We're Ready!

Meeting the New Minimum Standards for Policy Effective 1/1/27

Thursday, October 15, 2026
6:00 p.m. – 8:00 p.m.

westchester LIBRARY SYSTEM
Empowering libraries. Empowering communities.

RCLS | RAMAPO CATSKILL LIBRARY SYSTEM

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Presented for

Westchester Library System

Ramapo Catskill Library System

and Guests by

The Law Office of Stephanie Adams, PLLC

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This training from RCLS and WLS meets the 2-hour requirement for trustee training. For a certificate of attendance, make sure you registered, get the honor code, and send a request to to Henri at henri@losapllc.com.

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Session Description

On January 1, 2027, new minimum standards for internal and external policies go into effect for public and association libraries. This session will provide a **checklist, template guidance,** and **board resolutions** for libraries to confirm they are in compliance. Materials have been sent to attendees and are available during the presentation.

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Goals of this session

- Review the new requirements
- Answer questions as we work together
- Provide materials to help boards verify "We're Ready!"

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Your Presenters

Stephanie (Cole) Adams--Cole is an attorney who practices library law, which is a blend of intellectual property, real property, labor/employment, contract, municipal, First Amendment, and charities-related law.

Kirsten Anderson--Kirsten is a highly experienced human resources paralegal; she is also an LMSW.

Henri Dussault--Henri is a human resources paralegal; he has also served on the staff at the Theodore Roosevelt Inaugural Site Museum in Buffalo, NY.

Brian Calisto--Brian is the LOSA Operations Officer and Senior Paralegal for fiscal matters.

Holden Endres--Holden is the new Data Security & Technology Paralegal at the LOSA. He has a degree in computer science and will be working at the LOSA to support tech-related legal matters and to design programs to assist the LOSA with risk management related to business operations and AI.

Mike O'Brien--Mike is the LOSA Libraries paralegal; he has a Masters in Information and Library Science and experience in data analytics, RFPs, and standards and regulatory requirements.

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The regulations that bring us here today:

§ 90.2 Standards for registration of public, free association and Indian libraries

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(4) has board-approved written policies for the operation of the library, which shall be reviewed and updated at least once every five years or earlier if required by law. In addition to any other policies required by law, on or before January 1, 2027, such board-approved written policies shall include:
(i) external policies related to:
(a) the selection of library materials and reconsideration of such selection;
(b) public usage of library space and meeting rooms;
(c) codes of conduct; and
(d) confidentiality of library records; and
(ii) internal library policies related to:
(a) personnel policies that ensure consistent staff management and fair employment practices;
(b) disaster preparedness; and
(c) financial control policies that fulfill the legal and fiduciary responsibilities of the governing body and promote fiscal oversight, accountability, and sustainable management.

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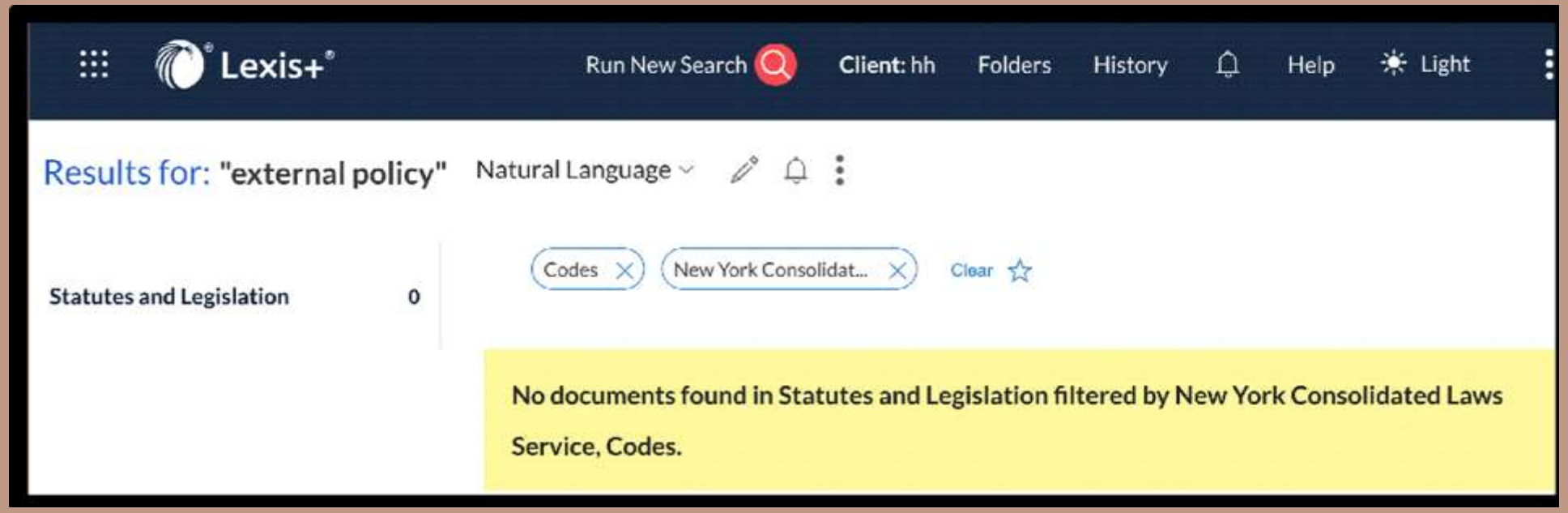
Let's look at those using the power of **bold** and <u>underline</u>:

