

Aquinnah Public Library  
Library Board of Trustees  
Minutes – Tuesday February 7, 2023

Meeting convened at 1:15pm

Present: Kathie Olsen, Chair; Sophia Welch, Trustee; Marjorie Spitz, Trustee; Rosa Parker, Library Director

Review of minutes: Marjorie motioned to approve the 1/26/23 minutes; Kathie seconded; vote 3-0, motion passed.

Old Business:

*Library Employee Holiday Time:* Per Sophia's request, Trustees continued the discussion on holiday time and the policy they voted on at the last meeting regarding library holiday observation hours. After informing the Treasurer of the recent Trustee vote, Sophia expressed the concern that the library employees, when submitting their time sheets including holiday pay, would not be paid for those hours as the Treasurer noted the policy is not included in the personnel bylaws. Trustees discussed the matter at length. Marjorie informed the Trustees that she went to the Chilmark Library in search of a copy of their Human Resource Policies (see attached email dated Feb 7 titled "Trustees and Personnel" from Marjorie Spitz). Trustees discussed the possibility of amending the personnel bylaws to reflect language similar to Chilmark and West Tisbury. Trustees also discussed concern with the Treasurer changing the Library Directors timesheet without her approval (Treasurer deducted 1hr of holiday pay that the Library Director had entered from January 1<sup>st</sup> payroll which needed to be entered before the Feb 1<sup>st</sup> deadline when the prior holiday pay practice ended per Personnel Committee). After a lengthy discussion on how to proceed, it became evident that the Trustees needed Town Counsel advice on where the authority on library personnel lies. Needing Select Board approval to meet with Town Counsel, Kathie motioned to request a meeting with Town Counsel to clarify boundaries and authority regarding library personnel; Marjorie seconded; vote 3-0, motion passed. Kathie requested that Marjorie write out what she believes should be included in the personnel bylaws regarding Trustees authority over library personnel.

*At 2:40 Sophia left the meeting and Kathie resumed minute taking.*

*Library Associate position:* Rosa announced that Julia had given notice that she will resign. This means that we will not have programming, nor will we have the newsletter, until a replacement is found who has the skills needed to do those tasks. Rosa spoke of the difficulties she has had in finding a person with the skill set required by the position. She acknowledged that the old job descriptions (set pre-Covid) do not reflect what the job actually entails. A new job description will be prepared as part of the Town job description review, but we requested that she prepare a listing of the tasks required for that position and send them to the Town Administrator, so he understands better why she has kept Julia on, in spite of her physical location.

It was agreed that Margie will contact the DOR, and Rosa will contact the MBLC to ask for written guidance on who holds authority regarding library personnel. It was also agreed that Kathie will write to the Town Administrator letting him know about the motion to request a meeting with Town Counsel, and about the decision to continue with the holiday policy set at our last meeting pending clarification about lines of authority. Margie agreed to draft the questions we wish to ask the Town Counsel and send the draft to Rosa and the Trustees for agreement.

Adjournment: 4:00pm

Respectfully submitted, Sophia Welch, Trustee and Kathie Olsen, Trustee Chair

---

**Trustees and personnel**

1 message

**mspitz@comcast.net** <mspitz@comcast.net>

Tue, Feb 7, 2023 at 12:58 PM

To: Kathie Olsen &lt;kathieolsen2@gmail.com&gt;, sophia welch &lt;sophia.welch.14@gmail.com&gt;, Rosa Parker &lt;rparker@clamsnet.org&gt;

This weekend, I got a lesson on the history of the Chilmark Lib. personnel policy and how it relates to their Human Resources by-law.. It's changed my understanding of Mass. General Laws, specifically chap. 78 but bolstered our decision at the last meeting.

The position of the Chilmark Trustees is that library trustees have absolute authority over the operation of the library and its facilities including the appointment of all library employees including the director and determination of when the library will be open or closed no matter the reason. The Board may delegate certain duties to the Director at its discretion, but MGL ch 78 dictates that we have ultimate responsibility for every aspect of operation.

Norm Reed was Chair of the Trustees when the current iteration of their by-laws was written and during their library's massive expansion. He was a staunch advocate of this interpretation and Ron Rappaport, who is their legal counsel as well as ours, agreed with his position when it was questioned by one of their Selectmen. They included language in the by-law which indirectly allows this. In additions they refer, as we did, to MGL Ch.4, section 7 for guidance on Sunday holidays to be observed on "the day following" (not specifically Monday) which could allow for the interpretation that Tuesday is the next business day in the case of both our libraries.

If we wanted to change our minds and grant employees another day which they could take off with Rosa's approval, then Rosa could keep the library open providing service to the community, but the by-law would have to be changed to wording similar to Chilmark's.

The argument that this would cost the town thousands of dollars is in callous disregard of the fact that this was the original method the town used for all workers who met the "full-time" requirements (30 hours, then 20 hours) and this employee right was rescinded through wording in the Personnel Policy. Also, it's hard to believe that there are 11 uncontracted employees with work averaging 20 hours per week annually.

.Since we are the appointing authority for all library employees and according to section 34 should have some written agreement with all of them, I suggest we write a letter of appointment outlining the issues listed in the section 34 as well as Leave and any other relevant points and attach a copy of the employee's new job description. Two copies would be made and signed originally by the Trustees, the employee, and Rosa if we choose. One copy given to the employee and one kept in a Trustees' file drawer - which I'm still waiting to see.

I've got excerpts from Chil. Human Resources with appropriate wording if we want to take a look and a link to the whole document as well.

Margie