

# Washington Presbytery of Pennsylvania Personnel Policies

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# WASHINGTON PRESBYTERY OF PENNSYLVANIA PERSONNEL POLICIES

## PREFACE

The Washington Presbytery of Pennsylvania (Presbytery) is a legal not-for-profit corporation in the Commonwealth of Pennsylvania. Presbytery is a member of the synod of the Trinity (Synod) which is part of the Presbyterian Church (USA).

In the development of its personnel policies, Presbytery shall be guided by the policies of the Presbyterian Church (USA), the Synod as well as laws of the federal, state and local governments that may apply to Presbytery as an employer.

Personnel policies shall normally be developed and amended through the Personnel Committee and approved by the Presbytery Council.

A basic principle in the structure of the Presbyterian Church (USA) is that a presbytery has an original and assigned responsibility to enable mission and ministry within its bounds. To this end, Presbytery employs staff to assist in preparing for and implementing its decisions.

The purpose of these policies is to establish guidance for the Personnel Committee, the Presbytery Council and the Presbytery. These policies provide clarification of the Presbytery's employment practices for those who are employed by the Presbytery, whether exempt or non-exempt employees.

These policies reflect the current personnel practices of the Presbytery, however, they are not a contract of employment and the Presbytery reserves the right to amend, modify or change these personnel policies at any time. Any oral or written statements contrary to these policies are hereby expressly disavowed and should not be relied upon by any prospective or existing employee.

The personnel policies contained in this document are designed for broad directional application. They include local practices and procedures for Washington Presbytery. Questions regarding interpretation of these policies shall be resolved by the Executive Presbyter, in consultation with the Personnel Committee as necessary.

The Presbytery shall determine which committees or persons may function as representatives of the employer and when, to what extent, and with whom such representation is appropriate. Each person, committee, or entity serving as the employer's representative is in turn responsible to the employer or supervisor, from whom authority is derived or delegated.

The staff personnel system is based on a commitment: a) to recognize and to affirm the full potential of each employee; and b) to develop, support and use the full range of human resource potential by securing and maintaining cooperation between employer and employee.

The Personnel Committee shall serve as the representative of the Presbytery, including but not limited to: the development of personnel policies, staff oversight, staff evaluation, staff compensation, and any and all other staffing concerns which might legitimately be brought to the Committee.

The Executive Presbyter shall serve as head of staff and is responsible for implementation of this Policy Manual.

## **1.0 GENERAL**

### **1.1. Commitments Underlying These Policies**

These personnel policies are based on commitments by the employer and employees:

- ◆ The employer will endeavor to recognize and affirm the full potential of each employee and develop, support, and use the full range of human resource potential.
- ◆ Employees will devote their interests and energy to their work and the goals of the organization.

These commitments reflect an open partnership in which objectives are shared and in which both the employer and employees acknowledge their responsibilities to each other.

### **1.2. Employer Rights and Responsibilities**

Employer rights are:

- ◆ To establish basic work goals consonant with the purpose of the Presbytery;
- ◆ To establish an overall structure designed to best accomplish the basic goals;
- ◆ To establish and administer a personnel system which can meet the personnel needs of the structure;
- ◆ To establish position descriptions and qualifications for particular functions and determine who are qualified and/or qualifiable to perform such functions;
- ◆ To establish and administer processes for compensation, career development, benefits, working conditions, promotions, transfers, dismissals, and other phases of employment;
- ◆ To expect employees to be productive in their assigned functions;
- ◆ And provide necessary discipline.

Employer responsibilities are:

- ◆ To be faithful to the purpose of the organization;
- ◆ To assure employees that policies and administration of the personnel system are consonant with the rights of employees;
- ◆ To establish staff structure, position descriptions and personnel policies that fulfill the goals of the Presbytery;
- ◆ To provide equal opportunity for all employees in all aspects of every phase of the personnel system;
- ◆ To assist employees in meeting their career goals and objectives in a manner consistent with the interests of the Presbytery;

- ◆ To conduct regular performance evaluations for all employees at least annually that relate their work objectives to the goals of the Presbytery and that give employees an opportunity to participate in evaluating their own performance in relation to these objectives;
- ◆ To call or employ persons who are qualified and/or qualifiable to fill approved positions;
- ◆ To establish and maintain open communication with employees on matters concerning their and welfare and the Presbytery's interests;
- ◆ To establish and administer a process that provides for the hearing and resolution of complaints, including those related to termination;
- ◆ To make every reasonable and prudent effort to provide a work place that is safe and secure.

### 1.3. Employee Rights and Responsibilities

Employee rights are:

- ◆ To receive adequate information from which to develop an understanding of their role and function in the total structure of the Presbytery;
- ◆ To receive regular information on the quality of their performance;
- ◆ To have as much control as possible over their own career development;
- ◆ To have working conditions that promote the general welfare and encourage productivity;

Employee responsibilities are:

- ◆ To give their best possible performance to their assigned functions in accordance with the Presbytery's program goals and personnel policies;
- ◆ To consider the requirements of the paid position as the primary responsibility;
- ◆ To understand their role and function in the context of the goals of the Presbytery;
- ◆ To act in support of colleagues in fulfilling their respective responsibilities;
- ◆ To participate in committees or groups as requested in furtherance of the goals of the Presbytery;
- ◆ To promptly notify the Executive Presbyter of any and all complaints or problems related to the Presbytery reported by pastors, churches or from any other source;
- ◆ To take initiative so that employee opinion is presented in any appropriate forum dealing with the personnel system;
- ◆ To treat all persons without discrimination;
- ◆ To make suggestions on the improvement of operations;
- ◆ To demonstrate stewardship through efficient and careful use of resources;
- ◆ To act in accordance with the employer's rules and regulations.

### 1.4. Communication

Each new staff member, at the time of employment, shall be issued a full copy of the Personnel Policies and a copy of their job description in effect. It is expected that staff members shall read and seek full understanding of this information. Changes to these policies will be communicated to the staff. Each employee shall sign a written acknowledgment of receipt of a copy of this Personnel Policy Manual and/or any changes subsequently made to the manual, with said acknowledgment to be retained in the employee's personnel file.

## **2.0 EQUAL EMPLOYMENT OPPORTUNITY**

### **2.1. Equal Employment Opportunity Policy**

Presbytery will endeavor to give equal employment opportunity to qualified applicants regardless of race, sex, age, marital status or disability (handicap) in accordance with the Book of Order (G-13.0201(b)) and in compliance with Commonwealth and Federal laws applicable to the Presbytery as employer.

All employment policies and practices including recruitment, selection, benefits, compensation, performance appraisal, promotion, transfers, discipline, training, and separation will be administered without discrimination based on race, color, national origin, gender, age, marital status, sexual orientation, creed, disability, or religious affiliation (except where a category is determined to be a bona fide occupational qualification).

As long as a person's creed or religion is not contrary to the specific nature of the work of the Presbytery, that person may be eligible for employment. Positions that require ordination or a thorough knowledge of and commitment to the beliefs and governance of the Presbyterian Church (USA) will be clearly identified.

### **2.2 Inclusiveness in Employment Practice**

The Presbytery will endeavor to enhance inclusiveness in its practices related to recruitment, compensation, benefits, promotions, transfers, training, career development, dismissal and other forms of discipline, and all other areas of employment treatment.

