

## **PERSONNEL COMMITTEE HANDBOOK**

### **SCOPE**

The Personnel Committee (PER) is a sub-committee of General Council. The PER serves on behalf of the General Council (GC) and handles human relations (HR) management for employee and volunteer staff members (Staff), and contract personnel; and, is responsible for Staff, contract, and Presbytery-wide HR policies.

The PER will seek to provide an open, caring climate which counsels and supports all Staff, by working closely with the Executive Presbyter (EP)/Head of Staff in a way that encourages participation in recommendations, shared expectations, and open communications.

### **ROLE**

1. Supports the work of Mission Presbytery Staff and individual development
2. Oversees terms of agreement with contract personnel
3. Establishes and sustains a healthy and safe work environment
4. Informs Staff, contractors, committees, and the Presbytery on HR policies and procedures
5. Develops Staff job descriptions
6. Reviews Staff and contractor performance
7. Remains informed on applicable employment laws and policies pertinent to the Presbytery
8. Recommends to GC policies, procedures, terms of employment, and personnel actions
9. Advises Presbytery churches and officers on HR management
10. Works closely with the Supervisor to counsel Staff and provide an additional level of grievance
11. Secures personnel records in the Presbytery Office
12. Maintains HR management confidentiality

### **COMMITTEE MEMBERSHIP**

The PER will consist of five (5) members nominated through the Nominations Committee (NOM) and elected by the Presbytery. One (1) member of the five will be nominated and elected to serve as the PER Chair. Members shall serve in classes with terms of up to three (3) years. No one may serve for more than six (6) consecutive years. The PER will elect its own Recorder from among its membership.

#### **1. PER Chair**

- a. Serves as a member of the GC with voice and vote
- b. Approves report for Presbytery meeting packets
- c. Presents recommendations to GC and, if requested by GC, presents recommendations to Presbytery
- d. Co-signs PER meeting minutes
- e. Appoints in writing at least two (2) persons to have access to the confidential Personnel File Cabinet
- f. Consults the ecclesiastical officer of the Presbytery on constitutional requirements, Presbytery policy, and legal matters

2. PER Recorder:

- a. Records meeting business as per confidentiality standards of employment law
- b. Distributes PER communications and minutes to PER members
- c. Files all personnel documents in the Personnel File Cabinet
- d. Prepares reports to GC and Presbytery
- e. Consults the ecclesiastical officer of the Presbytery on constitutional requirements, Presbytery policy, and legal reporting and filing for HR management

MEETINGS

The PER shall meet at least quarterly face-to-face or by conference call. The PER Chair or EP/Head of Staff shall plan regular meetings and call special meetings at a mutually agreed upon time. The agenda for each meeting shall be set by the PER Chair and the EP/Head of Staff jointly.

Three (3) PER members shall constitute a quorum.

No meeting of PER shall be an Open Meeting. Neither will PER meetings take place without the EP/Head of Staff present, unless the EP/Head of Staff is notified and informed of the agenda in advance.

Other Supervisors and individual Staff members may be requested by PER to attend a specific meeting. Should the PER need to go into executive session, other Supervisors and Staff will be excused. If the PER goes into executive session to discuss freely the EP/Head's own performance or evaluation, the EP/Head of Staff will be excused from the executive session.

RESPONSIBILITIES

1. Recommends to GC hiring and firing/terminating/ending contract of any Staff.
2. Confers with the EP/Head of Staff on any important issues concerning Staff and contractors.
3. Develops, with the EP/Head of Staff, position/job descriptions for Staff positions.
4. Reviews each Staff position/job description at least annually together with the specific Staff member and the EP/Supervisor.
5. Updates and endorses to GC changes in position/job descriptions, salaries, and the number of Staff members necessary to do the work required by Presbytery.
6. Reviews agreements the Presbytery intends to enter into with contractors before final approval.
7. Provides a copy and explanation of the PER Policies & Procedures (PER P&P) to all Staff and contract personnel.
8. Prepares the personnel budget and compensation for all Staff, making recommendations to GC for modifications as needed.
9. Encourages professional growth and development of the paid Staff.
10. Retains, updates, and recommends to GC the PER P&P applicable for Staff, contractors, and Presbytery members.
11. Works with the EP/Head of Staff and Staff to retain and update employee files, including:
  - a. employment agreements
  - b. volunteer agreements
  - c. annual performance reviews

- d. salary/financial records
  - e. medical records
  - f. vacation/sick leave
  - g. continuing education leave
  - h. other documentation allowed by employment laws and policies
12. Provides a safe space and safe place to any Staff member for unresolved issue(s) with the EP/Head of Staff, co-workers, or members of Presbytery.
13. Conducts annual performance and contract agreement reviews:
- a. Contractor agreements will be reviewed with the EP/Head of Staff, Supervisor of the program and/or Committee accountable for the contractor's services to determine needed contract extensions, terms, modifications, and/or cessation.
  - b. Evaluations of Staff performance will be conducted using multiple-source inputs:
    - 1) PER randomly each year will invite different Presbytery committee chairs and other members across the Presbytery to provide an EP/Head of Staff Performance Feedback Form regarding interactions with the EP/Head of Staff in the course of that person(s) duties.
    - 2) The EP/Head of Staff will meet with each member of Staff to review the past year and discuss strengths and developmental opportunities. A report based on this discussion will be generated by the EP/Head of Staff for the PER.
    - 3) The EP/Head of Staff will provide to the PER a written year-end self-assessment and desired goals for the coming year.
    - 4) After review of the Staff Performance Feedback Forms, the EP/Head of Staff's report on each Staff member, and each position/job description, no less than two (2) PER members and the EP/Head of Staff will meet with each Staff member to assess the Staff member's performance. The Staff member may request to meet only with the PER members.

### POLICIES

The PER is responsible for developing and maintaining the following policies as Attachments to Appendix A-1:

- 1. Atch A-1.1 Personnel Policies & Procedures (PER P&P)
- 2. Atch A-1.2 Code of Sexual Ethics
- 3. Atch A-1.3 Sexual Abuse and Harassment Policy
- 4. Atch A-1.4 Background Check Policy
- 5. Atch A-1.5 Personal Leaves of Absence: Sabbaticals, Extended, Military
- 6. Others, as determined by GC

## **MISSION PRESBYTERY PERSONNEL / EMPLOYEE POLICIES & PROCEDURES**

### **INTRODUCTION**

This Personnel / Employment Policies & Procedures (PER P&P) describes expectations and responsibilities of Presbytery's paid and volunteer Staff members. The PER P&P also outlines working conditions, policies, and benefits provided Staff by the Presbytery.

Mission Presbytery reserves the right to revise, supplement, or rescind any policies or portion of the PER P&P from time to time as it deems appropriate, in its sole and absolute discretion. The only exception to any changes is the employment-at-will policy permitting you or Mission Presbytery to end the relationship for any reason at any time.

On behalf of General Council, the Personnel Committee is responsible to develop and administer personnel policies and procedures. It is the objective of the Presbytery to provide a work environment that is conducive to both personal and professional growth.

Staff members and contractors should familiarize themselves with the contents of this PER P&P.

### **EMPLOYEE ACKNOWLEDGEMENT**

I understand the PER P&P describes important information about Mission Presbytery.  
I understand I may consult the Executive Presbyter or Personnel Committee on questions regarding this PER P&P..  
I have entered into my employment relationship with Mission Presbytery voluntarily.  
I acknowledge that there is no specified length of employment for my position.  
I understand that either I or Mission Presbytery can terminate the relationship at will, with or without cause, at any time, so long as there is no violation of applicable federal or state law.  
I acknowledge that the information, policies, and benefits described here are subject to revision.  
I understand that revised information may supersede, modify, or eliminate existing policies.  
I understand that revisions will be communicated through official channels.  
I understand that the General Council functioning as an Administrative Commission or the Presbytery in session have the ability to adopt PER P&P revisions.  
I acknowledge that Mission Presbytery's policy of employment-at-will will not be revised.  
I acknowledge that this PER P&P is neither a contract of employment nor a legal document.  
I understand that it is my responsibility to read and comply with the PER P&P.  
I acknowledge that I have received a copy or have access to a copy of the PER P&P.

\_\_\_\_\_  
Employee's Name (PRINT):

\_\_\_\_\_  
Executive Presbyter's Name (PRINT)

\_\_\_\_\_  
Employee's Signature

\_\_\_\_\_  
Executive Presbytery's Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

## **PERSONNEL POLICIES**

### **NATURE OF EMPLOYMENT**

#### ***At-Will-Employment***

Employment with Mission Presbytery is voluntarily entered into. The employee is free to resign at will at any time, with or without cause. Similarly, the Presbytery may terminate the employment relationship at will at any time, with or without notice or cause, so long as there is no violation of applicable federal or state law. The policy of employment-at-will may not be revised or cancelled at any time.

#### ***No Contractual Obligations***

Policies set forth in this PER P&P are not intended to create a contract, nor are they to be construed to constitute contractual obligations of any kind or a contract of employment between Mission Presbytery and any of its employees. Contractual positions and obligations are covered under different policies and procedures of the Presbytery.

#### ***Exceptions or Waivers***

These provisions supersede all existing policies and practices and may not be amended or added to without the express written approval of the Presbytery or General Council exercising its functional duties as an Administrative Commission. Requests for an exception or waiver from the PER P&P must be recommended by the supervisor and Personnel Committee, then reviewed and approved by General Council.

