

PERSONNEL POLICIES AND PROCEDURES

Eastminster Presbytery

Synod of the Covenant

This document is developed by the Presbytery's Personnel Committee and approved by Eastminster Presbytery on July 13, 2004 for immediate implementation.

BASIC BACKGROUND

This Personnel Policies and Procedures document is based on the principles and polity of the Presbyterian Church U.S.A according to its faith in Jesus Christ and practice of love, peace and justice.

Eastminster Presbytery encourages the full use of the gifts and talents of each employee and volunteer, valuing each person's worth and work as part of a team in a shared ministry toward fulfilling our purpose (mission) and vision statements.

“The purpose of Eastminster Presbytery is:

- to assist congregations to do the mission of Christ.
- to be the connectional channel for congregations by proactively providing nurturing care and resources for congregations and clergy.
- to do the constitutionally mandated responsibilities of the denomination.
- to hold up a vision of the world that is peaceable and just.

The vision of Eastminster Presbytery is that we seek to be:

- a communion of vibrant, diverse and growing congregations bringing the love of Christ to all of God's people.
- an instrument of care, compassion, teaching and service through partnerships of dynamic mission and ministry.
- a prophetic witness sharing the hope of the peaceable realm of God.”
Self-Study Committee of Eastminster Presbytery, Sept. 10, 2003

I. INTRODUCTORY STATEMENT OF BASIC PERSONNEL POLICIES

The Presbytery is committed to Fair Employment Practices and Equal Employment Opportunity for all employees in accordance with policies of Presbytery and General Assembly, and in compliance with all applicable Federal and State Equal Employment Opportunity laws.

These policies reflect the current personnel policies of the Presbytery, however, they are not a contract of employment.

It is not possible to anticipate every situation that may arise in the workplace or to provide information that answers every possible question. As a result, the Presbytery reserves the right to modify, supplement, rescind, or revise any policy, benefit, or provision from time to time, as it deems necessary or appropriate.

It is important that all employees read, understand, and become familiar with this handbook and comply with the standards that have been established. The General Presbyter will be available to discuss the contents of this manual.

If there is a conflict between the Eastminster Presbytery Personnel Policy and Procedure Manual and the Manual of Operations of Eastminster Presbytery, the Presbytery Manual of Operations shall prevail. If there is a conflict between Presbytery Manual of Operations and the Book of Order of the Presbyterian Church (U.S.A.), the Book of Order shall prevail. If there is a conflict between the provisions of the Presbytery Manual and those set forth in the terms of an ordained staff member's call, the terms of the call shall prevail.

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.

II. EMPLOYMENT CATEGORIES, TERMINOLOGY, AND PROCEDURES

A. The legal corporate employer of all staff is Eastminster Presbytery, a legal non-profit corporation in the State of Ohio.

B. Employment is with the mutual consent of the employee and Eastminster Presbytery. Consequently, both the employee and the Presbytery have the right to terminate the employment relationship at any time, with or without cause or advance notice. This employment at-will policy constitutes the entire relationship between the employee and the Presbytery on the subject of termination. Although other Presbytery policies and procedures may change from time to time, this employment at-will policy will remain in effect throughout the term of employment with the Presbytery. This employment at-will policy may not be modified by any oral or implied agreement.

C. 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 a week at an overtime rate of one-and-a-half times the regular hourly rate. If the normal work week 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.

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 General 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 a week. Such

employees are expected to manage their schedules so that they can have a minimum of one day off each seven-day week, but the General Presbyter must approve absences from regularly scheduled work.

All Ministers of the Word and Sacrament are considered self-employed persons (exempt) engaged in the exercise of their ministry and are not subject to withholding for certain taxes.

D. 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.

E. Part-Time Staff

Employees of Presbytery who are employed 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.

F. Regular Employees

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

G. Clergy

The Book of Order governs the nature of the relationship between persons ordained to the 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 that 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. (In the case of Interim Clergy employees, the contract entered into by the parties shall be approved by the Presbytery). Such calls would of necessity involve action of the Presbytery to validate a ministry and Terms of Call. All written calls or contracts 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 or contracts and any subsequent amendments shall be approved through Presbytery. The Terms of Call or contracts must at least meet the Presbytery minimums for salary, Board of Pensions participation, study leave, and vacation.

