

BOARD ACADEMY



This publication shares information of interest to public library boards. Links to the resources and full content can be found in the e-newsletter version.

WHAT'S GOING ON IN THE ECOSYSTEM?

STATE BUDGET

We have been through Governor Shapiro's proposed budget and listened to the House and Senate Appropriations Committee hearings with the PA Department of Education (PDE). Here are the highlights!

GOVERNOR'S PROPOSED BUDGET HIGHLIGHTS

Governor's proposed budget included:

- Level funding for the public library subsidy (same amount of state aid as last year)
- Proposed a new program, Public Library Facilities Improvement Fund, which will direct funds to small, rural libraries for facilities. (No other details available at this time.)
- A small increase for the State Library to cover the final renovation costs and facilitate the move of the Department of Ed back into the Forum building
- Proposed increasing to minimum wage to \$15/hour and increasing labor law investigators.

NOTES ON APPROPRIATIONS COMMITTEE HEARINGS IN HOUSE & SENATE

Dr. Kahlid Mumin is the Acting Secretary of Education. Here are some questions and comments his team received:

- Rep. Thomas Kutz questioned the elimination of several STEM initiatives; Dr. Mumin responded that he was more interested in STEM as an integrated Career/Technical education initiative, not as a standalone.

- Rep. Louis Schmitt, Jr. questioned how the Public Library Facilities Improvement Fund would work. PDE staff are working on it and do not believe it needs to be a legislatively governed grant program. Rep. Seth Grove followed up later with a question about if the funding is intended to be one-time; PDE responded that it is intended to be long-term, sustainable funding.
- Rep. Steven Malagari gave a plug for libraries as community centers, where a lot of learning happens.
- Rep. Joe Webster recognized the lives changed by libraries and spoke with pride about the \$11 mil increase last year; questioned what PDE was doing to promote libraries and education. Dr. Mumin responded that their focus was on technology and infrastructure and highlight the importance of trained professionals.
- Rep. Jim Struzzi asked about how broadband access and libraries and why that need is not addressed; PDE did not answer. He also asked that the convoluted funding formula be looked at, particularly for rural areas. (Note: Rep Struzzi is on the Indiana Free Library Board)
- Sen. Linda Culver questioned how the \$11 mil. increase last year actually helped public libraries and wanted PDE to promote public libraries through schools.



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WHAT'S GOING ON IN THE ECOSYSTEM?

STATE BUDGET (CONTINUED)

OUR ANALYSIS AND WHAT YOU CAN DO

There were several trends in the questioning regarding all of PDE's spending to pay attention to:

- **Accountability:** Is the money being allocated equitably and following set guidance?
- **Outcomes:** Is more money actually doing more good?
- **Data:** Do we have the right data to make the best decisions? Should money be given to entities not willing to fulfill mandates or provide data?
- High emphasis on technology and workforce preparation/development

What you can do:

- Tell your representatives and senators how much last year's increase in state aid helped your community. What did you do with it? What benefits did your community see?
- Respond to any of the data collection requests from the Office of Commonwealth Libraries or other state and municipal offices. These usually come to the Directors, but there are some that ask for broader community input.

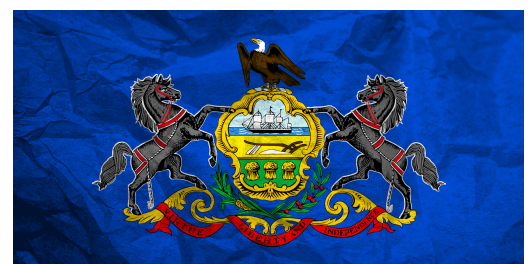
What you should not do:

- Ask for less accountability. The standards may not work for your library or community at this time, but the conversation should be on what indicates quality library service. Frame the conversation to share how your library's services align with what their constituents need.
- Have no stories or data to explain how amazing your library is!

