

Employment Policies Booklet

INTRODUCTION

According to Elaine Barnett, an educator in the Presbyterian Church (USA), who has written guidelines for Personnel ministries of congregations, "An effective employee handbook contains information about expectations for employment; work hours and time off; wage, salary, and benefits guidelines; the use of church property and equipment; safety; rules of discipline; and a code of confidentiality. This handbook, mindful of federal and state laws, is developed by the personnel committee and approved by the session."

The following policies are intended to guide the employment, oversight, and conclusion of service for all staff members of _____ Presbyterian Church. These policies do not supersede the *Book of Order* of the Presbyterian Church (U.S.A.). These policies are not intended to be a contract (express or implied), nor are they intended to otherwise create any legally enforceable obligations on the part of _____ or its employees. These policies were developed based on documentation and guidance provided by Presbytery de Cristo, Churchwide Personnel Services of the Presbyterian Church (USA), and the Presbyterian Mission Agency. These policies were reviewed and approved by the Session on _____ (date).

These policies are for use by the Session and employees of _____. These policies reflect commitments made by employer (_____) and employees (_____ Staff). _____ will endeavor to recognize and affirm the full potential of each employee. Employees will focus their interests and energy on their work and the mission of _____.

Approved by Session:

____/____/____

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Composition of the Personnel Ministry Team

The Personnel Ministry Team shall be composed of two session members and four members-at-large who shall be nominated by a sub-committee of the Pastor, the Clerk of Session, and the chair of the Nominating committee. These nominees will be confirmed by the Session. The team shall be divided into three classes with two members serving in each class.

Employees included these policies include:

- Installed Pastor/Head of Staff
- _____ (List all paid staff)
- _____
- _____

_____ 's Responsibilities

- To be faithful to the mission of _____.
- To assure employees that policies and personnel practices are attentive to the rights of an employee.
- To provide equal opportunity for all employees.
- To provide fair compensation to all employees.
- To assist employees in meeting their vocational goals in a manner consistent with the mission and interests of _____.
- To conduct performance evaluation and work with each employee to set clear and achievable work goals.
- To maintain open communication with employees.
- To administer a procedure that provides employees with the opportunity to resolve complaints and grievances.
- To make every reasonable effort to provide for a safe work environment.

Employee Responsibilities

- To give their best performance to their assigned work.
- To demonstrate a commitment to the mission of _____.
- To demonstrate an understanding of their work in the larger context of the church's life.
- To demonstrate good stewardship of the resources entrusted to them.
- To act in accordance with the employer's rules and regulations.

Immigration Law Compliance

In compliance with the Immigration Reform and Control Act of 1986, each new employee, as a condition of employment, must complete the Employment Eligibility Verification Form I-9 and present documentation establishing identity and employment eligibility. Former employees who are rehired must also complete the form.

Equal Employment Opportunity and Affirmative Action

In keeping with the Presbyterian Church (U.S.A.) Churchwide Policy for Equal Employment Opportunity and Affirmative Action, it is the policy of _____ to provide equal employment opportunity for all applicants and employees. _____ does not discriminate on the basis of race/ethnicity, color, national origin, gender, age (40 and over), marital status, sexual orientation, gender identity/expression, creed, protected disability status, citizenship status, genetic information, uniformed service or veteran status or religious affiliation (except where religious affiliation is a bona fide occupational qualification), or any other characteristic protected by law. This policy applies to all areas of employment, including recruitment, hiring, training, promotion, compensation, benefits, transfer, and social and recreational programs.

Nature of Employment (Pastors)

The pastoral relationship in the Presbyterian Church (U.S.A.) is a three-way covenant among a pastor, a congregation, and a presbytery. "In the performance of [pastoral] ministry, the minister of the Word and Sacrament shall be accountable to the presbytery" (*Book of Order* G-2.0502) . The Presbytery Committee on Ministry has responsibility for ongoing review and supervision of the relationship between a pastor and an employing congregation.

The pastoral relationship between a pastor and a church may be dissolved only by presbytery. Whether the minister or the church or the presbytery initiates proceedings for a dissolution of the relationship, there shall always be a meeting of the congregation to consider the matter and to request, or consent, or decline to consent to dissolution, as provided in the Book of Order of the PC(USA).

Nature of Employment (Non-Pastoral Staff)

The Session "has responsibility for employing the administrative staff of the congregation" (*Book of Order* G-3.0201c). Each staff person shall be accountable to the Pastor, as head of staff.

The nature of the non-pastoral employment relationship at _____ is at will, meaning either party may terminate the employment relationship at any time for any or no reason. Statements in this Personnel Policy booklet do not constitute a contract of employment for a specified time, or any limitation on _____ or any employee to terminate the employment relation, with or without prior

warning or notice, and without the use of progressive discipline. Some situations may warrant exceptions to these policies and procedures as determined by _____. Policies may be changed at any time with the Session's approval. Any such change will apply to existing, as well as future employees.