H. Temporary Employees

Employees hired to temporarily supplement the workforce or to assist in the completion of a specific project. Employment assignments in this category are for a limited period of

time. No employee will remain on a temporary status for no more than 180 calendar days without the approval of the Personnel Committee. Temporary employees only receive legally mandated benefits (such as worker's compensation and social security).

I. 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.

J. Volunteers

It is the policy of the 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.

K. Independent Contractor

The Presbytery may contract with a person with specific skills for a time-defined task. If certain standards 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.

L. 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 General 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 General 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.

M. 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.

III. EMPLOYER AND EMPLOYEE RIGHTS AND RESPONSIBILITIES.

A. The following rights and responsibilities reflect an open partnership in which objectives are shared and in which both the employer and employees acknowledge their responsibilities to each other.

B. Employer Rights and Responsibilities

Employer rights are:

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

Employer responsibilities are:

1. To be faithful to the purpose of the organization;
2. To assure employees that policies and administration of the personnel system are consonant with the rights of employees;
3. To establish staff structure, position descriptions and personnel policies that fulfill the goals of the Presbytery;
4. To provide equal opportunity for all employees in all aspects of every phase of the personnel system;
5. To assist employees in meeting their career goals and objectives in a manner consistent with the interests of the Presbytery;
6. 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;
7. To call or employ persons who are qualified and/or qualifiable to fill

- approved positions;
8. To establish and maintain open communication with employees on matters concerning their welfare and the Presbytery's interests;
 9. To establish and administer a process that provides for the hearing and resolution of complaints, including those related to termination; and
 10. To make every reasonable and prudent effort to provide a work place that is safe and secure.

C. Employee Rights and Responsibilities

Employee rights are:

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

Employee responsibilities are:

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

D. 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:

1. 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.
2. Employees are encouraged to inform the General Presbyter and the relevant governing body, when appropriate, of their personal public witness or dissent.
3. 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.

E. 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 General Presbyter and/or Personnel Committee.

1. 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.

2. 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.

F. 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 General 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.

G. Sexual Harassment

The Committee on Ministry of Eastminster Presbytery has adopted a policy regarding Sexual Misconduct in the Church, which is attached as Appendix A.

IV. BENEFITS

A. Vacations

1. Non-Exempt Employees. Annual vacations with pay are granted to full-time employees. Vacation time earned begins with the date of hire and is taken between January 1st and December 31st, subject to completion of the probationary period. The number of vacation days due is based on the employee's length of service in the current calendar year. Vacations may be taken, subject to approval of, and scheduling with the employee's supervisor.

Except in unusual or non-recurring circumstances, vacation time may not be carried over to another year. Vacation is not earned while an employee is on a leave of absence.

In the 1 st Year	2 Weeks (pro-rated)
2 nd through 7 th Calendar Year	3 Weeks
8 th through 15 th Calendar Year	4 Weeks

- a. New employees. The first year's vacation will be pro-rated, one day per month up to ten days.
- b. Part-time employees. Part-time employees may request permission from their supervisor to take up to two weeks of unpaid vacation time.
- c. Employee termination. If an employee leaves the Presbytery, they will receive pay for any unused vacation.

2. Exempt Employees.

- a. Clergy Exempt Employees. Full time Clergy exempt employees are entitled to at least one full month vacation per year as per Presbytery's minimum compensation terms.

B. Holidays

Eleven (11) paid holidays will be given to all full-time employees as follows: New Year's Day, Martin Luther King Day, Good Friday, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, the Friday following Thanksgiving Day, Christmas Eve, Christmas Day, and New Year's Eve.

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.

C. Leaves

Employees must submit a request for a leave in writing to his or her supervisor. Under normal circumstances, employees must provide no less than a 30-day notice before the date the leave is to begin. If that is not practical, the employee should give as much notice as possible.