### **EMPLOYEE RELATIONS**

#### ***Non-Clergy Employees***

The work conditions, wages, and benefits the Presbytery offers to non-clergy employees are competitive with those offered by other employers in this area and industry. Non-clergy employees' concerned about work conditions or compensation are strongly encouraged to voice these concerns openly and directly to their supervisor and the Personnel Committee.

#### ***Clergy Employees***

Clergy and pastoral leadership positions elected or approved by action of Mission Presbytery work conditions, wages, shall be according to The Constitution of the Presbyterian Church (U.S.A.) and the policies of Mission Presbytery.

#### ***Supervisors***

Experience has shown that when employees deal openly and directly with the supervisor, the work environment can be excellent, communications can be clear, and attitudes can be positive. The Presbytery amply demonstrates its commitment to employees by responding effectively to employee concerns.

## **EQUAL EMPLOYMENT OPPORTUNITY**

### ***Does Not Discriminate***

In order to provide equal employment and advancement opportunities to all individuals, employment decisions will be based on merit, qualifications, and abilities. The Presbytery does not discriminate in employment opportunities or practices on the basis of race, color, religion, sex, national origin, age, disability, or any other characteristic protected by law.

### ***Reasonable Accommodations***

Reasonable accommodations will be made for qualified individuals with known disabilities unless doing so would result in an undue hardship on the mission of the Presbytery. This policy governs all aspects of employment, including selection, job assignment, compensation, discipline, termination, and access to benefits and training.

### ***No Reprisal***

Any employee with questions or concerns about any type of discrimination in the workplace are encouraged to bring these issues to the attention of their immediate supervisor first and then to the Personnel Committee. Employees can raise concerns and make reports without fear of reprisal. Anyone found to be engaging in any type of unlawful discrimination will be subject to disciplinary action, up to and including termination of employment.

## **ETHICS AND CONDUCT**

### ***Principles of Fairness, Integrity, Excellence, and Trust***

The successful mission and reputation of the Presbytery is built upon the principles of fairness, integrity, and excellence practiced by the employees. Scrupulous regard for the highest standards of conduct and personal integrity garners and preserves trust.

### ***Drug and Substance Abuse Free Work Environment***

The Presbytery shall maintain a drug and substance abuse free work environment for the safety and security of its employees, visitors, tenants, clients, and volunteers in ministry. Unlawful manufacture, distribution, possession, or use of any intoxicating beverage, intoxicant, illegal drug or controlled substance on property owned or managed by the Presbytery is prohibited.

### ***Policy on Sexual Abuse and Harassment***

The Policy is in Attachment A-1.3 in this Manual of Operations.

### ***Compliance***

The Presbytery will comply with all applicable laws and regulations and expects its directors, officers, and employees to conduct themselves in accordance with the letter, spirit, and intent of all relevant laws and to refrain from any illegal, dishonest, or unethical conduct. Disregarding or failing to comply with this standard of ethics and conduct could lead to disciplinary action, up to and including possible termination of employment.

## **IMMIGRATION LAW COMPLIANCE**

The Presbytery is committed to employing only United States citizens and aliens who are authorized to work in the United States. In compliance with the *Immigration Reform and Control Act of 1986*, each new employee, as a condition of employment, must complete the *Employment Eligibility Verification Form I-9* and present documentation establishing identity and employment eligibility. Former employees who are rehired must also complete the form if they have not completed a I-9 with the Presbytery within the past three (3) years, or if their previous I-9 is no longer retained or valid.

## **CONFLICTS OF INTEREST**

### ***Definition***

An actual or potential conflict of interest occurs when an employee is in a position to influence a decision that may result in a personal gain for that employee or for a relative as a result of the Presbytery's mission and administration. For the purposes of this policy, a relative is any person who is related by blood or marriage, or whose relationship with the employee is similar to that of persons who are related by blood or marriage. Employees have an obligation to conduct themselves within guidelines that prohibit actual or potential conflicts of interest.

### ***Disclosure***

No "presumption of guilt" is created by the mere existence of a relationship with outside interests or agencies. However, if employees have any influence on transactions involving purchases, contracts, or leases, it is imperative that they disclose to their supervisor and the Personnel Committee as soon as possible the existence of any actual or potential conflict of interest so that safeguards can be established to protect all parties. Personal gain may result not only in cases where an employee or relative has a significant ownership in a firm with which Mission Presbytery does business, but also when an employee or relative receives any kickback, bribe, substantial gift, or special consideration as a result of any transaction or business dealings involving Mission Presbytery.

## **CONFIDENTIALITY**

### ***Confidential Information***

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

- personnel matters regarding employees, inquirers, candidates, teaching elders and ruling elders
- investigation committees work
- permanent judicial commission records and proceedings

### ***Non-Disclosure***

Employees who are exposed to confidential information may be required to sign a non-disclosure agreement as a condition of employment. Employees who improperly use or disclose confidential information will be subject to disciplinary action, up to and including termination of employment and legal action, even if they do not actually benefit from the disclosed information.

## **DISABILITY ACCOMMODATION**

### ***Americans with Disabilities Act***

The Presbytery is committed to complying fully with the Americans with Disabilities Act (ADA) and ensuring equal opportunity in employment for qualified persons with disabilities. Hiring procedures have been reviewed and provide persons with disabilities meaningful employment opportunities. The Presbytery is also committed to not discriminating against any qualified employees or applicants because they are related to or associated with a person with a disability. Mission Presbytery will follow any state or local law that provides individuals with disabilities greater protection than the ADA.

### ***Accommodation***

Upon request, job applications are available in alternative, accessible formats, as is assistance in completing the application. Pre-employment inquiries are made only regarding an applicant's ability to perform the duties of the position. Reasonable accommodation is available to all disabled employees, where their disability affects the performance of job functions. All employment decisions are based on the merits of the situation in accordance with defined criteria, not the disability of the individual.

### ***Equal Compensation***

Qualified individuals with disabilities are entitled to equal pay and other forms of compensation (or changes in compensation) as well as in job assignments, classifications, organizational structures, position descriptions, progression, and seniority lists. Leave of all types will be available to all employees on an equal basis.

## **JOB POSTING AND EMPLOYEE REFERRALS**

### ***Job Posting***

Ordinarily notices of all regular, full-time job openings are posted, although the Presbytery reserves its discretionary right to not post a particular opening. Other recruiting sources may also be used to fill open positions in the best interest of the Non-Profit 501(c)3. Job openings will be posted in the email system and normally remain open for 14 days. Each job posting notice will include the dates of the posting period, position title, location, pay scale, job summary, essential duties, and qualifications (required skills and abilities).

### ***Job Application***

To be eligible to apply for a posted job, employees must have performed competently for at least ninety (90) calendar days in their current position. Employees who have a written warning on file, or are on suspension are not eligible to apply for posted jobs. Eligible employees can only apply for those posted jobs for which they possess the required skills, competencies, and qualifications. Employees should submit a job posting application to the Personnel Committee.

### ***Referrals by Employees***

The Presbytery also encourages employees to identify friends or acquaintances who are interested in employment opportunities and refer qualified outside applicants for posted jobs. Employees should obtain permission from the individual before making a referral, share their knowledge of

the Non-Profit 501(c)3, and not make commitments or oral promises of employment. An employee should submit the referral's resume and/or completed application form to the Personnel Committee for a posted job. If the referral is interviewed, the referring employee will be notified of the initial interview and the final selection decision.

## **OUTSIDE EMPLOYMENT**

An employee may be bi-vocational as long as he or she satisfactorily performs his or her job responsibilities with the Presbytery. Outside employment will present a conflict of interest if it has an adverse impact on the Presbytery. All employees will be subject to the Presbytery's scheduling demands, regardless of any existing outside work requirements. If the Presbytery determines that an employee's outside work interferes with performance or the ability to meet the requirements of the Presbytery as they are modified from time to time, the employee may be asked to terminate the outside employment if he or she wishes to remain with the Presbytery.

## **PERSONAL RELATIONSHIPS IN THE WORKPLACE**

No employee may occupy a position that will be working directly for or supervising a relative or a dating relationship. The Presbytery reserves the right to take prompt action if an actual or potential conflict of interest arises involving relatives or individuals, whether paid employees or members of Presbytery's committees, involved in a dating relationship who occupy positions at any level (higher or lower) in the same line of authority that may affect the review of employment and/or employment performance decisions.

## **EMPLOYMENT POLICIES**

### **EMPLOYMENT APPLICATIONS**

#### ***Applications***

Mission Presbytery requires applications, resumes, and/or personal information forms for all open positions from all applicants. Accuracy of information of information presented throughout the hiring process and employment is crucial. Any misrepresentations, falsifications, or material omissions in any of this information may result in the exclusion from further consideration for employment or, if the person has been hired, termination of employment.

#### ***Background Check***

The Policy is in Attachment A-1.4 of this Manual of Operations.

#### ***Credit Report***

The Policy is in Attachment A-1.4 of this Manual of Operations.

#### ***Reference Check***

It is the policy of Mission Presbyter to check the employment references of all applicants. The supervisor or Personnel Committee will respond to all reference check inquiries from other employers by confirming only dates of employment, wage rates, and position(s) held.

## **EMPLOYMENT CATEGORIES**

### ***Employment Status and Benefit Eligibility***

Employment status and benefit eligibility classifications do not guarantee employment for any specified period of time. The right to terminate the employment relationship at will at any time is retained by both the employee and the Presbytery.