## **3.0 EMPLOYMENT PRACTICES**

### **3.1. Definitions Related To Employment Status**

#### Act 34/Act 33 Clearance

Any Presbytery employee or volunteer working with children on behalf of a Presbytery sponsored function will be required to provide evidence of clearance by appropriate legal authorities such as Pennsylvania Acts 34 (criminal record clearance) and 33 (child abuse clearance). The costs of obtaining these clearances shall be borne by the employee/volunteer.

#### Clergy

The Book of Order governs the nature of the relationship between persons ordained to Ministry of the Word and Sacrament (clergy) and their presbyteries. Clergy employees of Presbytery are covered by all of these personnel policies except where specifically excluded by federal, state, or local laws.

In accordance with federal and state statutes and Church policy, all clergy are considered self-employed persons (exempt) engaged in the exercise of their ministry and are not subject to withholding for certain taxes. They are, however, included in all other policies which apply to "employees" except where excluded by federal or state law.

All clergy employees shall be provided with written Terms of Call consistent with Book of Order G-11.0410. Such calls would of necessity involve action of the Presbytery to validate a ministry and Terms of Call. All written calls will contain wording that will indicate the intent of the Presbytery to honor the Terms of Call except in the case of failure of the employee to perform satisfactorily, or in the case of a change in organizational structure or function (in which case adequate notice and assistance in relocation will be given).

The initial Terms of Call and any subsequent amendments shall be approved through Presbytery. The Terms of Call must at least meet the Presbytery minimums for salary; Board of Pensions participation and study leave.

### Employer

The employer of all Presbytery staff is The Washington Presbytery of Pennsylvania (Presbytery), a legal not-for-profit corporation in the Commonwealth of Pennsylvania. Presbytery is a member of the synod of the Trinity (Synod) which is part of the Presbyterian Church (USA).

### Employment at Will

Unless an employee is elected for a specific period or has an employment agreement, all employment is of indefinite period. Employment is at will and may be terminated at any time with or without notice by either the employee or the employer for any reason except those that violate public policy.

### Full-Time Staff

Employees of the Presbytery who are regularly scheduled to work thirty-five (35) or more hours per week and who are employed for a period of twelve (12) months each year, are considered to be full-time staff.

### Honoraria

Honoraria received by an employee for services that are part of the employee's position description shall be remitted to the Presbytery. The employee may retain other service-related honoraria as personal income if the preparation and performance of such services is done on the employee's own time.

### Independent Contractor

The Presbytery may contract with a person with specific skills for a time-defined task. If certain tests established by the Internal Revenue Service are met, this person may perform work as an independent contractor. Independent contractors are not employees, cannot be paid through the payroll system, and are not eligible for any benefits available to employees. Independent contractors are required to disclose any conflict of interest before work begins. Current Presbytery employees or former employees who were employed within the calendar year will not be eligible to work for the Presbytery as independent contractors.

### Nepotism

To affirm and facilitate equal opportunity for all employees and employment candidates, care will be exercised in the employment and assignment of persons who are immediate family (spouse, child, parents, parents-in-law, siblings, foster parents/children and stepchildren) of



people in the Presbytery's employ. However, individuals shall not be employed by or through the involvement of direct relatives or members of the same household, and they shall not be assigned to a position where a direct relative or member of the same household is in a position to influence the employee's salary, promotion, or other aspects of personnel practice.

#### Non-Exempt and Exempt Staff

In accordance with the Fair Labor Standards Act there are non-exempt and exempt positions with respect to overtime.

Non-Exempt Staff include those positions of a clerical, technical, or service nature. Persons employed in non-exempt positions shall be compensated for hours worked in excess of 40 hours per week at an overtime rate of one-and-a-half times the regular hourly rate. If the normal workweek for a non-exempt position is less than 40 hours per week, all hours worked up to 40 hours per week will be paid at the regular hourly rate. However, compensatory time off, i.e., one hour for each hour worked, may be given in lieu of payment for hours worked in excess of the normal work schedule but less than 40 hours a week in a pay period.

Non-exempt staff may be asked to take special assignments such as taking minutes at meetings, assisting with Presbytery meetings, etc. in which case arrangements for assignment and compensation shall be made by the Executive Presbyter.

Exempt positions include those of a managerial, administrative, pastoral or professional nature. Persons employed in exempt positions are not paid overtime wages for hours worked either in excess of the normal work schedule or 40 hours per week. Such employees are expected to manage their schedules so that they can have a minimum of one day off each week, but the Executive Presbyter must approve absences from regularly scheduled work.

#### Part-Time Staff

Employees of Presbytery who are employed for at least fourteen (14) hours, but less than thirty-five (35) hours, per week or for a period of less than twelve (12) months of the year are considered part-time staff.

#### Probationary Period

Non-exempt staff persons are employed at will. Any such employee must complete a three-month probationary period prior to the beginning of "regular" employment. During the probationary period, the employee and the Executive Presbyter have an opportunity to evaluate the employee's interest and qualifications for the position under actual working conditions.

Prior to regular employment, a performance appraisal is prepared and discussed with the employee by her/his supervisors. When it is determined that the employee is performing in an acceptable manner, regular employment will begin with the next pay period. Once a person becomes a regular employee of the Presbytery, that person shall be afforded the benefits of that status.

Attainment of regular employee status does not, however, negate the employee at will status of a non-exempt staff person.

If the Executive Presbyter and the Personnel Committee deem the performance appraisal unsatisfactory or if the employee decides not to remain, then the relationship is terminated without prejudice to either party.

#### Regular Employee

Employees who have successfully completed their probationary period will be considered as regular employees.

#### Temporary Agency Workers

If workers are needed for short-term (usually less than three months) projects, the Presbytery may contract with temporary agencies for help. Temporary agency workers are not employees, cannot be paid through the payroll system, and are not eligible for any benefits available to employees. It is expected that temporary agencies will meet all obligations required by federal, state and local laws.

#### Volunteers

It is the policy of Presbytery to provide opportunities for persons to serve on a non-compensated basis. Persons who volunteer to help out on an occasional basis with no expectation of payment are considered volunteers. These persons are not filling staff roles and are not eligible for any of the benefits of regular employees or adjunct staff.

Volunteers must provide basic identification data before they begin work. Volunteers working with children are required to provide additional information as required by the Presbytery's policies or by law.

### 3.2. Recruitment and Selection Guidelines

As provided in section 3.4 the Executive Presbyter and Personnel Committee shall prepare position descriptions for each staff position. Persons with education, experience and ability relevant to the position will be eligible for employment consideration. When a clergy position is to be filled, the open process of call within the Presbyterian Church (U.S.A.) will normally be used. All other positions will be filled in keeping with the Equal Employment Opportunity policy of the Presbytery.

### 3.3. Employment Agreements

All exempt employees shall receive a written agreement specifying the terms and conditions of their employment. The employment agreement for clergy employees shall incorporate the Terms of Call as approved by the Presbytery. The written employment agreement for all employees shall specifically indicate that, notwithstanding the terms of the agreement, the employee is an at will employee who may be dismissed at any time with or without cause if said dismissal is not in violation of public policy.