PROPOSED LEGISLATION

Here's a taste of the bills introduced in the PA House and the PA Senate that could impact on your library. Check out more information in the e-newsletter edition or State website.

- **HB108:** Sales Tax Exclusion for Library Book Sales (Find the current rules FAQ later in this issue)
- **HB640:** One Certified Librarian per Public School Building
- **HB678:** Optional Sales Tax for Counties
- **SB13:** Paid Sick Leave
- **SB46:** Wage Theft Education and Accountability (Find a related FAQ on Comp/Flex time later in this issue)



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TIMELY TOPICS

PROGRAMMING AND MARKETING POLICIES: SUMMER PREPARATIONS

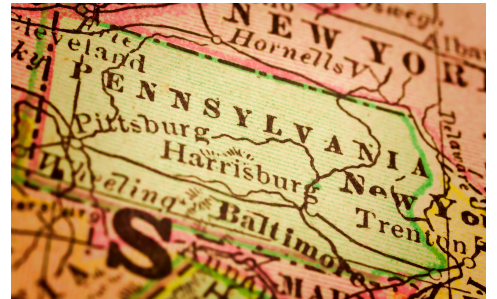
Before summer programming hits, review your programming and marketing policies to make sure everyone is on the same page. Some questions to help guide you:

- Do you have an approved photo release form or language? Find a sample form and language later in this issue.
- How does the library manage volunteers? What forms are required for volunteers? Are there designated tasks or points of access (building, software, etc.) that volunteers can or cannot do/access? Understanding any boundaries ahead of time can reduce confusion in the long run.
- What marketing will you allow other organizations to do? For example, could Head Start send home registration flyers with your preschool program attendees?
- Does your insurance policy cover off-site programs? Do your registration forms indemnify your library, or secure the library from legal liability?
- Does your library have policies for meeting rooms or display spaces for outside groups that want to use the library? ALA answers many related questions on their "Meeting Rooms Q&A" page.



CLEARANCES

In Pennsylvania, libraries are required to have, on file, current clearances for employees and volunteers based on their work activities at the library. Read up on the details in the FAQ found later in this issue.



GETTING ON BOARD

The Office of Commonwealth Libraries (OCL) promotes the "Getting On Board" manual as a tool for library boards to learn about their role. Your library may have a copy on file, but the PDF can also be found on the State Library's website. Reach out to your District Consultant for more information.

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PHOTO RELEASE / CONSET FORMS

LANGUAGE SAMPLE FOR A FORM

AMERICAN LIBRARY ASSOCIATION (ALA)

(On library letterhead)
PHOTO RELEASE FORM

I hereby grant permission to (your library's name) to use photographs and/or video of me taken on (date) at (location) in publications, news releases, online, and in other communications related to the mission of (your library or institution's name).

(Signature of Adult, or Guardian of Children under age 18)

Name _____
Address _____
Phone (day) _____ (evening) _____
Email Address (optional) _____

Thank you!

LANGUAGE PHOTO POLICY FOR POSTING AT EVENTS

LANCASTER PUBLIC LIBRARY

PHOTO POLICY

The Lancaster Public Library reserves the right to utilize photographs or video taken at the library for publicity purposes in printed materials and online. All library patrons consent to the use of their photo taken at the library or during library events, unless they specifically inform staff of an objection to such use. No names will be utilized in conjunction with photos without express written consent.

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SNOE REGION

We've been hearing from board members that they would like to learn more about their role on the board, within the library, and library-related information from across the State. So, we're coming to you with a new publication: Board Academy. This will be distributed by e-mail about 4 times a year, with special editions to cover major breaking news. There will also be a PDF version available to print for distribution to other members of your board. While SNOE had previously put energy into the SNOEBall Advocacy e-newsletters, those resources will be converted to a webpage soon for on-demand access.

The SNOE Region is a cooperative initiative of the Seneca, New Castle, Oil Creek, and Erie & Crawford Library Districts to help develop and strengthen the libraries in Northwestern Pennsylvania.