1. Paid Leaves

- a. Bereavement Leave. In the case of death within the immediate family, an employee may be allowed up to three (3) days of leave with pay. Immediate family include spouse, children, parents, grandparents, brother, sister, father-in-law, mother-in-law or a relative residing in the employee's home at the time of death. The General Presbyter may approve extended time off at his or her discretion. This may require use of unused vacation days.

b. Jury Leave. Employees are expected to report to work when it does not conflict with court obligations. It is the responsibility of the employee to keep his or her supervisor informed about the amount of time required for appearance. Court certification may be required for payment of jury leave.

c. Military Duty. A leave of absence will be granted to full time employees who are ordered to active military service as a member of the Reserves or National Guard for a periodic training or service. Any disparity between military base pay and employee's regular salary will be compensated.

d. Parent and Adoption Leave. Employees must be employed at least one year before parental leave is granted. An employee will be granted ten (10) days leave. Additional time may be taken by using vacation days, and personal time off.

2. Unpaid Leaves

The General Presbyter, in consultation with the Personnel Committee, may grant unpaid leave at his or her discretion. At least three weeks prior to the expiration of the leave, the employee shall contact his or her supervisor to discuss a return to work date. An employee who does not return to work after a leave of absence will be terminated as a resignation effective the last day of work or paid leave, whichever is later.

Family & Medical Leave Act (FMLA) leaves will be limited and governed by federal law.

3. Sick Leave

Regular (full-time) employees will earn one day of paid sick leave per month of service cumulative up to 120 days to be used in case of illness. Sick leave for part-time employees accumulates on 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 General Presbyter in case of sickness or accident as soon as possible and/by 8:00 a.m. of the day they are off. If there is an extended sick time required, the employee is to phone the General Presbyter twice a week. The General Presbyter will resolve extenuating circumstances.

If time off is required, arrangements shall be made in advance with the General Presbyter.

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

4. Disability/Medical Leave

Disability is considered to be temporary separation due to physical or mental inability to function on the job. The decision to grant leave shall be made by the Personnel Committee in consultation with the General Presbyter. It shall be based upon the written recommendation of a physician or physicians. Disability allowance shall be up to six months. During the first three months from the time of the affirmative decision the exempt or non-exempt staff person will receive 60% salary. During the next three months, the person will receive 40% of the regular salary, unless otherwise covered by personal insurance. If an employee has accumulated unused sick days, these may be applied to the Medical Leave before the disability allowance begins.

Staff in the Benefits Program of the Board of Pensions will be covered by its disability provisions and/or by the Presbytery's minimum compensation terms.

Employees are required to provide the Presbytery Office with a doctor's written report after an illness of five or more days when returning from a period of hospitalization or after a contagious disease; the dated report should state the nature of the illness and the doctor's approval for return to work.

If it is necessary for an employee to schedule personal medical appointments during working hours, prior approval must be obtained from the employee's supervisor.

When it is necessary for an employee to undergo treatment for a condition which requires repeated visits to a doctor or dentist, this time may be at the discretion of the employee's supervisor and may be charged against sick leave in units not smaller than one-half day.

5. Personal Time Off

Full-time employees are permitted one (1) personal day every four (4) months up to a year. These personal days are non-cumulative beyond each year. Personal time off begins after the ninety (90) day probationary period.

6. Death in Service

When the death of an exempt or non-exempt member of a governing body occurs, the spouse, or dependents, shall receive a separation allowance. The amount shall be the equivalent of the salary of the deceased for 30 days from the time of death, unless covered otherwise.

D. Worker's Compensation Insurance

All employees in all locations shall be covered by the Worker's Compensation law of the appropriate state.

It is important that the employee report any work-related injury or illness to his/her supervisor, as soon as it happens, regardless of how minor it may be. It is also important that the employee obtain proper first aid and/or medical attention immediately.

E. On The Job Accident Insurance

All Presbytery employees on Presbytery business are covered with travel accident insurance at Presbytery's expense.

F. Social Security

All non-clergy personnel are covered by Social Security. The employee's share of the tax is withheld from the wages of the non-clergy staff. Clergy staff are considered self-employed and social security taxes are not withheld. It is the responsibility of the clergy staff to self-pay social security obligations.