### 3.4. Position Descriptions

The Executive Presbyter and Personnel Committee shall prepare a position description for each approved position. A position description is a systematic outline which describes the work to be

performed by the employee; the responsibilities entailed in the job; the authority which has been delegated to the position; the skill or training required to perform the work effectively; the conditions under which the job is to be carried out; and the relationships to be maintained with other staff in other jobs.

The job description is also the base from which: employee performance is to be evaluated; personnel are to be recruited, selected, transferred or promoted; and all organizational relationships and staffing patterns determined. Therefore, it is imperative that there be a mutual understanding between the Executive Presbyter and the employee regarding the content and meaning of the job description. It must accurately reflect the actual work that is to be performed and be simple and concise. Lastly, the job description is to be considered a “working” document to be revised regularly as changes in programs, procedures and working conditions occur.

The Personnel Committee shall approve the position descriptions as well as any major revisions. Position descriptions will be kept current. Opportunity shall be given for the employee to suggest changes in the position description during the annual performance review. Position descriptions will include those duties regularly assigned to employees and are not intended to limit the assignment of additional task as needed to accomplish the work of the Presbytery. Each employee shall be expected to perform all duties and tasks that are assigned.

### 3.5. Confidentiality of Employee Records

Presbytery recognizes the employee's right to privacy. In seeking to maintain and protect that privacy the following principles shall apply:

- ◆ The collection of employee information will be limited to that needed by the Presbytery for business or legal purposes.
- ◆ The confidentiality of all personal information in Presbytery records will be protected.
- ◆ Employees are permitted to see the personal information maintained about them in Presbytery records. They may submit written comments in disagreement with any material contained in their record. They may submit in writing any changes needed to correct any factual information.
- ◆ All files and records of a confidential nature are to be kept in locked file cabinets or secured areas under control of the Executive Presbyter. Internal access to employee records will be limited to the Executive Presbyter and the Chair of the Personnel Committee. Access may also be given to third parties, including the Personnel Committee for its action and government agencies, pursuant to court order or subpoena.

In the latter two cases, the employee will be informed prior to the disclosure when reasonably possible.

## **4.0 PERFORMANCE MANAGEMENT**

### 4.1 Annual Performance Review

The purpose of the Presbytery's employee performance review is to formalize a process to help the employee work closer to potential. On an annual basis the Executive Presbyter and Personnel Committee will jointly conduct a review and evaluation of employees based upon their

position description. All staff members are expected to cooperate in the annual evaluations and reviews.

Evaluations should be done honestly and fairly, and in relation to the work of similarly situated employees. They should be documented in writing using forms approved by the Personnel Committee. Evaluations should include discussion of areas for employee improvement (if any) as well as areas for professional growth and development appropriate to organization goals set for the coming year.

The review will be conducted annually as an exchange of information with the evaluation form as the tool. The form is used to help make the review more objective and more consistent from employee to employee. The form is a means (a basis for discussion) to an end (helping the employee work closer to potential). The review itself happens between the evaluator and the employee – honest discussion.

#### 4.2 Performance Improvement Action

It is the policy of the Presbytery to maintain standards of employee performance, attendance and conduct that allow the Presbytery to fulfill its mission. The goal of performance improvement action is to assist an employee to achieve an acceptable level of performance, attendance or conduct.

The determination of appropriate performance improvement action is within the discretion of the Executive Presbyter and Personnel Committee. However, to assure consistent and fair treatment of all employees and to protect the Presbytery and the Executive Presbyter from liability, the Executive Presbyter and Personnel Committee may consult (as necessary) with legal counsel, or other appropriate resources to determine the performance improvement actions that are most appropriate for individual circumstances.

The following elements should be part of any performance improvement action:

- ◆ The employee should be informed of the unacceptable performance or conduct and advised of the consequences of continued unacceptable actions/performance;
- ◆ If appropriate, an action plan should be developed with the employee to resolve the problem;
- ◆ The Executive Presbyter should prepare a written report of any corrective action. This report will be retained in the employee's personnel file;
- ◆ The employee may respond in writing and have the response placed in the employee's personnel file.

Failure by the employee to respond to a plan to improve performance may result in further actions up to and including dismissal.

#### 4.3 Professional Growth and Development

It is the philosophy of the Presbytery to encourage and support staff development through training, continuing education, and professional development programs. The Presbytery will establish and administer a process of professional growth and development that will afford employees the opportunity to acquire new skills/knowledge, and/or refresh old skills/knowledge consonant with the needs of the Presbytery.

The process of staff development is an integral part of the annual performance appraisal process. A review of staff development needs and progress should occur at least annually at the performance review. Objectives should be reviewed annually through the performance appraisal process. Development objectives should be prepared based on the interests of the employee and the objectives of the organization.

The staff development plans to meet these needs must have advanced approval by the Executive Presbyter and are subject to budget availability. The types and amounts of funds available for staff development will be established each year by the Presbytery during the budgeting process.

The Presbytery office will maintain career development records.

### **5.0 PART TIME EMPLOYEES**

Part time employees are those who are employed to work at least fourteen (14) hours, but less than 35 hours, per week or for a period of less than 12 months per year. Part time employees are eligible for the following benefits:

- a. Holiday pay in proportion to hours worked
- b. Jury duty pay (up to two weeks leave annually)
- c. Salary increases
- d. Regular pay up to 40 hours; time-and-a-half pay over 40 hours in any work week for non-exempt employees
- e. Vacation and sick pay in proportion to hours worked
- f. Workers' Compensation
- g. Social Security participation
- h. Retirement benefit plans
- i. Severance allowance in proportion to hours worked
- j. Compensatory time off
- k. Participation in the Presbyterian Church (USA) pension plans to the extent permitted for part-time employees by the plan.

If a part-time employee is later placed on a full-time basis, prorated credited service will be given from the first day of his/her part-time employment for purpose of sick leave, vacation and other benefits.

## **6.0 HOURS OF WORK AND COMPENSATION**

### **6.1 Normal Business Hours**

Regular office hours shall be from 9:00 a.m. to 4:30 p.m., Monday through Friday, except on recognized holidays. A one-half hour paid lunch period shall be permitted.

### **6.2 Absence and Tardiness**

Under ordinary circumstances, unavoidable or unexpected absence from duty for emergencies (or tardiness not in excess of one hour) may be permitted sparingly; but not, in any event to be used to shorten the regular workday of an employee

An employee expecting to be absent or late for work as scheduled is required to call the Executive Presbyter and report accordingly. Failure to report may place the employee in a non-pay status unless the employee can provide a good and sufficiently acceptable reason for the absence and, more specifically, the lack of a phone call.

### **6.3 Salary Administration Program**

The Presbytery will establish and administer a process of compensation wherein the individual employee's compensation is determined on the basis of equitable salary ranges and increments determined in light of economic factors, and an annual performance review and evaluation. This process includes interpretation of the salary program to employees in describing their jobs.