This information is provided to the best of our knowledge as of the date provided. Information is subject to change without notice. While authoritative, it is not guaranteed for accuracy or legalities. If there are questions, please reach out to your district consultant, who may encourage your library to ask a local solicitor/lawyer for further guidance.

If you have any questions about this publication or previous editions' content, feel free to reach out to all of the SNOE Region's District Consultants at consultant@snoelibraries.org. If you have questions on any topics related to board governance, duties, advocacy, or libraries, please feel free to reach out to your library's District Consultant:

Leslie LaBarte, Seneca Library District: districtconsultant@senecadistrictlibraries.org

Neva Lilla, New Castle Library District: nlilla@ncdlc.org

Erin Joyce, Oil Creek Library District: consultant@oilcreek.org

Jessica Church, Erie & Crawford Library District: districtconsultant@eriecountypa.gov



Book Sales & Sales Tax

FAQ & Resource Sheet

Questions? E-mail the district consultants at consultant@snoelibraries.org

Does my library need to collect sales tax during our book sale(s)?

It depends on the number of book sales and the total length of book sales. According to the [Pennsylvania Public Library Accounting Manual](#) (pages 88-89):

804.4 However, exempt libraries are required by Pennsylvania to collect sales tax on merchandise that they sell, unless the merchandise is specifically excluded from sales tax collection. **Merchandise can be excluded from sales tax if sales take place less than three times per year and for less than 7 days [total] per year.** Refer to [PA Code Section 32.4\(b\)\(6\)\(i\)](#) [Isolated Sales]. This assumes that they are not selling these books at a location (farmer's market, e.g.) that a for-profit bookstore is also selling at (i.e. directly competing with a vendor that is required to collect sales tax).

If the library is required to collect sales tax, it must complete Form PA-3, "Sales Tax Return." This form must be filed online through e-tides. Refer to the [etides website](#) for instructions. Note that a library that has received a Pennsylvania sales tax exemption number must also apply for a sales tax account number if it is making taxable sales for which it needs to collect and remit Pennsylvania sales tax. The library would do this via the Form PA-100, which can be filed online at [PA-100](#). Payment options include ACH Debit, ACH Credit, and Credit Card. Libraries must file the Sales Tax Return and remit sales tax on a monthly, quarterly, or semiannual basis. Refer to the [etides website](#) for sales and use tax filing deadlines for the current year.

Please refer to the Retailer's Information Guide on the [PA Dept of Rev Website](#) for a list of taxable items. Taxable items that a library might sell include, but are not limited to books, book bags/tote bags, photocopies, and rental income.

[UPDATE: IN [February 2023](#), E-Tides migrated to MyPath. Above is still the language as it reads in the PA Public Library Accounting Manual.]

What is a "true donation"?

A true donation is where money/property is given to the library with the donor receiving no item(s) in return.

What if our signs say "Suggested Donation" with suggested prices or "All Sales by Donation"? Can we host more sales and not pay tax?

No. Because there is an exchange of money and item(s) and it's not a true donation, a "suggested donation" or "by donation" is still considered a price and does not excuse less than three sales per year or less than seven days in a year.

[PA Sales and Use Tax Webinar](#) - PA Library Staff Academy (Video: 28:29)



Compensatory “Comp” Time & Flex Time

FAQ & Resource Sheet

Questions? E-mail the district consultants at consultant@snoelibraries.org

In understanding laws and regulations around employees and payroll, here are some FAQs to consider:

What is “comp time” or “compensatory time”? Is it legal?

For Non-Exempt Employees (No matter if they’re hourly or salaried)

- Comp time, short for compensatory time, is when employers compensate their employees for overtime hours with time off, instead of overtime pay. While comp time is a widespread practice, it is usually illegal for private-sector businesses (including private-sector nonprofit agencies) to compensate overtime-eligible (nonexempt) employees with comp time instead of overtime. These rules are housed under the Fair Labor Standards Act (FLSA).

