending and walking is required to restock shelves and to assist customers with finding their requested materials. Climbing is required on a regular basis through the use of movable step stools to reach books placed on higher shelves.

Appropriate dress, as for a business office, is required at all times while working in or representing the library.

Duties and Responsibilities

1. Assists and refers customers according to their needs.
2. Performs circulation desk functions.
3. Assists customers with use of library equipment.
4. Informs customers of status of overdue materials and availability of requested books.
5. Performs registration of new and reregistered customers.
6. Performs reference assistance, referring questions or searches to the Library Director or Assistant if necessary.
7. Accepts and processes interlibrary loans for customers.
8. Accepts payments for overdue materials, memorial gifts, lost books, use of library equipment, and sale books; maintains fine logs.
9. Assists with shelving and reshelving books and other circulating materials.
10. Answers phones routinely.
11. Mends and repairs library materials as needed.
11. Responsible for processing, maintenance and storage of periodicals.
12. Assists in the preparation of statistical reports, as needed.
13. Assists in training and monitoring volunteers or student workers.
16. Performs data entry and processing of new materials.
17. Performs other related duties as required by circumstances or the library director.

This Position Description is not intended to be all-inclusive. The Library Board reserves the right to revise or change position duties as the need arises and reserves the right to change position descriptions, position duties, or working schedules where appropriate and reasonable to accommodate individuals with disabilities. This Position Description does not constitute a written or implied contract of employment.

I have reviewed the Position Description for Library Clerk and certify I am capable of meeting the requirements and fulfilling the duties contained within this Position Description.

Employee/Applicant Signature

Date

[This Position Description added 10 July 2006.]

The Jefferson County Library System

LIBRARY SUBSTITUTE POSITION DESCRIPTION

SUPERVISION AND DIRECTION

The Library Substitute will receive supervision and direction from the library director and shall comply with all established policies and operational procedures associated with proper conduct of a public library.

POSITION REQUIREMENTS

Education: Typing ability is required. Knowledge of automated office equipment with a willingness to be trained is desirable.

Experience: Previous work experience is helpful but not required.

Physical: The work environment consists primarily of indoor activities. Normal/corrected eyesight and hearing within normal range is required. Must be able to lift and carry books and/or cartons of books weighing up to 40 pounds on an occasional basis and must be able to lift and carry books up to 10 pounds on a regular basis. Stooping, bending and walking is required to restock shelves and to assist customers with finding their requesting materials. Climbing is required on a regular basis through the use of movable step stools to reach books placed on higher shelves.

Appropriate dress, as for a business office, is required at all times while working in or representing the library.

Duties and Responsibilities

1. Assists and refers customers according to their needs.
2. Performs circulation desk functions.
3. Assists customers with use of library equipment.
4. Informs customers of status of overdue materials and availability of requested books.
5. Performs registration of new and reregistered customers.
6. Performs reference assistance, referring questions or searches to the library director or the Tennessee Resource Center as appropriate.
7. Accepts and processes interlibrary loans for customers.
8. Accepts payments for overdue materials, memorial gifts, lost books, use of library equipment, and sale books.
9. Assists with shelving and reshelving books and other circulating materials.
10. Answers phones routinely.
11. Processes, maintains and stores periodicals.
12. Reports to library assistant when director is absent.
13. Performs other related duties as required by circumstances or the library director.

This Position Description is not intended to be all-inclusive. The Library Board reserves the right to revise or change position duties as the need arises and reserves the right to change position descriptions, position duties, or working schedules where appropriate and reasonable to accommodate individuals with disabilities. This Position Description does not constitute a written or implied contract of employment.

I have reviewed the Position Description for Library Substitute and certify I am capable of meeting the requirements and fulfilling the duties contained within this Position Description.

Employee/Applicant Signature

Date

The Jefferson County Library System

LIBRARY DATA ENTRY POSITION DESCRIPTION

SUPERVISION AND DIRECTION

The Data Entry Person will receive supervision and direction from the library directors and shall comply with all established policies and operational procedures associated with proper conduct of a public library.

POSITION REQUIREMENTS

Education: A high school education is required with typing ability. Knowledge of automated office equipment and use of data entry software is required.

Experience: Previous library experience is helpful but not required.

Physical: The work environment consists primarily of indoor activities. Normal/corrected eyesight and hearing within normal range is required. Must be able to lift and carry books and/or cartons of books weighing up to 40 pounds on an occasional basis and must be able to lift and carry books up to 10 pounds on a regular basis. Stooping, bending and walking is required.

Working hours are flexible to accommodate each library's needs, protocols, and schedules.

Appropriate dress, as for a business office, is required at all times while working in or representing the library.

Duties and Responsibilities

1. Work at data entry tasks at each library as requested and coordinated by the library directors; work at one library per day with flexibility to work as needed in each building.
2. Coordinate with library directors about ways and means of material handling
3. Perform original cataloging of materials.
4. Download, convert, import, delete, or edit data into the library's data files.
5. Prepare reports of processed materials.
6. Apply bar codes to materials, and create shelf list cards as needed.
7. Process Nolichucky rotating van materials.
8. Order bar code labels as needed.
9. Consult with Winnebago and/or Nolichucky Regional Library to resolve problems or questions.
10. Pick up material from Nolichucky Regional office as needed.
11. Perform other related duties as required by circumstances or the library directors.

This Position Description is not intended to be all-inclusive. The Library Board reserves the right to revise or change position duties as the need arises and reserves the right to change position descriptions, position duties, or working schedules where appropriate and reasonable to accommodate individuals with disabilities. This Position Description does not constitute a written or implied contract of employment.

I have reviewed the Position Description for Library Data Entry and certify I am capable of meeting the requirements and fulfilling the duties contained within this Position Description.

Employee/Applicant Signature

Date

The Jefferson County Library System

A Member of the Nolichucky Regional Library - A Service Agency of the Tennessee State Library and Archives

EMPLOYEE PERFORMANCE APPRAISAL

Rate the job responsibilities as listed in numerical order on the job description.

1 Does Not Meet Expectations	2	3 Meets Expectations	4	5 Exceeds Expectations	Unable to Rate
1.					
2.					
3.					
4.					
5.					
6.					
7.					
8.					
9.					
10.					
11.					
12.					
13.					
14.					
15.					
16.					

Signature of Employee

Signature of Personnel Committee Chair

*Signature signifies only that this report has been read by the employee:
it does not indicate approval or disapproval of report.*

Each employee will receive a copy of this appraisal form when completed
by the Library Board personnel committee.
The original will be filed with library board records at the Dandridge Library.

The Jefferson County Library System

A Member of the Nolichucky Regional Library - A Service Agency of the Tennessee State Library and Archives

ANNUAL PROGRESS REPORT FORM

FOR PERIOD FROM _____ TO _____ 200__.

Employee's Name: _____

PRIMARY DUTIES OF EMPLOYEE

LIBRARY DIRECTOR STRENGTHS

AREAS FOR IMPROVEMENT

GOALS FOR FOLLOWING YEAR; DEVELOPED WITH PERSONNEL COMMITTEE

Signature of Employee

Signature of Personnel Committee Chair

*Signature signifies only that this report has been read by the employee:
it does not indicate approval or disapproval of report.*

The Jefferson County Library System

A Member of the Nolichucky Regional Library - A Service Agency of the Tennessee State Library and Archives

Date of Acceptance

This Handbook has been accepted and approved by the aforementioned Jefferson County Library Board of Trustees for their employees on 13 May 2002.

The effective date of this **Jefferson County Library Policy Handbook** is 11 September 2006.

Acknowledgment of Receipt of Policy Handbook

As indicated by my signature below, I hereby acknowledge receipt of a copy of the **Jefferson County Library Policy Handbook**.

