



Board of Trustees: Personnel Committee
Meeting of Monday, April 10, 2023 • 12:00 P.M.
San Diego Law Library
AGENDA

IN PERSON MEETING

- 1) Milestone Day**
- 2) COVID Leave**
- 3) Director's Annual Salary Review**
- 4) Adjournment**



Board of Trustees: Personnel Committee
Meeting of Monday, April 10, 2023 • 12:00 P.M.
San Diego Law Library

AGENDA

NO.	ITEM	SUMMARY	RECOMMEND
1.	Milestone Day	Discussion of birthday/milestone leave for Law Library staff team members.	Information
2.	COVID Leave	Review of the Law Library's COVID leave policy.	Information
3.	Director's Annual Salary Review	Annual Salary Review.	Information

IMPORTANT NOTICE:

THIS MEETING WILL BE HELD IN PERSON.

Topic: SDLL Board of Trustees Meeting

Time: April 10, 2023 12:00 PM Pacific Time (US and Canada)

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<https://tinyurl.com/prsnlcom>

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For more information on attending this meeting remotely and/or speaking on an issue of concern to you, please email Zion Solomon at zsolomon@sdlawlibrary.org

San Diego Law Library

Memorandum

To: San Diego Law Library Board of Trustees Personnel Committee

From: David Whelan, Director

Re: "Birthday" Leave

The Law Library has, at the discretion of the Director, provided staff with a single day of non-accruing leave called birthday leave. It is intended to be used close to an employee's birthday and to be used all at once. It is supplemental to accruing vacation and sick leave and does not impact the conversion of sick leave into personal leave (up to 2 days of sick leave may be exchanged each year for personal leave).

I am uncomfortable with a leave option that incorporates a non-employment-based criteria to access it. Just as religious leave days can discriminate against people without a religious belief system, there are some religions and individuals that do not celebrate birthdays.

I would like to ask the committee's input on whether we should continue this additional day of leave. I am not convinced it is an important part of our compensation package, which already includes 13 government holidays and a variety of other paid leave. If the consensus is that we should keep the option, I would like to enshrine it as a policy, rather than at the Director's discretion, and convert it to a milestone day of leave. It would be a non-accruable day of leave, to be used all on one day, and to be used within 7 days before or after an employee's hiring date.

San Diego Law Library

Memorandum

To: San Diego Law Library Board of Trustees Personnel Committee

From: David Whelan, Director

Re: COVID Leave Policy

The Law Library adopted a COVID leave policy (attached) during the pandemic. Staff receive 8 days of sick leave per year and it accrues if it is unused. However, due to the government requirements surrounding COVID isolation, a single infection could wipe out most of a staff person's annual sick leave allocation. The prior COVID leave policy allowed for 40 hours of non-accruing COVID leave and specific guidelines on how to access it. This policy was only available through last year and has ended.

I would like to ask the Board to adopt a permanent pandemic leave policy that allows us to continue to provide 40 hours of non-accruing sick leave to be used solely for the purpose of COVID isolation. There remains a 5-day isolation recommendation by [California state authorities](#), which is based on [CDC guidelines](#). This policy would remain in place until and if we reach a point where isolation is no longer recommended for COVID and, like flu, we treat it as normal sick time because the virus is treatable, and isolation is not expected.

CDC: <https://www.cdc.gov/coronavirus/2019-ncov/your-health/isolation.html> (updated 3/2023)

Draft COVID Leave Policy

Full and part-time employees who test positive for COVID may use up to 5 days of supplemental paid sick leave. Employees with a qualifying family member who test positive for COVID may use up to 5 days of supplemental paid sick leave at your regular pay rate. Full-time employees will be paid for 8 hours per day used. Part-time employees will be paid 4 hours per day used.

An employee must provide proof of COVID exposure by means of a positive test result with their request for supplemental paid sick leave. Refusal to submit required testing reports will lead to the requested leave being taken from regular sick leave.