EXAMPLE: John, a nonexempt employee, works 56 hours during one week. His boss tells him he can take two days off the following week in lieu of overtime pay for the 16 hours he worked in excess of 40. John’s boss could be exposing his company to a lawsuit.

[“Everything You Need to Know About Comp Time”](#) by Intuit Quickbooks, 2022.

- Compensatory time off in place of payment for overtime is not legal.
[“General Wage and Hour Questions”](#) by Pennsylvania Department of Labor
- No[, it’s not legal]. The U.S. Department of Labor (DOL) describes compensatory time, or “comp time,” as “paid time off the job that is earned and accrued by an employee instead of immediate cash payment for working overtime hours.” (The article goes on to mention when comp time is legal – which includes some public, government entities or emergency services. In this context, a public library is a private-sector employer.)
[“Is compensatory time allowed in the private sector?”](#) by SHRM, July 11, 2019

For Exempt Employees

Employers in the private sector are legally allowed to offer [exempt employees](#) comp time, under FLSA section 207(o). However, comp time is by no means required for exempt employees. Under the FLSA, exempt employees are not eligible for overtime pay, so any comp time offered for hours worked in excess of 40 per week falls at the sole discretion of the employer. If you choose to offer comp time to exempt employees, it’s important to create a policy that governs how and when comp time will be offered, so the benefit is applied consistently.

[“Everything You Need to Know About Comp Time”](#) by Intuit Quickbooks, 2022.

What is “Flex Time”?

- Flex time allows employees to avoid overtime by adjusting hours during the workweek, but still remaining at or below the maximum amount of hours permitted.
- Flex time refers to a working schedule with a flexible set of starting and ending hours. Whereas a traditional schedule is from 9 a.m. to 5 p.m. per day, a flex-time schedule allows employees to arrive, for example, at 8:30 a.m. one day and 10 a.m. the next.

Employees with flex time schedules work the same amount of hours as those with a traditional work schedule. Also, companies with this type of schedule are typically flexible on the particular hours you begin and end work so long as you work all of your required hours for the day.

“[Flex Time: Definition and Examples](#)” by Indeed Editorial Team, Updated February 22, 2021

- A flexible work schedule is an alternative to the traditional 9 to 5, 40-hour work week. It allows employees to vary their arrival and/or departure times. Under some policies, employees must work a prescribed number of hours a pay period and be present during a daily "core time." The [Fair Labor Standards Act \(FLSA\)](#) does not address flexible work schedules. Alternative work arrangements such as flexible work schedules are a matter of agreement between the employer and the employee (or the employee's representative). The U.S. Department of Labor has conducted numerous surveys and published articles and reports on the subject.
“[Flexible Schedules](#)” by U.S. Department of Labor, 2022

What are some considerations about Flex Time?

- Check with a local solicitor, lawyer, or payroll firm to verify your library’s individual situations about what’s legal for your employees.
- Know how each staff member and director is categorized when it comes to exempt or non-exempt. A staff person can be salaried and still be non-exempt.
Find more here:
<https://www.shrm.org/resourcesandtools/tools-and-samples/hr-qa/pages/whatismeantbythetermsexempt,non-exempt,salariedandhourly.aspx>
- Whatever your library chooses to do legally, write up a policy that’s fair for all and applied consistently. Set clear boundaries of what’s permitted as work hours, and the library director should implement the policy by coordinating any comp or flex time based on the approved policy.
- Consider the liabilities to the library. If a staff person has tracked their time, even jotting it down on a personal calendar, their case is more likely to hold up in court. Make sure all staff know the rules and expectations.



Staff & Volunteer Clearances

FAQ & Resource Sheet

Questions? E-mail the district consultants at consultant@snoelibraries.org

Who is required to have their clearances?