Hiring Procedure

The principles of inclusiveness and affirmative action stated in the *Book of Order* of the Presbyterian Church (U.S.A.) will be followed to the fullest extent possible. All positions will be authorized by _____'s Session. Consultations with Session, ~~and~~ the Personnel Ministry Team, and the appropriate Session committee shall occur, resulting in interviews for prospective employees. References will be required for all positions.

Position Descriptions

_____ makes every effort to create and maintain accurate job descriptions for all positions within the organization in order to: orient new employees to their position, identify the requirements of each position, establish hiring criteria, set standards for employee performance reviews, and establish a basis for making reasonable accommodations for individuals with disabilities. Each position description clearly states duties and responsibilities, accountability, salary and benefits.

Head of Staff and the employee collaboratively prepare job descriptions with input from the Personnel Ministry Team and the appropriate Session committee, and with approval by the Session. Job descriptions are periodically revised to reflect changes in duties and responsibilities. All employees are expected to help ensure that their job descriptions accurately reflect the work they do.

Job descriptions do not necessarily cover every task or duty that might be assigned, and additional responsibilities may be assigned as necessary.

Job descriptions are reviewed at least once annually.

Confidential Information

The protection of confidential information is vital to the interests and the success of _____. Such confidential information includes, but is not limited to, the following examples:

- information concerning pastoral care that is provided to members and friends of the congregation;
- employee information (including, but not limited to, employee social security numbers and medical information);
- vendor information;
- donor information;
- computer processes, programs, passwords, and codes (such as source code);
- and financial information.

All employees, session members and volunteers are subject to the federal HIPAA (health insurance portability and accountability) laws including the confidentiality of personal identifiers and information about parishioners as well as other employees. There are federal penalties including both financial and possible incarceration associated with violations of HIPAA laws.

Employees who improperly use or disclose confidential information will be subject to disciplinary action, up to and including termination of employment, even if they do not actually benefit from the disclosed information.

Employees are required to protect organization records entrusted to them or accessible to them against unauthorized access, loss, or destruction. These records include all written and/or computerized information produced by or for _____. Particular care must be exercised when confidential documents and information are stored on external storage devices (for example, USB drives or thumb drives).

Personnel Records

It is important that records be accurate at all times. Employees are expected to promptly notify the Church Office Manager of any pertinent change in name, address, phone number, emergency contact names and phone numbers, critical medical information or number of dependents to enable accurate business records and appropriate response in case of emergency.

_____ maintains a personnel file on each employee. The personnel file includes such information as the employee's job application, resume, records of training, documentation of performance reviews and salary increases, and other employment records. Any medical or health information shall be maintained separately.

An employee may review his/her own personnel file at any time with reasonable advance notice, by contacting the Head of Staff. The Head of Staff will be present to answer questions and safeguard the files. Former employees will not have access to their personnel file.

Personnel files are the property of _____, and access to the information they contain is confidential. Generally, only those with supervisory responsibility for the employee have access to the employee's personnel file.

Personnel records will be retained for seven (7) years following termination of employment.

Employment Classifications

_____ clarifies definitions of employment classifications so that employees understand their employment status and benefits eligibility. These classifications do not guarantee employment for any

specified period of time. Accordingly, the right to terminate the at-will employment relationship at any time is retained by both the employee and _____.

Exempt Status: Employees whose positions meet specific exemption tests established by the federal Fair Labor Standards Act (FLSA) are exempt from FLSA'S provisions and do not receive overtime pay when they work in excess of 40 hours per week.

Non-Exempt Status: Employees whose positions do not meet the FLSA exemption tests and must be paid the equivalent of at least time and a half of their regular hourly rate of pay for time worked in excess of 40 hours per week.

Full-Time Status: Full-time employment is defined as at least 35 regularly scheduled hours of work per week.

Part-Time Status: Anything less than 35 regularly scheduled hours of work per week, or as otherwise defined by your work location.

Regular Status: Employment that has no prearranged ending date.

All classifications of employment are subject to the policies listed in this manual, except where the Presbyterian Church (USA) *Book of Order* or a call agreement differ as to terms, in which case those documents will prevail.

Temporary Status: Temporary employees are those who are hired for up to 3 months to temporarily supplement the workforce, or to assist in the completion of a specific project. Employment beyond any initially stated period does not imply a change in employment status. Temporary employees retain that status unless and until notified in writing of a change.

Volunteers and Independent Contractors

Volunteers and independent contractors are not employees but may be subject to some of the same select aspects of practice as employees including, but not limited to, compliance with federal/state laws, HIPAA, investigations and progressive disciplinary action.