I further acknowledge that:

1. I will read the Handbook and any questions which I have will be addressed to the Library Board or my supervisor or I will seek the assistance of my personal attorney if I do not understand any of the rules and regulations, and:
0
2. I understand that my employment will be subject to the provisions contained in this Handbook.

Employee's Signature

Date

APPENDIX A

FINES AND FEES

Non-resident fee for a library card is \$15.00.

Replacement fee for lost borrower's card is \$1.00.

Copy machine charge is \$.25 per page.

Microfilm reader printer charge is \$.25 per page.

Computer printer charge is \$.25 per page.

Fax machine charges are

to send: \$2.50 for the first page, \$1.00 each additional page;
to receive: \$1.00 per page.

A maximum loan period is 7 days for all Videos/DVD's. *[This sentence revised 12 September 2011.]*

The fine for all overdue videos/DVDs is \$2.00 per day the library is open. *[This sentence added 10 July 2006.]*

There is no loan or deposit fee for videos.

There will be a deposit of \$10.00 in cash for borrowing GED, SAT, ACT, CAT, ASVAB, and language tape materials. A receipt will be given to the customer for this deposit which will be refunded when the materials are returned. *[This sentence added 14 May 2001.]*

The basic fine for all overdue materials is \$.25 per item per day the library is open.

An individual with fines totaling \$5.00 or more may not borrow materials until all fines and costs are paid. A minimum payment of \$1.00 or more should be made on fines of \$2.00 or more.

Fines are not charged for materials which are lost and paid for.

The maximum fine for any single item is the replacement cost of the item plus a processing fee of \$5.00. An exception is that the \$5.00 fee will not be charged if the replacement cost is less than \$5.00. (An example is the video case which can usually be replaced for \$1.50.) If video case is damaged or lost, the customer will be charged the cost of the case plus \$1.00.

[This Appendix revised 14 March 2005; 10 July 2006.]

APPENDIX B

YOUR RESPONSIBILITIES

from the
Jefferson County Employee Handbook, 1 July 1995

PUBLIC RELATIONS

As an employee of Jefferson County, you must recognize that each person who comes into our departments/offices or that you communicate with outside the workplace or by phone is actually your employer. We all work for the people of Jefferson County. The courteous and intelligent treatment of each person that does business with the county affects the reputation of all county employees and you as an individual.

You must show a sincere interest in each person you deal with. When you are helping a county resident, you represent the government of Jefferson County. The promptness with which you handle the request, the courtesy you display, the care and consideration you provide, the promptness with which you keep your promises, your neatness and the neatness of your work area are all factors which influence the person you are helping.

The following helpful tips should be remembered when you are dealing with a county resident or visitor:

1. Greet residents and visitors promptly and courteously.
2. Smile. Develop the ability to be cheerful even when the situation may justify the opposite. Cheerfulness is contagious.
3. Call the resident or visitor by name (Mr., Mrs., Miss, etc.)
4. Be a good listener. Let the person explain his/her needs or problem. Do not interrupt or express your opinion before the person has had a chance to finish what he or she wants to say. Be attentive and patient.
5. Be frank and honest.
6. Be friendly and be professional.
7. Avoid loud, boisterous, or profane language.
8. Don't argue or lose your temper.
9. Avoid horseplay. It not only destroys a professional image, it is dangerous to persons and property.
10. Keep promises.
11. Be alert and aware of what is happening around you.
12. Show your appreciation. Say "thank you"
13. Look the part.

It is a fact of life that a tiny percentage of residents or visitors will be rude and abusive toward you. If this happens, you must remember that part of your job is to "keep your cool." Most complaints can be courteously turned into positive opportunities and improved relations.

The following four-way test should be given to things before you say or do them:

1. Is it the **TRUTH**?
2. Is it **FAIR** to all concerned?
3. Will it build **GOODWILL**?
4. Will it be **BENEFICIAL** to those concerned?

This four-way test will help you treat others with the respect and consideration you would like from them. **YOU SET THE EXAMPLE.**

COMMITMENT

How many times have you heard someone say "That's not my job."? Each employee of Jefferson County has a Job Description which lists the specific duties assigned to the employee's job. However, anything that contributes to the success of the County is each employee's responsibility. The success of the County can only be accomplished by you accepting the responsibility of doing whatever is needed to make the County successful. By pitching in and helping in any way you can, you make a big difference in controlling costs and increasing the success of the county. Your contribution to this effort is noticed and remembered.

HONESTY AND INTEGRITY

As an employee of Jefferson County, you are required to conduct your actions with a high degree of honesty and integrity. Professional ethics and integrity are defined as holding the rights and privacy of residents, employees, and the county with highest respect and confidence. Communication and contact with inside and outside parties must be done ethically and with integrity. Even though many of our records are public information, office work should not be discussed outside the office.

PERSONAL APPEARANCE

You are required to report to work in compliance with the good tastes of a professional appearance. You project the image of the county, therefore, a professional appearance is necessary. Each employee should take a personal interest in being neat and clean at all times.

ATTENDANCE

The county has an obligation to maintain proper staffing in each department to provide the service the residents of Jefferson County deserve. Employees are expected to report to work on time on a regular basis. Absenteeism and tardiness are expensive, disruptive and place a burden on other employees.

If an employee is going to be late or absent for any reason, it is his or her responsibility to notify the immediate supervisor as early as possible. The notification should include the reason for the absence or tardiness and when the employee expects to return to work. Asking another employee, friend or relative to give this notification is not considered proper except under emergency situations.

PERSONNEL RECORD

An individual personnel file will be maintained on each employee. It is the responsibility of each employee to provide accurate information to the employer. Employees are also responsible for reporting to the employer any change in the information which they previously provided, including but not limited to the following:

- (a.) Address and telephone number
- (b.) Marital status and number of dependents
- (c.) Name
- (d.) Beneficiary and/or dependents listed on your insurance policies, retirement, etc.
- (e.) Drivers License or driving record (including DUI information)

CONFLICT OF INTEREST/ OTHER JOBS

Employment with Jefferson County Government is a public trust. Employees must not engage in any activity which interferes or conflicts with the full discharge of their duties.

Full-time employees of the county are discouraged from holding outside jobs. Outside work will not be permitted if a possible conflict of interest exists. Any employee finding it necessary to seek outside work shall consult with the supervisor/department head.

RESIGNATIONS

Occasionally, personal affairs result in an employee's decision to change jobs. In such cases, employees are requested to provide their supervisor with two weeks written notice. This notice allows the supervisor time to adjust working schedules and secure a replacement. This act of courtesy will be entered favorably on the employee's personnel record and will allow the employee to receive pro-rated earned benefits such as vacation pay and longevity pay.

Should you consider changing jobs, you are encouraged to discuss the situation with your supervisor or department head prior to making your final decision. It is not our intention to interfere with your personal life. It is our intent to try to do everything possible and practical to keep your job satisfaction at the highest possible level. Any discussion relating to your possible resignation will be kept confidential.

COUNTY PROPERTY

The county has invested thousands of dollars in equipment and tools which are designed to enable you to do your work more efficiently. Your cooperation in the care and use of equipment and tools is necessary to maintain them in good working condition. You must immediately notify your supervisor of any equipment or tools which are defective or not working properly. Your supervisor will take the necessary measures for repair or replacement. County vehicles are not to be used for personal business.

PERSONAL CONDUCT

The county strives to provide a good working environment for all employees. Our efforts are shown in many ways: safe working conditions, maintaining pleasant facilities and good equipment, and providing equitable wage structures and a progressive benefit program. In turn, it is reasonable to expect good, productive effort and recognition of responsibility on the part of each employee.

Various office and departments may have specific Rules of Conduct based on the professional requirements of the office/department. Such rules of Conduct are to be considered as included in this policy. It is the employee's responsibility to be aware of and comply with any rules specified in this policy and specific office/department Rules of Conduct.