G. Retirement Benefits

All full time employees and part-time employees working 20 hours or more per week are eligible to be enrolled in the Benefits Plan of the Presbyterian Church (USA) for which dues are paid by Presbytery. Lay employees who choose not to be covered in the medical portion of the Benefits Plan will have the retirement portion of their dues placed in a tax sheltered 403(b) retirement plan mutually agreed to by the employee, the General Presbyter and the Personnel Committee.

Each employee, at time of hire, is given a Board of Pension Benefits manual explaining all options and procedures.

H. Honorariums

Presbytery staff shall follow its established policy regarding honorariums.

The possible occasions upon which local congregations, other religious and denominational bodies, and secular groups may call upon the Presbytery's staff for services – consultation, preaching, counseling, particular skills, etc. – and offer an honorarium are several. Because the staff receives remuneration from the Presbytery for

work and functions as staff, but requests may come to the staff which are not connected to their responsibilities, a discernment must be made between services which are “in the line of duty” and services which are outside the purview of responsibility of the staff.

The staff persons will not accept honoraria when the provision of a service is clearly within the duty and responsibility of the office the staff person holds. (Example: The General Presbyter is invited to address a congregational meeting because he/she is the General Presbyter, and will speak to issues and concerns about which he/she is knowledgeable because of the General Presbytery work and relationships).

The staff persons may accept honoraria when a service is provided when it is clearly outside the job responsibility or when it is a convenience to the requester(s). (Example: A pastor and Session invite the General Presbyter to preach because the pastor must be away either on business or vacation – assumption being there would need to be a pulpit supply anyway).

Judgments with respect to the above differentiations will be the opinion of the staff person, and when counsel is needed, it shall be with the Personnel Committee of the Presbytery.

I. 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.

J. 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 that 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 these referrals.

V. OTHER EMPLOYMENT POLICIES

A. PRE-EMPLOYMENT PHYSICAL EXAMINATION

A pre-employment physical examination may be required at the Presbytery's expense once a position has been offered to a prospective employee.

B. PERSONAL TELEPHONE CALLS

Telephones are maintained for business and Presbytery purposes and lines should be kept open for necessary business. Keep personal telephone calls at a minimum and as brief as possible. Personal calls should normally be made during a rest period or lunch hour. Personal toll calls on Presbytery telephones must be recorded so employee can identify and pay for them when the Office receives the monthly bill.

C. SMOKING

Smoking is not permitted in the Presbytery Office.

D. SELLING, SOLICITING, CANVASSING

Selling, soliciting, and canvassing are forbidden during working time since everyone has ample opportunities to contribute and participate in these activities when off the job. Selling is prohibited because of the tax-exempt status of the Church.

E. SAFETY

Please correct, if possible, or report any conditions you feel are unsafe. Use common sense safety rules. Acquaint yourself with exits and fire extinguishing equipment.

F. SECURITY

Employees should be concerned about maintaining the most effective security measures in order to maintain a high level of protection for the persons and property of those who work and visit in the Presbytery Office.

VI. PERFORMANCE EVALUATION AND CORRECTIVE ACTION

A. SALARY ADMINISTRATION

1. Salary Policies

Salaries for exempt positions will be determined in part on the basis of evaluation and in accordance with guidelines established by the Presbytery.

The Presbytery is committed to salary administration principles which will provide: fair pay for the work performed; equity of payment for positions of relative value; flexibility to meet the many changes in organization, functions, positions, and personnel over a period of time. Salary levels will be maintained in a manner which results in their being consistent with salaries paid by congregations to pastors, responsive to changes in the cost of living, and in keeping with the church's philosophy and objectives.

2. Adjustment of Salary Scales
Salary scales for all staff are reviewed annually prior to the Budget Negotiations, based upon information on cost of living changes, salary information on pastors in the Synod from the Board of Pensions, salaries in other Synods.
3. Salary Review and Increments
Any cost of living increases authorized by the Presbytery will be given to all employees at the same time. Salaries will be reviewed annually. Increases, if granted, commence with the beginning of the calendar year for which they are granted. Salary reviews are also made on the basis of any changes in duties or responsibilities which may call for a re-evaluation of the position.
4. 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.