Employment References and Background Checks

To ensure that individuals who join the staff of _____ are well qualified and have a strong potential to be productive and successful, _____ checks the employment references of applicants and any criminal records. Head of Staff will ensure that appropriate releases and consents are obtained from applicants and will get two positive reference checks. If reference checks are in conflict, a third reference check will be conducted. Church Office Manager will coordinate with a third-party service to secure criminal background or other checks required for the position. Head of Staff will determine if an employee is eligible for hire.

Performance Reviews

Head of Staff and employees are strongly encouraged to discuss job performance and goals on an informal, day-to-day basis. Performance reviews are conducted by the Head of Staff and the employee's liaison to the Personnel Ministry Team, at least once per calendar year to provide both the Head of Staff and employees the opportunity to discuss job responsibilities, performance against goals and development opportunities.

The Personnel Ministry Team identifies three to five individuals, including the Head of Staff/Supervisor who have worked with the staff member and are therefore qualified to provide input via a simple, confidential questionnaire. Head of Staff and staff member's liaison to the Personnel Ministry Team meet with staff member, according to the following purpose and areas to address.

Purpose of Performance Reviews

- To create an ongoing dialogue regarding performance and effectiveness
- To create an environment in which staff can function most efficiently
- To limit problems in their infancy; address problems in timely, appropriate manner
- To give staff a means of direct communication with supervisor and, if necessary, access to an appropriate grievance process

Areas to Address

- Review job description
- Identify successes, positive performance examples
- Identify areas for potential growth and/or improvement
- Identify additional insights relative to the staff member's job performance

Pastor's Review

- Includes all of the above plus triennial visit from representatives from the Presbytery's Committee on Ministry, who meet with the Pastor and with the Session of the church. **[NOTE: Session should give consideration of adopting the evaluation methodology found in Jill Hudson's work *When Better Isn't Enough: Evaluation Tools for the 21st Century*. Hudson is a former EP and GA staff person with an excellent handle on the impossibility of a pastor to be competent in all things required of today's pastor. She advocates for a reasonable, limited, step improvement conversation for both the pastor and the elders.]**

Commented [CM1]: You may want to consider adopting the methodology Jill Hudson, a former EP and GA staffer, recommends in her book "When Better Isn't Enough: Evaluation Tools for the 21st Century Church." For now, this sentence should stand, and a revision, if so desired, can be made later. Jill's method for evaluations recognizes the complexity and impossibility for a pastor to be good at all that is needful, and then sets the context of the conversation as limited, reasonable, improvement steps that cohere with the church's current situation. Oh, and it asks the elders also to take limited, reasonable, improvement steps 😊

Expressing Concerns/Complaints

Employees are encouraged to raise work-related concerns informally with their immediate supervisor or with the Moderator of the Personnel Ministry Team. They will attempt to keep confidential, if requested and if reasonably possible, all such expressions of concern, as well as the investigation and resolution of the expressions of concern.

Employees are encouraged to raise work-related concerns as soon as possible after the event that causes the concerns. Alternatively, if an employee believes their immediate supervisor is not the appropriate person with whom to raise the concern, the employee may raise it with the Personnel Ministry Team Moderator. If an employee has information or a reasonable and sincere belief that _____ or an _____ employee has violated, is violating, or will violate State law or the State constitution, and/or an employee has claims of waste, fraud, abuse of authority, or unethical or immoral conduct, and the employee wishes to report such behavior, the employee must bring those concerns to the Head of Staff. The Head of Staff has the authority to investigate the information provided by the employee and to take action to prevent further violations of the constitution or statute. If the employee believes that the Head of Staff is the employee violating the constitution or statute, the employee must report those concerns to the Moderator of Personnel Ministry Team.

Formal Complaints

A formal complaint must be filed in writing with the Head of Staff. In a case where the Head of Staff is the person against whom the complaint is being filed, a written complaint must be filed with the Moderator of the Personnel Ministry Team. The Head of Staff or Moderator will date and log all formal Complaint Forms and send the employee an acknowledgment that the complaint is under review. The Head of Staff or Moderator, along with at least one Elder of the Session, appointed by the Session, will form a confidential investigate team and will investigate the allegations of the employee's complaint by meeting separately with the employee and with others who either are named in the complaint or who may have knowledge of the facts set forth in the complaint. On completion of the investigation, the Head of Staff or Moderator, along with the appointed Elder, will orally report findings and conclusions to the employee. The decision of the investigative team will be final.

Grievance Procedure

- Used in the event that direct communication with the Head of Staff is deemed by the staff person as not adequately satisfying the grievance
- Staff person is given permission to write a formal grievance
 - o Staff person's name

- o Description of the situation causing the grievance
- o Steps taken to date to resolve the grievance
- o Requested action, if known, to resolve the grievance
- Personnel Ministry Team meets in person to discuss the written grievance.
- Personnel Ministry Team assesses the grievance according to the following rubrics:
 - o Is the grievance a matter whose response is dictated by legal statutes (e.g. an accusation of harassment or bullying)?
 - o Is the grievance a matter related to Session policies and procedures?
 - o Is the grievance a matter related to Session defined mission, vision, objectives and goals?