### ***Exempt or Nonexempt Status***

Each employee is designated as either NONEXEMPT or EXEMPT from federal and state wage and hour laws. An employee's EXEMPT or NONEXEMPT classification may be changed only upon written notification by the Presbytery.

- EXEMPT employees are excluded from specific provisions of federal and state wage and hour laws and meet wage plus responsibility standards for exempt status.
- 
- NONEXEMPT employees are entitled to overtime pay under the specific provisions of federal and state laws.

### ***Employment Categories***

**REGULAR FULL-TIME:** employees not in a temporary or introductory status; are regularly scheduled to work a full-time schedule; and are eligible for the Presbytery's benefit package, subject to the terms, conditions, and limitations of the benefit program.

**REGULAR PART-TIME** employees are not assigned to a temporary or introductory status; are regularly scheduled to work less than the full-time work schedule, but at least 20 hours per week; and are eligible for benefits sponsored by the Presbytery, subject to the terms, conditions, and limitations of the benefit program.

**PART-TIME** employees are not assigned to a temporary or introductory status; are regularly scheduled to work less than 20 hours per week; and receive all legally mandated benefits but are ineligible for the Presbytery's other benefit programs.

**INTRODUCTORY** employees are all new and rehired employees work on an introductory basis for the first thirty (30) calendar days after their date of hire to demonstrate their ability to achieve a satisfactory level of performance and for the Presbytery to evaluate the employee's capabilities, work habits, and overall performance. If the Presbytery determines that the designated introductory period does not allow sufficient time to thoroughly evaluate the employee's performance, the introductory period may be extended for a specified period. Any significant absence will automatically extend an introductory period by the length of the absence. They receive all legally mandated benefits but are ineligible for the Presbytery's other benefit programs. Employees who satisfactorily complete introductory period will be notified of their new employment classification as "regular" employees.

TEMPORARY employees are hired to supplement the work force for a limited duration; and receive all legally mandated benefits but are ineligible for the Presbytery's other benefit programs. Employment beyond an initial stated period does not imply a change in employment status.

CASUAL employees have an established an employment relationship with the Presbytery; are assigned to work on an intermittent and/or unpredictable basis; and receive all legally mandated benefits but are ineligible for the Presbytery's other benefit programs.

### ***Access to Personnel Files***

Mission Presbytery maintains a personnel file on each employee in the Personnel File Cabinet. The personnel file includes such information as the employee's job application, resume, personal information form, records of training, documentation of performance appraisals and pay increases, and other employment records. Personnel files are the property of the Presbytery and access to the information they contain is restricted. Generally, only the supervisor, Personnel Committee, and legal officer of the Presbytery who have a legitimate reason to review information in a file are allowed to do so. Employees who wish to review their own file should contact their supervisor or the Personnel Committee. With reasonable advance notice, employees may review their own personnel files in the Presbytery's offices and in the presence of either the supervisor, a member of the Personnel Committee, or Stated Clerk.

### ***Personnel Data Changes***

It is the responsibility of each employee to promptly notify the Presbytery of any changes in personnel data. Personal mailing addresses, telephone numbers, number and names of dependents, individuals to be contacted in the event of an emergency, educational accomplishments, and other such status reports should be accurate and current at all times. If any personnel data has changed, notify the supervisor or Personnel Committee.

### ***Job Descriptions***

The Personnel Committee, working with the supervisor:

- a) develops accurate job descriptions;
- b) reviews and revises job description to ensure they are up to date;
- c) maintains job descriptions to aid in orienting new employees to their jobs
- d) identifies the requirements of each position;
- e) establishes hiring criteria;
- f) sets standards for employee performance evaluations; and,
- g) establishes a basis for making reasonable accommodations for individuals with disabilities.

Job descriptions will include, but is not limited to, the following sections:

1. job title
2. employment status
3. employment category
4. employment-at-will statement
5. job summary/overview of the job's purpose
6. essential/primary duties and responsibilities
7. additional duties and responsibilities, as needed
8. job qualifications (education and/or experience, language skills, certification required, etc)

9. physical demands of the job
10. work environment
11. compliance with this PER P&P referenced

Employees will be expected to help ensure that their job descriptions are accurate and current, and reflecting the work being done.

### ***Performance Evaluation***

Supervisors and employees: will discuss job performance and goals on an informal, regular basis.

A formal written performance evaluation will be conducted at the end of an employee's initial period of hire, known as the *Introductory Period*. Additional formal performance evaluations are conducted to provide both supervisors and employees the opportunity to discuss job tasks, identify and correct weaknesses, encourage and recognize strengths, and discuss positive, purposeful approaches for meeting goals.

Personnel Committee: will conduct EP/Head of Staff annual performance review. Will review annual performance evaluation on all employees. No less than two members of the Personnel Committee will meet with the employee for a review of an annual performance evaluation. The employee may or may not request the supervisor be present for the evaluation. Additional evaluations may be conducted as needed by an employee's performance or potential employment status and/or category change.

General Council: considers any merit-based pay adjustment recommended by the Personnel Committee.

### ***Salary Administration***

The Presbytery is committed to paying wages that reflect the requirements and responsibilities of each position that are comparable to the pay received by similarly situated employees in other organizations in the area. Employees should bring their pay-related questions or concerns to the attention of the Personnel Committee and their supervisor.

### ***Medical Information Privacy***

The Presbytery maintains and protects the confidentiality of employees' personal information in compliance with the Health Insurance Portability and Accountability Act (HIPAA). The Personnel Committee Chair is the designated Privacy Officer for all employee medical information. Benefit Plans are required by federal and state law to protect the privacy of employees' individually identifiable health information and other personal information and to provide employees with notice about their policies, safeguards, and practices. The Benefit Plans will not use employees' protected health information or disclose it to others without the employees' authorization, except as permitted by their own policies and legislature. Employees are encouraged to contact the Board of Pensions, or other health plan they may be covered under, for disclosure policy information.

### ***Social Security Number Policy***

To protect employees' personal information, the Presbytery prohibits the use of employees' Social Security numbers for identification purposes, except as allowed by law. The Presbytery will not:

- 1) Publicly post or publicly display in any manner an employee's Social Security number. "Publicly post" or "publicly display" means to intentionally communicate or otherwise make available to the general public.
- 2) Print an employee's Social Security number on any card required for the employee to access products or services provided by the Presbytery.
- 3) Require an employee to transmit his or her Social Security number over the Internet, unless the connection is secure or the Social Security number is encrypted.
- 4) Require an employee to use his or her Social Security number to access an Internet web site, unless a password or unique personal identification number or other authentication device is also required to access the Internet web site.
- 5) Print an employee's Social Security number on any materials that are mailed to the employee, unless state or federal law requires the Social Security number to be on the document to be mailed.

However, Social Security numbers may be included in applications and forms sent by mail, including documents sent as part of an application or enrollment process; or to establish, amend, or terminate an account, contract, or policy; or to confirm the accuracy of the Social Security number. Employees who have questions about this policy or who feel that their Social Security number has been used inappropriately by the Presbytery should both their supervisor and the Personnel Committee.

## **BENEFITS POLICIES**

### **OVERVIEW**

Eligible employees the Presbytery are provided a wide range of benefits. A number of the programs (such as Social Security, workers' compensation, state disability, and unemployment insurance) cover all non-clergy employees in the manner prescribed by law. Employees called / hired by action of Mission Presbytery shall have their employment status determined and defined by The Constitution of the Presbyterian Church (U.S.A.), the policies and procedures of Mission Presbytery, and stated in the approved terms of call / contract. Benefits eligibility is dependent upon a variety of factors, including employee classification. The supervisor can identify the programs for which an employee is eligible. Details of many of these programs can be found elsewhere in this PER P&P.

### **PRESBYTERY BENEFIT PROGRAMS FOR ELIGIBLE EMPLOYEES**

- Bereavement Leave
- Dental Insurance (contributions required of the employee)
- Educational Leave
- Family Leave
- Holidays
- Jury Duty Leave
- Long-Term Disability
- Major Medical Insurance
- Malpractice Insurance
- Medical Leave
- Military Leave

Pension Plan  
Sick Leave Benefits  
Tax-Sheltered Annuities  
Travel Allowances  
Vacation Benefits  
Voting Time Off  
Witness Duty Leave

## **Vacation Benefits**

Vacation time off with pay is available to eligible employees to provide opportunities for rest, relaxation, and personal pursuits. Employees in the following employment classification(s) are eligible to earn and use vacation time as described in this policy or as stipulated in terms of call / contract approved by the Presbytery:

- Regular full-time employees
- Regular part-time employees

The amount of paid vacation time employees receive each year increases with the length of their employment as shown in the following schedule:

- Upon initial eligibility the employee is entitled to 5 vacation days (1 week) each year, accrued monthly at the rate of 0.417 days.
- After 1 year of eligible service the employee is entitled to 10 vacation days (2 weeks) each year, accrued monthly at the rate of 0.833 days.
- After 5 years of eligible service the employee is entitled to 13 vacation days (3 weeks) each year, accrued monthly at the rate of 1.083 days.
- After 10 years of eligible service the employee is entitled to 20 vacation days (4 weeks) each year, accrued monthly at the rate of 1.667 days.