You have the responsibility to the County and to your co-workers to conduct yourself according to rules of good behavior and conduct. Rules are necessary in any organization to help each employee know what is expected and to assure all employees are allowed to work in a pleasant environment.

AMENDMENT OF RULES

It is the responsibility of all employees to carry out and comply with the rules and regulations contained in this manual. The employee should be aware that these rules and regulations are subject to change by the employer. Before relying upon the provisions set out herein, it is the employee's responsibility to check with the employer to see if any changes have occurred.

APPENDIX C

PUBLIC LIBRARY LAWS OF TENNESSEE

TABLE OF CONTENTS

Title 10 - Public Libraries, Archives and Records

Chapter 3 - Libraries in Counties, Cities and Towns

Section 10-3-101 through Section 10-3-111

Chapter 5 - Regional Library Boards

Section 10-5-101 through Section 10-5-107

Chapter 8 - Confidentiality of Records

Section 10-8-101 through Section 10-8-103

Title 8 - Public Meetings

Chapter 44 - Public [Open] Meetings

Part 1 - General Provisions

Section 8-44-101 through Section 8-44-108

Labor negotiations between public employee union
and state or local government

Section 8-44-201

Title 39 - Criminal Offenses

Chapter 14 - Offenses Against Property

Part 1 - Theft [of library materials]

Section 39-14-101 through Section 39-14-105

Section 39-14-130

Part 6 - Computer Offenses

Section 39-14-601 through Section 39-14-603

Title 40 - Criminal Procedure

Part 2 Tennessee Sexual Offender and Violent Sexual Offender Registration, Verification
and Tracking Act of 2004

Section 40-39-216

OTHER RELATED TENNESSEE LAWS

Title 10 - Public Libraries, Archives and Records

Chapter 1 - State Library System

Part 1 - General Provisions

Section 10-1-101 through Section 10-1-112

Part 2 - State Librarian and Archivist

Section 10-1-201 through Section 10-1-204

Chapter 2 - Librarians - Examination and Certification

Section 10-2-101 through Section 10-2-107

(This Chapter 2 is currently inactive)

Chapter 4 - Law Libraries

Section 8-44-101 through Section 8-44-108

Chapter 5 - Regional Library Boards

Part 2 - Regional Library Employees

Section 10-5-201 through Section 10-5-206

Section 8-34-101; Section 8-34-206;

Section 8-34-612; Section 8-35-101;

Section 8-35-212; Section 8-35-215;

Section 8-37-202

Chapter 6 - Interstate Library Compact

Section 10-6-101 through Section 10-6-106

Chapter 7 - Public Records

Section 10-7-101 through Section 10-7-605

These citations are compiled from the
Tennessee Code Annotated

<http://www.lexisnexis.com/hottopics/tncode/>

TITLE 10
CHAPTER 3
LIBRARIES IN COUNTIES, CITIES AND TOWNS

SECTION

- 10-3-101. Establishment, maintenance and joint operation.
- 10-3-102. Taxes – Levy.
- 10-3-103. Library board - Appointment - Terms.
- 10-3-104. Powers and duties of library board.
- 10-3-105. Borrowing money to acquire library buildings and equipment.
- 10-3-106. Tax funds held by county or city treasurer - Disbursement – Audit of accounts.
- 10-3-107. Libraries free to inhabitants - Extension of privileges to nonresidents.
- 10-3-108. Penalties for loss of or injury to library property.
- 10-3-109. Recreational facilities - County library board in counties of less than 3,500 population.
- 10-3-110. Title to property acquired - Use of proceeds from activities.
- 10-3-111. Financial report of operations.

10-3-101. Establishment, maintenance and joint operation.

The legislative body of any county and/or the governing body of any incorporated city or town has the power to establish and maintain a free public library, or give support to any free public library already established therein, or contract with another library for library service for the use of the inhabitants of such county, city or town, or enter into contractual agreements with one (1) or more counties or cities for joint operation of a free public library.

[Acts 1963, ch. 370, § 1; impl. am. Acts 1978, ch. 934, §§ 7, 36; T.C.A., § 10-301.]

10-3-102. Taxes - Levy.

(a) Upon the decision of such county legislative body and/or city governing body to establish, maintain or support a free public library, or to contract with another library for library service, or to contract with one (1) or more counties or cities for joint operation of a free public library, it shall levy for the purpose a property tax, or shall use therefor funds raised by taxes for county or municipal purposes, such a library service being declared to be a county or municipal service.

(b) If a portion of a county is already taxed for maintenance of a free public library, the county legislative body is empowered to levy a tax for a free library on all the property in the county, or the county legislative body may levy a tax on only the property of such portion of the county as is not already taxed for maintenance of a free public library. If a general county-wide tax levy is made for this purpose, the county trustee shall keep the funds raised thereby separate and apart from all other tax funds coming into such county trustee's hands, and shall make quarterly distribution of the same between the county library board and the governing body of the free public library of the city or cities within the limits of the county on the basis of the population enumerated by the most recent federal census. Subject to the preceding sentence, funds raised under §§ 10-3-101 - 10-3-108 may be contributed toward the maintenance of any free public library maintained by a municipality in such county as provided in § 10-3-101.

[Acts 1963, ch. 370, § 2; impl. am. Acts 1978, ch. 934, §§ 7, 36; T.C.A., § 10-302.]

10-3-103. Library board - Appointment - Terms.

(a) (1) Except as provided in subdivision (a)(2), where a county legislative body and/or the governing body of a city or town, in lieu of giving support to a free public library already established, or of contracting with another library for library service, or of contracting with other counties and/or cities for joint operation of a free public library establishes an independent free library of its own, it shall appoint a board of seven (7) members. Not more than one (1) official each of the county and of the city governing bodies shall serve on this board. The members shall serve without salary, three (3) for one (1) year, two (2) for two (2) years, and two (2) for three (3) years, and their successors for terms of three (3) years. Not more than five (5) of the members shall be of the same sex.

(2) In counties having a population of not less than three hundred nineteen thousand six hundred twenty-five (319,625) nor more than three hundred nineteen thousand seven hundred twenty-five (319,725) according to the 1980 federal census or any subsequent federal census, where a county legislative body and/or the governing body of a city or town, in lieu of giving support to a free public library already established, or of contracting with another library for library service, or of contracting with other counties and/or cities for joint operation of a free public library, establishes an independent free library of its own, it shall appoint a board of not less than seven (7) members nor more than nine (9) members. Not more than one (1) official each of the county and of the city governing bodies shall serve on this board. The members shall serve without salary, three (3) for one (1) year, two (2) for two (2) years, two (2) for three (3) years, and, if the board is expanded to more than seven (7) members as authorized in this subdivision, those members shall be appointed for and serve terms of three (3) years. Their successors shall serve for terms of three (3) years. Not more than five (5) of the members on a board of seven (7) members, six (6) of the members on a board of eight (8) members, or seven (7) of the members on a board of nine (9) members shall be of the same sex.