Commented [CM2]: If there is a grievance that cannot be handled by the Head of Staff, the conversation should be face to face. Phone calls do not allow one to discern body language, and email is for informational rather than relational communication.

If the answer to any of the above questions is yes, the Personnel Ministry Team shall respond so that each employee abides by all legal statutes as well as Session approved policies and procedures, and mission, vision, objectives, and goals as appropriate. Grievances that allege transgression of legal statutes shall be referred to Session for action, and Session shall appoint an Investigative Committee per Book of Order procedures.

If the answer to all of the above questions is no, the Personnel Ministry Team shall respond by coaching the employee on possible means to solve their own problem, with an emphasis on direct, open and healthy communication. The Personnel Ministry Team may also respond by coaching the Head of Staff on ways to facilitate effective communication and management of the employee.

The Personnel Ministry Team should avoid allowing itself to be drawn into a triangle between the Head of Staff and employee as its primary concern is upholding the legal, policy and mission rubrics described above.

The Personnel Ministry Team shall communicate their actions to the employee and to the Head of Staff both in writing and in-person.

Compensation

For Ministers of the Word and Sacrament, compensation consists of salary and housing to which other benefits and expenses may be added. Presbytery de Cristo must approve all compensation packages for Ministers of Word and Sacrament and because changes in compensation packages represent a change in the terms of call, the congregation must also act upon them. This is normally done at the annual congregational meeting.

Compensation for non-clergy employees is based on the standards existing in the local community. In all compensation considerations, adequacy and fairness will prevail. All compensation will be reviewed

annually by the Personnel Ministry Team and the Session. The Session will have final authority is determining non-clergy employees' compensation.

Method of Payment

Salaried employees are paid a fixed salary, not by the hour and are not subject to the overtime pay and other provisions of the Fair Labor Standards Act (FLSA). Hourly employees are paid by the hour, and their wages fluctuate according to the number of hours worked and are subject to provisions of the Fair Labor Standards Act (FLSA).

Payroll

Employees are paid on the 15th and the last day of each month, by direct deposit whenever such an arrangement is possible. If a payday falls on a weekend or a holiday, paychecks will be distributed on the preceding workday.

Housing Allowance

The Internal Revenue Code allows exempt-level ordained ministers to exclude from gross income for tax purposes, if designated in advance by the employer, any housing allowance paid as part of compensation when that allowance is used for specified purposes. The responsibility for accurate estimates of the housing allowance and payment of applicable taxes rests solely with the employee. For ordained ministers serving on _____'s staff, these employee policies affirm terms of call regarding housing allowance, which must be approved annually by the congregation and reported in the minutes of the annual congregational meeting.

Specified purposes for which a housing allowance may be used are:

- a. rental of a home
- b. Purchase of a home including down payment, mortgage, legal fees, fees for title search, installment payments, interest, taxes, fire and home liability insurance premiums, and repairs.
- c. Operating costs of home, such as utilities, home furnishings, attached garage, sidewalks, front and back yards but excluding costs for food or domestic help.
- d. All of the above is compared to fair rental value and estimated utilities and whichever is lower is operative.

Vacation

Employees are encouraged to use their vacation. Ordained employees working under terms of call approved by the congregation shall have vacation designated in their terms of call. Other employees shall have vacation as provided in the annual employment agreement.

Vacation time should be taken each year and is not cumulative. However, staff entitled to more than two (2) weeks of vacation may carry over one (1) week of vacation in the following year. Vacation time may be used in its entirety at one time or on a one (1) day at a time basis. The minimum amount of vacation time that may be taken at any one time is one half (½) day. Staff personnel meeting all of the above requirements will receive pay at their regular rate for each week of earned vacation. Payment to part-time employees who take vacation leave will be based on the average number of hours that the employee has been working per week at the time the vacation leave is requested.

Upon voluntary termination of employment, all vacation time earned but not taken for the previous year, but due in the current year, shall be paid in lieu of this time. In addition, the individual will be paid any vacation accrued at the time of termination. Employees who have worked less than one (1) year and who voluntarily terminate employment will not be entitled to any accrued vacation pay.

Holidays

provides full-time employees the following paid holidays:

| | |
|-----------------------------|---------------------------------|
| New Year’s Day | Labor Day |
| Martin Luther King, Jr. Day | Thanksgiving Day & Friday after |
| Presidents’ Day | Thanksgiving |
| Good Friday | Christmas Eve |
| Memorial Day | Christmas |
| Independence Day | |

When a scheduled holiday falls on a Sunday, it will be observed on the Monday afterwards; when it falls on a Saturday, it will be observed on the preceding Friday. Holidays occurring during approved vacation leave will not be counted as vacation.