(i) <u>external policies</u> related to:
(a) the selection of library materials and reconsideration of such selection;
(b) public usage of library space and meeting rooms;
(c) codes of conduct; and
(d) confidentiality of library records; and

(ii) <u>internal library policies</u> related to:
(a) personnel policies that ensure consistent staff management and fair employment practices;
(b) disaster preparedness; and
(c) financial control policies that fulfill the legal and fiduciary responsibilities of the governing body and promote fiscal oversight, accountability, and sustainable management.

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Interestingly, There is no formal use of “internal” or “external” policy in law or regulation (until now!)



(Case law uses the term “internal” policy as something not published, but followed.)

For public libraries, who are subject to FOIL, there is no “internal” policy that can be kept secret from the world at large; if it is a written policy, it is subject to disclosure.

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For purposes of enforceability, formality, and clarity, "internal" and "external" policies are the same. There is an implied requirement that "external" policies are posted on library websites, while "internal" policies are in "internal" resources such as Employee Handbooks, a folder on an employee-only computer network, and desk drawers.

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There is a lingering legal myth in the world that, to guard against liability, companies should avoid developing "policy" and simply have "guidelines" and "practices."

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See: Gilson v. Metropolitan Opera, 5 N.Y.3d 574, 841 N.E.2d 747, 807 N.Y.S.2d 588, 2005 N.Y. LEXIS 3310 (2005)

At least in New York, this myth must be

CRUSHED

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The required internal policies are:

(a) personnel policies that ensure consistent staff management and fair employment practices;

(b) disaster preparedness; and

(c) financial control policies that fulfill the legal and fiduciary responsibilities of the governing body and promote fiscal oversight, accountability, and sustainable management.

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Let's consider those one by one...

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Personnel Policies

In New York, ALL libraries, regardless of type, must have the following policies, notices, and/or postings:

- Sexual Harassment Prevention & Reporting policy and posting
- Non-Retaliation posting
- Minimum Wage posting
- Workers' Compensation Coverage: posted notice
- Unemployment Insurance Coverage: posted notice
- Record of Employment notice upon end of employment (regardless of reason)
- Post "no smoking" signs
- Expression of Breastmilk: policy and posting
- Conflict of Interest (covering key employees)
- Policy on use of correction records

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Personnel Policies

As of November 9th, 2026, ALL libraries, regardless of type, must abide by Labor Law 210-b, which requires the preservation of, and assured access to personnel files. Employers must also provide a process for disagreeing with and correcting records.

No written policy is required, but it will be easier to follow the law with a policy, so we will be sending a template.

