

## **Proposed State Aid Rules: Frequently Asked Questions**

November 2008

Q1. Why do the proposed rules come from the Department of History, Arts and Libraries rather than from the Library of Michigan?

A1. Once the Library of Michigan was transferred from the Legislative Council in the Legislative Branch of Government to a department in the Executive Branch of State Government, any authority to promulgate rules necessarily became the purview of the new Department. The Library of Michigan is an agency within the Department, and as such, makes recommendations to the Department on all library-related matters and oversight of all library-related programs.

Q2. When will the new rules go into effect?

A2. October 1, 2009, to coincide with the next State fiscal year.

Q3. Can certification applications be submitted and processed between now and October 1, 2009 under the current guidelines?

A3. Yes.

Q4. Is the Advanced Directors Training cited in the new rules the same as the current New Directors Workshop?

A4. Not exactly. Under the proposed rules, newly appointed library directors would need to attend the Beginning Directors Workshop if they had not done so previously. If they had done so previously, under new appointments to libraries of Class IV, V, and VI only, they would then be required to take the Advanced Directors Training.

Q5. Why was the requirement for continuing education removed after the initial certification requirements have been met?

A5. Under the proposed rules, there are four (4) rather than seven (7) levels of certification for library staff. Under the guidelines, only those holding Level VII certification are required to renew their certification for three-year periods. Under the proposed rules, in order to be eligible for receipt of state aid funds, library staff must meet the necessary certification level only one time and would need re-certification only when moving to another level of responsibility, either in their current library or at another library. Other incentives for continuing education, beyond receipt of state aid, remain part of the Quality Service Audit Checklist benchmarks and will fall under the purview of the local library boards and/or directors to mandate and/or enforce. This provides more flexibility for meeting local library service needs.

Q6. Will the Beginning and Advanced Director Training each be offered more than once per year and in multiple locations.

A6. This has not yet been determined, but it is likely each will be offered only once annually.

Q7. How do these proposed rules mesh with recent discussions about the possibility of state aid funds not going directly to library cooperatives and library cooperative membership potentially becoming optional?

A7. The proposed rules pertain strictly to the current state aid distribution system. If the state aid distribution process were to change, only rules that pertain to any updated system would continue in operation.

Q8. Given the possibility that things might change in the future, why promulgate new state aid rules now?

A8. There is an immediate need to adopt operational administrative rules that apply to the current situation. If the law changes over time, then appropriate revisions can be made.

Q9. Why are the QSAC benchmarks not required within the proposed rules?

A9. When the QSAC benchmarks were initially formulated, it was our hope that they would become mandatory when state aid to public libraries funding grew to a more substantial level of support. Since state aid to public libraries funding levels have not increased substantially, requirements to meet the QSAC benchmarks in order to receive state aid to public libraries would be more of a burden than an incentive. Thus, the flexibility and responsibility for local libraries to strive to meet the QSAC benchmarks remain, as before, in the hands of library boards and library directors.

Q10. Will libraries be required to offer non-resident cards and/or service contracts to other communities?

A10. No. The ultimate decision to offer non-resident cards and/or service contracts remains in the hands of each public library board. Additionally, the determination of what is considered a “reasonable fee” for either situation remains in the hands each public library. Libraries have control and decision-making responsibility in these areas.

NOTE: Libraries are empowered, but not obligated to charge what it costs to provide library service to non-residents, whether through non-resident cards or under service contracts.

Q11. 397.03 Rule 3 Definitions (g) “Library Service” means all library services that are offered by a public library.

Why was “all” added to this definition?

A11. The word “all” was added to the definition of “library service” to ensure that all persons qualifying as part of the legal service population of a public library will receive the same level of service from the library. The accumulated legal service population will include those who live in the jurisdictional service area, as well as residents of communities that have a service contract plus any non-resident who receives a non-resident library card (at whatever reasonable fee, if any, the public library in question imposes). The public policy behind this is that the members of the library’s legal service population should not be splintered into “haves” and “have-nots”, or “preferred customers” and “minimally served customers”.