Leaves of Absence

Sick Leave

All regular full-time employees are eligible to accrue ten (10) days of paid sick leave per calendar year, including Sundays.

All part-time employees are eligible to accrue five (5) days of paid sick leave per calendar year, including Sundays.

Sick leave may be accumulated up to a total of 120 days. Exceptions from this total are at the discretion of the Session. An employee requiring additional sick leave shall be considered on a case-by-case basis by the Session. Hours absent for medical and dental appointments will normally be treated as sick leave. Exceptions are at the discretion of the Supervisor/Head of Staff.

Sick leave may be taken for personal illness, emergency, or disability, or for a family care leave purpose as described in these Personnel Policies under Family and Medical Leave. Use of sick leave for personal or family emergencies is subject to the approval of the Supervisor/Head of Staff, or, in the case of Head of Staff requiring sick leave, the approval of the Session.

Approved sick leave and authorized absence from work due to a bona fide illness or absence may still result in administrative termination of employment when circumstances prevent the employee from being able to work full time or in a consistently dependable manner.

Administrative Leave

If determined necessary by the Head of Staff, an employee may be placed on Administrative Leave for a period of time set by the Session. Specific terms of the Administrative Leave will be defined by the Session and the Head of Staff. If the employee to be placed on Administrative Leave is the Pastor, the Administrative Leave must be approved by the Session with full concurrence by the Committee on Ministry of the Presbytery.

Industrial Injury Leave

An industrial injury leave of absence covers a period of disability actually the result of, or alleged to be the result of, an industrial injury or illness (injury or illness related to the job). If an employee sustains an industrial injury, the employee must notify his or her supervisor immediately so that a claim can be filed by the employee and by _____. The amount of payment during industrial leave is determined by the workers compensation carrier.

Short-Term Medical Disability Leave

An employee disabled by either physical or mental illness may be granted short-term medical disability leave, at the sole discretion of the Head of Staff and the Session. Questions about

eligibility and coverage should be directed to the Head of Staff. Sick leave and vacation leave do not accrue during a short-term medical disability leave. The employee will provide written verification from an appropriate licensed physician permitting the employee to return to work; all of which may be subject to additional review. A request to return to work on a part-time basis will be accommodated if it is possible to do so.

Legally Required Absence

Employees will be granted a leave of absence as required by law (such as jury duty, appearance as a witness in a legal proceeding, or military reserve duty). Employees are required to provide reasonable advance notice of any need for such leave and are expected to return to work each day that they are not selected for jury duty or called as a witness. Non-exempt employees will be paid for days taken for jury duty or witness appearance up to a maximum of five (5) days. Pay for additional days may be granted at the sole discretion of the Session.

Maternity/Paternity Leave of Absence

An employee shall be granted 6 weeks of paid leave after the birth or adoption of a child. If additional time off is desired the options are use of sick leave days, use of vacation days, or with supervisor approval, use of an unpaid leave of absence.

Family and Medical Leave

Due to the small size of its staff, _____ cannot offer family or medical leave consistent with the Family and Medical Leave Act of 1993. Each situation will be reviewed on a case by case basis. An employee must use all accrued paid sick leave during a family or medical leave. An eligible employee may be granted unpaid family or medical leave at the sole discretion of the Session and with approval of the Head of Staff, as set forth below:

- An employee who has been employed for at least twelve (12) months and has worked at least 1,250 hours during the preceding 12-month period is eligible for unpaid family or medical leave.
- An eligible employee may be entitled to take up to twelve (12) weeks of family or medical leave in any 12-month period.
- An employee who meets the applicable eligibility requirements may be granted a total of up to twelve (12) weeks of unpaid leave for the following reasons:
 - A. the placement of a child with the employee for adoption or foster care;

B. the care for a spouse, child, or parent who has a serious health condition; or a serious health condition that renders the employee incapable of performing the functions of his or her job.

- The employee should apply for family or medical leave in writing.
- A minimum of thirty (30) days-notice should be given, if possible.
- If the employee is covered by the Presbyterian Church (USA) Board of Pensions health plan, the employee will be retained on the health plan during an approved family or medical leave. If the employee does not return to work after expiration of the leave, the employee may be required to reimburse _____ (or have deducted from any final pay) the cost of health insurance premiums during the leave.
- During an approved family or medical leave, the employee will report to the Head of Staff every thirty (30) days indicating his/her intention to return to work upon completion of the leave.