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Personnel Policies

In New York, ALL association libraries (as private entities), must ALSO have the following policies, notices, and/or postings:

- Paid Sick Leave (leave is unpaid if there are under 5 employees)
- Paid Prenatal Leave
- Wage Theft notices
- Wage transparency (when posting a job opening or promotion opportunity)
- NY Paid Family Medical Leave notice and policy
- Short-term Disability Coverage: posted notice
- Vacation, leave, wage and hours practices: policy and notice
- Electronic Monitoring (policy; notice)
- Equal Pay policy and notice
- Posting of hours for minors

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Personnel Policies

In New York, in addition to the items listed, ALL public libraries must:

Follow the Family Medical and Leave Act ("FMLA"); (association libraries with **over 50** employees must follow FMLA too).

Post the "You Have a Right to Know" safety poster.

Have a Workplace Violence Prevention Policy; (association libraries are wise to have such a policy, but they are generally not required by law).

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Personnel Policies

As can be seen, "personnel policies" are highly specific and will vary based on a library's size and type.

For this reason, it is important to NOT PANIC and simply borrow the policies of a different library.

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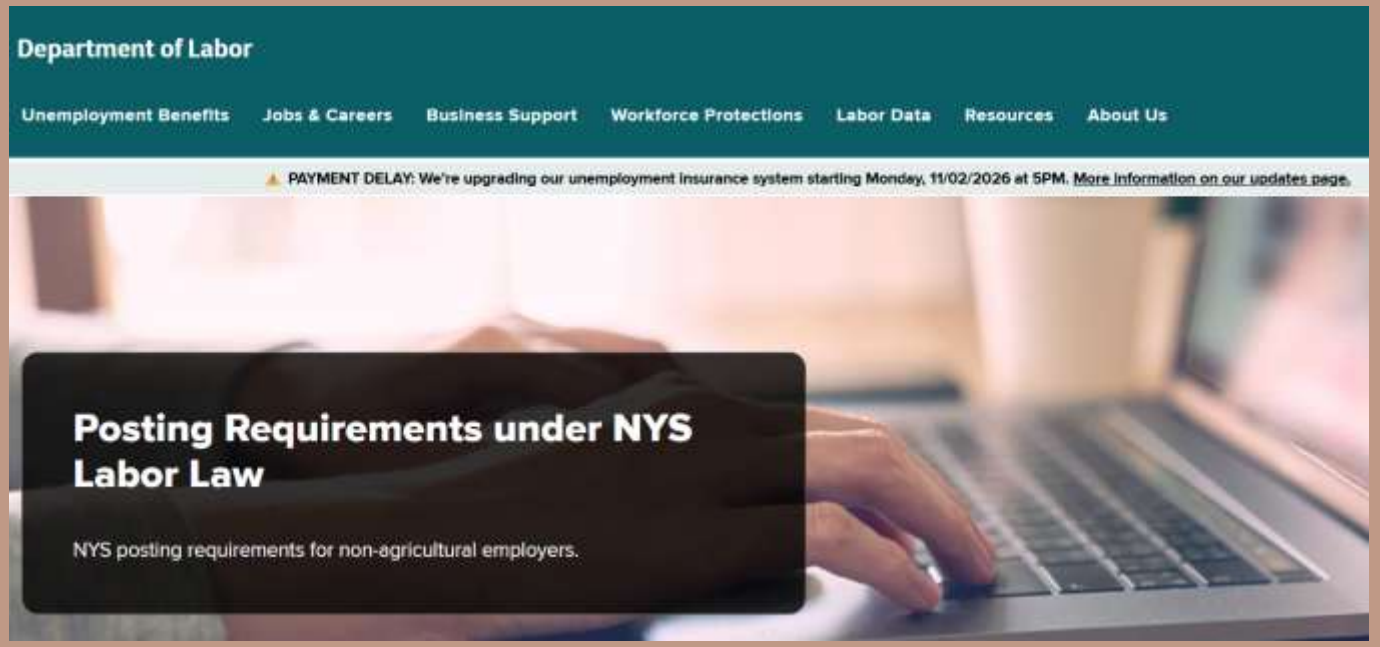
Because personnel policies will vary, we have created a tool for assessing the bare minimum your unique library must have.

Please look at the "Inventory" (**Document 3**) in the materials packet.

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Personnel Policies

The good news is that the State of New York has templates for EVERY required policy, notice, and posting. So, verifying that your library has every "personnel policy" that is required by law does not require a costly consultant.