(b) Where a county legislative body or city governing body elects to participate in joint operation of a public library maintained by the county and one (1) or more cities within the county, the library board responsible for administering such joint library shall be appointed by one (1) of the following methods:

(1) (A) Except as provided in subdivisions (b)(1)(B) and (b)(1)(C), a library board of seven (7) members may be appointed by the county legislative body and city governing bodies which are parties to the agreement, the number appointed by each to be determined according to the ratio of population in each participating city and in the county outside the city or cities, based on the most recent federal census; provided, that each shall appoint at least one (1) member. Terms of office, qualifications of members and powers and duties of the board shall be in accordance with the provisions of §§ 10-3-101 - 10-3-108;

(B) In counties having a population of not less than three hundred nineteen thousand six hundred twenty-five (319,625) nor more than three hundred nineteen thousand seven hundred twenty-five (319,725) according to the 1980 federal census or any subsequent federal census, a library board of not less than seven (7) members nor more than nine (9) members may be appointed by the county legislative body and city governing bodies which are parties to the agreement, the number appointed by each to be determined according to the ratio of population in each participating city and in the county outside the city or cities, based on the most recent federal census; provided, that each shall appoint at least one (1) member. Terms of office, qualifications of members and powers and duties of the board shall be in accordance with the provisions of §§ 10-3-101 - 10-3-108;

(C) If the public library is a joint operation, then the legislative body of the county or city that provides the funding for the operational costs of such public library, exclusive of funding for any capital costs, shall appoint the board of seven (7) members. The provisions of this subdivision (b)(1)(C) shall apply to any county having a charter form of government and having a population of more than six hundred thousand (600,000) according to the 1990 federal census or subsequent federal census;

(2) A library board may be appointed in accordance with a contract as provided in § 5-1-113; and

(3) In accordance with a private act.

[Acts 1963, ch. 370, § 3; 1974, ch. 700, § 1; impl. am. Acts 1978, ch. 934, §§ 7, 36; T.C.A., § 10-303; Acts 1990, ch. 972, §§ 1-5; 1998, ch. 711, § 1.]

10-3-104. Powers and duties of library board.

The members of the library board shall organize by electing officers and adopting bylaws and regulations. The board has the power to direct all the affairs of the library, including appointment of a librarian who shall direct the internal affairs of the library, and such assistants or employees as may be necessary. It may make and enforce rules and regulations and establish branches of travel service at its discretion. It may expend funds for the special training and formal education of library personnel; provided, that such personnel shall agree to work in the library for at least two (2) years after completion of such training and education. It may receive donations, devises and bequests to be used by it directly for library purposes. It may hold and convey realty and personal property and negotiate leases for and on behalf of such library. The library board shall furnish to the state library agency such statistics and information as may be required, and shall make annual reports to the county legislative body and/or city governing body.

[Acts 1963, ch. 370, § 4; impl. am. Acts 1978, ch. 934, §§ 7, 36; T.C.A., § 10-304.]

10-3-105. Borrowing money to acquire library buildings and equipment.

A county legislative body and/or city governing body has power to borrow money for the purchase of realty and the erection or purchase of suitable buildings for the library and its branches, and for their equipment. The title to such property may be vested in trust in the library board and its successors, which shall be responsible for disbursing bond proceeds as provided in § 10-3-106.

[Acts 1963, ch. 370, § 5; impl. am. Acts 1978, ch. 934, §§ 7, 36; T.C.A., § 10-305.]

10-3-106. Tax funds held by county or city treasurer - Disbursement - Audit of accounts.

(a) All county and/or city tax funds for library purposes, raised by bonds or taxation, shall be held by the county or city treasurer separate from other funds.

(b) Such funds may be disbursed when drawn upon by vouchers or orders authenticated by two (2) officers of the library board.

(c) All library accounts of every character shall be audited annually by or under the county legislative body and/or city governing body.

[Acts 1963, ch. 370, § 6; impl. am. Acts 1978, ch. 934, §§ 7, 36; T.C.A., § 10-306.]

10-3-107. Libraries free to inhabitants - Extension of privileges to nonresidents.

Libraries so established or supported shall be free to the inhabitants. The board may extend the privileges and facilities of the library to persons residing outside the county or city upon such terms as it may deem proper.

[Acts 1963, ch. 370, § 7; T.C.A., § 10-307.]

10-3-108. Penalties for loss of or injury to library property.

The library board has the power to make and enforce rules providing penalties for loss of or injury to library property. Nothing in this chapter shall be construed to prohibit a library board from charging library users a reasonable fine for late-returned library materials and charging for special services including, but not limited to, the loan of equipment and the use of photocopiers.

[Acts 1963, ch. 370, § 8; T.C.A., § 10-308; Acts 1995, ch. 438, § 1.]

10-3-109. Recreational facilities - County library board in counties of less than 3,500 population.

A county library board, appointed and functioning in accordance with the provisions of §§ 10-3-101 - 10-3-108, in all counties of Tennessee having a population of less than three thousand five hundred (3,500) according to the federal census of 1960 or any subsequent federal census, has, in addition to all other authority given to it, the authority to conduct such recreational facilities, in conjunction with the public library, as it deems necessary and beneficial, either with or without charge to patrons thereof; provided, that any net proceeds from such recreational facilities be used solely for the capital improvement and operational expenses of the library and recreational facilities.

[Acts 1961, ch. 222, § 1; T.C.A., § 10-309.]

10-3-110. Title to property acquired - Use of proceeds from activities.

The title to all property acquired by a library board operating under the provisions of this chapter shall be taken in the name of the county for the use and benefit of the public library, and the proceeds from all activities conducted by the library board or from any disposition of its assets shall be taken in the name of the county for the use and benefit of the public library.

[Acts 1961, ch. 222, § 2; T.C.A., § 10-310.]

10-3-111. Financial report of operations.

Such library board shall furnish a report to the county legislative body, at its first meeting of each fiscal year, setting forth its capital and operational receipts and expenditures for the preceding fiscal year.

[Acts 1961, ch. 222, § 3; impl. am. Acts 1978, ch. 934, §§ 7, 36; T.C.A., § 10-311.]

TITLE 10
CHAPTER 5
REGIONAL LIBRARY BOARDS

Part 1
General provisions.

SECTION

- 10-5-101. Agreements to create regional boards - Participation by municipalities.
- 10-5-102. Members of regional board.
- 10-5-103. Duties and functions - Execution of contracts.
- 10-5-104. County and city appropriations - Accounting - Reports by regional board.
- 10-5-105. Personnel - Applicable policies and regulations.
- 10-5-106. Donations - Accounts - Acquisition of books and equipment - Lease of realty - Discontinuance.
- 10-5-107. Representation on boards not mandatory.

10-5-101. Agreements to create regional boards - Participation by municipalities.

Two (2) or more counties which have qualified for participation in the state's multi-county regional library program and which have been recognized as a region by the state library and archives management board, and have made the minimum local appropriation of funds as may now or hereafter be required by such management board, are hereby empowered and authorized to execute contracts with each other to create a regional library board to assist the secretary of state, acting through the division of public libraries and archives, in administering and controlling the regional library services within the region. Each county shall be represented by two (2) members of the regional library board. The contract shall be authorized by a resolution of the legislative body of the county desiring to participate and the county executive shall execute the contract as authorized in the resolution, and such contract shall be attested by the county clerk. After the governing body of a county authorizes participation, municipalities within the county may participate in the regional library service so long as the county participates. Counties and municipalities may appropriate funds for this purpose. A single county, which is large enough to constitute a region and has been so recognized by the state library and archives management board, may also create a regional library board by executing a contract between the county and one (1) or more cities within the county. There shall be at least seven (7) board members apportioned among county and municipalities according to the ratio of population in each participating municipality and in the county outside the municipalities, based on the most recent federal census.

[Acts 1955, ch. 88, § 1; 1961, ch. 73, § 1; impl. am. Acts 1978, ch. 934, §§ 7, 16, 22, 36; T.C.A., § 10-601; Acts 1982, ch. 689, § 14; 1999, ch. 205, § 1.]

10-5-102. Members of regional board.

(a) At least one (1) member shall be elected by the legislative body of each county in a multi-county region for a term of three (3) years in accordance with the contract between the counties and as provided in § 10-5-101. In accordance with the contract between the counties and as provided in § 10-5-101, the governing body of any municipality which contributes as much as one fourth (1/4) of the public funds available for the operation of a joint city-county system may elect one (1) of the two (2) members representing that county for a term of three (3) years. If more than one (1) municipality is entitled to elect a member, these municipalities shall alternate in electing one (1) member for a three-year term.