Q11a. Some libraries that issue non-resident cards participate in the MeLCat program. How will libraries reconcile their MeLCat participation agreements with the new rules? The MeLCat agreement forbids a library from charging for MeLCat interlibrary loans, while at the same time the new rules require MeLCat to be included in the definition of “all library services” purchased by non-residents or their communities.

A11a. If service contracts and/or non-resident library cards are offered, the costs for library service as defined for the jurisdictional residents can be invoked. The costs for managing MeLCat services will be included in that for those libraries participating in MeLCat.

NOTE: It is true that a library is prohibited from charging a per transaction fee for MeLCat service.

Q11b. Some libraries that issue non-resident cards participate in Michicard. This state program limits Michicard holders to checking out books. Does HAL intend to change the agreement for Michicard in order to be consistent and allow Michicard holders to check out all types of library materials?

A11b. Michicard is essentially a reciprocal borrowing agreement. Libraries can choose to lend Michicard patrons items other than books. Since Michicard holders and those utilizing reciprocal borrowing agreements with other libraries do not qualify as part of another public library’s legal service population, the “all library service” stipulation does not apply.

Q12. In Rule 81(b), does the requirement for “four years of full-time employment” mean that library staff who work only 20 hours per week will need eight (8) years to achieve their Level I certification?

A12. Yes. The focus is on extent of actual experience rather than simply on years of employment.

Q13. Rule 397.22 (f). If a public library has contracted with a municipality for the provision of library service to its residents and the total level of local support for the legal service area population is less than the minimum local support requirement mandate in section 5(a) of the act, MCL 397.555(a), each governmental unit comprising the legal service area population may be treated as a separate unit and each unit shall meet the minimum support requirement prescribed in section 5(a) of the act, MCL 397.555(a).

Does this mean that the local library plus the contract area as tabulated together must jointly meet the .3 mil? Or does the word “may” mean that the contract area must meet the .3 mil by itself before it can enter into a contract with a library? Or does it mean that if the total local support or being treated as a separate unit does not meet the minimum support requirement, then there can be no contract?

A13. As is the case in the current guidelines, local support and contractual areas are viewed as one unit to meet the .3 mil. Additionally, if the combined area does not

meet the .3 mil collectively, only then are the individual local support and contractual areas reviewed for their compliance with the .3 mil requirement. So it “may”, as a matter of course, move to that stricter level of specificity on that basis – not on the basis of any particular party’s decision or judgment.

Q14. R397.31(1)(d) says a public library shall employ the requisite number of paid certified persons for every hour the library is required to be open, subject to the following exceptions...

In a small library with 2 or 3 staff members the certified person may be at a meeting, out to lunch, home sick, or on vacation, etc., so no one else would be certified to replace them. How, then, is a library expected to comply with this rule?

A14. Not a problem. Employees are still employed by the library while they attend meetings or when they are at home on sick or annual leave.

Q15. When the rules take effect on October 1, 2009, will the currently certified library staff persons, who are working at the same level of responsibility that they have been to date, have to re-certify at those same levels under the new rules?

A15. No. The proposed rules are “prospective in operation.” This means that they carry force forward from the date they take effect.

Q16. No definition of “evening hours” is included in the new rules. How shall that be defined, then?

A16. No definition of “evening hours” was included in order to allow for flexibility among communities and to meet their varied needs. Each community should work with its own patron base to determine what is best considered “evening hours.”

Q17. R 397.91 Waiver of state aid eligibility requirements. Rule 91. (1) The department, through the department director, may grant a limited waiver to a cooperative library or public library for a particular eligibility requirement prescribed by these rules for the receipt of state aid funds, if the public library or cooperative library requests the waiver in writing and the public library board or cooperative board shows that the failure to meet a requirement was not a continuing violation but a temporary condition. The department director may delegate the authority to the state librarian to grant waivers in writing.

Is the intent of this rule to have each waiver request stand on its own, and not to preclude the possibility of submitting requests for a waiver on the basis of more than one situation?

A17. Yes. A waiver for any one situation will be considered separately from a request for a waiver on another situation. Thus, a separate waiver request must be submitted in writing for each situation in question.