Family Bereavement Leave

Any employee who experiences a death in the immediate family is granted emergency paid leave of up to five (5) working days, including one Sunday. Compensation will be paid at the employee's normal base rate of pay for the actual time lost. "Immediate family" includes the employee's spouse, children, parents, grandparents, brothers, and sisters, as well as the parents of the employee's spouse. If circumstances demand that additional time be taken, an employee's accrued vacation time may be used for this purpose, with concurrence of the Head of Staff, or in the case of the Head of Staff requiring Bereavement Leave, concurrence of the Session.

Personal Leave

_____ may grant a personal leave of absence for compelling personal reasons for up to thirty (30) days. Personal leaves must be requested and granted in advance and will be unpaid. Personal leave provisions otherwise are identical to those for family, medical, and short-term disability leaves of absence.

Education Leave

Clergy Staff: Each full-time clergy employee may receive two (2) weeks study leave annually. Normally this leave should be taken each year during the calendar year. The leave can be accrued up to six weeks (3 years). The time and purpose will be determined with the approval of the Session. The Session may allow and must approve the leave of the Pastor.

Non-Clergy Staff: The Presbytery encourages its staff to seek professional advancement or individual improvement through educational opportunities in fields related to their positions. Prior to the beginning of any course work for which the employee may seek reimbursement of expenses, the employee must submit a written request.

Insurance & Retirement Benefits

Medical Insurance

All installed clergy employees and their dependents are eligible to participate in the Presbytery's health insurance plan with the Board of Pensions of the Presbyterian Church (U.S.A.). Major medical premiums are paid by the contracting congregation.

Dental Insurance

Employees eligible for the Board of Pensions health insurance plan may elect to participate in the Board of Pensions dental plan. Premiums are paid by the employee through an annualized payroll deduction.

Accidental Death and Dismemberment Insurance

Eligible employees may elect to have accidental death and dismemberment insurance coverage. Premiums are paid by the employee through an annualized payroll deduction. Post-Employment Insurance Options (COBRA) Pursuant to the Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA), eligible employees and their dependents may be entitled to continue insurance coverage after employment with the contracting congregation ceases.

Retirement Program

The Presbyterian Church (U.S.A.) Board of Pensions policy also provides retirement benefits. When employees become eligible, they automatically become members and participants in the Plan. Further information is available from the Board of Pensions.

Death in Service

In the event of the death in service of an employee, and subject to state law, the salary of that person will be continued to the spouse or other dependent for one (1) month beyond the

month in which the death occurs. Death benefits are also provided through the Presbyterian Church (U.S.A.) Board of Pensions Plan.

Retirement/403b

All employees are eligible to participate in the 403(b) pension savings plan developed by the PC(USA). Employees may make voluntary contributions up to the maximum amount allowed based upon current Internal Revenue Guidelines. Currently _____ does not make any employer contributions. Additional information on the plan can be found on the PC(USA) website www.pensions.org. The completed application should be returned to the Church Office Manager for processing.

Pastoral Resignation

In the event of a voluntary pastoral resignation, in keeping with *Book of Order* provisions, the pastor shall

1. Promptly notify the Presbytery's Stated Clerk, Presbytery Pastor, and the Moderator of the Presbytery's Commission on Ministry of the intention to resign.
2. Share the news with the Session before sharing it with others in the church or community.
3. Ask the session to call a Congregational Meeting to concur with your resignation.
4. The pastor shall announce his/her resignation officially and personally at a public worship service and is encouraged to be positive and affirming in the announcement. Under normal circumstances, four to six weeks notice of resignation is to be provided.

Computer and Electronics Usage

The use of _____ computers, fax machines, and all forms of Internet access, is for church business and for authorized purposes only. Brief and occasional personal use of the electronic mail system or the Internet is acceptable as long as it is not excessive or inappropriate, occurs during personal time (lunch or other breaks), and does not result in expense to the Church.

Use is defined as "excessive" if it interferes with normal job functions, responsiveness, or the ability to perform daily job activities. Electronic communication should not be used to solicit or sell products or services that are unrelated to _____'s mission; distract, intimidate, or harass coworkers or third parties; or disrupt the workplace.

Using Church automation systems to access, create, view, transmit, or receive racist, sexist, threatening, or otherwise objectionable or illegal material is strictly prohibited. "Material" is defined as any visual, textual, or auditory entity. Such material violates _____'s anti-

harassment policies and is subject to disciplinary action. The Church's electronic mail system, Internet access, and computer systems must not be used to violate the laws and regulations of the United States or any other nation or any state, city, province, or other local jurisdiction in any way. Use of church resources for illegal activity can lead to disciplinary action, up to and including dismissal and criminal prosecution. _____ will comply with reasonable requests from law enforcement and regulatory agencies for logs, diaries, archives, or files on individual Internet activities, e-mail use, and/or computer use.