(b) A member shall represent and reside in the county or municipality from which the member was elected. In the event that a member removes such member's residence from the county or municipality from which the member was elected, the member shall thereby vacate such member's office. In the event of any vacancy in office, a successor shall be elected for the unexpired term at the next meeting of the governing body of the county or city in which the vacancy occurred. Members shall be elected for no more than two (2) successive terms except

upon prior approval of the state librarian and archivist. Every member of the regional library board who is not an active member of a county library board is hereby designated an ex officio member of such county board. A member of the regional library board may be an active member of a county library board.

[Acts 1955, ch. 88, § 2; 1961, ch. 73, § 2; impl. am. Acts 1978, ch. 934, §§ 7, 36; T.C.A., § 10-602; Acts 1989, ch. 123, § 2.]

10-5-103. Duties and functions - Execution of contracts.

Each regional library board has the following duties and functions:

- (1) Formulate recommendations and concur with the secretary of state in the appointment and/or removal of the chief administrative officer and the deputy chief administrative officer of the regional library program within its region;
- (2) Formulate and submit to the secretary of state recommendations concerning the annual budget for the public library service within its region;
- (3) Formulate and submit to the secretary of state recommendations on the long range plan and annual program for administering the public library service within its region; and
- (4) Review the activities performed in carrying out the annual program and submit comments and recommendations to the secretary of state regarding such activities.

[Acts 1955, ch. 88, § 3; impl. am. Acts 1959, ch. 9, § 12; T.C.A., § 10-603; Acts 1982, ch. 689, § 15; 1999, ch. 205, § 2.]

10-5-104. County and city appropriations - Accounting - Reports by regional board.

(a) The county legislative bodies and municipal governing bodies of counties and cities which have signed agreements for regional library services are authorized to make available to the secretary of state, acting through the division of public libraries and archives, such funds as may be deemed necessary to supplement the funds received by the regional library through state and federal resources. Such funds shall be expended only for the library service for which the county or city agreed in writing and for no other purpose.

(b) The regional library board, acting through the chief administrative officer of its regional library program, shall make a detailed report of receipts and disbursements of all funds at the first regular meeting of the legislative body of every participating county and the governing body of every participating city after the close of the state's fiscal year.

[Acts 1955, ch. 88, § 4; impl. am. Acts 1959, ch. 9, § 12; impl. am. Acts 1978, ch. 934, §§ 7, 36; T.C.A., § 10-604; Acts 1982, ch. 689, § 16; 1999, ch. 205, § 3.]

10-5-105. Personnel - Applicable policies and regulations.

The chief administrative officer of each library program, acting under the direction of the secretary of state and within the limitation of funds available, may employ such personnel as may be necessary for administering the public library service within the region. Any individuals so employed shall be subject to personnel policies and regulations applicable to employees of the department of state, such as leave, compensation, classification and travel requests.

[Acts 1955, ch. 88, § 5; impl. am. Acts 1959, ch. 9, § 12; impl. am. Acts 1978, ch. 934, §§ 7, 36; T.C.A., § 10-605; Acts 1982, ch. 689, § 17; 1999, ch. 205, § 4.]

10-5-106. Donations - Accounts - Acquisition of books and equipment - Lease of realty - Discontinuance.

(a) The secretary of state, acting through the state librarian and archivist and the division of public libraries and archives, is authorized to accept donations and bequests on behalf of the regional library system. The department of state has the authority to establish or maintain regional library accounts with financial institutions for the deposit of funds from local government sources and other donated funds for the purpose of the acquisition of library books, materials, equipment and services upon request of the chief administrative officer of the respective regional library program subject to the provisions of title 9, chapter 4, part 3, relative to departmental accounts.

(b) The secretary of state, acting through the division of public libraries and archives, may lease such real estate as may be necessary for library purposes. Any new lease entered into after July 1, 1999, shall be between the state of Tennessee and the lessor and shall contain a clause that its continuance shall be subject to necessary allotments from the state library and archives management board and the availability of other funds. The state of Tennessee shall honor the remaining terms of any lease for regional library space which is in effect on July 1, 1999.

[Acts 1955, ch. 88, § 6; impl. am. Acts 1959, ch. 9, § 12; T.C.A., § 10-606; Acts 1982, ch. 689, § 18; 1999, ch. 205, § 5.]

10-5-107. Representation on boards not mandatory.

Representation on a regional library board shall not be considered or construed in any manner as mandatory upon the county by virtue of this chapter. The formation and creation of such boards shall not be construed as having any impact on the provisions of chapter 3, part 1 of this title, relative to local library boards created by the governing body of a county, city or town.

[Acts 1955, ch. 88, § 7; T.C.A., § 10-607; 1999, ch. 205, § 6.]

TITLE 10
CHAPTER 8
CONFIDENTIALITY OF LIBRARY RECORDS

SECTION

- 10-8-101. Definitions.
- 10-8-102. Disclosure prohibited - Exceptions.
- 10-8-103. Applicability.

10-8-101. Definitions.

As used in this chapter, unless the context otherwise requires:

(1) "Library" means:

(A) A library that is open to the public and established or operated by:

- (i) The state, a county, city, town, school district or any other political subdivision of the state;
- (ii) A combination of governmental units or authorities;
- (iii) A university or community college; or

(B) Any private library that is open to the public; and

(2) "Library record" means a document, record, or other method of storing information retained by a library that identifies a person as having requested or obtained specific information or materials from such library. "Library record" does not include nonidentifying material that may be retained for the purpose of studying or evaluating the circulation of library materials in general.

[Acts 1988, ch. 889, § 1.]

10-8-102. Disclosure prohibited - Exceptions.

(a) Except as provided in subsection (b), no employee of a library shall disclose any library record that identifies a person as having requested or obtained specific materials, information, or services or as having otherwise used such library. Such library records shall be considered an exception to the provisions of § 10-7-503.

(b) Library records may be disclosed under the following circumstances:

- (1) Upon the written consent of the library user;
- (2) Pursuant to the order of a court of competent jurisdiction; or
- (3) When used to seek reimbursement for or the return of lost, stolen, misplaced or otherwise overdue library materials.

[Acts 1988, ch. 889, § 1.]

10-8-103. Applicability.

The provisions of this chapter shall apply to libraries included within the provisions of chapters 1 and 3-5 of this title.

[Acts 1988, ch. 889, § 1.]

**TITLE 8
CHAPTER 44
PUBLIC MEETINGS**

**Part 1
General Provisions.**

SECTION

- 8-44-101. Policy - Construction.
- 8-44-102. Open meetings - "Governing body" defined - "Meeting" defined.
- 8-44-103. Notice of public meetings.
- 8-44-104. Minutes recorded and open to public - Secret votes prohibited.
- 8-44-105. Action nullified - Exception.
- 8-44-106. Enforcement - Jurisdiction.
- 8-44-107. Board of directors of Performing Arts Center Management Corporation.
- 8-44-108. Participation by electronic or other means.

**Part 2
Labor Negotiations.**

SECTION

- 8-44-201. Labor negotiations between public employee union and state or local government.

8-44-101. Policy - Construction.

- (a) The general assembly hereby declares it to be the policy of this state that the formation of public policy and decisions is public business and shall not be conducted in secret.
- (b) This part shall not be construed to limit any of the rights and privileges contained in article I, § 19 of the Constitution of Tennessee.

[Acts 1974, ch. 442, §§ 1, 8; T.C.A., § 8-4401.]

8-44-102. Open meetings - "Governing body" defined - "Meeting" defined.

