

# NHLTA Library Trustee

The Newsletter of the New Hampshire Library Trustees Association

[www.NHLTA.org](http://www.NHLTA.org)

## Letter from the President . . .

### Spring 2020

While our members have been grappling with emergency policies, library closures, staff concerns and health and safety issues over the past month or more, NHLTA has been working to share resources and information, field questions, and manage our own programmatic challenges.

In the spring issue of NHLTA's newsletter, we normally are describing all the wonderful learning opportunities available at our Spring Conference and Annual Meeting. You received a brochure about the conference in March, so you know that we prepared a program packed with great speakers and topics. Sadly, the conference fell victim to the coronavirus and had to be cancelled. We have postponed the event to 2021, and have already committed to return to the Grappone Conference Center in Concord.

We also had begun to schedule several regional meetings this spring as these gatherings remain very popular, but they too have been postponed. We expect to resume those meetings in the fall. The one event we are still planning to host is a Trustee Orientation Workshop on June 13 at the Baker Free Library in Bow. In the meantime, we urge all newly elected trustees and appointed alternates (and those of you who would like a refresher) to watch the three-part orientation webinar series available on the NHLTA website. In addition,

EVERY trustee should watch Terry Knowles's webinar "The Other Money," which we wisely recorded shortly before Terry retired from the Charitable Trusts Unit of the NH Attorney General's Office.

One of the great strengths of our library trustee community is the wealth of knowledge and experience of our members. While many trustees may be relatively new to the position, others have years, even decades under their belts. And many also bring special knowledge to the table—legal, financial, human resources and more. How can you take advantage of that great resource, especially when in-person contact through workshops, conferences and regional meetings is not available? Join the NHLTA LISTSERV®! The State Library has been able to correct the technical difficulties which made the LISTSERV® essentially inoperable for a number of months, and it's now functioning well and becoming more active. So if you want to reach out to other trustees for answers to your questions, just sign up for the LISTSERV® on the NHLTA website. An NHLTA board member reviews each registrant to keep the list secure, and then you can easily reach out to your trustee colleagues.

As spring emerges, and we hope the coronavirus subsides, NHLTA wishes you all good health and happier times.



Susan Gaudiello, *President*



Susan Gaudiello  
NHLTA President

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# Developing a Pandemic Library Policy

While libraries have policies in place to cover basic operations involved in running a library, it is unlikely that many, especially smaller libraries, have pandemic policies in place. Thanks to the Jaffrey Library for sharing its recently-adopted policy, which can be found on the next page. Below are some suggestions from the American Library Association of topics to include in an individual library policy on illness and/or pandemic prevention and preparedness –after ensuring (if necessary) that they are consistent with the policies of the library’s trustees.

- Criteria for closing the library
- Employee policies for sick leave, payroll and banking/financial issues, working from home
- Mandated documentation of procedures or cross training so others can take over for sick employees
- Policies for social distancing – such as removing a number of chairs so people aren’t sitting close to each other, or limiting the number of people who can come in at any one time, or taking out coat racks, and similar actions that keep people and their belongings separate from each other
- Criteria for suspending story times and other library programs
- Provision of masks and gloves along with the training of staff in their removal and disposal
- Standards for the cleaning of bathrooms, railings and door knobs, telephones, keyboards, counters, and cleaning of workstations/offices of employees who go home sick, emptying of wastebaskets, etc.

- Setting a schedule for seeing to the critical needs of the facility if the library is closed for an extended time (boiler and building checks by custodians, book drop, payroll and banking considerations)
- Communications plan for reaching staff and for communicating with the public
- Means for continuing to provide information services for the public, such as digital reference, on-line materials access and expansion of other online resources
- Accommodation of the needs of people in the community who rely on library resources
- Education of the public in advance of an epidemic

## Libraries in a Time of Pandemic

On March 18, New Hampshire Library Association (NHLA) President Amy Tappin sent out a letter requesting that all libraries close to the public.

Many libraries, depending on how large the size of their staff, have chosen to extend “curbside” service to their patrons as well as continuing on-line support. The State Library has asked libraries to share their actions, and is making the responses available. For a link to the report, along with other pandemic resources, visit the NHTLA website on a regular basis. We are adding information as it becomes available.