The length of eligible service is calculated on the basis of a "benefit year." This is the twelve (12) month period that begins when the employee starts to earn vacation time. An employee's benefit year may be extended for any significant leave of absence except military leave of absence. Military leave has no effect on this calculation. (See individual leave of absence policies for more information.)

Once employees enter an eligible employment classification (regular full-time or regular part-time), they begin to earn paid vacation time according to the schedule. They can request use of vacation time after it is earned. Paid vacation time can be used in minimum increments of one (1) day. To take vacation, employees should request advance approval from their supervisors. Requests will be reviewed based on a number of factors, including business needs and staffing requirements.

As stated above, employees are encouraged to use available paid vacation time for rest, relaxation, and personal pursuits. In the event that available vacation is not used by the end of the benefit year, employees will forfeit the unused time. Upon termination of employment, employees will be paid for unused vacation time that has been earned through the last day of work.

## **Holidays**

Mission Presbytery will grant holiday time off to all employees on the holidays listed below:

- New Year's Day (January 1)
- Martin Luther King, Jr. Day (third Monday in January)
- Presidents' Day (staff other than the San Antonio office)
- Fiesta Day (San Antonio office only)
- Good Friday (Friday before Easter)
- Easter Monday (day after Easter)
- Memorial Day (last Monday in May)
- Independence Day (July 4)
- Labor Day (first Monday in September)
- Thanksgiving (fourth Thursday in November)
- Day after Thanksgiving
- Christmas Eve (December 24)
- Christmas (December 25)
- New Year's Eve (December 31)

Mission Presbyter will grant paid holiday time off to all employees immediately upon assignment to an eligible employment. Should an employee be required to work on a recognized holiday, the supervisor will provide the employee another day off to be taken before the end of the next pay period. A recognized holiday that falls on a Saturday will be observed on the preceding Friday. A recognized holiday that falls on a Sunday will be observed on the following Monday. If a recognized holiday falls during an eligible employee's paid absence (e.g., vacation, sick leave), the employee will be ineligible for holiday pay.

## **Workers' Compensation Insurance**

Mission Presbytery provides a comprehensive workers' compensation insurance program at no cost to employees, but not to independent contractors. This program covers any injury or illness sustained in the course of employment that requires medical, surgical, or hospital treatment. Subject to applicable legal requirements, workers' compensation insurance provides benefits after a short waiting period or, if the employee is hospitalized, immediately. Employees who sustain work-related injuries or illnesses should inform their supervisor immediately. No matter how minor an on-the-job injury may appear, it is important that it be reported immediately. This will enable an eligible employee to qualify for coverage as quickly as possible.

## **Sick Leave Benefits**

The Presbytery provides paid sick leave benefits to all eligible employees for periods of temporary absence due to their illnesses or injuries. Eligible employee classification(s):

- Regular full-time employees accrue at twelve (12) days/ year (1 day for every full month of service)
- Regular part-time employees accrue at six (6) days / year (.05 of a day for every full month of service)

Sick leave benefits are calculated on the basis of a "benefit year," the twelve (12) month period that begins when the employee starts to earn sick leave benefits. Paid sick leave can be used in minimum increments of one-half (1/2) of a day. An eligible employee may only use sick leave benefits for an absence due to his or her own illness or injury or an immediate family member's.

Employees who are unable to report to work due to illness or injury should notify their direct supervisor before the scheduled start of their workday if possible. The direct supervisor must also be contacted on each additional day of absence. If an employee is absent for three (3) or more consecutive days due to illness or injury, a physician's statement must be provided verifying the disability and its beginning and expected ending dates. Such verification may be requested for other sick leave absences as well and may be required as a condition to receiving sick leave benefits.

Unused sick leave benefits will be allowed to accumulate until the employee has accrued a total of sixty (60) days of sick leave benefits. If the employee's benefits reach this maximum, further accrual of sick leave benefits will be suspended until the employee has reduced the balance below the limit. Sick leave benefits will not be paid in the event an illness or injury should occur during vacation or holidays.

Sick leave benefits are intended solely to provide income protection in the event of illness or injury, and may not be used for any other absence unless noted in this PER P&P. Unused sick leave benefits will not be paid to employees while they are employed or upon termination of employment.

### **Time Off to Vote**

The Presbytery encourages employees to fulfill their civic responsibilities by participating in elections. Generally, employees are able to find time to vote either before or after their regular work schedule. If employees are unable to vote in an election during their nonworking hours, the Presbytery will grant up to one (1) hours of paid time off to vote taken either at the beginning or end of the work day. Employees should request time off to vote from their supervisor at least two (2) working days prior to the election day. Advance notice is required so that the necessary time off can be scheduled at the beginning or end of the work shift, whichever provides the least disruption to the normal work schedule.

### **Bereavement Leave**

Employees who wish to take time off due to the death of an immediate family member should notify their supervisor immediately. Mission Presbytery defines "immediate family" as the employee's spouse, parent, child, sibling; the employee's spouse's parent, child, or sibling; the employee's child's spouse; grandparents or grandchildren. Up to five (5) days of paid bereavement leave will be provided to eligible employees. Bereavement leave normally will be granted unless there are unusual business needs or staffing requirements. Employees may, with their supervisors' approval, use any accrued vacation days and sick days for additional time off as necessary.

## **Jury Duty**

Mission Presbytery encourages employees to fulfill their civic responsibilities by serving jury duty when required. Employees may request up to two (2) weeks of paid jury duty leave over any two (2) year period.

Employee classifications that qualify for paid jury duty leave are:

- Regular full-time employees
- Regular part-time employees

If employees are required to serve jury duty beyond the period of paid jury duty leave, they may use any available paid time off (for example, vacation benefits) or may request an unpaid jury duty leave of absence. Employees must show the jury duty summons to their supervisor as soon as possible so that the supervisor may make arrangements to accommodate their absence. Of course, employees are expected to report for work whenever the court schedule permits.

Mission Presbytery will continue to provide health insurance benefits for the full term of the jury duty absence. Benefit accruals such as vacation, sick leave, or holiday benefits will be suspended during unpaid jury duty leave and will resume upon return to active employment.

## **Witness Duty**

Mission Presbytery encourages employees to appear in court for witness duty when subpoenaed to do so.

If employees have been subpoenaed or otherwise requested to testify as witnesses by Mission Presbytery, they will receive paid time off for the entire period of witness duty.

Employees will be granted a maximum of 15 hours of paid time off to appear in court as a witness at the request of a party other than Mission Presbytery. Employees will be paid at their base rate and are free to use any remaining paid leave benefits (such as vacation leave) to receive compensation for any period of witness duty absence that would otherwise be unpaid.

The subpoena should be shown to the employee's supervisor immediately after it is received so that operating requirements can be adjusted, where necessary, to accommodate the employee's absence. The employee is expected to report for work whenever the court schedule permits.

## **Continuing Educational Benefits**

Mission Presbytery recognizes that the skills and knowledge of its eligible employees are critical to the success of the Presbytery. The continuing educational benefits encourage personal development through formal education so that eligible employees can maintain and improve job-related skills or enhance their ability for reasonably attainable jobs within the Presbytery.

Called / elected pastoral leader positions approved by Presbytery will receive continuing educational benefits according to their terms of call / contract. The Presbytery will provide

continuing educational assistance to all eligible non-clergy regular full-time employees immediately upon assignment to an eligible employment classification, provided funding is available and course work is required to accomplish the work of the Presbytery. To maintain eligibility employees must remain on the active payroll and be performing their job satisfactorily through completion of each course.

Individual courses or courses that are part of a degree, licensing, or certification program must be related to the employee's current job duties in the Presbytery in order to be eligible for continuing educational benefits. Mission Presbytery has the sole discretion to determine whether a course relates to an employee's current job duties or position. Eligible employees should contact the Personnel Committee for more information or questions about the availability of continuing education funds and approved courses. While continuing education benefits are expected to enhance employees' performance and professional abilities, the Presbytery cannot guarantee that participation in formal education will entitle the employee to automatic advancement, a different job assignment, or pay increases.

### **Death Disability**

Mission Presbytery provides through the Board of Pensions death and disability benefits through contributions for eligible employees

Employees in the following employment classifications are eligible to participate in the Board of Pensions program:

- Regular full-time employees working at least 30 hours a week
- Regular part-time employees working at least 20 hours a week
- Called / elected staff by Presbytery per their terms of call / contract

Eligible employees may begin to have Board of Pensions coverage contributions made by Mission Presbytery only after completing thirty (30) calendar days of service. Contact the Board of Pensions for more information.

### **Timekeeping**

Accurately recording time worked is the responsibility of every employee. Federal and state laws require Mission Presbytery to keep an accurate record of time worked in order to calculate employee pay and benefits. Time worked is all the time actually spent on the job performing assigned duties.

Exempt employees should accurately record the time / days absence for leave benefit of any kind, jury duty, witness duty, and continuing education. Exempt employees' time records for each pay period are submitted to the Office Manager and reviewed by the supervisor. Payroll for exempt employees is routinely processed according to the employment agreement unless otherwise corrected or modified by the supervisor or Personnel Committee.

Non-exempt employees should accurately record the time they begin and end their work, as well as the beginning and ending time of each meal period. They should also record the beginning and ending time of any split shift or departure from work for personal reasons. Non-exempt overtime

work (over 40 hours) must always be approved by the supervisor before it is performed. Non-exempt employees' time records for each pay period are submitted to the Officer Manager, reviewed by the supervisor, and then submitted for payroll processing.