- (a) All meetings of any governing body are declared to be public meetings open to the public at all times, except as provided by the Constitution of Tennessee.
- (b) (1) "Governing body" means:
 - (A) The members of any public body which consists of two (2) or more members, with the authority to make decisions for or recommendations to a public body on policy or administration and also means a community action agency which administers community action programs under the provisions of 42 U.S.C. § 2790 [repealed]. Any governing body so defined by this section shall remain so defined, notwithstanding the fact that such governing body may have designated itself as a negotiation committee for collective bargaining purposes, and strategy sessions of a governing body under such circumstances shall be open to the public at all times;
 - (B) The board of directors of any nonprofit corporation which contracts with a state agency to receive community grant funds in consideration for rendering specified services to the public; provided, that community grant funds comprise at least thirty percent (30%) of the total annual income of such corporation. Except such meetings of the board of directors of such nonprofit corporation that are called solely to discuss matters involving confidential doctor-patient relationships, personnel matters or matters required to be kept confidential by federal or state law or by federal or state regulation shall not be covered under the provisions of this chapter, and no other matter shall be discussed at such meetings;

(C) The board of directors of any not-for-profit corporation authorized by the laws of Tennessee to act for the benefit or on behalf of any one (1) or more of counties, cities, towns and local governments pursuant to the provisions of title 7, chapter 54 or 58. The provisions of this subdivision (b)(1)(C) shall not apply to any county with a metropolitan form of government and having a population of four hundred thousand (400,000) or more according to the 1980 federal census or any subsequent federal census;

(D) The board of directors of any nonprofit corporation which through contract or otherwise provides a metropolitan form of government having a population in excess of five hundred thousand (500,000) according to the 1990 federal census or any subsequent federal census with heat, steam or incineration of refuse;

(E) (i) The board of directors of any association or nonprofit corporation authorized by the laws of Tennessee that:

(a) Was established for the benefit of local government officials or counties, cities, towns or other local governments or as a municipal bond financing pool;

(b) Receives dues, service fees or any other income from local government officials or such local governments that constitute at least thirty percent (30%) of its total annual income; and

(c) Was authorized as of January 1, 1998, under state law to obtain coverage for its employees in the Tennessee consolidated retirement system.

(ii) The provisions of this subdivision (b)(1)(E) shall not be construed to require the disclosure of a trade secret or proprietary information held or used by an association or nonprofit corporation to which this chapter applies. In the event a trade secret or proprietary information is required to be discussed in an open meeting, the association or nonprofit corporation may conduct an executive session to discuss such trade secret or proprietary information; provided, that a notice of the executive session is included in the agenda for such meeting.

(iii) As used in this subdivision (b)(1)(E):

(a) "Proprietary information" means rating information, plans, or proposals; actuarial information; specifications for specific services provided; and any other similar commercial or financial information used in making or deliberating toward a decision by employees, agents or the board of directors of such association or corporation; and which if known to a person or entity outside the association or corporation would give such person or entity an advantage or an opportunity to gain an advantage over the association or corporation when providing or bidding to provide the same or similar services to local governments; and

(b) "Trade secret" means the whole or any portion or phrase of any scientific or technical information, design, process, procedure, formula or improvement which is secret and of value. The trier of fact may infer a trade secret to be secret when the owner thereof takes measures to prevent it from becoming available to persons other than those selected by the owner to have access thereto for limited purposes;

(2) "Meeting" means the convening of a governing body of a public body for which a quorum is required in order to make a decision or to deliberate toward a decision on any matter. "Meeting" does not include any on-site inspection of any project or program.

(c) Nothing in this section shall be construed as to require a chance meeting of two (2) or more members of a public body to be considered a public meeting. No such chance meetings, informal assemblages, or electronic communication shall be used to decide or deliberate public business in circumvention of the spirit or requirements of this part.

[Acts 1974, ch. 442, § 2; 1979, ch. 411, §§ 1, 2; T.C.A., § 8-4402; Acts 1985, ch. 290, § 1, 2; 1986, ch. 594, § 1; 1988, ch. 908, §§ 3, 5; 1997, ch. 346, § 1; 1998, ch. 1102, §§ 1, 3.]

8-44-103. Notice of public meetings.

(a) *Notice of Regular Meetings.* Any such governmental body which holds a meeting previously scheduled by statute, ordinance, or resolution shall give adequate public notice of such meeting.

(b) *Notice of Special Meetings.* Any such governmental body which holds a meeting not previously scheduled by statute, ordinance, or resolution, or for which notice is not already provided by law, shall give adequate public notice of such meeting.

(c) The notice requirements of this part are in addition to, and not in substitution of, any other notice required by law.

[Acts 1974, ch. 442, § 3; T.C.A., § 8-4403.]

8-44-104. Minutes recorded and open to public - Secret votes prohibited.

(a) The minutes of a meeting of any such governmental body shall be promptly and fully recorded, shall be open to public inspection, and shall include, but not be limited to, a record of persons present, all motions, proposals and resolutions offered, the results of any votes taken, and a record of individual votes in the event of roll call.

(b) All votes of any such governmental body shall be by public vote or public ballot or public roll call. No secret votes, or secret ballots, or secret roll calls shall be allowed. As used in this chapter, "public vote" means a vote in which the "aye" faction vocally expresses its will in unison and in which the "nay" faction, subsequently, vocally expresses its will in unison.

[Acts 1974, ch. 442, § 4; T.C.A., § 8-4404; Acts 1980, ch. 800, § 1.]

8-44-105. Action nullified - Exception.

Any action taken at a meeting in violation of this part shall be void and of no effect; provided, that this nullification of actions taken at such meetings shall not apply to any commitment, otherwise legal, affecting the public debt of the entity concerned.

[Acts 1974, ch. 442, § 5; T.C.A., § 8-4405.]

8-44-106. Enforcement - Jurisdiction.

(a) The circuit courts, chancery courts, and other courts which have equity jurisdiction, have jurisdiction to issue injunctions, impose penalties, and otherwise enforce the purposes of this part upon application of any citizen of this state.

(b) In each suit brought under this part, the court shall file written findings of fact and conclusions of law and final judgments, which shall also be recorded in the minutes of the body involved.

(c) The court shall permanently enjoin any person adjudged by it in violation of this part from further violation of this part. Each separate occurrence of such meetings not held in accordance with this part constitutes a separate violation.

(d) The final judgment or decree in each suit shall state that the court retains jurisdiction over the parties and subject matter for a period of one (1) year from date of entry, and the court shall order the defendants to report in writing semiannually to the court of their compliance with this part.

[Acts 1974, ch. 442, § 6; T.C.A., § 8-4406.]

8-44-107. Board of directors of Performing Arts Center Management Corporation.

The board of directors of the Tennessee Performing Arts Center Management Corporation shall be subject to, and shall in all respects comply with, all of the provisions made applicable to governing bodies by this chapter.

[Acts 1981, ch. 375, § 1.]

8-44-108. Participation by electronic or other means.

(a) As used in this section, unless the context otherwise requires:

(1) "Governing body" refers only to boards, agencies and commissions of state government, including state debt issuers as defined in this section;

(2) "Meeting" has the same definition as defined in § 8-44-102;

(3) "Necessity" means that the matters to be considered by the governing body at that meeting require timely action by the body, that physical presence by a quorum of the members is not practical within the period of time requiring action, and that participation by a quorum of the members by electronic or other means of communication is necessary; and

(4) "State debt issuers" means the Tennessee state funding board, Tennessee local development authority, Tennessee housing development agency, and Tennessee state school bond authority, and any of their committees.

(b) (1) A governing body may, but is not required to, allow participation by electronic or other means of communication for the benefit of the public and the governing body in connection with any meeting authorized by law; provided, that a physical quorum is present at the location specified in the notice of the meeting as the location of the meeting.