B. ANNUAL COMPREHENSIVE PERFORMANCE REVIEW

1. Exempt and Non-Exempt Staff
Review and evaluation of ordained and non-ordained exempt and non-exempt Presbytery staff shall take place in accordance with existing policies. Such review and evaluation will be conducted by the Personnel Committee and the General Presbyter, in consultation with the Presbytery committee with which the staff person works.
2. 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 General 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.

3. 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 General Presbyter and Personnel Committee. However, to assure consistent and fair treatment of all employees and to protect the Presbytery and General Presbyter from liability, the General 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.

4. Early Performance Warning

The General Presbyter will work to ensure that employees have the information, training and equipment needed to successfully complete responsibilities outlined in the job description and/or assigned by the General Presbyter and/or the Personnel Committee. If an employee has a serious performance problem and/or deficiencies during the first six months of employment with the Presbytery, the General Presbyter and/or the Personnel Committee may provide a written early performance warning. This document will define the problems and deficiencies and a description of the plan of action and expectations required to remedy such issues. If performance problems and deficiencies continue, the General Presbyter and/or the Personnel Committee may consider termination.

5. Corrective Action Procedure

If the General Presbyter believes an employee is having a work-related problem, he/she will provide notice to the employee of the problem and work with the employee to resolve the deficiencies. If the problem does not improve or gets worse, the General Presbyter and/or the Personnel Committee may enter into a formal corrective action process. Corrective action is used to advise employees of the seriousness of work-related problems and to provide assistance to employees as they work to correct these issues that impact performance. Examples of corrective action steps include:

- documented verbal warning
- written warning
- final written warning or suspension (with or without pay)
- termination of employment

The type of corrective action taken by the Personnel Committee in consultation with the Personnel Committee, will depend upon the nature

and severity of the problem. If the General Presbyter and/or the Personnel Committee does not issue the necessary or appropriate corrective action to an employee, the employee may contact the Coordinating Council to discuss the issues at question and specific concerns with the corrective action steps taken.

6. 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 encourage 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 and 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 General 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.

7. Employee Complaints

a. **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 with 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 discussions with the General Presbyter and/or Personnel Committee. The General 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.

- b. 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 General Presbyter.
 - (2) In the event that the General 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.
- c. 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 General 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 fifteen (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.

If the complainant is dissatisfied with the decision of the Presbytery Personnel Committee, the person may file an appeal within fifteen (15) days to the Presbytery Coordinating Council (“Council”). The Council, in consultation with all parties concerned, shall make the final determination. It shall supply all parties concerned with its decision in writing.

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

8. Right of Advocacy

It is understood that the complaining party may arrange to have an advocate with him/her at all steps in the formal process.

9. Written Records

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

10. End of Process

The end of the process shall be when the Council makes its decision.

VII. SEPARATION FROM EMPLOYMENT

A. 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.

B. PROBATIONARY EMPLOYEES

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

C. 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, which shall be forfeited if notice is not given. No compensation shall be given for unused study leave, sick leave, or personal days.

D. 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.

E. REDUCTION OF STAFF

Where reduction takes place through no fault of the employee, written notice of such termination will come from the Council after consultation with the Personnel Committee. Six months notice or pay in lieu of notice will be given to staff. Should re-employment take place before the expiration of the notice period, salary payment will continue only to the actual date when re-employment is achieved. When notice is given, severance allowance will be given in relation to the length of continued service with the governing body as follows:

<u>Years of Service</u>	<u>Weeks of Severance Allowance</u>
Less than 1	2
1 – but less than 4	4
4 – but less than 5	6
5 years and over	8 and a week’s

salary for each year over 5 years, up to a maximum of 12 weeks.

F. SUSPENSION

Suspension occurs following consultation with the person involved by his/her immediate supervisor. In the case of Presbytery staff, concurrence for suspension is required by the following persons: the General Presbyter, Moderator of Presbytery Personnel Committee, or Moderator of Committee on Ministry.