Non-exempt employees should report to work no more than fifteen (15) minutes prior to their scheduled starting time nor stay more than fifteen (15) minutes after their scheduled stop time without expressed, prior authorization from their supervisor.

It is the employees' responsibility to sign their time records to certify the accuracy of all time recorded. The original time record is filed in the employee's appropriate personnel file. In addition, if corrections or modifications are made to the time record, both the employee and the supervisor must verify the accuracy of the changes by initialing the time record. Payroll processing will be adjusted accordingly. Altering, falsifying, tampering with time records, or recording time on another employee's time record may result in disciplinary action, up to and including termination of employment.

### **Paydays**

All employees have the option to receive their pay either once or twice each month. Once a month employees are paid monthly on the last working day of the month. Twice a month employees are paid biweekly on the Thursday closest to the 15th calendar day of the month and on the last working day of the month. Each paycheck will include earnings for all work performed through the end of the previous payroll period.

In the event that a regularly scheduled payday falls on a day off such as a weekend or holiday, employees will receive pay on the last day of work before the regularly scheduled payday.

Unless an exception is approved, by the Personnel Committee, employees pay will be by direct deposit electronically into their designated bank account. Employees will receive an itemized statement of wage, withholding, allotments and leave benefits used once each month.

### **Employment Termination**

Termination of employment is an inevitable part of personnel activity within any organization, and many of the reasons for termination are routine. Below are examples of some of the most common circumstances under which employment is terminated:

- Resignation - voluntary employment termination initiated by an employee.
- Discharge - involuntary employment termination initiated by the organization.
- Layoff - involuntary employment termination initiated by the organization for non-disciplinary reasons.
- Retirement - voluntary employment termination initiated by the employee meeting age, length of service, and any other criteria for retirement from the organization.

The Presbytery will generally schedule exit interviews at the time of employment termination. The exit interview will afford an opportunity to discuss such issues as employee benefits, conversion

privileges, repayment of outstanding debts to the Presbytery, or return of Presbytery-owned property. Suggestions, complaints, and questions can also be voiced.

Since employment with the Presbytery is based on mutual consent, both the employee and Mission Presbytery have the right to terminate employment at will, with or without cause, at any time. Notice is not required to be given, but if given is appreciated.

Non-clergy employees will receive their final pay in accordance with applicable state law. Elected / called employees receive final pay in accordance with their terms of call / contract, Mission Presbytery policy of dismissal for Teaching Elders, and The Constitution of the Presbyterian Church (U.S.A.).

The decision to involuntarily discharge on-clergy employees is the joint responsibility of the supervisor, Personnel Committee, Chair of General Council, and Moderator of Presbytery. The decision to involuntarily dismiss an elected Teaching Elder is the responsibility of the body of Presbytery at the joint recommendation of General Council and the Personnel Committee.

Employee benefits will be affected by employment termination in the following manner. All unused accrued vacation benefits that are due and payable at termination will be paid to non-clergy employees. Elected / called employees pay due at termination will include unused accrued vacation benefits and may include unused accrued continuing education benefits and any other stipulations in the terms of call / contract of a Teaching Elder. A Teaching Elder requesting Honorably Retired status will notify the Stated Clerk for approval by the Committee on Ministry.

Some benefits may be continued at the employee's expense if the employee so chooses. The employee will be notified in writing by the Stated Clerk of the benefits that may be continued and of the terms, conditions, and limitations of such continuance.

### **Severance Pay**

Mission Presbytery may, but is not required, to offer severance pay to eligible non-employees whose employment is terminated for reasons that are not prejudicial to Mission Presbytery, as determined by Mission Presbytery in its sole discretion. Severance pay may be provided to the following eligible employee classification:

- Regular full-time non-clergy employees

Severance pay for Teaching Elders will be determined per the Dismissal Policy for Ministers of Mission Presbytery.

Specifically excluded from benefits under this provision are employees who: were hired as temporary employees for a specified period of time; were offered but refused to accept another suitable position with the Non-Profit 501(c)3; were provided the opportunity to be retained for any length of time by a successor employer.

## **Pay Advances**

Mission Presbytery does not provide pay advances on unearned wages to employees. Mission Presbytery will not make loans to employees.

## **Administrative Pay Corrections**

Mission Presbytery takes all reasonable steps to ensure that employees receive the correct amount of pay in each paycheck and that employees are paid promptly on the scheduled payday.

In the unlikely event that there is an error in the amount of pay, the employee should promptly bring the discrepancy to the attention of their supervisor and Payroll so that corrections can be made as quickly as possible.

## **Safety**

The Personnel Committee and supervisors have responsibility for implementing, administering, monitoring, and evaluating the safety program. Its success depends on the alertness and personal commitment of all. Mission Presbytery provides information to employees about workplace safety and health issues through regular internal communication channels such as supervisor-employee meetings, bulletin board postings, memos, or other written communications.

Employees and supervisors receive periodic workplace safety training. The training covers potential safety and health hazards and safe work practices and procedures to eliminate or minimize hazards. Each employee is expected to obey safety rules and to exercise caution in all work activities. Employees must immediately report any unsafe condition to the appropriate supervisor. Employees who violate safety standards, who cause hazardous or dangerous situations, or who fail to report or, where appropriate, remedy such situations, may be subject to disciplinary action, up to and including termination of employment.

In the case of accidents that result in injury, regardless of how insignificant the injury may appear, employees should immediately notify the Personnel Committee and their supervisor. Such reports are necessary to comply with laws and initiate insurance and workers' compensation benefits procedures.

## **Work Schedules**

The Executive Presbyter will establish the normal work days of the week and the normal hours of operation for the Office of the Presbytery.

Work schedules for employees may vary throughout the Presbytery. Supervisors will advise employees of their individual work schedules. Staffing needs and operational demands may necessitate variations in starting and ending times, as well as variations in the total hours that may be scheduled each day and week.

Flexible scheduling, or flextime, is available in some cases to allow employees to vary their

starting and ending times each day within established limits. Flextime may be possible if a mutually workable schedule can be negotiated with the supervisor involved. However, such issues as staffing needs, the employee's performance, and the nature of the job will be considered before approval of flextime. Employees should consult their supervisor to request participation in the flextime program.

### **Use of Phone and Mail Systems**

The phone and mail systems are for conducting the business of Mission Presbytery. The use of Mission Presbytery-paid postage for personal correspondence is not permitted. To ensure effective telephone communications, employees should always use the approved greeting and speak in a courteous and professional manner. Please confirm information received from the caller, and hang up only after the caller has done so.

### **Smoking**

In keeping with Mission Presbytery's intent to provide a safe and healthful work environment, smoking is prohibited throughout the workplace. This policy applies equally to all employees, customers, tenants, and visitors.

### **Meal Periods**

All regular full-time and exempt employees are provided with one meal period of 60 minutes in length each workday. Supervisors will schedule meal periods to accommodate operating requirements. Employees will be relieved of all active responsibilities and restrictions during meal periods and will not be compensated for that time.

### **Overtime**

When operating requirements or other needs cannot be met during regular working hours, such as for two day meetings of Presbytery, nonexempt employees may be given the opportunity to work overtime hours (over 40 hours a week). Non-exempt employee overtime work must receive the supervisor's prior authorization and be distributed as equitably as practical to all employees qualified to perform the required work. Overtime compensation is paid to all nonexempt employees in accordance with federal and state wage and hour restrictions. Overtime pay is based on actual hours worked. Time off on sick leave, vacation leave, or any leave of absence will not be considered hours worked for purposes of performing overtime calculations.

As a private employer, Mission Presbytery cannot provide compensatory time off in lieu of paying overtime to non-exempt employees. Mission Presbytery's time-off plan for non-exempt employees who worked pre-approved hours over 40 hours per workweek will be:

- time off granted at time and one-half for all hours worked over 40 hours per workweek
- time off must be taken within the pay period in which it is earned

Exempt employees who work a two day meeting of Presbytery will be granted one day off the following week as approved by the supervisor and coordinated with staffing needs for the work week.

## **Business Travel Expenses**

Mission Presbytery will reimburse employees for reasonable business travel expenses incurred while on assignments away from the normal work location. All business travel must be approved in advance by the Executive Presbyter. Employees whose travel plans have been approved are responsible for making their own travel arrangements or be included in the Presbytery Office arrangements if so provided. When approved, the actual costs of travel, meals, lodging, and other expenses directly related to accomplishing business travel objectives will be reimbursed by Mission Presbytery. Employees are expected to limit expenses to reasonable amounts.

Expenses that generally will be reimbursed include the following:

- Charges for office supplies or materials purchased and transported
- Airfare or train fare for travel in coach or economy class or the lowest available fare
- Car rental fees, only for compact or mid-sized cars, as pre-authorized by the Executive Presbyter
- Fares for shuttle or airport bus service, where available; costs of public transportation for other ground travel
- Taxi fares, only when there is no less expensive alternative
- Mileage costs for use of personal cars, only when less expensive transportation is not available, or pre-authorized by the Executive Presbyter
- Cost of standard accommodations in low to mid-priced hotels, motels, or similar lodgings
- Cost of meals, no more lavish than would be eaten at the employee's own expense
- Tips not exceeding 15% of the total cost of a meal or 10% of a taxi fare
- Charges for telephone calls, fax, and similar services required for business purposes

Employees who are involved in an accident while traveling on business must promptly report the incident to their immediate supervisor. Vehicles owned, leased, or rented by Mission Presbytery may not be used for personal use without prior approval. With prior approval, employees on business travel may be accompanied by a family member or friend, when the presence of a companion will not interfere with successful completion of business objectives. Additional expenses arising from the lodging of a companion or nonbusiness travel on either side of business travel are the responsibility of the employee. When travel is completed, employees should submit completed travel expense reports within fourteen (14) days. Reports must be accompanied by receipts for all individual expenses of \$25 or more.