(2) If a physical quorum is not present at the location of a meeting of a governing body, then in order for a quorum of members to participate by electronic or other means of communication, the governing body must make a determination that a necessity exists. Such determination, and a recitation of the facts and circumstances on which it was based, must be included in the minutes of the meeting.

(3) If a physical quorum is not present at the location of a meeting of a governing body other than a state debt issuer, the governing body other than a state debt issuer must file such determination of necessity, including the recitation of the facts and circumstances on which it was based, with the office of secretary of state no later than two (2) working days after the meeting. The secretary of state shall report, no less than annually, to the general assembly as to the filings of the determinations of necessity.

(c) (1) Any meeting held pursuant to the terms of this section shall comply with the requirements of the Open Meetings Law, codified in this part, and shall not circumvent the spirit or requirements of that law.

(2) Notices required by the Open Meetings Law, or any other notice required by law, shall state that the meeting will be conducted permitting participation by electronic or other means of communication.

(3) Each part of a meeting required to be open to the public shall be audible to the public at the location specified in the notice of the meeting as the location of the meeting. Each member participating electronically or otherwise must be able to simultaneously hear each other and speak to each other during the meeting. Any member participating in such fashion shall identify the persons present in the location from which the member is participating.

(4) Any member of a governing body not physically present at a meeting shall be provided, before the meeting, with any documents that will be discussed at the meeting, with substantially the same content as those documents actually presented.

(5) All votes taken during a meeting held pursuant to the terms of this section shall be by roll call vote.

(6) A member participating in a meeting by this means is deemed to be present in person at the meeting for purposes of voting, but not for purposes of determining per diem eligibility.

However, a member may be reimbursed expenses of such electronic communication or other means of participation.

[Acts 1990, ch. 815, § 1; 1999, ch. 490, § 1.]

8-44-201 Labor negotiations between public employee union and state or local government.

(a) Notwithstanding any other provision of Tennessee law to the contrary, labor negotiations between representatives of public employee unions or associations and representatives of a state or local governmental entity shall be open to the public, whether or not the negotiations by the state or local governmental entity are under the direction of the legislative, executive or judicial branch of government.

(b) Nothing contained in this section shall be construed to require that planning or strategy sessions of either the union committee or the governmental entity committee, meeting separately, be open to the public.

(c) Nothing contained in this section shall be construed to grant recognition rights of any sort.

(d) Both sides shall decide jointly and announce in advance of any such labor negotiations where such meetings shall be held.

[Acts 1979, ch. 41, § 1; T.C.A., § 8-4421.]

TITLE 39
CHAPTER 14
OFFENSES AGAINST PROPERTY

Part 1 - Theft

SECTION

- 39-14-101. Consolidation of theft offenses.
- 39-14-102. Definitions.
- 39-14-103. Theft of property.
- 39-14-104. Theft of services.

- 39-14-130. Destruction of valuable papers with intent to defraud.

Part 6 - Computer Offenses

- 39-14-601. Definitions.
- 39-14-602. Violations - Penalties.
- 39-14-603. Venue.

39-14-101. Consolidation of theft offenses.

Conduct denominated as theft in this part constitutes a single offense embracing the separate offenses heretofore known as: embezzlement, false pretense, fraudulent conversion, larceny, receiving/concealing stolen property, and other similar offenses.

[Acts 1989, ch. 591, § 1.]

39-14-102. Definitions.

The following definitions apply in this part unless the context otherwise requires:

- (1) "Cable television company" means any franchise or other duly licensed company which is operated or intended to be operated to perform the service of receiving and amplifying the signals broadcast by one (1) or more television stations and redistributing such signals by wire, cable or other device or means for accomplishing such redistribution to members of the public who subscribe to such service, or distributing through such company's antennae, poles, wires, cables, conduits or other property used in providing service to its subscribers and customers any television signals whether broadcast or not;
- (2) "Credit card" means any real or forged instrument, writing or other evidence, whether known as a credit card, credit plate, charge plate or by any other name, which purports to evidence an understanding to pay for property or services delivered or rendered to or upon the order of a designated person or bearer;
- (3) "Debit card" means any real or forged instrument, writing or other evidence known by any name issued with or without a fee by an issuer for the use of a depositor in obtaining money, goods, services or anything else of value, payment of which is made against funds previously deposited in an account with the issuer;
- (4) "Expired" credit or debit card means a card which is no longer valid because the term shown on it has expired;
- (5) "Issuer" means the business organization or financial institution or its duly authorized agent which issues a credit or debit card;
- (6) "Library" means any:
 - (A) Public library;
 - (B) Library of educational, historical or eleemosynary institution, organization or society;
 - (C) Archives; or
 - (D) Museum;
- (7) "Library material" includes any book, plate, picture, photograph, engraving, painting, drawing, map, newspaper, magazine, pamphlet, broadside, manuscript, document, letter,

public record, microfilm, sound recording, audio-visual materials in any format, magnetic or other tapes, electronic data, processing records, artifacts or other documentary, written or printed materials, regardless of physical form or characteristics, belonging to or on loan to or otherwise in the custody of a library;

(8) "Microwave multi-point distribution system station" or "MDS" means any franchise or other duly licensed company which is operated or intended to be operated to perform the service of receiving and amplifying the signals broadcast by one (1) or more television stations, and redistributing such signals by microwave transmissions to members of the public who subscribe to such service, or distributing through such company's antennae, conduits, or other property used in providing service to its subscribers and customers any television signals whether broadcast or not;

(9) "Receiving" includes, but is not limited to, acquiring possession, control, title or taking a security interest in the property; and

(10) "Revoked" credit or debit card means a card which is no longer valid because permission to use it has been suspended or terminated by the issuer.

[Acts 1989, ch. 591, § 1.]

39-14-103. Theft of property.

A person commits theft of property if, with intent to deprive the owner of property, the person knowingly obtains or exercises control over the property without the owner's effective consent.

[Acts 1989, ch. 591, § 1.]

39-14-104. Theft of services.

A person commits theft of services who:

(1) Intentionally obtains services by deception, fraud, coercion, false pretense or any other means to avoid payment for the services;

(2) Having control over the disposition of services to others, knowingly diverts those services to the person's own benefit or to the benefit of another not entitled thereto; or

(3) Knowingly absconds from establishments where compensation for services is ordinarily paid immediately upon the rendering of them, including, but not limited to, hotels, motels and restaurants, without payment or a bona fide offer to pay.

[Acts 1989, ch. 591, § 1.]

39-14-105. Grading of theft.

Theft of property or services is:

(1) A Class A misdemeanor if the value of the property or services obtained is five hundred dollars (\$500) or less;

(2) A Class E felony if the value of the property or services obtained is more than five hundred dollars (\$500) but less than one thousand dollars (\$1,000);

(3) A Class D felony if the value of the property or services obtained is one thousand dollars (\$1,000) or more but less than ten thousand dollars (\$10,000);

(4) A Class C felony if the value of the property or services obtained is ten thousand dollars (\$10,000) or more but less than sixty thousand dollars (\$60,000); and

(5) A Class B felony if the value of the property or services obtained is sixty thousand dollars (\$60,000) or more.

[Acts 1989, ch. 591, § 1.]

39-14-130. Destruction of valuable papers with intent to defraud.

(a) Any person who takes or destroys any valuable papers with intent to injure or defraud shall be punished as if for theft. If the value of the papers is not ascertainable, the offense is a Class A misdemeanor.

(b) For the purposes of this section, "valuable papers" includes:

- (1) Any bond, promissory note, bill of exchange, order, or certificate;
- (2) Any book of accounts respecting goods, money or other things;
- (3) Any deed or contract in force;
- (4) Any receipt, release, or defeasant;
- (5) Any instrument of writing whereby any demand, right or obligation is created, ascertained, increased, extinguished or diminished; or
- (6) Any other valuable paper writing.