G. 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 General 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 General 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.

H. EXIT INTERVIEW

Ordinarily, when an employee terminates employment, the employee is requested to schedule an exit interview with the General 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.

APPENDIX

Eastminster Presbytery
SEXUAL MISCONDUCT IN THE CHURCH
Policy and Procedures

The following policy and procedures will be implemented by Eastminster Presbytery and are to serve as a model for Sessions of the Presbytery as they develop their own policies.

I. Policy

A. Biblical/Theological Principles and Their Applications.

"As God who called you is holy, tend the flock of God that is your charge,
 Be holy yourselves in all your conduct, not under compulsion but willingly,
 Not for sordid gain but eagerly.
 Do not lord it over those in your charge, but be examples to the flock.
 You know that we who teach shall be judged with greater strictness."
 I Peter 1:15; 5:2-3

The conduct of all members of the Presbytery, employees and volunteers, is of vital importance. They all minister in the name of Jesus Christ. Church members entrust their leaders, both clergy and laity, with real and symbolic power in these offices which represents God in whose name they speak, preach, pray, and bless. In principles set forth in Scripture, religious leadership is a covenantal relationship that presumes the trustworthy exercise of this power in behalf of those in their care. Therefore, sexual misconduct is a tragic betrayal of trust and an unwarranted misuse of power on the part of people in leadership in the church. It is wrong and never permissible. And since religious leaders are always in positions of power, because they are in these symbolic roles which convey an aura of sanctity and authority, the mutual consent necessary for an appropriate sexual relationship is impossible. Therefore, religious leaders are always responsible for keeping boundaries and protecting the safety of those in their trust.

B. A Definition of Sexual Misconduct

Sexual Misconduct is Sexual Harassment, Sexual Abuse, and Sexual Malfeasance committed by a Presbytery staff person, Minister of the Word and Sacrament, or other church leaders in their official capacity.

1. "Sexual Harassment" includes unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:
 - a. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or their continued status in the organization or program;
 - b. Submission to or rejection of such conduct by an individual is used as the basis for employment or participation decisions affecting such individual; or

c. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance by creating an intimidating, hostile, or offensive working environment.

2. "Sexual Abuse" includes:

- a. Acts regarded as unlawful such as child sexual abuse, rape, sexual battery, and the like;
- b. Sexual conduct with any person under the age of eighteen, or with any person without the mental capacity to consent; or
- c. Sexual conduct accompanied by intimidation, force, threat, or coercion.

3. "Sexual Malfeasance" includes sexual conduct resulting from the misuse of office or position, including conduct arising from a ministerial or professional relationship, such as conduct between clergy and congregation member, counselor and client, or youth leader and participant.

C. The Rationale for a Special Policy

In a world and in a church where people fall short of the ethic of the Gospel, people in the Presbyterian tradition have taken care to provide checks and balances within the government and discipline of the church to prevent any person or group from obtaining and maintaining an unwarranted position of power. The converse side of this theology is a concern for justice for the person who is being dehumanized by the unjust use of power on the part of groups or individuals. In the past we have not done a very good job of being advocates for those who are sexually abused or harassed.

This policy puts in place a visible sign that the institution that has been complicit in people's alleged victimization will act positively to advocate for their healing and for justice. We propose procedures that will stop the misconduct so that it will not happen again or happen to other persons in other places, that will provide support for the accused and accuser, and that will work for the healing and well being of all concerned. We recognize that alleged victims of misconduct, including children, may repress their knowledge until later years, and for this purpose place no statute of limitations on their complaints (Rules of Discipline, Section D-10.000).

A problem that occurs in traditional procedures for redressing grievances when it comes to sexual misconduct is that the accused is most often higher in the hierarchical structure of the church than is the accuser. As a result, there needs to be a specific route within our governing system for dealing with sexual misconduct that will enable the Presbytery to act quickly, fairly and skillfully.