### **6.4 Salary Review**

All individual salaries and benefits will be reviewed annually by the Personnel Committee, which shall recommend any changes through the budget process. Individual salary adjustments will be based on (not in order of priority):

- ◆ Performance
- ◆ The employee's position
- ◆ Changes in duties or responsibilities
- ◆ Funds available
- ◆ Cost-of-living increases

### **6.5 Reimbursement of Expenses**

The Presbytery will establish and administer a process whereby authorized expenses incurred by employees in the performance of their work assignments are reimbursed through a uniform, voucher-based system. Expenses in excess of \$10.00 must be supported by proof of expenditures and have appropriate approval before they are incurred.

### **6.6 Withholding**

Employees will have the applicable Social Security and other required federal/state/local taxes withheld from their wages.

## **7.0 BENEFITS**

### **7.1 Benefit Plans and Eligibility**

Regular full-time and part-time employees that work at least fourteen (14) hours per week are eligible for benefits. Benefits for part-time employees will be pro rated based on the percentage of time worked. Temporary agency workers, volunteers and independent contractors are not eligible for benefits.

### **7.2 Vacations**

A vacation with pay is provided for all regular employees. After satisfactory completion of their probationary period, regular employees shall begin to earn vacation leave, with said leave to be prorated on the basis of the number of months worked in the calendar year. After a regular employee has successfully a year of service with the presbytery, he/she shall be credited with a full year's vacation leave as of January 1 of each year.

A regular employee must have been employed for at least one full year before he/she can use vacation leave. Vacation leave may not be accumulated; after the employee's first year of employment, vacation leave must be used within the calendar year in which it is earned except when special provisions have been made with the executive presbyter. No payment in lieu of vacation will be permitted.

Although vacation leave shall be available only to regular employees and only after those employees have completed their probationary periods, calculation of vacation leave to be credited to an employee in the first year of employment shall include the probationary period.

In the case of employees who terminate, if vacation has been taken but not earned before the end of employment, the Presbytery will be reimbursed. If vacation has been earned but not taken, it will be paid to the employee only if appropriate notice is given and the termination is voluntary as per Section 13.3 of this Policy.

Ordinarily, vacation requests must be submitted to the Executive Presbyter at least one month in advance. The Executive Presbyter shall approve specific dates based on the staffing requirements of the organization and scheduling equity.

Exempt employees shall receive annual vacation in accordance with their Employment Agreement and/or Terms of Call.

Non-exempt employees shall earn annual vacation for a calendar year as follows:

- ◆ Two weeks per year for the first five years of employment. (The first year shall be prorated for the portion of the calendar year employed.)
- ◆ Three weeks per year after five years of employment.
- ◆ Four weeks per year after ten years of employment.

Employees may arrange with the Executive Presbyter to receive, before leaving on vacation, an advance payment of any salary which will become payable during the absence on vacation.

### 7.3 Holidays

Twelve (12) paid holidays will be given to all full-time employees as follows:

- New Year's Day
- M. L. King, Jr. Birthday
- Presidents' Day
- Good Friday
- Memorial Day
- Independence Day
- Labor Day
- Thanksgiving Day
- Day After Thanksgiving
- Christmas Eve Day
- Christmas Day
- Day before New Year's Day

When a holiday falls on a Saturday or Sunday, it will be observed as a holiday on the nearest Friday or Monday, respectively. When a holiday occurs during an employee's vacation or sick leave, the employee will be granted an offsetting day. All holidays must be taken on the day designated except under extreme workloads in which case the Executive Presbyter can arrange for alternative days.

### 7.4 Personal Days

After three years of service full-time non-exempt employees shall receive two (2) personal days per year to be taken during the year and not accumulated beyond the year. Scheduling of personal days shall be made in advance as may be mutually agreeable with the employee and the Executive Presbyter.

In the case of employees who terminate, if personal days have been taken but not earned before the end of employment, the Presbytery will be reimbursed. If personal days have been earned but not taken, they will be paid to the employee only if appropriate notice is given and the termination is voluntary as per Section 13.3 of this Policy.

### 7.5 Pension Plan

Upon successful completion of the probationary period of employment all full-time non-exempt staff shall be enrolled in the Pension/Major Medical program of the Board of Pensions of the Presbyterian Church (U.S.A.) with the Presbytery paying the full Pension/ Major Medical premium applicable at that time.

All exempt staff will be enrolled in the Pension/Major Medical program as of the effective date of their Employment Agreement with the Presbytery paying the full applicable premiums.

### 7.6 Social Security

All personnel are covered by the Federal Old Age and Survivors Benefits Act (Social Security) and payments shall be made in accordance with Federal direction. Unless requested otherwise, clergy are considered self-employed and taxes are not withheld or paid for them.

### 7.7 Health Insurance

Upon successful completion of the probationary period of employment (see Section 3.1) all full-time non-exempt staff shall be enrolled in the Pension/Major Medical program of the Board of Pensions of the Presbyterian Church (U.S.A.) with the Presbytery paying the full Pension/ Major Medical premium applicable at that time.



All full-time exempt staff will be enrolled in the Pension/Major Medical program as of the effective date of their Employment Agreement or Terms of Call with the Presbytery paying the full applicable premiums.

The Board of Pensions provides major medical coverage for its members under provisions of the plan. The Presbytery has an additional wrap-around medical coverage for 50% of the medical expenses allowed but not reimbursed by the Board of Pensions. The cost of such wrap-around medical insurance coverage is borne by the Presbytery. In no instance should medical insurance duplicate what is already provided by the Pension Plan (see also Section 7.11).

Upon enrollment in the Pension/Major Medical program, the Presbytery will self-insure the applicable deductible for full-time employees. The deductible is reimbursed upon submission of a voucher and appropriate documentation of the expense.

#### 7.8 Long Term Disability Benefits

An employee may be eligible for long term disability benefits as a participating member of the Board of Pensions Benefits plan. Eligibility and benefits shall be those determined by the Plan.

#### 7.9 Workers' Compensation Insurance

All employees shall be covered by Worker's Compensation insurance, in accordance with the law of the Commonwealth of Pennsylvania, to provide for benefits in case of an on-the-job accident. It shall be the responsibility of the injured employee to report an injury to the Executive Presbyter within 24 hours of its occurrence, and to obtain medical examination by a qualified physician or hospital designated by the Presbytery. This medical report must be submitted to the insurance carrier within 24 hour – 7 days at the latest. It is the responsibility of the Executive Presbyter to complete any reports required of the employer within the prescribed time limits.

#### 7.10 Unemployment Compensation

The Presbytery does not provide for Unemployment Compensation.

#### 7.11 Flexible Benefits (Cafeteria Plan)

Exempt and non-exempt, full and part time, employees may elect to receive certain benefits in lieu of an equivalent amount of salary. If such benefits are elected, salary would be reduced to pay for these benefits. Such benefits may include but are not limited to the following: \$50,000 group term life insurance; medical insurance (if not qualified for or already covered under the Major Medical Plan of the Board of Pensions [see section 7.7]); dental insurance, Tax Sheltered Annuity, Individual Retirement Accounts, 403(b) contributions, etc.

#### 7.12 Death in Service

In the event of death of an employee, the salary of that person will be continued to the spouse or dependent(s) for four (4) weeks from the date on which the death occurs.