NHHTA would like to hear from you as well! Please send your stories of what your library is doing during this difficult time to the editor, Katrinka Pellicchia at [k.pellicchia@nhlta.org](mailto:k.pellicchia@nhlta.org). Thank you and stay safe!

## Public Meetings During an Emergency

The Right to Know Law requires meetings of public bodies, including library trustees, to be held in public and to be noticed at least 24 hours in advance. The law does make some accommodations for meetings needed during an emergency when it may not be practical for the board to physically meet in a public session.

On March 16, a memorandum was posted from the offices of the Governor

and the NH Attorney General clarifying these accommodations. A link to the memo can be found on the NHTLA website and should be reviewed by every trustee board; here are the essential provisions:

- If the chairman or presiding officer determines an emergency exists (see the memo for definition of emergency), then the requirement that a quorum be physically present can be waived.
- Provision must still be made for members of the public to listen to the

proceedings (via conference call, speakerphone, or other means) at a physical location.

- The 24-hour notice requirement is not waived, unless the chair determines that the emergency requires action before such notice can be provided.
- The minutes of the meeting must include the facts or circumstances that justified use of the emergency provisions.
- All votes must be by roll call at any meeting where ANY member is participating electronically.

# JAFFREY PUBLIC LIBRARY PANDEMIC POLICY

## I: Purpose

To establish the protocol to be used in the event of a pandemic. If there is a pandemic, the library may be required to operate on limited staffing or take unique measures to help slow the spread of the illness, including service restrictions, limited hours of operation, or possible closure by order of local public health officials. Recovery from a pandemic may be slow, as compared to a natural disaster or other physical crises. It is important to ensure that core business activities of the library can be maintained for several weeks or more with limited staff and reduced hours due to a pandemic.

## II: Definitions

**Pandemic Plan.** A pandemic plan differs from a general emergency preparedness policy or procedure. With an emergency preparedness policy, there is an assumption that staff will return to the building or begin rebuilding, almost immediately after the event or crisis (such as after a fire or storm, or if there is a utility shortage). Recovery from a pandemic may be slow and limited staff, services, and hours may be necessary for an extended period of time.

**Pandemic.** A pandemic is the worldwide spread of a new disease. (World Health Organization <https://www.who.int>)

**Appropriate Staffing Level.** For the purposes of this policy, Appropriate Staffing Level refers to the minimum number of qualified staff necessary to provide service safely and efficiently, as determined by the Library Director or his/her designee.

## III: Library Closure

**Public Health Mandate.** The Jaffrey Public Library will close due to pandemic in the event of a mandate order or recommendation for closure issued by public health or government officials on the local, county, or state level.

**Discretionary Service Level Changes.** At the discretion of the Library Director,

the Library may close, reduce its operating hours, or limit services temporarily in the event that there is not sufficient staff to maintain appropriate staffing levels or if unable to maintain adequate social distancing for health and safety. In the event of closure or reduction in operating hours, the Library Director or designee will maintain communication with staff, Library Board of Trustees, and the Town Manager.

## IV: School Closure Due to Pandemic

In the event that the Jaffrey-Rindge School District is closed due to pandemic illness, the Jaffrey Public Library will remain open, but with reduced hours and services, unless one of the aforementioned requirements for closing is also met. All library programs, special events, and meeting room reservations will be canceled. Hours will be reduced and services will be restricted on any day in which Jaffrey-Rindge schools are closed due to pandemic-related illness.

## V: Staffing

Minimum staffing level for a temporary period of time is defined as two healthy employees available to be present at the library during all open hours with a maximum 8 hour workday and 40 hour work week per full-time employee, and no more than 28 hour workweek per part-time employee. An inability to maintain this temporary minimal level or a necessity to maintain this temporary minimal level for more than two consecutive days will result in reduced hours or closing the library. In providing service safely and efficiently, the following actions may be taken at the discretion of the Library Director or designee.

