

**QUESTION:**

Dec. 17, 2018:

Hello Mary,

We are in the process of hiring new employees and would like to offer them contracts. We also have non-contract employees hired previously. Can we make all library employees period of contract employees and how does this affect 202 -A 15 and 17? I see [202 -A:]15. It's a bit confusing as [202 -A:]15 only mentions the librarian and if you do contracts do you still have to abide by [202 -A:]17?

I know you aren't a lawyer or giving legal advice but was wondering what your knowledge or approach would be and where we could get further guidance if need be.

Any advice to pass on to my Trustees?

Thank you

Glynis Miner

Director

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[Samuel H. Wentworth Library, Center Sandwich]

**ANSWER:**

NHLTA does not offer legal advice. A good resource for assistance on legal questions is the NHMA ask a lawyer resource. Their contact is: [legalinquiries@nhmunicipal.org](mailto:legalinquiries@nhmunicipal.org)

It may be somewhat unusual to use contracts with other than senior management. NHMA's legal assistance may be able to advise on the issue of seeking to place non-contract library staff on to regular terms of service under contract. If you're able to share, I'd be interested in seeing their response if you do get their advice on this question.

NH RSA 202-A:15 relates to entering into a contract with a library director, as you have noted. NH RSA 202-A:17 relates to removal of a library employee, whether library director or staff. A contract extends for a term, generally a year or more. Regardless of whether a library director or staff member were sought to be removed during his or her term of contract or during his or her general employment relationship (non-contract), RSA 202-A:17 applies and those standards must be met.

If a person is under a specified term of employment per contract, the library trustees may choose not to renew the contract for an additional term and this is different than removal.

In any case, a library should have clear job descriptions and regular written job performances, so that issues can be raised and addressed before discipline or removal is considered. Additional resources on personnel management are available on our web site and may be of interest on the general topic.

I hope this is helpful.

Regards,

Mary Castelli