#### 7.13. Employee Assistance Program

Presbytery has a concern for individual employees and recognizes that employee health can adversely affect an employee's job performance. Employee assistance may be needed as a result

of physical, mental and/or emotional illness, marital or family distress, alcoholism or other drug dependencies. The Presbytery will refer the employee for appropriate treatment of conditions as described above which may affect job performance. Ordinarily, referrals will be made at the employee's expense, however, an employee may request that the Presbytery consider providing some financial support. Any referrals offered by the Presbytery will be held in confidence.

The employee assistance program offered by the Presbytery will include:

- ◆ A referral service for appropriate treatment of health conditions affecting job performance.
- ◆ An assurance that employment will not be jeopardized while the employee is receiving appropriate treatment in order to maintain satisfactory job performance.
- ◆ Confidential records
- ◆ Respect for employees who have been referred to such assistance.
- ◆ An atmosphere that encourages but is not limited to, self-referrals.

## **8.0 LEAVES OF ABSENCE**

### **8.1. Sick Leave**

Regular (full-time) employees will earn one day of paid sick leave per month of service cumulative up to sixty days to be used in case of illness. Sick leave for part-time employees accumulates in proportion to hours worked. Sick leave entitlement during the first year of employment will be prorated according to the length of employment. Once an employee has successfully completed his/her probationary period, the computation of sick leave entitlement will be based upon the original date of hire. Sick leave is not accumulated while an employee is on a leave of absence.

Although sick leave shall be available only to regular employees and only after those employees have completed their probationary periods, calculation of sick leave to be credited to an employee in the first year of employment shall include the probationary period.

Sick leave days are to be used only when an employee is unable to work due to accident or personal illness. Sick leave is not to be construed as time off for personal business or vacation. Medical doctor certification may be required for the payment of sick leave benefits. The Presbytery shall maintain sick leave records for all employees.

Employees are required to notify the Executive Presbyter in case of sickness or accident as soon as possible and/or by 9:00 a.m. of the day they are off. If there is an extended sick time required, the employee is to phone the Executive Presbyter twice a week by 9:00 a.m. The Executive Presbyter will resolve extenuating circumstances.

Routine medical or dental appointments shall not be charged to sick leave, but employees are encouraged to schedule appointments outside of regular working hours where possible. If time off is required, arrangements shall be made in advance with the Executive Presbyter.

At the time of termination of employment, an employee shall have no claim for pay in lieu of

unused sick leave.

### 8.2. Temporary Disability Leave

All full time regular employees are eligible for temporary leave due to a physical or mental disability, as certified by a licensed physician. At the conclusion of the disability the employee shall furnish certification from a licensed physician that the employee is able to return to work and fulfill the duties of the position. The Personnel Committee in consultation with the Executive Presbyter shall make the decision to grant temporary disability leave based on the recommendation of a physician or physicians.

In case of a foreseeable disability the employee shall furnish certification at least 30 days prior to the beginning of the leave, stating a date beyond which it is not advisable for the employee to work.

The employee shall receive full salary and benefits for the period of temporary disability up to a maximum of 90 days. Employees are expected to take any accumulated sick leave, personal days and vacation leave before going on temporary disability leave. The aggregate of sick, vacation, personal days and temporary disability leave shall not exceed 90 days. An employee enrolled in the Benefits Plan of the Presbyterian Church (USA) may apply for extended disability benefits under the Benefits Plan.

Employment may be terminated at any time after the employee is absent from employment for a continuous period of more than ninety (90) days, and all obligations of the Presbytery shall thereupon terminate.

### 8.3. Care of Family Leave

All full time regular employees are eligible for up to 12 weeks of unpaid care of family leave during any 12 month period, for one more of the following reasons as certified by a licensed physician:

- ◆ The birth or adoption of and care for a child of the employee;
- ◆ The need to care for a spouse, child or parent in case of a serious health condition.

In case of a foreseeable care of family leave need, the employee shall furnish certification at least 30 days prior to the beginning of a leave.

Upon completion of the care of family leave, the employee is expected to return to his/her position, and the position or a comparable one will be available.

### 8.4. Leave of Absence, With Pay

Leaves of absence with pay are provided to full-time and part-time employees under the following circumstances, with prior approval of the Executive Presbyter or her/his designee.

Jury Duty, or other special court appearances up to ten working days per year (with possible extensions in exceptional cases with the approval of the Executive Presbyter. Any compensation received from the court shall be deducted from regular pay.

In the event of a death in the immediate family (spouse, child, parents, parents-in-law, siblings

foster parents/children and stepchildren) the employee will receive full pay for absence from the day of the death up to and including the day after burial. This leave should not exceed five (5) working days. Additional time may be taken as personal days, vacation leave or under the unpaid leave of absence policy.

#### 8.5. Leave of Absence, Without Pay

Unpaid leaves of absence, including leave for regular training periods or extended military duty with the U.S. Armed Forces, may be granted for periods of 10 or more working days.

Employees shall submit requests for leave in writing to the Executive Presbyter at least two weeks before the requested leave, giving reasons for the request. Each request shall be considered on its own merit. The Executive Presbyter shall determine the response. Ordinarily, the Presbytery will not pay pension dues for leaves of absence without pay.

#### 8.6. Study Leave

Study leave is an educational program in professional and personal development for spiritual and intellectual stimulation and enrichment. Study leave is a benefit available to full time and part time exempt staff and should:

- ◆ Provide long range skill development related to the position;
- ◆ Include opportunities for exploring the insights in Biblical interpretation, theology and ethics and other areas to expand one's understanding of the church and its current or historic life;
- ◆ Provide spiritual and intellectual stimulation and enrichment in order that the staff member may become more effective and creative in function in the position;
- ◆ Include opportunities for personal development, both career and full development of human potential.

Full time regular exempt employees may receive study leave in accordance with their approved Employment Agreement or Terms of Call. Study leave is prorated from the date of employment. Study leave is not to be used for severance time or pay.

#### 8.7. In-service Education Time

Full-time and part-time regular non-exempt employees may receive up to one week of paid in-service education each year in order to improve their job skills for the benefit of both the employee and the Presbytery. Ordinarily, such training should be consistent with the organization's goals and the employee's growth and development objectives. In-service education opportunities including finances must be approved by the Executive Presbyter.

#### 8.8. Sabbatical Leave

In order to enable full-time and part-time exempt employees with specific needs or opportunities to give extended study to subject areas which contribute to the work of the Presbytery as well as their own technical or professional development, a sabbatical at half pay may be granted by the Presbytery within the following guidelines:

- ◆ The employee must have completed 5 years continuous service with the Presbytery.
- ◆ At least five years must have elapsed from the time of any previous sabbatical leave, and at least one year from any extended study leave.

- ◆ A detailed written plan of study and clearly identified goals, with end-products clearly set forth, must be approved by the Executive Presbyter and Personnel Committee with sufficient prior notice so as to allow the sabbatical to be covered by the Presbytery's budget and staffing plans
- ◆ The maximum length of a sabbatical will be three months. This may be taken in conjunction with earned vacation within a particular year, but may not be combined with study leave.
- ◆ If an employee separates from employment for any reason within six (6) months following a sabbatical leave, the employee shall reimburse the Presbytery for the amount salary and benefits paid.
- ◆ The on-going work of the particular position and the total Presbytery's function will be the primary factors in considering and granting of a sabbatical.