- Increased health/safety measures for staff (e.g., wearing of gloves, wiping down work areas, etc.);
- Social distancing practices in public areas;

- Restricted access to areas in the library (e.g., closing floors or unmonitored areas for safety);

- Reduction of open hours;

- Cancellation of all programs, special events, and meeting room reservations;

- Reallocation of employee responsibilities and shift/schedule change to provide coverage during open hours;

- Closure of the library. If the Library is open, employees are expected to report to work on time as scheduled, excluding any excused absences following the established Personnel policy. In the event of closure, employees shall be compensated for their regularly scheduled hours. If the Library is closed or hours reduced, healthy employees may be assigned work-at-home tasks to be completed in their compensated hours. When appropriate, work tools (e.g., laptops, supplies, etc.) will be checked out to employees by the Library Director or designee for work-at-home assignments.

## VI: Communication

In the event of closure necessitated by pandemic, effective communication about any reduction in services or open hours must be announced in a timely manner. Library staff should follow the normal procedure used for any unexpected closure/program cancellation, which includes posting on [wmur.com](http://wmur.com), Facebook, and the library website.

## VII: Prioritization of Services

Priority will be given to the following essential services:

- Information services for the public, both in-person and online;
- Payroll;
- Accounts Payable;
- Facility Maintenance.

In the case of reduced staffing or reduced hours of operation, the Library Director or designee will prioritize service-related tasks and assign the daily work plan to staff.



# What's New at the Charitable Trusts Unit?

By Thomas J. Donovan, Esq., Director of Charitable Trusts



Tom Donovan



Diane Quinlan

Library trustees have enjoyed the guidance of Terry Knowles for many years in all matters relating to libraries. Following Terry's well-deserved retirement from her position as Assistant Director of Charitable Trusts, the Charitable Trusts Unit (CTU) has received many inquiries from municipal officials about who will answer their questions. Here are some answers.

To start, it might be helpful to review what the CTU does. Its mission is to protect the public's interest in the organizations and assets committed to charitable purposes in New Hampshire. We do this through effective registration, education, and enforcement. Our bread and butter work is the oversight of the more than 10,000 charitable organizations and trusts operating in New Hampshire, from large hospitals and colleges to small youth sports leagues. Lately, we have been busy reviewing hospital mergers.

With respect to cities and towns, we have a more narrow focus. Government entities do not register with us like charitable organizations, and they are not subject to the laws that apply specifically to charities, like those dealing with conflicts of interest. But the CTU has two narrow areas of oversight. First, municipal trustees of trust funds, who hold and manage funds donated in trust and capital reserve funds, must report annually both to the CTU and to the Department of Revenue Administration with respect to those funds. Second, library trustees who hold in trust donated funds must report annually about library finances to the CTU (RSA 202-A:12-a). The CTU accepts the library portion of a town's annual report for this purpose.

The CTU consists of nine staff, led by Director of Charitable Trusts Thomas Donovan and Assistant Director of Charitable Trusts Diane Quinlan. Tom has worked at the CTU for five years. Before that, he had been a partner for many years at McLane Middleton in Manchester, and was active in many New Hampshire nonprofits. He and his wife served in the United States Peace Corps from 2012 to 2014. Diane joined the CTU in August, 2019. She had been a partner at Devine Millimet in Manchester, then served for 15 years as the first woman Chancellor of the Diocese of Manchester. Both Tom and Diane are New Hampshire natives: Tom was born in Concord, Diane in Plymouth.

What questions from library trustees can the CTU answer? The CTU can assist with the interpretation of gift instruments and restrictions that may apply to the use of trust funds. The CTU has some records of gifts and may be able to locate older gift instruments, such as wills and trusts. The CTU can assist when there is a need to change or release an outdated or impossible restriction on a fund or on a library building. The CTU can answer questions about the investment requirements for library trust funds. For building projects, the CTU can offer general advice to library trustees, selectmen, friends of the library, and library foundation fundraisers about raising money from the public. The CTU can provide broader education and advice to library friends and library foundations, as they are charitable organizations subject to our general oversight.

The CTU cannot answer questions outside of our jurisdiction, including issues surrounding library staffing, Right-to-Know compliance, and general municipal finance. With respect to those matters, library trustees should consider using the resources of the New Hampshire Library Association, the New Hampshire Library Trustees Association, the New Hampshire Municipal Association, and the State Librarian. In some cases, library trustees should consult with legal counsel.

