



Who's the Boss?

The Library as Employer

Lara Berry, MLIS, MEd
Library Director, Former Trustee



Table of Contents

- Director as Employee
- Board of Trustees as Employer
- Board Responsibilities
- Federal Statutes



Director as Employee: RSAs

- RSA 202-A: 15

The librarian shall have education of sufficient breadth and depth to give leadership in the use of books and related materials. The librarian shall be appointed by the board of library trustees for a term of office agreed to at the time of employment and until a successor is appointed and qualified.

- RSA 202-A:16

In addition to any other duties which the librarian may be delegated from time to time, the public librarian shall:

- I. Serve as the administrative officer of the public library;
- II. Recommend to the board of library trustees the appointment of all employees.

- RSA 202-A: 17 Library employees are not At- Will



Director as Employee, cont.

- RSA 202-A: 17

“No employee of a public library shall be discharged or removed from office except by the library trustees for malfeasance, misfeasance, or inefficiency in office, or incapacity or unfitness to perform the employee's duties.”

- Notice and the opportunity for a public hearing must be provided (Public hearing is the choice of the employee)
- Library staff are not “At Will” employees



Director as Employee

- Job Description
- Interview/ Hiring Process
- Contract
- Evaluation



Contract

- Term of Office
- Part Time/ Full Time
- Salaried Exempt/ Non-Exempt
- Rate of Pay
- Benefits



Board of Trustees as Employer

- RSA 202-A:6

The library trustees shall have the entire custody and management of the public library and of all the property of the town relating thereto, including appropriations held pursuant to RSA 202-A:11, III, but excepting trust funds held by the town.

- NH Supreme Court, Town of Littleton vs. Kathryn Taylor, 138 NH 419

Boards of Trustees set employment policies, NOT Selectboard.

- Payroll

Library employees may receive payroll through the town but they are not town employees.

- Board of Trustees may be described as Selectboard of the library.



Board Responsibilities

- Minimum 3 board members, always odd number
- Up to 3 Alternates permissible
- Responsibilities Unique to the board:
 - Adopt bylaws and policies
 - Grant non-resident privileges
 - Prepare budget and expend funds
 - Hire/Fire employees



Board Responsibilities, cont.

- Power resides in majority.
- One trustee has no standing to make demands of the director.
- Unique management circumstance: Trustees supervise work they likely have never done.
- Well-researched and frequently reviewed policies are essential.



Policies

- Serve as guidelines for director.
- Boards create policy with input from the director.
- Directors manage the library within boundaries set by policy.



NH Employment Statutes

- Worker's Compensation Law (obtain from insurance carrier)
- Protective Legislation Law
- Criteria to Establish an Employee or Independent Contractor
- NH Minimum Wage Law
- Whistleblower's Protection Act, Rights and Remedies RSA 275-E
- Worker's Right to Know Act, RSA 277-A
- Equal Pay, RSA 275:37



Federal Employment Statutes

- Employee Polygraph Protection Act
- Fair Labor Standards Act
- Family and Medical Leave Act
- USERRA
- Any others if Federal contracts or Subcontracts



Q & A

with
Lara Berry

and

Rosemary D'Arcy,
Minot-Sleeper Library
Board of Trustees Chair