The awarding of a Sabbatical Leave must be consistent with the employee's Employment Agreement or Terms of Call.

## **9.0 STANDARDS OF CONDUCT**

### **9.1. Sexual Harassment**

Presbytery will not allow any form of sexual harassment of an employee or a prospective employee within the work environment. Because sexual harassment interferes with work performance; or creates an intimidating, hostile, or offensive work environment; or influences or tends to affect the career, salary, working conditions, responsibilities, duties, or other aspects of career development or an employee or prospective employee; or creates an explicit or implicit term or condition of an individual's employment, it will not be tolerated.

The Presbytery's "Policy and Procedures on Sexual Misconduct" should be followed to the extent it is applicable.

As defined in this policy sexual harassment is the term used to describe unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct when:

- (a) Submission to such conduct is explicitly or implicitly a term or condition of employment or volunteer service;
- (b) Submission to or rejection of such conduct by an individual is threatened or used as the basis for employment decisions affecting such individual; or
- (c) Such conduct, when repeated after a request to cease, unreasonably interferes with work or volunteer service by creating an intimidating, hostile or offensive environment for employment or volunteer service.

For example, sexual harassment may include, but is not strictly limited to:

- (a) explicit sexual propositions;
- (b) subtle pressure for sexual activity;

- (c) sexual innuendo;
- (d) sexually oriented verbal teasing or abuse;
- (e) sexually oriented jokes, obscene gestures, language, suggestive pictures, or drawings;
- (f) physical contact, such as patting, pinching, touching, or constant brushing against another's body, and;
- (g) in third party situations, an individual being offended by the sexual interaction, conduct or communication between others.

It does not refer to occasional compliments.

Employees or prospective employees are strongly encouraged to report perceived violations promptly to the Executive Presbyter, or, if preferred, to the Chair of the Personnel Committee or the Stated Clerk of the Presbytery. The confidentiality of the complaint shall be assured and the complaint shall be reviewed promptly in accordance with the Employee Complaint Policies of these Personnel Policies.

Where it is determined that sexual harassment has occurred, disciplinary action up to and including dismissal shall be taken in accordance with the Disciplinary Action Policies of these Personnel Policies.

The Presbytery shall take no adverse action against any employee who in good faith complains of sexual harassment, and shall make every effort to protect the complainant against any reprisal from another employee(s).

## 9.2. Conflict of Interest

A Conflict of Interest may occur when an employee of Presbytery can use their position to the potential benefit of themselves, a member of their immediate family (spouse, child, parents, parents-in-law, siblings), or another organization with which they are affiliated.

If an employee is called upon to participate in a discussion or decision in which the interests of the Presbytery conflict with his/her personal interests, the employee should declare such potential conflict in advance of the discussion and should abstain from participating in the decision.

All employees should avoid the appearance of conflict of interest, or any other inappropriate conduct. If an employee discovers that he/she may be in a potential position of conflict of interest, she/he should immediately review this matter with the Executive Presbyter and/or Personnel Committee.

### a. Within the Ecclesiastical Structure

Presbytery employees who hold paid or volunteer positions with other organizations including their own church should ensure that such outside employment or voluntary service does not interfere with the performance of their duties for the Presbytery or produce a Conflict of Interest in pursuit of their duties for the Presbytery. In order to avoid the appearance of a Conflict of Interest, it is the policy of the Presbytery that whenever a matter involving an employee's church becomes a topic at a Presbytery (or Presbytery committee) meeting, the employee shall declare such potential conflict in advance of the discussion and shall not participate in the voting.

b. Business Relationships

No employee shall accept any gift, gratuity, service or any special favor from any person or persons or businesses that provide or receive goods and services from the Presbytery. No employee shall provide any gift, gratuity, service or any special favor to any person or persons or businesses that provide or receive goods and services from the Presbytery. However, minor courtesies such as luncheons, dinners or similar arrangements in connection with business discussions may be received.

9.3. Personal Public Witness

It is the policy of the Presbytery to value the creativity and integrity of its staff and reaffirm the right of employees to exercise freedom of conscience. In the context of this Section the term “employee” is deemed to include volunteers.

All persons employed by the Presbytery, when they are working or holding themselves out as Presbytery employees, are expected to give a full and fair representation of the position of the Presbytery in matters of policy, social witness statements, or theological or doctrinal positions. However, the possibility of personal dissent from a policy of the Presbytery, Synod or General Assembly or the possibility of making a personal public witness is not precluded by employment with the Presbytery and is a reasonable expression of freedom of conscience.

Because public actions or expressions of personal belief may affect not only the work environment but also the Presbytery or Presbyterian Church (USA) at large, employee personal public witness is subject to the following guidelines:

- a. When making a personal public statement, an employee shall make it clear that he/she is speaking for himself/herself and not speaking for the Presbytery, the Synod, or the Presbyterian Church (USA) or any of its entities.
- b. When making a personal public witness, an employee shall not make any reference to his/her employee status. If questioned, the employee may acknowledge employed status without using that status to make a claim of authority. Accordingly, it is not permissible for an employee making a personal statement to use professional stationery, claim expertise by virtue of employment in the Presbytery or hold press conferences on Presbytery property.
- c. It is permissible, however, for persons employed by the Presbytery to identify their personal church affiliation while making a personal public witness. Thus, it is permissible for a Presbytery staff member to claim membership in a particular congregation or governing body.
- d. Employees must inform the Executive Presbyter and the relevant governing body, when appropriate, of their personal public witness or dissent.
- e. In the event an employee feels he/she cannot carry out necessary job functions for reason of conscience, the employee may request a change of assignment or may exercise his/her right to resign the position.

In certain circumstances, employees may be required, as part of their work responsibilities, to accomplish work on issues currently in opposition to Presbytery, Synod or General Assembly policies or around which there is controversy. This may involve research, production of

resources, or planning of or participation in programs or events. When acting within the scope of their employment responsibilities, employees are protected from disciplinary action related to the provisions of this policy.

#### 9.4. Confidentiality of Information Regarding Presbytery Operations

Confidential information is a term used to classify that information specifically related to the operation of the Presbytery or to any of its member churches or pastors that is based on the examination, observation or conversation with a pastor or church leader or on any information generated by the Presbytery's computers and maintained in the Presbytery's computers. The term "confidential information" also applies to that class of information contained in reports, records, notes, memoranda or other data of the Presbytery and its committees. The term does not apply to documents or other information prepared for outside reporting. When in doubt, employees should verify with the Executive Presbyter the appropriateness of releasing particular information.

The exchange of any confidential information as described above between employees is restricted solely to those "who need to know" in order to safely and effectively carry out their duties. Information concerning pastors or church and Presbytery business shall be held in strict confidence and shall never be discussed or conveyed to any person, including other employees except in the normal and authorized course of the Presbytery's business.

Disclosure of confidential information may give rise to irreparable injury to the Presbytery or to one of its member churches or pastors. A breach of this responsibility may result in employee disciplinary action up to and including dismissal.

## **10.0 EMPLOYEE COMPLAINTS**

### 10.1. Complaint Process

For the purpose of this policy, a complaint is an alleged violation of an approved personnel policy or practice or of an applicable State or Federal law not adequately dealt with in these policies or practices.