Tom, Diane, and all CTU staff members look forward to continuing a productive relationship with library trustees. The CTU recognizes the importance of trustees' work as volunteers to govern a bedrock institution in New Hampshire cities and towns.

## How will the Coronavirus affect NHLTA?

As mentioned elsewhere in this issue, in addition to the Spring Conference on May 12, the two regional meetings scheduled for late April have also been canceled. At this time, the New Trustee Orientation will still be held at the Baker Free Library on June 13. We will send out emails and update the LISTSERV® and the NHLTA website with any changes or modifications to our schedule.

## Librarians: Are they “at-will” employees?

Although our trustees have been told the director and staff are not “at-will” employees, one trustee maintains that because our town considers its employees “at-will” (stated in the town’s personnel policy manual) and the library adopted the town’s personnel policies, our library employees are “at-will” employees as well. Can you help us resolve this issue?

There is often confusion about the status of individuals who work for municipalities. Some, such as library trustees, are clearly understood to be elected officials; generally, they only depend on the voters to keep their job.

Other individuals who work for municipalities have a more complicated relationship. Some are “at-will” employees who work at the direction of the select board, are paid according to whatever employment contract exists, and, barring membership in a collective bargaining unit (union), can be fired at any time for almost any reason. Then, there are employees who are “appointed.” Appointed positions are often, although not always, statutorily described. The most important difference between appointed officials and employees is that removing the appointed official from office is complicated.

While it is often said that the power to appoint implies the power to remove, the reality is that that is more often the exception than the rule. Statutes almost always include either a term of office – the length of time for which the person is appointed – and/or a list of reasons for removal.

Librarians and library staff are appointed positions; they are not “at-will” employees; they may only be removed for cause. RSA chapter 202-A contains all the relevant information. RSA 202-A:11 charges the library trustees with “appoint[ing] a librarian who shall not be a trustee and, in consultation with the librarian, [appoint] all other employees of the library and determine their compensation and other terms of employment.” Thus,

everyone who works at the library is an appointed official (even though the statute used the word “employees” for those who are not the “librarian”).

RSA 202-A:15 further explains that the “librarian” shall be appointed for a fixed term and remain until a successor is appointed and qualified. Thus, removal would be circumscribed except in the allowable instances. Those are few. Most are covered in RSA 202-A:17, although a librarian who turns out not to “have education of sufficient breadth and depth to give leadership in the use of books and related materials,” could presumably be removed. Most likely, this situation would be limited to a librarian who falsified a diploma or other educational achievement.

RSA 202-A:17 states that the only permissible reasons for removal of any appointed library official are “malfeasance, misfeasance, or inefficiency in office, or incapacity or unfitness to perform the employee’s duties.” The language that follows, as well as elsewhere in the chapter, strongly implies that only the “librarian” – the head of the library – is appointed for a fixed term. Removal, then, must follow the written notice and hearing requirements laid out in this statute and requires substantial evidence of what the individual has done that is ‘bad.’ Mere disagreement or personal differences are not enough. The individual must actually do something ‘bad’ – whether that be stealing books or monies, refusing to come to work, or some other substantial act (or inaction) which meets the above statutory criteria.

In addition, failure by the library trustees to provide written notice signed by a majority of the board between 15 and 30 days prior to the effective date of removal or failure to provide the opportunity for a public hearing within 30 days if so requested, or failure to find good cause for discharge after that hearing where each side presents its case, could all result in reinstatement of that individual to the position.

In the case of a library adopting the town policies, RSA 202-A:17 states that the policies

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By Natch Greyes,  
Municipal Services  
Counsel,  
NH Municipal  
Association (NHMA)

Librarians and other individuals who work at libraries may be considered employees for federal tax purposes, but under New Hampshire state law, they have a robust set of protections to avoid arbitrary employment decisions.

## FRIENDS OF THE LIBRARY: Nonprofit Report Due in 2020

**2020** is a renewal year for NH nonprofits – this means that, per RSA 292:25, all legally-organized New Hampshire nonprofits must file the “2020 NONPROFIT REPORT” with the NH Department of State, Corporate Division by December 31, 2020. Since most Friends of the Library organizations are organized as nonprofits, they are required to file. NH nonprofits must make this filing every five years. The last required nonprofit filing was in 2015; after this year, the next one will be in 2025. This report is different than the “Annual Report Certificate” which must be filed every year.