An individual 14 years of age or older who is applying for or holding a paid position as an employee with a program, activity, or service as a person responsible for a child's welfare or having direct contact with children. (Keep Kids Safe - [Employees](#))

Adults applying for or holding an unpaid position as a volunteer with a child care service, school, program, activity, or service responsible for a child's welfare or having direct volunteer contact with children will need clearances. (Keep Kids Safe - [Volunteers](#))

How do I determine which employees in my library need clearances?

Keep Kids Safe advises using these, then consult legal counsel for further questions:

1. Is the employee responsible for the welfare of a child? If the employee is acting in lieu of or on behalf of a parent, they will need clearances.
2. Does the employee have direct contact with children? Consider if the employee provides care, supervision, guidance, or control of children. As the terms above are not defined in statute, it is suggested that the common meaning of these terms be used, with child safety serving as the paramount consideration.
3. Does the employee have routine interaction with children? (This could apply to most staff, especially for small libraries. It's highly advised that libraries have current clearances on file for all staff.)

Can an employee start the job with clearances "pending"? (Updated)

Employees can be **conditionally** hired for up to 45 days before all clearances are obtained if:

1. Applicant or employer supplies copies of all completed clearance applications.
2. Employer, supervisor, or other persons responsible for hiring have no knowledge of information that would disqualify the candidate from employment related to children.
3. Applicant swears/affirms in writing that the records will come back clear of anything that would disqualify them from employment related to children.
4. If an employee's records come back with disqualifiers related to children, the employee is immediately dismissed.
5. During conditional employment, the employee cannot be permitted to work alone with children and the employee must work in the vicinity of a permanent library employee.

If your library will utilize this new law, update local policies to align employment language. Libraries can still require shorter or no conditional work periods when hiring.

If a volunteer becomes a paid employee, can they use the same clearances on file?

No, the clearances are different types. If a volunteer becomes a paid employee, the employee will need updated clearances using the appropriate codes.

How often do clearances need to be updated?

Currently, clearances need to be updated every 60 months.

Where can staff/volunteers register for clearances?

PA Access to Criminal History: <https://epatch.state.pa.us/Home.jsp>

\$20 for employees | No charge for volunteers

Its purpose is to better enable the public to obtain criminal history record checks. The repository was created and is maintained in accordance with Pennsylvania's Criminal History Information Act contained in Chapter 91 of Title 18, Crimes Code. This Act also directs the Pennsylvania State Police (PSP) to disseminate criminal history data to criminal justice agencies, non-criminal justice agencies and individuals on request. Criminal justice agencies can access all of an individual's criminal history record information (CHRI). Requests made by noncriminal justice agencies and individuals are subject to edit criteria contained in the law.

PA Child Abuse History Clearance: <https://www.compass.state.pa.us/cwis/public/home>

\$13 for employees | No charge for volunteers

This Check will provide the applicant information as to whether or not they are listed in the Pennsylvania statewide database as a perpetrator of child abuse.

FBI Fingerprinting: <https://www.identogo.com/> **(Updated)**

\$25.25 for employees (Code: 1KG756) | \$23.25 for volunteers (1KG6ZJ)

Federal clearance to search criminal history. Results with no records can be received by email. Results with records or failed password entry will be received through US Mail. Volunteers who have lived in PA continuously for at least 10 years do not need fingerprinted.

What about Mandated Reporter Training?

Title 23 PA. C. C. Domestic Relations

§ 6311. Persons required to report suspected child abuse

(a) Mandated reporters - The following adults shall make a report of suspected child abuse, if the person has reasonable cause to suspect that a child is a victim of child abuse

(11) An employee of a public library who has direct contact with children in the course of employment

Mandated Reporter Training: <https://www.reportabusepa.pitt.edu/>

This is a free, online, on-demand training.

Does this count for Continuing Education credits?

At this time, it is not counted for continuing education credit because it is required for paid staff and viewed as on-the-job training.