The Presbytery seeks to foster within its staff working relationships that affirm the importance of each individual and her/his contribution to the work being done; encourage mutual respect of employee and supervisor(s); provide prompt answers to questions; minimize misunderstandings; and seek resolutions of differences as quickly as possible.

It is the Presbytery's policy to facilitate the development of open, orderly channels of communication between all levels of management. Employees are encouraged to take initiative in seeking answers to their questions or solutions to their work-related problems through immediate discussion with the Executive Presbyter and/or Personnel Committee. The Executive Presbyter and/or Personnel Committee is expected to maintain an open door to employees responsible to her/him; to encourage communication by giving prompt attention to their suggestions; and to provide active assistance in dealing with their concerns or complaints.



## 10.2. Preliminary Complaint Procedure

Prior to filing a formal written complaint, preliminary steps are to be taken:

- (1) The complaining party must first discuss her/his problem with the Executive Presbyter.
- (2) In the event that the Executive Presbyter is perceived to be part of the problem, the matter is to be taken to the Chair of the Personnel Committee, who will seek to resolve the issue in consultation with all parties.

## 10.3 Formal Complaint Procedure

If informal efforts to resolve a problem have failed, a formal complaint may be filed by submitting a written statement to the Chair of the Personnel Committee, with a copy to the Executive Presbyter. Formal complaints must be filed within forty-five (45) days of the alleged concern.

The Chair of the Personnel Committee shall call a meeting of the Committee, which shall review the complaint with all parties concerned. Ordinarily, within 15 working days the Committee will:

- ◆ Review the complaint with the principal parties
- ◆ Make a determination of the complaint
- ◆ Provide the principal parties with a written record of this determination.

The determination shall include a place for the complaining party to indicate his/her acceptance or rejection of the decision.

Any decision of the Committee relating to resolution of the complaint shall be final and in no event appealable in any court of law.

## 10.4. Written Records

A written record of all complaints and decisions arrived at in all meetings shall be kept. Letters of decision shall contain provision for the complaining party to indicate his/her acceptance or rejection of the decision.

# 11.0 **DISCIPLINARY ACTION**

## 11.1 Philosophy

It is the philosophy of the Presbytery that all employees should be treated with respect and afforded every opportunity to perform their jobs to the fullest extent of their abilities. However, a situation may arise when an employee violates Presbytery work rules or fails to perform the duties of his/her position and must be confronted with this fact. Any such variances must be resolved properly to constructively correct the total situation. True “disciplinary action” is designed to teach while at the same time correct. Good disciplinary action is intended to be primarily preventive, not punitive, and treat all employees a like.

Whenever a variation from Presbytery work rules or acceptable job performance occurs, disciplinary action appropriate to the circumstances shall be taken. Ordinarily, Presbytery

endorses a practice of progressive discipline in which it attempts to provide employees with notice of deficiencies and an opportunity to improve. However, Presbytery does retain the right to administer discipline in the manner it deems most appropriate.

## 11.2 Procedures

The normal application of discipline should be:

1. If an employee is not meeting Presbytery's standards of behavior or performance such as indicated in paragraph 7 below, the Executive Presbyter should take the following action:
  - a. Meet with the employee to discuss the matter.
  - b. Inform the employee of the nature of the problem and the action necessary to correct it.
  - c. Prepare a memorandum for the Executive Presbyter's own records indicating that the meeting has taken place.
  
2. If there is a second occurrence, the Executive Presbyter should hold another meeting with the employee and take the following action:
  - a. Issue a written reprimand to the employee.
  - b. Warn the employee that a third incident will result in more severe disciplinary action.
  - c. Prepare a written report describing the first and second incidents and summarizing the action taken during the meeting with the employee. Both the Executive Presbyter and the employee should sign the report.
  
3. If there are additional occurrences, the Executive Presbyter should take the following action:
  - a. Hold a progress review with the employee and at least one member of the Personnel Committee for the purpose of hearing the principal parties and seeking agreements to improve the employee's performance.
  - b. As appropriate, the committee may decide to:
    - ◆ Issue a written reprimand or warning;
    - ◆ Suspend the employee without pay for up to five working days.
    - ◆ Suspend the employee indefinitely and recommend termination.
  - c. Prepare a written report describing the occurrences, indicating the timing between occurrences and summarizing the action taken or recommended and its justification. Both the Executive Presbyter and the employee should sign the report.
  
4. In cases involving serious misconduct as described in paragraph 8 below, the above procedures may be disregarded. The Executive Presbyter should suspend the employee immediately pending a review and evaluation of the circumstances by the Personnel Committee within five working days. Notice of the reason for the suspension shall be given to the employee in writing at the time of suspension. Employees suspended from work will not receive pay or accrue any employee benefits during the suspension, unless the Personnel Committee grants an exception. Following its review the Personnel Committee shall make a determination of appropriate action. Outcomes may include but are not limited to:
  - a. dismissal of a non-exempt employee
  - b. a recommendation for dismissal of an exempt employee

- c. termination of the suspension and restoration of the employee to regular employment status.
- d. filing of an accusation against the employee under provisions of the Rules of Discipline of the Presbyterian Church (U.S.A.)

An employee shall have the right to defend his/her position with or without an advocate; use of an advocate shall be at the expenses of the employee. However, the employer does not condone the unauthorized practices of law.

5. The progressive disciplinary procedure described above may also be applied to an employee who is experiencing a series of unrelated problems involving job performance and/or behavior.
6. An employee's record will normally be cleared of any disciplinary incidents if the employee works a full year without further action being instituted under this policy.
7. The following types of unsatisfactory behavior may result in some form of progressive disciplinary action and are by example and not all inclusive:
  - a. unsatisfactory work performance
  - b. insubordination in the area of assigned duties
  - c. harassment of other employees
  - d. repeated unexcused absence or tardiness
  - e. abuse of sick leave benefit
  - f. repeated refusal to observe Presbytery policies
  - g. use of impolite/unprofessional language
  - h. sleeping on the job during working hours
  - i. wasting time, loitering or leaving the place of work without permission
  - j. failure to report immediately (within the workshift) any accident on the premise which has resulted in personal injury or property damage
  - k. use of tobacco products on the Presbytery premises (Section 12.7)
8. The following types of unsatisfactory behavior are of such serious nature that violation could result in immediate termination of employment and are by example and not all inclusive:
  - a. neglect in the care and use of Presbytery property and/or funds
  - b. sexual harassment or misconduct
  - c. illegal, dishonest, or unethical conduct
  - d. any false statement made on the application for employment
  - e. use of illegal drugs or intoxicants on Presbytery premises
  - f. theft or unauthorized removal of Presbytery property
  - g. reporting to work under the influence of alcohol or illegal drugs
  - h. mishandling or unauthorized disclosure of confidential information
  - i. use of threatening or abusive language

## **12.0 SAFETY AND HEALTH**

### **12.1. Objective**

It is the objective of the Presbytery to establish and administer a process that will insure all employees:

- ◆ necessary equipment to perform tasks
- ◆ humane treatment
- ◆ clean, pleasant and safe working conditions

to the extent these are feasible and within the goals and financial capacity of the Presbytery.