Names and addresses of the officers and directors of the nonprofit organization are required information on the nonprofit report. Any change to a nonprofit’s address should also be included. A \$25 fee must accompany the report filing.

Many nonprofits, including library Friends’ organizations, do not realize that nonprofits must file a report with the NH Secretary of State’s office every five years. If a report is not filed, then the nonprofit’s state charter is repealed. For reinstatement, a \$50 revival application is required, plus the required \$25 filing fee, for a total of \$75.

The “2020 NONPROFIT REPORT” may be filed online at: [quickstart.sos.nh.gov/online/account/landingpage](http://quickstart.sos.nh.gov/online/account/landingpage). A “QuickStart” account must be established before your organization may file. The \$25 fee must be paid with MasterCard, Visa, Discover or pre-approved ACH. Once on the web site, click the “File Annual Report” icon. Here you may create a free account. For those who prefer to file the report in paper form with a check payment, they should call the Secretary of State’s Corporate Division at 603-271-3246 to request the form.

A nonprofit’s status with the Secretary of State can be looked up, using the “Business Name Lookup” feature at the same website address mentioned above. The nonprofit’s Business ID # can also be found here; that number is required in order to file online.

Trustees and library personnel should remind their Friends’ organization, foundation and other nonprofits about the requirement to file this report in 2020.



**The 2019 Sue Palmatier Award for Outstanding Support** by a “Friends of the Library” Group was presented to the Friends of Lincoln Library (FOLL) at a well attended and enthusiastic gathering in Lincoln on Feb. 4, 2020. Brenda Kneeland and Karyl Silva, FOLL Co-Presidents, accepted the award presented by Bert Saul on behalf of NHLTA. From left: Director Carol Riley, Brenda Kneeland, Karyl Silva, Trustee chair Gail Tremblay, Bert Saul. Photo by Ivan Strickon, Board of Trustees.

## Librarians: “At-will” employees?

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which are adopted **must** include a hearing requirement. That limits the types of town policies which the library trustees may adopt. The town policy must provide for, essentially, the same protections outlined in the remainder of RSA 202-A:17 to be applicable. If the policy does not, presumably, the procedure in RSA 202-A:17 would control rather than the town policy. [NHLTA recommends libraries develop their own set of personnel poli-

cies. Remember that any references in the policy to the town administrator or select board should be replaced by the library director or board of trustees.]

Librarians and other individuals who work at libraries may be considered employees for federal tax purposes, but under New Hampshire state law, they have a robust set of protections to avoid arbitrary employment decisions.



# Legislative Update

## The Fate of the Two Library Bills in the NH House

As reported via emails and the NHLTA LISTSERV®, NHLTA attended hearings on the bills before the House Municipal and County Government Committee. We testified in opposition to HB 1615-FN, AN ACT requiring criminal background checks for persons brought into a library to interact with minors in library-sponsored events; we took no position on HB 1452, relative to employees of libraries.

We joined the NH Library Association (NHLA) and others in opposing HB 1615, and NHLA strongly opposed HB 1452. After the hearing we asked members to weigh in with their representatives and many did. The House Committee recommended that both bills be killed, and the full House voted the bills “inexpedient to legislate” on February 13.

## How to Pursue Legislative Action to Fix a Problem

If you identify a problem during your service as a trustee, and think legislative action is needed to address the issue, how should you proceed? First and foremost, do NOT start by taking your request directly to your local senator or representative. Instead, do some groundwork and research. Here are some suggestions to improve your success:

**1.** Trustees should first bring the question to NHLTA for analysis; library directors should raise the issue with their state association, NHLA. Both associations have legislative committees and are very familiar with the library statutes. We might know whether the issue has come up previously and been addressed in some way.

**2.** Is there a way to resolve the issue short of legislation? Whenever a bill is filed affecting the Library RSAs, the entire statute is opened up to possible amendment, and the library community could be harmed by unfriendly amendments. It may be that there are other ways to

accomplish your goal short of legislation. And, passing a bill is a long process and, if amended along the way, may not even fix the problem you originally identified.