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For every other personnel policy needed to "ensure consistent staff management and fair employment practices", a person with experience assisting different libraries--including a person at your library system--can be consulted.

[NOTE: a prior presentation for RCLS and WLS discussed using a “workplace philosophy” to ground decisions about compensation, benefits, and other employment practice variables.]

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Pause for honor code: ***Autumn Glow***

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Disaster Preparedness

A library's disaster plan should be customized for the unique risks facing that library, and the unique assets that will be used to address the emergency.

The good news is that both your municipality AND your county are required by law (New York Executive Law Article 2-B) to have “comprehensive emergency preparedness” policies. So, there is no need to reinvent the wheel…just consider the way your library will coordinate with those plans.

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"Disaster Preparedness"

There are all types of templates out there, but a good policy addresses and documents the following:

- What are the risks facing the library?
- If the library building must be evacuated suddenly, where is the gathering place?
- When normal operations are disrupted, how does the Library communicate?
- Who are the closest emergency responders? Is there a well-maintained relationship with them?
- Who is in charge in an emergency.
- How are special collections and assets protected?
- Is there enough insurance coverage to repair or replace the library building?
- Is there enough insurance coverage to repair or replace the library's assets?
- Does the insurance cover the costs of renting an alternate location?

Such plans may also include consideration of specific disasters such as: flood, tornado, pandemic, civil unrest, active shooter, ransomware attack, and workplace violence...but those should be appendices or stand-alone policies.

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Disaster Preparedness

For a small library that doesn't have a lot of resources, **Document 4** is a template for an "internal policy" on disaster preparedness. In the spirit of transparency, this "internal" template is ready to be published (but consider redacting the location of an alternate gathering point).

Many agencies offer grants for helping public institutions be ready for a local, regional, or state-wide disaster. Be alert for opportunities to bring in help.

Larger institutions will generally already have such plans in place, but they should be reviewed and updated regularly.

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Disaster Preparedness: Cybersecurity

The Library [maintains its own computer network/uses the computer network of the library system/uses a third party IT provider for computer networking]. The Library's network is backed up by INSERT and in the event of a loss to the primary network, operations can be restored from the backup. In the event of a ransomware attack or other illegal disruption of networking and computing capability, the Library will immediately alert law enforcement and its insurance carrier as well as its network provider. Staff are regularly trained to recognize the signs of attempted and actual data breach and unauthorized access.

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Internal Policy: Financial Control

"Financial control policies that fulfill the legal and fiduciary responsibilities of the governing body and promote fiscal oversight, accountability, and sustainable management."

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The basic elements of this will vary wildly by library, but every policy (or collection of policies) must address:

- Cash handling (including an on-site safe or locked area)
- Recording income
- Deposit
- Separation of duties
- Budget approval (including for re-allocation of items within an approved budget)
- Procurement
- Contract signing authority
- Payroll approval and payroll records
- Custody of funds
- Approval of payables
- Account reconciliation
- [public libraries] Annual report to the State Comptroller (either directly, or via inclusion in a municipality's report)
- Fund Balance
- Check Signing
- Minimum Cash Reserves

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Many libraries may also have to address:

- Petty cash
- PCI compliance (when accepting credit cards, or using a third party to accept credit cards)
- Credit card use
- EFT/ACH
- Borrowing
- Investment
- Endowment
- Donation/gift acceptance and acknowledgement
- Grants management
- Voluntary audit

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Because this will vary so widely, and the stakes are very high for accuracy, we are not providing a template in these materials, but your System will have one you can request.

However, **Document 5** in the materials is an assessment to get things going.

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Some municipal and school district public libraries will use their municipality or district as the custodian of their funds. These libraries might follow their municipality's or school district's fiscal policies.

We call this "**Synching**."

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When a library is Synching the fiscal policy of the custodian of their funds, that should be noted in their own policies and the Library should have a copy on hand.

Using a municipality or school district as custodian of funds does not relieve the Library Board of the duty to approve expenditures.

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And that's the "internal" policies.

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Let's look at the "external" policies.