The U.S. Center for Disease Control's recommendation is for individuals who test positive for COVID to isolate for 5 days. The goal of the policy is to allow staff to remain away from the workplace for 5 consecutive days. An employee who uses the supplemental paid sick leave will use as many days as necessary to ensure they are able to isolate for the entirety of the recommended period. They may use fewer days than 5 days if they are able to isolate over a weekend, so long as they are away from the workplace for 5 days. If an employee remains out of work for more than 5 days, they may use their regular sick leave while they, or their qualifying family member, continue to test positive.

Once any of the days are used and the employee has returned to the workplace, all of the supplemental paid sick leave expires for that fiscal year, since there will no longer be enough for a second 5-day isolation. These 5 days do not accrue and expire at the end of each fiscal year. These 5 leave days are not considered vacation or sick leave, both of which do accrue. These 5 leave days are not compensable at separation, as vacation leave is.

San Diego Law Library

Memorandum

To: San Diego Law Library Board of Trustees Personnel Committee

From: David Whelan, Director

Re: Annual Salary Review of the Director

I would like to regularize this review so that it happens annually and in time for any potential changes to be incorporated into our personnel costs prior to the Board's approval of the annual budget. I started in March 2022 so now seems as good a time as any to initiate this year's review and to use March/April as the future goal for this annual review. This will be the first review of my salary since my arrival.

The Board's by-laws say:

VII (A) (2) The Board shall establish rules and arrange for a specific recommendation for salary and compensation for the Director annually.

I am not aware of any rules regarding increases for the Director. It is also not clear if a performance review is intended as part of this salary review. In the past, the Director's salary has been reviewed by the Personnel committee or an ad hoc committee on the Director's salary. Increases have depended on the law library's financial health. My current salary is \$160,000. According to Board minutes and internal salary data, the past incremental increases for my predecessor were:

Board Meeting	Increase %	Salary after Increase	Notes
8/1/2022	5%	\$192,077.00	Special increase due to prolonged retirement postponement
2/1/2021	6%	\$185,967.05	Review between 7/1/2020 and 2/1/2021
7/1/2020	4%	\$172,540.94	
6/1/2019	4%	\$169,095.34	4/2019 - creation of Ad Hoc Director Review and Compensation Committee
6/20/2018	5%	\$162,667.53	
8/1/2016	Unknown	\$155,609.76	Director's Compensation Committee considered a salary increase

*Salary amounts are from law library payroll data. % increases are from the Board's minutes.

San Diego Law Library is one of the largest county law libraries in the country. It is in a location with a high cost of living. Some of its salary data is public record, so candidates for the role will be aware not only of general salary trends in the law library profession but also specific salary trends in peer California county law libraries and in San Diego public libraries. We compare our salary ranges with peer law libraries and to public libraries. We do not evaluate our salaries against other county employees nor to legal professionals, despite our educational overlap.

As the law library's chief administrative officer, our salary costs are my biggest concern. They account for the largest expenditure and allow for the least flexibility in managing the uncertainty created by filing fee revenue. I hope you will permit me to suggest that the Personnel committee consider the role's value to the organization and base the salary on that, rather than on the individual in the role. There is a retention risk in being less flexible to an individual's salary requirements but public access to salary data can impact future salary expectations. When I was recruited for this role in 2022, there was a substantial disconnect between the initial salary offer for the role and the publicly available data. It may be worth reconsidering, narrowing, the salary band for this role to ensure that, during future recruitment, the Board enters salary discussions with a more targeted salary range in mind.

I have appended the most recent American Association of Law Libraries salary data for government law library directors/executives. As you can see, the salary range for Pacific region law libraries is substantially higher than in other regions. This reflects the cost of living in California as well as the fact that California has a strong, consistently funded law library environment.

I negotiated my current salary in April 2021, a year before I arrived. It has remained the same since that time. Law library staff salaries, excluding the director, increased in Fiscal Year 2022-2023 by 3.75 percent. We have not yet determined the increase for 2023-2024 but it will be in the 2%-4% range across the board for staff excluding the director.

If there's any additional information I can provide, don't hesitate to let me know.