II. PROCEDURES

A. Reporting incidents of sexual misconduct

1. General Principles

a. Church Officers need to know procedures

Reports of sexual misconduct may occur in a variety of ways. Because a governing body or unit cannot control to whom the accuser of sexual misconduct will speak first, it is important that officers, employees, and persons highly visible to church members and visitors understand how reports of incidents shall be channeled to the proper person.

b. Absolute confidentiality is essential

Reports of sexual misconduct should never be taken lightly or disregarded and allowed to circulate without concern for the integrity and reputation of the individuals involved and of the Church. Reports should be dealt with as a matter of *absolutely highest confidentiality* both before and after they have been submitted to appropriate authorities as outlined below.

c. Hearsay and rumor

Hearsay and rumor are detrimental to the accuser, the accused, and the alleged victim, and thus to the potential for a fair and just resolution.

2. The First Person to receive a report

A person who receives initial information from an accuser about alleged sexual misconduct becomes the "mandated reporter." He or she should not undertake an inquiry alone or question either the accuser or the accused about the alleged offense, but should immediately inform an appropriate officer in that church body or the next higher body. In the local church that might be the Pastor/Moderator of Session, Personnel Committee chairperson, or Clerk of Session. In the Presbytery it might be the General Presbyter, the Moderator of Committee on Ministry or the Coordinator of the Response Team. When the General Presbyter, Committee on Ministry Moderator or Coordinator of the Response Team is notified of an alleged misconduct, they shall immediately notify (as appropriate) at least one other member of this group so that at least two officers in the Presbytery are made aware of the concern.

B. Responding to Reports of Sexual Misconduct: The Response Team

All reports of alleged sexual misconduct should be dealt with by a specially selected and trained "Response Team."

1. Composition

A "pool" from which response teams will be selected will consist of persons who are members of the Presbyterian Church (U.S.A.), including people with special skills, i.e. psychological counselors, social workers, psychologists and pastoral counselors.

2. Authority and Accountability

The Committee on Ministry appoints, with ratification by the Presbytery, the response team pool of persons and its Coordinator. The Response Team will be accountable to COM, but not report to it. The COM will sustain the pool and establish and monitor the training process.

3. Terms of Service

The response team members should commit to serve for a period of at least three years to ensure continuity and a professional level of experience and skill.

4. Training

The response team pool members will be trained to respond to allegations of sexual misconduct and to identify issues involved in sexual misconduct, sexual harassment, and child sexual abuse. Team members should be familiar with the legal, administrative and disciplinary procedures of the Presbyterian Church (U.S.A.) and the Presbytery. After initial training, the team should meet several times a year to familiarize itself with this policy, the procedures of the Presbytery, and to contribute to the design of its training. It is the responsibility of the Coordinator to schedule and provide for this training.

5. Primary Functions

- a. Gather information directly from the persons involved.
- b. Demonstrate the care of the Presbytery.
- c. Help the persons involved clarify their options which include but are not limited to attempting to mediate and resolve the issues justly, or utilizing the disciplinary procedures of the Presbyterian Church (U.S.A.).
- d. The Response Team will not:
 - Determine guilt or innocence of the accused;
 - Advocate for any party involved;
 - Or replace the functions of the Committee on Ministry, prescribed professional counseling, or Investigating Committee.

C. The Response Team Inquiry

When an allegation has been received, the Response Team Coordinator will ordinarily select four members for the inquiry, and, since time is of the essence, they should begin their work immediately.

1. Notification

Notify the accused in writing by certified mail of the accusations, and advise the accused to have no further contact of any sort with the accuser, the alleged victim, or the alleged victim's family.

Notify the accuser and/or the alleged victim that the accused has been notified to have no further contact with them, and what steps the response team will be taking.

Notify the General Presbyter of the names of the persons the Response Team is visiting, but give no other information.

2. An Advocate

Advise all parties involved that they may choose to have an advocate accompany them throughout the inquiry process.

3. First interviews

A minimum of two representatives of the Response Team will meet with the accuser and/or alleged victim to hear the accusations firsthand. A minimum of two representatives of the response team will meet with the accused to receive a response to the allegation.

4. Civil authorities

If required by state or local law and it has not been done, the Response Team will file a report with secular authorities.