Harassment-Free Policy

_____ is committed to providing a workplace free of sexual harassment, as well as harassment based on such factors as gender, sexuality, race, color, religion, national origin, ancestry, age, medical condition, disability, or veteran status. _____ strongly disapproves of and will not tolerate harassment of employees by managers, supervisors, or coworkers. Therefore, no employee should assume that _____ has authorized any such behavior or that any supervisor is acting on behalf of _____ in engaging in such behavior. _____ will also attempt to protect employees from harassment by nonemployees in the workplace.

Harassment includes verbal, physical, and visual conduct that creates an intimidating, offensive, or hostile working environment or that interferes with work performance. Some examples include bullying; aggression; threats; racial slurs; ethnic jokes; posting of offensive statements, posters, or cartoons; or other similar conduct. Sexual harassment may include solicitation of sexual favors, unwelcome sexual advances, or other verbal, visual, or physical conduct of a sexual nature.

Employees should report any incident of harassment, including work-related harassment by _____ personnel or any other person, promptly to the Head of Staff or Session, which is responsible for investigating the matter. Supervisors who receive complaints or who observe harassing conduct should inform the Session immediately. However, employees are not required to complain first to their supervisor if the supervisor is the individual who is harassing the employee(s).

Every complaint of harassment reported to a supervisor or the Session will be investigated thoroughly, promptly, and in as confidential a manner as possible. In addition, _____ will not tolerate retaliation against any employee for making a complaint of harassment to a supervisor or the Session.

Disciplinary action for a violation of this policy can range from verbal or written warnings up to and including immediate termination, depending on the circumstances. With regard to acts

of harassment by non-employees, corrective action will be taken after consultation with the appropriate supervisory personnel.

Alcohol and Drug-Free Workplace

It is the intent of _____ to maintain a workplace that is free of drugs and alcohol and to discourage drug and alcohol abuse by its employees. Employees who are under the influence of a drug or alcohol on the job compromise _____'s interests and endanger their own health and safety and the health and safety of others and can cause a disruptive working environment.

To further its interest in avoiding accidents, to promote and maintain safe and efficient working conditions for its employees, and to protect its property and operations, _____ has established this guideline concerning the use of alcohol and drugs.

1. Prohibited Conduct

A. Scope: The prohibitions of this section apply whenever the interests of _____ may be adversely affected, including any time employees are: (1) On _____ premises; (2) Conducting or performing _____ business; (3) Operating or responsible for the operation, custody, or care of _____ equipment or other property; or (4) Responsible for the safety of others.

B. Alcohol: The following acts are prohibited and subject employees to discharge: (1) Unauthorized use, possession, purchase, sale, manufacture, distribution, transportation, or dispensation of alcohol; or (2) Being under the influence of alcohol in the workplace.

C. Illegal Drugs and Other Controlled Substances: The following acts are prohibited and subject employees to discharge: (1) Use, possession, purchase, sale, manufacture, distribution, transportation, or dispensation of any illegal drug or other controlled substance; or (2) Being under the influence of any illegal drug or other controlled substance in the workplace.

2. Testing

When _____ has reason to believe that an employee may be under the influence of alcohol, drugs or other controlled substance, _____ reserves the right to require employees to undergo appropriate tests designed to detect the presence of these substances. Refusal to consent to such a test may result in disciplinary action up to and including dismissal.

3. Disciplinary Action

A. Discharge for Violation of Guideline. A first violation of this Guideline may result in immediate discharge.

B. Discretion: Not to Discharge. _____, at the discretion of the Session, may choose not to discharge an employee for a first violation of this guideline. Such a choice is conditioned on the employees' participation in and satisfactory completion of an approved drug or alcohol abuse assistance or rehabilitation program. An employee who is not discharged for a first violation of this guideline will receive a final written warning and immediate suspension without pay for a period of ten (10) calendar days.

C. Effect of Criminal Conviction. Conviction under a criminal drug statute for a violation occurring in the workplace or during any _____-related activity or event will be deemed a violation of this guideline and will result in immediate dismissal.

D. Effect of Second Violation. A second violation of this guideline will result in immediate discharge.

E. Effect of Discharge on Eligibility for Rehire. Termination of employment for a violation of this guideline will render a person ineligible for rehire by _____.

Dress and Grooming Standards

While _____ has no formal dress code, it is in the best interest of both _____ and its employees to present a professional image to the public. Accordingly, it is expected that all employees will dress in a manner consistent with good hygiene, safety, and business needs. Employees whose jobs require them to come in contact with the public are expected to wear apparel consistent with that worn by other persons who work in similar capacities in the community.

Safety

_____ strives to maintain safe working conditions. Employees are asked to observe safety precautions at all times and to report injuries, accidents or any potential safety hazards immediately. First aid supplies and a CPR/AED device are available on premises at all times. In the event of a health emergency, 9-1-1 should be telephoned immediately.

Employment Separations

Employment relationships are at-will and may be terminated at any time with or without cause and with or without notice by the employee or _____ (except as otherwise required by applicable laws).