Salary Tables by Library Type and Position Title: Government Law Libraries

Director/Chief Librarian

(a.k.a., State Law Librarian/Circuit Librarian/County Law Librarian)

Responsibilities include long-range planning, budget development and implementation, library automation, planning and managing library space and facilities, development and implementation of system-wide policies, hiring and supervising professional staff, and negotiation with vendors. Provides professional consultation to judges and other court units. Involvement with, and representation on, governing board committees.

Qualifications: MLS; many librarians holding this title also have a JD; knowledge of professional law librarianship concepts, principles, and practices; significant previous law library experience; strong organizational, analytical, and communication skills.

Annual Salary (7/1/21)

		Mean	Number of Individuals	10th Percentile	First Quartile 25%	Median 50%	Third Quartile 75%	90th Percentile
Total		\$107,255	48	\$60,720	\$80,164	\$101,104	\$134,389	\$156,000
Library Open to the Public	Yes	\$104,813	43	\$60,320	\$80,000	\$99,468	\$129,376	\$152,548
	No	\$128,260	5	NA	\$99,712	\$135,000	\$153,437	NA
Organization Type	State	\$108,351	14	\$67,500	\$95,400	\$103,225	\$130,171	\$145,372
	County or Municipality	\$101,566	26	\$60,560	\$73,590	\$86,152	\$135,013	\$166,100
	Other	\$115,102	6	NA	\$89,625	\$104,732	\$140,170	NA
Location	Middle Atlantic	\$115,304	5	NA	\$101,468	\$106,028	\$133,779	NA
	South Atlantic	\$102,657	6	NA	\$71,989	\$85,557	\$147,656	NA
	West South Central	\$93,972	5	NA	\$57,878	\$96,400	\$128,854	NA
	East North Central	\$90,132	7	NA	\$69,360	\$92,400	\$109,200	NA
	East North Central-Other	\$95,021	6	NA	\$75,011	\$95,059	\$113,038	NA
	West North Central	\$93,132	7	NA	\$60,000	\$84,499	\$129,376	NA
	Pacific	\$126,577	13	\$69,036	\$84,230	\$119,515	\$167,250	\$199,161
	Pacific-Other	\$114,612	7	NA	\$87,804	\$119,515	\$138,000	NA
People Supervised	1 - 3	\$87,747	20	\$60,080	\$64,556	\$80,828	\$110,507	\$124,047
	4 or more	\$126,637	26	\$89,421	\$97,468	\$123,779	\$144,093	\$192,810
Law Library Salary Budget Reduced due to COVID-19	Yes	\$104,467	10	\$46,500	\$75,000	\$95,741	\$135,788	\$195,722
	No	\$107,989	38	\$61,634	\$80,491	\$101,104	\$133,168	\$156,000
Education	MLS (no JD)	\$85,645	15	\$51,453	\$69,360	\$92,400	\$99,500	\$107,297
	MLS & JD	\$120,180	25	\$78,758	\$88,859	\$124,550	\$139,937	\$159,000
	MA/MS	\$87,579	6	NA	\$60,600	\$91,984	\$106,530	NA
Years of Professional Library Experience	5 - 10	\$84,073	5	NA	\$69,925	\$80,000	\$100,258	NA
	Fewer than 10	\$85,061	6	NA	\$73,410	\$80,500	\$97,379	NA
	11 - 15	\$97,179	7	NA	\$60,000	\$80,655	\$142,500	NA
	16 - 25	\$102,949	11	\$48,160	\$75,000	\$99,468	\$135,000	\$153,774
	11 - 25	\$100,705	18	\$54,680	\$67,220	\$98,093	\$136,875	\$156,000
	26 or more	\$114,046	23	\$69,036	\$92,400	\$109,200	\$135,000	\$171,950

Annual salary for full-time employees and annualized salary for part-time employees
Tabulated by Association Research, Inc.

Rows in all salary tables were suppressed if there were fewer than five individuals. This was done to avoid disclosing any salary data for an individual.