Employees should contact their supervisor for guidance and assistance on procedures related to travel arrangements, expense reports, reimbursement for specific expenses, or any other business travel issues. Abuse of this business travel expenses policy, including falsifying expense reports to reflect costs not incurred by the employee, can be grounds for disciplinary action, up to and including termination of employment.

## **Computer and Email Usage**

Computers, computer files, the email system, and software furnished to employees are Mission Presbytery's property intended for business use. Employees should not use a password, access a file, or retrieve any stored communication without authorization. To ensure compliance with this

policy, computer and email usage may be monitored.

The Presbytery strives to maintain a workplace free of harassment and sensitive to the diversity of its employees. Therefore, the Presbytery prohibits the use of computers and the email system in ways that are disruptive, offensive to others, or harmful to morale. For example, the display or transmission of sexually explicit images, messages, and cartoons is not allowed. Other such misuse includes, but is not limited to, ethnic slurs, racial comments, off-color jokes, or anything that may be construed as harassment or showing disrespect for others. Email may not be used to solicit others for commercial ventures, political causes, outside organizations, or other nonbusiness matters.

Mission Presbytery purchases and licenses the use of various computer software for business purposes and does not own the copyright to this software or its related documentation. Unless authorized by the software developer, the Presbytery does not have the right to reproduce such software for use on more than one computer or more than the number of licenses purchased for software program. Employees may only use software on local area networks or on multiple machines according to the software license agreement. Mission Presbytery prohibits the illegal duplication of software and its related documentation.

Employees should notify their immediate supervisor, the Office Manager or any member of management upon learning of violations of this policy. Employees who violate this policy will be subject to disciplinary action, up to and including termination of employment.

### **Internet Usage**

Internet access to global electronic information resources on the World Wide Web is provided by Mission Presbytery to assist employees in obtaining work-related data and technology. The following guidelines have been established to help ensure responsible and productive Internet usage. While Internet usage is intended for job-related activities, incidental and occasional brief personal use is permitted within reasonable limits.

- 1) All Internet data that is composed, transmitted, or received via Presbytery computer communications systems is considered to be part of the official records of Mission Presbytery and, as such, is subject to disclosure to law enforcement or other third parties. Consequently, employees should always ensure that the business information contained in Internet email messages and other transmissions is accurate, appropriate, ethical, and lawful.
- 2) The equipment, services, and technology provided to access the Internet remain at all times the property of Mission Presbytery. As such, Mission Presbytery reserves the right to monitor Internet traffic, and retrieve and read any data composed, sent, or received through our online connections and stored in our computer systems.
- 3) Data that is composed, transmitted, accessed, or received via the Internet must not contain content that could be considered discriminatory, offensive, obscene, threatening, harassing, intimidating, or disruptive to any employee or other person. Examples of unacceptable content may include, but are not limited to, sexual comments or images, racial slurs, gender-specific comments, or any other comments or images that could

reasonably offend someone on the basis of race, age, sex, religious or political beliefs, national origin, disability, sexual orientation, or any other characteristic protected by law.

- 4) The unauthorized use, installation, copying, or distribution of copyrighted, trademarked, or patented material on the Internet is expressly prohibited. As a general rule, if an employee did not create material, does not own the rights to it, or has not gotten authorization for its use, it should not be put on the Internet. Employees are also responsible for ensuring that the person sending any material over the Internet has the appropriate distribution rights.
- 5) To ensure a virus-free environment, all files downloaded from the Internet must be scanned for viruses.

Abuse of the Internet access, including Wireless, provided by Mission Presbytery in violation of law or Mission Presbytery policies will result in disciplinary action, up to and including termination of employment. Employees may also be held personally liable for any violations of this policy. The following behaviors are examples of previously stated or additional actions and activities that are prohibited and can result in disciplinary action:

- Sending or posting discriminatory, harassing, or threatening messages or images
- Using the organization's time and resources for personal gain
- Stealing, using, or disclosing someone else's code or password without authorization
- Copying, pirating, or downloading software and electronic files without permission
- Sending or posting confidential material, trade secrets, or proprietary information outside of the organization
- Violating copyright law
- Failing to observe licensing agreements
- Engaging in unauthorized transactions that may incur a cost to the organization or initiate unwanted Internet services and transmissions
- Sending or posting messages or material that could damage the organization's image or reputation
- Participating in the viewing or exchange of pornography or obscene materials
- Sending or posting messages that defame or slander other individuals
- Attempting to break into the computer system of another organization or person
- Refusing to cooperate with a security investigation
- Sending or posting chain letters, solicitations, or advertisements not related to business purposes or activities
- Using the Internet for political causes or activities, religious activities, or any sort of gambling
- Jeopardizing the security of the organization's electronic communications systems
- Sending or posting messages that disparage another organization's products or services
- Passing off personal views as representing those of the organization
- Sending anonymous email messages
- Engaging in any other illegal activities

## **Telecommuting**

Telecommuting is the practice of working at home or at a site near the home instead of physically traveling to a central workplace. It is a work alternative that the Presbytery may offer to some

employees when it would benefit both the Presbytery and the employee. Employees who believe telecommuting can enhance their ability to get the job done should submit a written request to their supervisor and Personnel Committee proposing how it will benefit the Presbytery and themselves. The request should explain how they will be accountable and responsible, what equipment is necessary, and how communication barriers will be overcome. The decision to approve a telecommuting arrangement will be based on factors such as position and job duties, performance history, related work skills, and the impact on the Presbytery Office.

The employee's compensation, benefits, work status, work responsibilities, and the amount of time the employee is expected to work per day or per pay period will not change due to participation in the telecommuting program (unless otherwise agreed upon in writing). The employee's at-home work hours will conform to a schedule agreed upon by the employee and his or her supervisor. If such a schedule has not been agreed upon, the employee's work hours will be assumed to be the same as they were before the employee began telecommuting. Changes to this schedule must be reviewed and approved in advance by the employee's supervisor and the Personnel Committee.

Telecommuting is an alternative method of meeting the needs of the Presbytery and is not a universal employee benefit. As such, Mission Presbytery has the right to refuse to make telecommuting available to an employee and to terminate a telecommuting arrangement at any time.

### **Workplace Violence Prevention**

Mission Presbytery is committed to preventing workplace violence and to maintaining a safe work environment. Given the increasing violence in society in general, the Presbytery has adopted the following guidelines to deal with intimidation, harassment, or other threats of (or actual) violence that may occur during business hours or on its premises:

- 1) All employees, including supervisors and temporary employees, should be treated with courtesy and respect at all times. Employees are expected to refrain from fighting, "horseplay," or other conduct that may be dangerous to others. Firearms, weapons, and other dangerous or hazardous devices or substances are prohibited from the premises of Mission Presbytery without proper authorization.
- 2) Conduct that threatens, intimidates, or coerces another employee, a customer, or a member of the public at any time, including off-duty periods, will not be tolerated. This prohibition includes all acts of harassment, including harassment that is based on an individual's sex, race, age, or any characteristic protected by federal, state, or local law.
- 3) All threats of (or actual) violence, both direct and indirect, should be reported as soon as possible to your immediate supervisor, Stated Clerk, or the Personnel Committee. This includes threats by employees, as well as threats by customers, vendors, solicitors, or other members of the public. When reporting a threat of violence, you should be as specific and detailed as possible.
- 4) All suspicious individuals or activities should also be reported as soon as possible to a supervisor. Do not place yourself in peril. If you see or hear a commotion or disturbance near your workstation, do not try to intercede or see what is happening.
- 5) The Presbytery will promptly and thoroughly investigate all reports of threats of (or actual) violence and of suspicious individuals or activities. If the threats or suspicious activities

are instigated by anyone in an Ordered Ministry of the Presbyterian Church (U.S.A.), the Stated Clerk will be notified and initiate the investigative process per The Constitution of the Presbyterian Church (U.S.A.)'s Rules of Discipline. The identity of the individual making a report will be protected as much as is practical. In order to maintain workplace safety and the integrity of its investigation, Mission Presbytery may suspend employees, either with or without pay, pending investigation.

- 6) Anyone determined to be responsible for threats of (or actual) violence or other conduct that is in violation of these guidelines will be subject to prompt disciplinary action up to and including termination of employment.

The Presbytery encourages employees to bring their disputes or differences with other employees to the attention first of their supervisors who will then inform the Personnel Committee before the situation escalates into potential violence. An employee uncomfortable bringing the dispute before his or her supervisor may go instead to the Personnel Committee after informing the supervisor of such action. The Presbytery is eager to assist in the mediation and resolution of employee disputes, and will not discipline employees for raising such concerns.

### **Cell Phone Usage**

Mission Presbytery provides cellular telephones to some employees as a business tool. They are provided to assist employees in communicating with management and other employees, their clients, associates, and others with whom they may conduct business. Cell phone use is primarily intended for business-related calls. However, occasional, brief personal use is permitted within a reasonable limit. Cell phone invoices may be regularly monitored.