Terminations of employment may occur as the result of voluntary resignation, dismissal, termination without cause, reduction in force, reorganization, position elimination, retirement, or death.

All termination decisions are made upon recommendation of the Head of Staff with the concurrence of the Personnel Ministry Team and Session.

Where applicable, *Book of Order* provisions will be followed in connection with the termination of salaried, administrative, or professional employees.

Voluntary Termination

_____ will consider an employee to have voluntarily terminated employment if the employee does any of the following:

- elects to resign from _____;
- fails to return from an approved leave of absence on the date specified by _____; or
- fails to report for work without notice to _____ for three (3) consecutive days.

A resignation occurs as a result of the employee's own decision to leave the present position.

_____ requests that non-exempt employees ending employment voluntarily give at least 2-weeks' notice of resignation; exempt employees should give four to six weeks' notice.

Employees who resign will receive pay for time worked plus unused prorated vacation.

Employees who resign are requested to participate in an exit interview with selected members of the Personnel Ministry Team in order for the church to learn and grow based on possible input received during the interview. Nonparticipation in the exit interview will have no impact on recommendations for rehire or final payout.

Pastoral Resignation

In the event of a voluntary pastoral resignation, in keeping with *Book of Order* provisions, the pastor shall:

1. Notify the Presbytery's Stated Clerk, Presbytery Pastor, and the Moderator of the Presbytery's ~~Committee~~ Commission on Ministry of the intention to resign.
2. Share the news with the Session before sharing it with others in the church or community.
3. Ask the session to call a Congregational Meeting to concur with your resignation.
4. Announce his/her resignation officially and personally at a public worship service, and is encouraged to be positive and affirming in the announcement. Under normal circumstances, four to six weeks notice of resignation is to be provided.

Termination Due to Reorganization, Economics or Lack of Work

From time to time, _____ may need to terminate employees as a consequence of reorganization, job eliminations, or lack of work. Should _____ consider such terminations necessary, _____ will attempt to provide all affected employees with advance notice when practical. Layoff benefits associated with such terminations, if any, will be as specified in the notice.

Separation Pay and Benefits

All employees, regardless of the circumstances of separation from employment, receive pay for time worked plus unused, pro-rated vacation pay in compliance with Arizona law.

Discipline

Employees may be disciplined up to and including termination for unacceptable job performance, including, but not limited to, the following:

1. below-average work quality or quantity;
2. poor attitude (for example, rudeness or lack of cooperation);
3. excessive absenteeism, tardiness, or abuse of break and lunch privileges;
4. failure to follow instructions or _____ procedures; or
5. failure to follow established safety regulations.

Misconduct

Employees may be disciplined up to and including termination for misconduct, including, but not limited to, the following:

1. insubordination
2. dishonesty
3. theft
4. discourtesy
5. misusing or destroying church property or funds, or the property or funds of another on church premises
6. disclosing or using confidential information without authorization
7. falsifying or altering _____ records, including the application for employment
8. interfering with the work performance of others
9. altercations
10. harassing, including sexually harassing, employees or members
11. sexual misconduct (as defined by adopted church policies)

12. being under the influence of, manufacturing, dispensing, distributing, using, or possessing alcohol or illegal or controlled substances on church property or while conducting church business
13. gambling on _____ premises or while conducting _____ business
14. sleeping on the job or leaving the job site without authorization
15. possessing a firearm or other dangerous weapon on church property or while conducting church business (_____ may define or redefine what is a dangerous weapon at any time)
16. being convicted of a crime that indicates unfitness for the job or raises a threat to the safety or well-being of its employees, constituents, or property;
- or 17. refusing to submit to testing for drugs and/or alcohol.

Annual Policy Review

The Session of _____ will review this policy annually.

ACKNOWLEDGEMENT OF RECEIPT

PLEASE READ THIS PERSONNEL POLICIES BOOKLET AND FILL OUT AND RETURN THIS PORTION TO THE Head of Staff WITHIN ONE (1) WEEK OF Receiving the Booklet.

Date Booklet Received: _____

Employee Name: _____

This will acknowledge that I have been given a copy of the Personnel Policy for Mountain Shadows Presbyterian Church booklet, summarizing _____'s personnel guidelines, and that I have read and understood the contents. I understand the statements contained in the booklet are not intended to, nor do they, create any contractual or other legal obligations. I also understand that _____ may modify or rescind any policies, benefits, or practices described in these Personnel Policies at any time, without prior notice to me. I further understand that the nature of the non-pastoral employment relationship at _____ is at will, meaning either party may terminate the employment relationship at any time for any or no reason. I hereby authorize Mountain Shadows Presbyterian Church to withhold from my paycheck monies I may owe to _____, including, without limitation, withholding wages from my final paycheck for failing to return _____ property.

Signed: _____ Date: _____