If the accuser claims child sexual abuse, the Response Team is advised not to interview the child (or children) due to the possible secondary trauma caused by the interview itself. The Response Team should be guided in its actions by the recommendations of the secular authorities, making them aware that it wishes, insofar as the law allows, to be kept informed of the developments of the case.

5. Clarifying options

Enable the persons involved to identify their options; help them think through the consequences of each option; help them choose an option; and empower them to pursue their choice.

6. Report to the Presbytery

Within thirty days from the date it first receives a report of sexual misconduct the Response Team shall submit a written report to the General Presbyter and/or Committee on Ministry Moderator and/or Personnel Committee

Moderator as appropriate. Both the accuser and the accused will receive a copy of the report. The Response Team will make or keep no other records. The report should include:

- a. Name and address of the parties involved;
- b. Governing Body membership of the parties involved;
- c. A summary of the allegations and the response of the accused;
- d. A summary of the consultative process described above, the options chosen by the parties and the course chosen to pursue the options;
- e. The Response Team's suggestions for non-judicial actions to be taken by the Presbytery.

7. The Response Team may:

- a. Advise all parties involved, including the governing body or Unit, to obtain legal counsel and/or contact their insurance carriers.
- b. Advise all parties involved to seek psychological counseling. The Response Team Coordinator should maintain a referral list of counselors and counseling centers sensitive to sexual misconduct issues and issues of faith and spiritual needs.
- c. Recommend educational or employment practices to be implemented to prevent further instances of sexual misconduct.
- d. Recommend action to be taken to begin the healing process within the congregation, the governing body, or the unit concerning:
 - i) The pastoral needs of the congregation;
 - ii) The need for reconciliation with the congregation or employing entity of any of the parties involved;
 - iii) An administrative leave for the alleged victim and/or the accused.

8. Media Contact

Any inquiries from the media regarding an incident of sexual misconduct must be directed to a designated official of the Presbytery. Questions from the media shall not be addressed by any member of the response team.

9. Continued Availability of the Response Team

After the Response Team has submitted its report to the General Presbyter, the Response Team may remain available to all parties for continued pastoral care, to assure adherence to this policy, and to follow up on suggestions given

to the governing body or entity.

D. Presbytery Response

Presbytery response will vary according to the status of the accused. Church members and ministers are subject to inquiry and discipline under the Rules of Discipline, D-3.000ff. The pastoral relationship of ministers serving congregations is subject to oversight by the Presbytery, G-11.0000ff and G-14.0000ff.

Ministers employed by a Synod or General Assembly entity hold ministerial standing in presbyteries. Response to allegations of sexual misconduct by such ministers will be made by the entity by which they are employed under its personnel policies. Such ministers will also be subject to the Rules of Discipline as a member of Presbytery.

E. Another Option

At any point, a person alleging sexual misconduct may file a written statement of an alleged offense (together with any supporting documentation) with the Stated Clerk of the Presbytery and request an investigation as provided for in the Rules of Discipline, D-10.0000ff. At the point a written statement of an alleged offense is filed with the Stated Clerk, the Response Team will immediately suspend (or not initiate) any involvement with the matter.

III. Distribution of this Policy

A. This policy will be distributed as follows:

1. To Inquirers and Candidates for the Ministry of the Word and sacrament enrolled in Eastminster Presbytery, and to Certified Christian Educators, by the Committee on Preparation for Ministry;
2. To Ministers of the Word and Sacrament and to Commissioned Lay Pastors by the Committee on Ministry;
3. To all employees of the Presbytery by the Personnel Committee; and
4. To all persons supervising volunteers by the committee overseeing the activity of those volunteers.

B. This policy will be given to all persons reporting alleged sexual misconduct, to all alleged victims, and to all persons against whom allegations are made.

- C. This policy will be distributed to all clerks of session as a suggested model for congregational Sexual Misconduct Policies.

Sexual Misconduct in the Church Policy and Procedures, adopted by the Committee on Ministry of Eastminster Presbytery 2/8/93; revised 2/16/93; revised 4/6/93; revised 4/15/93; revised 1/03, revised 11/11/03.