**3.** Build a coalition. If you can secure the support of NHLTA and NHLA for your measure, it has a far greater chance of passage than if these associations oppose the measure. Be open to revisions in your initial proposal to accommodate the concerns of others.

**4.** If the associations are on board and support going forward with a bill, again work with them to identify the best sponsor to carry the bill through the process. For example, if the bill will go before the House Municipal and County Government Committee, finding a sponsor who sits on that committee can help move the bill along more smoothly.

## Being an Effective Advocate

Whether you are testifying at a public hearing in your town or at the State House, contacting a congressman’s office to seek their support (or opposition) to the President’s budget plan, or just bringing forward a suggestion to your fellow trustees, you are being an advocate. How you approach the task contributes much to the reception you’ll receive.

First and foremost, always be honest, straightforward and respectful. This seems like common sense, but can be more difficult than you realize. You may be armed with reams of data supporting your case and passionate arguments, but basic facts and an anecdote that captures the need or impact of your request can be most persuasive.

Offer supporting documentation to bolster your case. That’s where all that data can be put forward.

When asked questions to which you do not know the answer, don’t guess. Instead, promise to gather the information and get back to the person. And then do so as quickly as possible.

And, finally, thank the person, board or committee for their consideration.

# NH Library Trustee

The Newsletter of the  
New Hampshire Library Trustees  
Association

EDITOR

**Katrinka Pellecchia**

DESIGN & PAGE LAYOUT

**Jill Shaffer Hammond**

CONTRIBUTORS

Mark Branoff, Jan Clark,  
Thomas J. Donovan,  
Susan Gaudiello, Natch Greyes,  
Ivon Strickon

PROOFREADING

Ann Somers, Loring Webster

Email submissions and  
inquiries to the Editor  
[k.pellecchia@nhlta.org](mailto:k.pellecchia@nhlta.org)

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## 2020 CALENDAR

|                |                        |   |
|----------------|------------------------|---|
| <b>June 3</b>  | <b>10:30 am – 2 pm</b> | <b>NHLTA Board of Directors meeting</b><br>NHMA Building, 25 Triangle Park Drive, Concord |
| <b>June 13</b> | <b>10:30 am</b>        | <b>NHLTA Trustee Orientation Workshop</b><br>Baker Free Library, 509 South Street, Bow    |

## NHLTA Board of Directors 2019–2020

**Susan Gaudiello, *President***  
Barrington • [s.gaudiello@nhlta.org](mailto:s.gaudiello@nhlta.org)

**Ed Moran, *Vice President***  
Bedford • [e.moran@nhlta.org](mailto:e.moran@nhlta.org)

**Katrinka Pellecchia, *Secretary***  
Lee • [k.pellecchia@nhlta.org](mailto:k.pellecchia@nhlta.org)

**Mark Branoff, *Treasurer***  
Windham • [m.branoff@nhlta.org](mailto:m.branoff@nhlta.org)

**Conrad Moses, *Past President***  
East Kingston • [c.moses@nhlta.org](mailto:c.moses@nhlta.org)

**Lara Croft Berry**  
Epping • [l.berry@nhlta.org](mailto:l.berry@nhlta.org)

**Anne Chant**  
Tamworth • [a.chant@nhlta.org](mailto:a.chant@nhlta.org)

**Janice Clark**  
Deerfield • [j.clark@nhlta.org](mailto:j.clark@nhlta.org)

**Nancy Court**  
Northfield • [n.court@nhlta.org](mailto:n.court@nhlta.org)

**Marty Davis**  
Claremont • [m.davis@nhlta.org](mailto:m.davis@nhlta.org)

**Connie Kirwin**  
Antrim • [c.kirwin@nhlta.org](mailto:c.kirwin@nhlta.org)

**Bert Saul**  
Holderness • [b.saul@nhlta.org](mailto:b.saul@nhlta.org)

**LIAISON TO THE BOARD**

**Michael York, *Director***  
NH State Library

**Amy Lappin, *Deputy Director,***  
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**MISSION**  
The NHLTA assists Trustees to be knowledgeable and effective in order to serve, improve and promote New Hampshire Public Libraries.