Employees may have access to a cell phone while in their cars and should remember that their primary responsibility is driving safely and obeying the rules of the road. Employees driving vehicles without hands free calling are prohibited from using cell phones to conduct business while driving and should safely pull off the road and come to a complete stop before dialing or talking on the phone. Texting while driving is never permitted.

As a representative of Mission Presbytery, cell phone users are reminded that the regular business etiquette employed when speaking from office phones or in meetings applies to conversations conducted over a cell phone.

### **Medical Leave**

See Attachment A-1.5 of this Manual of Operations.

### **Family Leave**

See Attachment A-1.05 of this Manual of Operations.

### **Military Leave**

See Attachment A-1.5 of this Manual of Operations.

### **Pregnancy Disability**

See Attachment A-1.5 of this Manual of Operations.

### **Sabbatical Leave**

See Attachment A-1.5 of this Manual of Operations.

### **Educational Leave**

The Presbytery may provide educational leaves of absence with or without pay to eligible employees who wish to take time off from work duties to pursue course work that is applicable to their job duties with the Presbytery. Only Regular Full-Time employees are eligible to request educational leave as described in this policy and may request educational leave for a period of up to two (2) weeks every year. Requests will be evaluated based on a number of factors, including anticipated workload requirements and staffing considerations during the proposed period of absence.

Subject to the terms, conditions, and limitations of the applicable plans, the Presbytery will continue to provide health insurance benefits for the full period of the approved educational leave. Vacation, sick leave, and holiday benefits will continue to accrue during the approved educational leave. If an employee fails to report to work at the end of the approved leave period, Mission Presbytery will assume that the employee has resigned.

### **Court Appearance Leave**

Court appearance leave may be requested to:

- prepare for and attend court proceedings;
- receive medical treatment or attend to medical treatment for a victim who is the employee's daughter, son, parent or spouse; or,
- obtain necessary services to remedy a crisis caused by domestic violence, sexual assault, stalking, or any other crime.

While this leave is unpaid leave, the employee may use accrued leave during the leave period. Mission Presbytery will make every attempt to maintain the confidentiality of any information provided as certification of the need for court appearance leave.

The employee requesting court appearance leave must give advance notice whenever possible of the need for leave to the Executive Presbyter, and provide documentation verifying the need for the leave. Acceptable documentation includes:

- a police report indicating that the employee or a member of the employee's family was a victim of a crime;
- a court order protecting or separating the employee from the perpetrator of an act of domestic violence, or other evidence from the court or prosecuting attorney that the employee has appeared in court; or,
- documentation from a medical professional, domestic violence advocate, health care provider, or counselor that the employee was undergoing treatment for physical or mental injuries or abuse resulting in victimization from an act of domestic violence, sexual assault, or other crime.

## **WORK POLICIES**

### **Employee Conduct and Work Rules**

It is not possible to list all the forms of behavior that are considered unacceptable in the workplace. The following are examples of infractions of rules of conduct that may result in disciplinary action, up to and including termination of employment:

- Theft or inappropriate removal or possession of property
- Falsification of timekeeping records
- Working under the influence of alcohol or illegal drugs
- Possession, distribution, sale, transfer, or use of alcohol or illegal drugs in the workplace, while on duty, or while operating employer-owned vehicles or equipment
- Fighting or threatening violence in the workplace
- Boisterous or disruptive activity in the workplace
- Negligence or improper conduct leading to damage of employer-owned or customer-owned property
- Insubordination or other disrespectful conduct
- Violation of safety or health rules
- Smoking in prohibited areas
- Sexual or other unlawful or unwelcome harassment
- Possession of dangerous or unauthorized materials, such as explosives or firearms, in the workplace
- Excessive absenteeism or any absence without notice
- Unauthorized absence from work station during the workday
- Unauthorized use of telephones, mail system, or other employer-owned equipment
- Unauthorized disclosure of business "secrets" or confidential information
- Violation of personnel policies
- Unsatisfactory performance or conduct

### **Drug and Alcohol Use**

While on Mission Presbytery premises and while conducting business-related activities off Mission Presbytery premises, no employee may use, possess, distribute, sell, or be under the influence of alcohol or illegal drugs. The legal use of prescribed drugs is permitted on the job only if it does not impair an employee's ability to perform the essential functions of the job effectively and in a safe manner that does not endanger other individuals in the workplace. Violations of this policy may lead to disciplinary action, up to and including immediate termination of employment, and/or required participation in a substance abuse rehabilitation or treatment program. Such violations may also have legal consequences.

Employees with drug or alcohol problems that have not resulted in, and are not the immediate subject of, disciplinary action may request approval to take unpaid time off to participate in a rehabilitation or treatment program through the PCUSA's Board of Pensions benefit coverage. Leave may be granted if the employee agrees to abstain from use of the problem substance; abides by all the Presbytery's policies, rules, and prohibitions relating to conduct in the workplace; and if

granting the leave will not cause the Presbytery any undue hardship. Employees with questions on this policy or issues related to drug or alcohol use in the workplace should raise their concerns with their supervisor or the Personnel Committee without fear of reprisal.

### **Sexual Misconduct: Abuse and Other Unlawful Harassment**

See Attachment A-1.3 in this Manual of Opearations.

### **Workplace Monitoring**

Workplace monitoring may be conducted by the Presbytery to ensure quality control, employee safety, security, and customer satisfaction. Computers furnished to employees are the property of Mission Presbytery. As such, computer usage and files may be monitored or accessed. Removal of computers and accessories from the Presbytery Office must be pre-authorized by the Executive Presbyter. The Presbytery may conduct video surveillance of non-private workplace areas. Video monitoring is used to identify safety concerns, maintain quality control, detect theft and misconduct, and discourage or prevent acts of harassment and workplace violence.

### **Attendance and Punctuality**

To maintain a safe and productive work environment, the Presbytery expects employees to be reliable and to be punctual in reporting for the Presbytery. In the rare instances when employees cannot avoid being late to work or are unable to work as scheduled, they should notify their supervisor as soon as possible in advance of the anticipated tardiness or absence. Poor attendance and excessive tardiness are disruptive. Either may lead to disciplinary action, up to and including termination of employment.

### **Emergency Closings**

At times, emergencies such as severe weather, fires, power failures, or earthquakes, can disrupt company operations. In extreme cases, these circumstances may require the closing of a work facility. In the event that such an emergency occurs during non-working hours, the supervisor will notify all employees. When operations are officially closed due to emergency conditions, the time off from scheduled work will be paid.

In cases where an emergency closing is not authorized, employees who fail to report for work will not be paid for the time off. Employees may request available paid leave time such as unused vacation benefits. Exempt employees in essential operations may be asked to work on a day when operations are officially closed. In these circumstances, employees who work will receive regular pay. Employees may request to take a day of time-off within the same pay period.

### **Personal Appearance and Dress**

Dress, grooming, and personal cleanliness standards contribute to the morale of all employees and affect the business image the Presbytery presents to customers and visitors. The Executive Presbyter is responsible for establishing a reasonable dress code. During regular business hours or when representing the Presbytery, employees will dress in Business Casual wear (no jeans or shorts) that is clean, neat,

professional and tasteful in appearance. Occasionally, the Executive Presbytery will designate Informal Dress days such as certain days preceding holidays, staff training days or retreats, and office clean-up days where jeans and shorts are acceptable.

### **Use of Equipment and Vehicles**

Equipment and vehicles owned, leased, or rented for accomplishing job duties are expensive and may be difficult to replace. When using property, employees are expected to exercise care, perform required maintenance, and follow all operating instructions, safety standards, and guidelines. Please notify the supervisor if any equipment, machines, tools, or vehicles owned or rented by Mission Presbytery appear to be damaged, defective, or in need of repair. Prompt reporting of damages, defects, and the need for repairs could prevent deterioration of equipment and possible injury to employees or others. All employees are responsible for maintenance and care of equipment or vehicles used to perform their job. The Office Manager will provide training to all employees on office equipment and desktop computers.

No employee may rent a vehicle for the sole purpose of conducting Mission Presbytery business without the pre-authorization of the Executive Presbyter. When employees use owned, leased, or rented by Mission Presbytery or use their own personal vehicles to perform duties as a part of their job function, the employees will at all times meet the following criteria:

- Must have a current, valid Texas driver's license
- Must maintain a clean driving record in order to remain insurable under Mission Presbytery's liability insurance policy
- Must have minimum car insurance and liability for the State of Texas
- Must observe all safety, traffic, and criminal laws of Texas
- Must not consume alcohol while conducting their job function for Mission Presbytery
- Must report any traffic citations, if arrested by a law enforcement officer, or if involved in any kind of accident to their supervisor, the Executive Presbyter, and the Stated Clerk as soon as possible thereafter

The improper, careless, negligent, destructive, or unsafe use or operation of equipment or vehicles, as well as excessive or avoidable traffic and parking violations, can result in disciplinary action, up to and including termination of employment.

### **Progressive Discipline**

The purpose of this policy is to state the Presbytery's position on administering equitable and consistent discipline for unsatisfactory conduct in the workplace. The major purpose of any disciplinary action is to correct the problem, prevent recurrence, and prepare the employee for satisfactory service in the future. Although employment with the Presbytery is based on mutual consent and both the employee and the Presbytery have the right to terminate employment at will, with or without cause or advance notice, the Presbytery may use progressive discipline at its discretion.