### **12.2. Reasonable Accommodation**

The Presbytery will make reasonable accommodation for the known physical or mental limitations of qualified individuals with disabilities unless to do so would impose an undue hardship on the employer.

### **12.3. Solicitation or Distribution**

It is the policy of the Presbytery to ensure productive work environments where employees and program operations may function without disruption. Employees may not advertise services, solicit another employee, or collect from another employee while either employee is on work time. "Work time" is defined as all time on the premises other than before or after work hour, at meals periods and break times.

### **12.4. Disabling or Life Threatening Illnesses or Injuries**

It is the policy of the Presbytery to make every reasonable effort to maintain a healthy and safe work environment for all employees as well as providing support for individual employees who may be facing the trauma of disabling, life threatening, or catastrophic illness or injury. Every reasonable precaution will be taken to ensure that the physical and emotional health and well-being of all employees are protected and reasonable accommodation is provided for a medically impaired employee as long as the employee is able to perform the essential functions of the job, with or without accommodation, and meet acceptable performance standards.

As a general principle, the Presbytery recognizes that an employee facing a disabling, life threatening, or catastrophic illness or injury may wish to continue to engage in as many of their normal pursuits as their condition allows, including work. As long as these employees are able to meet acceptable performance standards and medical evidence indicates their conditions are not a direct threat to themselves or others, managers should be sensitive to their conditions and ensure that they are treated consistently with other employees. If an employee is able to work, then the employee is expected to be productive; if the employee cannot work or is not able to be productive, then he/she may be eligible for health and disability benefits as specified in Section 7 of these policies.

As with any disabling condition, the Presbytery will make reasonable accommodation for an employee with a known disability unless to do so would impose an undue hardship on the Presbytery.

#### 12.5. Alcohol and Drug Use in the Workplace

The use, possession, manufacture, dispensation or distribution of alcohol, prescription drugs or illegal drugs or controlled substances as defined under the Controlled Substances, Drugs, Devices and Cosmetics Act is not permitted on Presbytery premises, which include the building, walkways, sidewalks and parking lot.

No employee or volunteer may report for work impaired by any substance, drug or alcohol. "Impaired" means under the influence of a substance such that employee's motor senses (i.e. sight, hearing, balance, reaction, or reflex) or judgment either are or may be reasonably presumed to be affected. Any violation of this policy may subject the employee/volunteer to appropriate separation practices as outlined in Section 13 of these policies.

Furthermore, the prohibitions referenced in this section also relate to any off site event in which an employee/volunteer is participating as a representative or on behalf of the Presbytery.

The Presbytery as an employer recognizes alcohol and drug abuse as illness or disorders requiring medical treatment. Therefore, the Presbytery:

- ◆ Encourages affected individuals to seek help voluntarily.
- ◆ Assists supervisors in dealing with associated behavior related to work performance.

#### 12.6. Tobacco-Free Environment

The Presbytery is a tobacco-free environment. Use of any tobacco products (smoking or smokeless) is not permitted on Presbytery premises, which include the building, walkways, sidewalks and parking lot.

Furthermore, the prohibitions referenced in this section also relate to any off site event in which an employee/volunteer is participating as a representative or on behalf of the Presbytery.

#### 12.7. Weapons in the Workplace

It is the policy of the Presbytery to prohibit the possession, use, or display of any type of weapon, including concealed weapons on the employer's premises, which include the building, walkways, sidewalks and parking lot.

### **13.0 SEPARATION FROM EMPLOYMENT**

#### 13.1. Definition

The term "separation" shall refer to any and all terminations of the relationship between an employee (whether full-time, part-time, exempt or non-exempt) and the Presbytery.

#### 13.2. Probationary Employees (see Section 3.1)

During the probationary period the Presbytery may terminate an employee at any time for any reason.

#### 13.3. Voluntary Resignation

A voluntary choice of separation freely made by the employee should be preceded by two week's

written notice for non-exempt employees and one-month notice for exempt employees. All such employees will receive pay for accrued vacation and personal days, which shall be forfeited if notice is not given. No compensation shall be given for unused study leave or sick leave.

#### 13.4. Retirement

The Presbyterian Church (USA) Board of Pensions provides retirement benefits. Employees should contact the Board for assistance with their retirement benefits planning.

Employees should give a minimum of six months notice before retirement. Exception to this notice requirement is made for individuals retiring due to disability. All such employees will receive pay for accrued vacation and personal days, which shall be forfeited if notice is not given. No compensation shall be given for unused study leave or sick leave.

#### 13.5. Reduction in Force

Separation because of a reduction in force for business reasons, or for other circumstances through no fault of the employee is at the discretion of the Presbytery.

When it becomes necessary to make a reduction in the work force, the Executive Presbyter and Personnel Committee will issue a written notice to all regular staff announcing the reduction and the reasons for it.

Reduction in force will be accomplished in a manner that best preserves overall organizational effectiveness. It will be based on objective criteria such as job performance, individual experience and qualifications, need for specific skills and experience, and the number of people with similar skills.

When implementing the reduction process the Personnel Committee and Executive Presbyter will:

- ◆ Implement a moratorium on the hiring of new staff
- ◆ Determine which staff will be affected by the reduction based on optimizing overall organization effectiveness
- ◆ Issue a formal notice from the Executive Presbyter
- ◆ Complete appropriate termination procedures.

Presbytery shall make reasonable efforts to assist employees in finding other comparable work. If a position or similar position calling for similar qualifications is reinstated within a period of two years, the individual who was previously employed in the position will be contacted and considered.

Employees terminated without cause will be entitled to two weeks notice (or pay in lieu of notice) as well as pay for accrued vacation, and personal days.

A severance allowance will be given in relation to the length of continuous service to the Presbytery. The severance allowance will be based upon the rate of wage or salary at the time of severance.

<u>Years of Service</u>	<u>Working Days of Severance Allowance</u>
1 year to 3 years	5
3 years to 5 years	10
5 years to 10 years	15
10 years to 20 years	20
20 years to 25 years	25
25 years and up	30

### 13.6. Termination For Cause

Termination for cause is considered to be an action of the last resort, normally taken only after remedial measures have proven ineffective or when employee conduct is such as to preclude further employment.

Termination or dismissal for cause of a non-clergy employee may occur upon written notice from the Executive Presbyter and the Chair of the Personnel Committee, stating specific reasons for termination. Termination or dismissal for cause of a clergy employee shall occur by action of the Presbytery.

Notice of termination shall be given to the employee in a meeting with the Executive Presbyter and at least one member of the Personnel Committee. At this meeting the employee shall be given a written notice of the termination including the specific reason(s) for the termination.

Employees terminated for cause will not be eligible for severance benefits but will be paid unused, accrued vacation.

On the final day of employment, payment shall be made of all salary and benefits to which the employee is entitled, upon receipt of all Presbytery property including keys, papers and electronic files in the employee's possession.

### 13.7. Exit Interview

Ordinarily, when an employee terminates employment, the employee is requested to schedule an exit interview with the Executive Presbyter and the Chair of the Personnel Committee. The purpose of this interview is to make certain the reason for termination is not based on some misunderstanding or condition that could be resolved. The Presbytery is also interested in obtaining any information that the employee feels might help improve the working conditions and/or ministries of the Presbytery.