

Respectful Human Resources for Rural Librarians

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Scope of Presentation

- Many employer laws affect entities with 15+ employees; for municipal departments, this includes *all* the municipal departments.
- Non-profits are generally subject to the *same* employment regulations as for-profits.
- We will be *briefly* touching on requirements.
- Today's focus is on *respect* and *best practices* versus entirely legal obligations.
- We cannot cover *everything* today, but we will hit the important highlights and provide resources.

Non-Negotiables

- Labor law (local, state, and federal)
- Time sheets and other required documentation
- Job descriptions and fair hiring practices

[There will be a list of resources both general and specific to Wisconsin included in the handouts.]

Job Descriptions, Interviewing, Termination

INCLUSIVE HIRING AND COMPASSIONATE FIRING



Posting a Job Listing

Before Posting a Job, Consider the Following:

- Review the essential functions of the job.
- What kinds of interview questions will help determine if an applicant can perform the functions of the job?
- Review how you advertise and recruit for positions. Do you reach all areas of the community, or are some groups excluded? Note that word-of-mouth or employee referral methods of recruitment may be unlawful if the current workforce is not representative of the area population.
- If using an application form, carefully review it to ensure that it does not ask for discriminatory, irrelevant, or non-essential information.
- Consider if barriers exist for applicants using wheelchairs, those who have hearing or vision impairments, learning disabilities, or other disabilities.
- When advertising, be careful about the language you use. Ads which imply or express an unlawful preference or limitation such as, "young, energetic" (which can imply age discrimination) should be avoided.

[Source: **Fair Hiring and Avoiding Discriminatory Interview Questions**

<https://dwd.wisconsin.gov/er/civilrights/discrimination/interviewquestions.htm> Retrieved January 24, 2022]

Interview Questions

■ Questions to *Avoid*

- Race
- Sex
- National Origin
- Age
- Religion
- Pre-employment offer inquiries about physical/mental disabilities/limitations
- Physical limitation questions
- Financial questions (unless job-related)
- Personal Background Questions (that would touch on or hint at any of the above)

■ *Acceptable* Questions

- What felt unfair to you in your last job?
- Are you able to meet the attendance requirements of the job?
- Do you have a reliable method of transportation?
- Are you able to perform the physical and mental aspects of the job with or without accommodation?
- Are you able to work overtime if required?
- Are you legally authorized to work in the US?

[Source: Don Phin – Speaker, Trainer, Coach, Author, Investigator and Employment Law Expert
<http://www.linkedin.com/in/donphin/> <https://www.donphin.com/>]

Termination – Dos and Don'ts

■ Don't

- Terminate an employee in public
- Make a scene
- Lie about the reason for termination to “soften the blow”
- Tell them how bad you feel about doing it. [They feel much worse and don't care about how you feel doing it.]
- Tell others [“blab”] about the termination
- Get into an argument with the employee about it

■ Do it...

- Toward the end of the day [if possible]
- Mid-week [if possible] – Monday is too stressful, and Friday gives the employee the entire weekend to wallow in their upset
- In a private setting, but not in your office [neutral area]

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Concerns, Successes, Continuing Professional Development

EVALUATIONS

“If you are hearing about an issue for the first time at your evaluation, then I have failed as a manager.”

-Wisdom from a former and well-respected city manager

Document concerns, *successes*, and *opportunities for growth*.

“Sometimes I win; sometimes I learn.”

-Wisdom from a trusted workforce development colleague

Have your employees’ backs if they make mistakes. Give them a chance to trust the learning process and *you* as a manager.

Education Should Be...

- Encouraged
- Provided
- Documented
- *Compensated*

Don't hog all the conferences! Budget for staff to attend along with you or even in your stead, where applicable.

Remember! Travel and conference time is *compensable* unless the employee is *of their own free will* attending on their own.

ADA, Bullying, Civil Rights

A FAIR AND ACCESSIBLE WORKPLACE

ADA

The Americans with Disabilities Act [ADA] requires employers with 15+ employees to provide reasonable accommodation.

“The focus of ADA is *not on the disability itself*. The focus of ADA is on *the limitations a disability causes* that need to be *accommodated*.”

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<https://www.donphin.com/>]

An excellent go-to resource: Job Accommodation Network <https://askjan.org/>

Bullying

- **“Abuse at work is the only form of abuse in America that is not yet taboo.”**
- **“Workplace bullying is repeated, health-harming mistreatment by one or more employees of an employee: abusive conduct that takes the form of verbal abuse; or behaviors perceived as threatening, intimidating, or humiliating; work sabotage; or in some combination of the above.”**

[Source: <https://workplacebullying.org/> Retrieved January 24, 2022]

How normalized has workplace bullying become?

 30% of adult Americans are bullied at work

 76.3 million workers affected

 61.3% of bullying is same-gender bullying

 43% of remote workers are bullied

[Source: <https://workplacebullying.org/> Retrieved January 24, 2022]

Civil Rights and Pronouns

Key recent Supreme Court finding:

Bostock v Clayton County [June 15, 2020]

Summary of ruling: Title VII of the Civil Rights Act of 1964 protects LGBTQ+ employees against discrimination.

What You Can Do to Support Gender Identity

Give employees opportunities to use their pronouns whenever and wherever *they feel comfortable* [e.g. email signatures, Zoom meeting names, physical name tags].

More information in Resources handout

COVID-19 and Beyond

HEALTH & SAFETY



Telework

“Under the ADA, employers must take whatever steps are necessary to make sure that an accommodation is effective — absent undue hardship. Regarding telework, this can mean providing equipment, technical support, and additional accommodations.”

[Telework Accommodation Request Flowchart. (2022). Retrieved 24 January 2022, from <https://askjan.org/articles/Telework-Accommodation-Request-Tool.cfm>]

For Staff in the Building

- Protect your staff and volunteers during COVID from:
 - Disease transmission
 - Burnout
 - Bullying from patrons or other staff
- Note that older staff and/or Asian Americans might be at greater risk for harassment.
- Post Behavior Policies at entrance, computer stations, staff room, and circulation/reference desks.

Final Thoughts

Spock:

I will go with you, Captain.

James T. Kirk:

No, I need you on the bridge.

Spock:

I cannot allow you to do this. It is my function aboard the ship to advise you in making the wisest decisions possible, something I firmly believe you are incapable of doing in this moment.

James T. Kirk:

You're right! What I am about to do, it doesn't make sense, it's not logical, it is a gut feeling! ***I have no idea what I'm supposed to do. I only know what I can do.*** The Enterprise and her crew need someone on that chair who knows what he's doing. That's not me. It's you, Spock.

Star Trek Into Darkness. 2013. [emphasis my own]

Questions?

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Thank you!