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a) the selection of library materials and reconsideration of such selection;
b) public usage of library space and meeting rooms;
c) codes of conduct; and
d) confidentiality of library records;

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“The selection of library materials and reconsideration of such selection”

The 2022 PULISDO “Collection Management Policy Template and Guide” is posted at many places, including:

https://docs.owl.org/pub/Community/ResourcesQAWithRonAtWadsworthLibraryInGeneseo/CMPToolkit2_2022-07-11.pdf

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“Public usage of library space and meeting rooms”

This is another policy that will vary widely from library to library.

We have a template (see **Document 7**).

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Code of Conduct

We have a template (see **Document 8**).

This is another policy that will vary widely from library to library.

TIP: It is wise to ensure the Code of Conduct has due process for appealing any loss of library privileges.

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Confidentiality of library records

SECTION 4509
Library records
Civil Practice Law & Rules (CVP) CHAPTER 8, ARTICLE 45
§ 4509. Library records. Library records, which contain names or other personally identifying details regarding the users of public, free association, school, college and university libraries and library systems of this state, including but not limited to records related to the circulation of library materials, computer database searches, interlibrary loan transactions, reference queries, requests for photocopies of library materials, title reserve requests, or the use of audio-visual materials, films or records, shall be confidential and shall not be disclosed except that such records may be disclosed to the extent necessary for the proper operation of such library and shall be disclosed upon request or consent of the user or pursuant to subpoena, court order or where otherwise required by statute.

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Template policy for confidentiality is attached as **Document 9.**

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So how does a library board confirm compliance with these requirements before New Years Eve, 2026?

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Easy: form a small committee, use a checklist,

and get to work!

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Document 1 is a resolution to form the small committee.

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DOCUMENT 1: Resolution to form a "90.2(4) Compliance Assurance Team"

WHEREAS the New York State Education Department has amended the "minimum requirements" for public and association libraries to include certain internal and external policies; and

WHEREAS this new requirement is effective January 1, 2027; and

WHEREAS the Library would like to review its internal and external policies to verify compliance with this requirement;

BE IT RESOLVED that the Board confirms that NAME, NAME, NAME, and NAME shall be a "90.2(4) Compliance Assurance Team", to assess the Library's internal and external policies, coordinate any necessary updates, and assist the board in verifying compliance prior to January 1, 2027.

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Document 2 is a **checklist** and **workplan** for the committee to use.

Sample answers:

- Policy must be developed
- Policy under review for compliance
- Policy must be updated
- Policy must be submitted for approval at the DATE board meeting
- Policy is posted at [link]
- WE'RE READY!

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Document 3 is a **personnel policy inventory** for the committee to use.

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Document 4 is a **template disaster preparedness plan** for the committee to use.

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Document 5 is a **fiscal policies assessment** for the committee to use.

Contact your system for a template fiscal policy.

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Document 6 is a link and QR code to the **“Collection Management Policy and Guide” developed by PULISDO in 2022** for the committee to use.

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Document 7 is a **template for developing a policy on public usage of library space and meeting rooms** for the committee to use.

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Document 8 is a **template Code of Conduct, including procedures for due process when restricting or ending library access** for the committee to use.

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Document 9 is a **template policy on Confidentiality of Library Records** for the committee to use.

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Document 10 is a **Resolution Confirming the Library Has All Internal and External Policies** for the committee to use. Required by 8 NYCRR 90.2(4).

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WHEREAS the New York State Education Department has amended the "minimum requirements" for public and association libraries to include certain internal and external policies; and

WHEREAS the Library has reviewed its internal and external policies to verify compliance with this requirement;

BE IT RESOLVED that the Board confirms it has:

(i) external policies related to:
- (a) the selection of library materials and reconsideration of such selection;
- (b) public usage of library space and meeting rooms;
- (c) code of conduct; and
- (d) confidentiality of library records; and

(ii) internal library policies related to:
- (a) personnel policies that ensure consistent staff management and fair employment practices;
- (b) disaster preparedness; and
- (c) financial control policies that fulfill the legal and fiduciary responsibilities of the governing body and promote fiscal oversight, accountability, and sustainable management.

AND BE IT FURTHER RESOLVED that the Board thanks NAMES in preparing the assessment to enable this assurance.

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That’s it!

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Questions?

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Thank you!







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