[Acts 1989, ch. 591, § 1.]

39-14-601. Definitions.

As used in this part, unless the context otherwise requires:

(1) "Access" means to approach, instruct, communicate or connect with, store data in, retrieve or intercept data from, or otherwise make use of any resources of a computer, computer system or computer network, or information exchanged from any communication between computers or authorized computer users and electronic, electromagnetic, electrochemical, acoustic, mechanical or other means;

(2) "Computer" means a device or collection of devices, including its support devices or peripheral equipment or facilities, and the communication systems connected to it which can perform functions including, but not limited to, substantial computation, arithmetic or logical operations, information storage or retrieval operations, capable of being used with external files, one (1) or more operations which contain computer programs, electronic instructions, allows for the input of data, and output data (such operations or communications can occur with or without intervention by a human operator during the processing of a job);

(3) "Computer contaminants" means any set of computer instructions that are designed to modify or in any way alter, damage, destroy, or disrupt the proper operation of a computer system, or computer network without the intent or permission of the owner of the information. They include, but are not limited to, a group of computer instructions commonly called viruses or worms, which are self-replicating or self-propagating and are designed to contaminate other computer programs or computer data, consume computer resources, modify, destroy, record or transmit data, or in some other fashion usurp the normal operation of the computer, computer system, or computer network. Such contaminants may include:

(A) "Virus," meaning a migrating program which, at least, attaches itself to the operating system of any computer it enters and can infect any other computer that has access to an "infected" computer; and

(B) "Worm," meaning a computer program or virus that spreads and multiplies, eventually causing a computer to "crash" or cease functioning, but does not attach itself to the operating system of the computer it "infects";

(4) "Computer network" means a set of two (2) or more computer systems that transmit data over communication circuits connecting them, and input/output devices including, but not limited to, display terminals and printers, which may also be connected to telecommunication facilities;

(5) "Computer program" means an ordered set of data that are coded instructions or statements that, when executed by a computer, cause the computer to process data;

(6) "Computer software" means a set of computer programs, procedures, and associated documentation concerned with the operation of a computer, computer system or computer

network whether imprinted or embodied in the computer in any manner or separate from it, including the supporting materials for the software and accompanying documentation;

(7) "Computer system" means a set of connected devices including a computer and other devices including, but not limited to, one (1) or more of the following: data input, output, or storage devices, data communication circuits, and operating system computer programs that make the system capable of performing data processing tasks;

(8) "Data" means a representation of information, knowledge, facts, concepts, or instructions which is being prepared or has been prepared in a formalized manner, and is intended to be stored or processed, or is being stored or processed, or has been stored or processed, in a computer, computer system or computer network;

(9) "Financial instrument" includes, but is not limited to, any check, cashier's check, draft, warrant, money order, certificate of deposit, negotiable instrument, letter of credit, bill of exchange, credit card, debit card, marketable security, or any computer system representation thereof;

(10) "Input" means data, facts, concepts or instructions in a form appropriate for delivery to, or interpretation or processing by, a computer;

(11) "Intellectual property" includes data, which may be in any form including, but not limited to, computer printouts, magnetic storage media, punched cards, or may be stored internally in the memory of a computer;

(12) "Output" means data, facts, concepts or instructions produced or retrieved by computers from computers or computer memory storage devices;

(13) "To process" means to use a computer to put data through a systematic sequence of operations for the purpose of producing a specified result;

(14) "Property" means, but is not limited to, intellectual property, financial instruments, data, computer systems and computer programs, all in machine-readable or human-readable form, and any tangible or intangible item of value;

(15) "Services" includes, but is not limited to, the use of a computer, a computer system, a computer network, computer software, computer program or data to perform tasks; and

(16) "System hacker" means any person who knowingly accesses and without permission alters, damages, deletes, destroys, or otherwise uses any data, computer, computer system, or computer network.

[Acts 1989, ch. 591, § 1; 1993, ch. 445, § 1.]

39-14-602. Violations - Penalties.

(a) Whoever knowingly, directly or indirectly, accesses, causes to be accessed, or attempts to access any telephone system, telecommunications facility, computer software, computer program, data, computer, computer system, computer network, or any part thereof, for the purpose of:

(1) Obtaining money, property, or services for oneself or another by means of false or fraudulent pretenses, representations, or promises violates this subsection and is subject to the penalties of § 39-14-105;

(2) Causing computer output to purposely be false, for, but not limited to, the purpose of obtaining money, property, or services for oneself or another by means of false or fraudulent pretenses, representations, or promises violates this subsection and is subject to the penalties of § 39-14-105.

(b) Whoever intentionally and without authorization, directly or indirectly:

(1) Accesses any computer, computer system, or computer network commits a Class C misdemeanor;

(2) Alters, damages, destroys, or attempts to damage or destroy, or causes the disruption to the proper operation of any computer, or who performs an act which is responsible for the

disruption of any computer, computer system, computer network, computer software, program or data which resides or exists internal or external to a computer, computer system or computer network is punishable as in § 39-14-105;

(3) Introduces or is responsible for the input of any computer contaminant into any computer, computer system, or computer network commits a Class B misdemeanor; or

(4) Accesses, causes to be accessed, or attempts to access any computer software, computer program, data, computer, computer system, computer network, or any part thereof, for the purpose of gaining access to computer material or to tamper with computer security devices, including, but not limited to, system hackers, commits a Class A misdemeanor.

(c) Whoever receives, conceals, uses, or aids another in receiving, concealing or using any proceeds resulting from a violation of either subsection (a) or subdivision (b)(2), knowing the same to be proceeds of such violation, or whoever receives, conceals, uses, or aids another in receiving, concealing or using, any books, records, documents, property, financial instrument, computer software, program, or other material, property, or objects, knowing the same to have been used in violating either subsection (a) or subdivision (b)(2) is subject to the penalties of § 39-14-105.

[Acts 1989, ch. 591, § 1; 1993, ch. 445, § 1.]

39-14-603. Venue.

For the purposes of venue under the provisions of this part, any violation of this part shall be considered to have been committed:

(1) In any county in which any act was performed in furtherance of any transaction violating this part;

(2) In any county in which any violator had control or possession of any proceeds of the violation or of any books, records, documents, property, financial instrument, computer software, computer program or other material, objects or items which were used in furtherance of the violation; and

(3) In any county from which, to which or through which any access to a computer, computer system, or computer network was made, whether by wire, electromagnetic waves, microwaves or any other means of communication.

[Acts 1989, ch. 591, § 1.]

TITLE 40 CHAPTER 39 SEXUAL OFFENDER REGISTRATION AND MONITORING

Part 2 - Tennessee Sexual Offender and Violent Sexual Offender Registration, Verification and Tracking Act of 2004

40-39-216. Restricting Access to Public Libraries.

(a) Public library directors shall have the authority to reasonably restrict the access of any person listed on the sexual offender registry.

(b) In determining the reasonableness of the restrictions, the director shall consider the following criteria:

(1) The likelihood of children being present in the library at the times and places to be restricted;

(2) The age of the victim of the offender; and

(3) The chilling effect of the use of the library by other patrons if the offender is not restricted.

(c) Nothing in this section shall prevent a total ban of the offender's access to a public library so long as the criteria in subsection (b) are considered.

(d) The restrictions of this part shall be effective upon the mailing of notice to the address of the offender as listed on the sex offender registry. The notice shall state with specificity, the time and space restrictions. The director shall state in the notice that the criteria in subsection (b) have been considered.

(e) A registered sex offender who enters upon the premises of a public library in contravention of the restrictions five (5) days after mailing of the notice may, at the discretion of the director, be prosecuted for criminal trespass pursuant to § 39-14-405.

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