DISCIPLINARY ACTION may call for any of four steps -- verbal warning, written warning,

suspension with or without pay, or termination of employment -- depending on the severity of the problem and the number of occurrences. There may be circumstances when one or more steps are bypassed.

**PROGRESSIVE DISCIPLINE** means that, with respect to most disciplinary problems, these steps will normally be followed:

- a first offense may call for a verbal warning;
- a next offense may be followed by a written warning;
- another offense may lead to a suspension; and,
- yet another offense may then lead to termination of employment.

If more than twelve (12) months have passed since the last disciplinary action, the process will normally start over. Mission Presbytery recognizes that there are certain types of employee problems that are serious enough to justify either a suspension, or, in extreme situations, termination of employment, without going through the usual progressive discipline steps. By using progressive discipline, the Presbytery hopes that most employee problems can be corrected at an early stage, benefiting both the employee and Mission Presbytery.

### **Problem Resolution**

The Presbytery is committed to providing the best possible working conditions for its employees. Part of this commitment is encouraging an open and frank atmosphere in which any problem, complaint, suggestion, or question receives a timely response from the Presbytery supervisors and management. Mission Presbytery strives to ensure fair and honest treatment of all employees. Supervisors, managers, and employees are expected to treat each other with mutual respect. Employees are encouraged to offer positive and constructive criticism.

If employees disagree with established rules of conduct, policies, or practices, they can express their concern through the problem resolution procedure. No employee will be penalized, formally or informally, for voicing a complaint with the Presbytery in a reasonable, business-like manner, or for using the problem resolution procedure. If a situation occurs when employees believe that a condition of employment or a decision affecting them is unjust or inequitable, they are encouraged to make use of the following steps. The employee may discontinue the procedure at any step.

- a) Employee presents problem to immediate supervisor within ten (10) calendar days, after incident occurs. If supervisor is unavailable or employee believes it would be inappropriate to contact that person, employee may present problem to Personnel Committee.
- b) Supervisor responds to problem during discussion or within ten (10) calendar days, after consulting with appropriate management, when necessary. Supervisor documents discussion.
- c) Employee presents problem to Personnel Committee within ten (10) calendar days, if problem is unresolved.
- d) Personnel Committee counsels and advises employee, assists in putting problem in writing, visits with employee's supervisor, if necessary, and directs employee to the a leadership advisory team for review of the unresolved problem comprised of the Chair of General Council, Vice Moderator of Presbytery, Personnel Chair, Pastoral Care Chair, and the

Executive Presbyter.

- e) Employee presents problem to leadership advisory team in writing.
- f) Leadership advisory team reviews and considers the problem. Leadership advisory team informs employee of decision within ten (10) calendar days, and forwards copy of written response to the Personnel Committee for employee's file. The leadership advisory team has full authority to make any adjustment deemed appropriate to resolve the problem.

Problems, disputes, or claims not resolved through the preceding problem resolution steps are subject to mediation. Mediation will be conducted under the Employment Mediation Rules of the American Arbitration Association. Employees who choose to use mediation to resolve a problem will be expected to share the cost of mediation with Mission Presbytery. A complete description of the mediation procedure is available from the Personnel Director for review. Not every problem can be resolved to everyone's total satisfaction, but only through understanding and discussion of mutual problems can employees and management develop confidence in each other. This confidence is important to the operation of an efficient and harmonious work environment, and helps to ensure everyone's job security.

### **Code of Sexual Ethics**

**All** Mission Presbytery Teaching Elders, Commissioned Ruling Elders, Certified Christian Educators, Student Pastors employed by Church Development, or Ministers of another denomination serving Mission Presbytery congregations as Pastor, and Presbytery Staff members are required to sign and abide by the following code of conduct in matters relating to sexual ethics.

#### **Read it carefully, sign, and return to the Presbytery Office**

1. Pastoral and Educational leaders and staff members of Mission Presbytery are agents of healing and redemption. They are aware that sexual exploitation of spouse, family, colleagues, congregants, employees, or counselees is an abuse of the authority of their pastoral position.
2. I am aware of my obligation to adhere to standards of confidentiality and privileged communications.
3. I am aware of the long-term effects of all forms of sexual exploitation and seek to help victims cope with such damage through every available means.
4. I am aware that sexual harassment and immorality are chargeable under church law and that I always bear final responsibility for my actions.
5. I am aware of and willing to abide by denominational disciplines and policies in facing the consequences of my actions in any instance of sexual exploitation.
6. I who learn of the sexually exploitative behavior by and of another person accept an ethical and Biblical responsibility to report my knowledge of this behavior to the appropriate church authorities.
7. I subscribe to policies of Mission Presbytery for appropriate grievance procedures with regard to sexual misconduct.
8. I am aware of my sacred calling as servants to God under the Lordship of Jesus Christ and accept my responsibility and accountability to the people entrusted to my care.

Sign below, make a copy for your records, and mail the original to the Presbytery office. It will be placed with your personnel file.

I have read and do understand the document above to be the policy of Mission Presbytery in regard to sexual ethics. As a Teaching Elder, Commissioned Ruling Elders, Certified Christian Educators, Student Pastors employed by Church Development, or a Minister of another Christian denomination, I subscribe to these affirmations.

Print Name: \_\_\_\_\_ Date: \_\_\_\_\_

Signature: \_\_\_\_\_

## **Sexual Abuse and Harassment Policy**

### **PURPOSE:**

It is the policy of Mission Presbytery that all church members, church officers, non-member employees, Presbytery Staff, educators, inquirers, candidates, contractors, and volunteers of congregations, councils, committees and agencies of the church are to maintain the integrity of the ministerial, employment, and professional relationship at all times. Persons who engage in sexual misconduct of abuse and harassment are in violation of the principles set forth in Scripture, and also of the ministerial, pastoral, employment, and professional relationship. It is never permissible or acceptable for a church member, officer, employee, or volunteer to engage in sexual misconduct.

### **SEXUAL MISCONDUCT**

Sexual misconduct in the ministerial relationship is an abuse of authority and power, breaching Christian ethical principles by misusing a trust and professional relationship to gain advantage over another for personal gratification in an exploitative and unjust manner.

Sexual misconduct is the comprehensive term used in this policy to include but not limited to child (anyone under the age of eighteen) sexual abuse, adult sexual abuse, rape or sexual assault, and sexual harassment.

**Sexual Abuse** is defined in the Book of Order (D-10.0401c):

"Sexual abuse of another person is any offense involving sexual conduct in relation to

- (1) any person under the age of eighteen years or anyone over the age of eighteen years without the mental capacity to consent; or
- (2) any person when the conduct includes force, threat, coercion, intimidation, or misuse of ordered ministry or position.

Categories of Abuse include:

Child Sexual Abuse includes, but is not limited to, any contact or interaction between a child/minor and an adult when the child is being used for the sexual stimulation of the adult person or of a third person. The behavior may or may not involve touching. Sexual behavior between a child and an adult is always considered forced whether or not consented to by the child.

Rape or Sexual Assault is sexual contact by force, threat, or intimidation.

Sexual Conduct offensive, obsessive or suggestive in language or behavior, unacceptable visual contact, unwelcome touching or fondling that is injurious to the physical or emotional health of another. Sexual acts or sexual contact with another person who is incapable of appraising the nature of the conduct or physically incapable of declining participation in, or communicating unwillingness to engage in, that sexual act or sexual contact.

Sexual Acts or Sexual Contact arising from the administration to another person of a drug or intoxicant which substantially impairs the ability of that person to apprise or control the nature of the conduct.

Sexual Malfeasance is defined by the broken trust resulting from sexual activities within a professional ministerial relationship that results in misuse of office or position arising from the professional ministerial relationship. Sexual acts or contact between ministers and laity with whom they have a professional relationship. This includes consensual physical relationships. Sexual relationships even when consensual are not acceptable regardless of whether pastoral care is involved. The inherent imbalance of power between the minister and the lay person undermines the validity of such consent.

Misuse of Technology is the use of technology that results in sexually harassing or abusing another person, including texting or emailing suggestive messages and images to persons with whom one has a ministerial relationship. It is never appropriate to view pornography on church property. When this includes a person under the age of eighteen, it is considered child abuse. There is never an expectation of personal privacy when using technological equipment owned by a church or church agency or within the context of ministry.

**Sexual Harassment** includes unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

- (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or their continued status in an institution in either a professional or volunteer capacity;
- (2) submission to or rejection of such conduct is used as the basis for employment or program participation decisions affecting such an individual;
- (3) 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; or
- (4) an individual is subjected to a single intense or severe act or multiple persistent or persuasive acts that insult, degrade, and/or sexually exploit men, women, or children to include, but is not limited to:
  - a) sexually oriented jokes or humor;
  - b) sexually demeaning comments;
  - c) verbal suggestions of sexual involvement or sexual activity;
  - d) questions or comments about sexual behavior;
  - e) unwelcome or inappropriate physical contact/touching;
  - f) graphic or degrading comments about an individual's physical appearance;
  - g) express or implied sexual advances or propositions;
  - h) display of sexually suggestive objects or pictures;
  - i) repeated requests for social engagements after an individual refuses

## **RESPONSE TO ALLEGATIONS OF SEXUAL MISCONDUCT**

In responding to allegations of sexual misconduct, members, officers, and employees of the church should seek healing and assure the protection of all persons. Where possible, the privacy of persons should be respected and confidentiality of communications should be maintained.

In responding to allegations of sexual misconduct, members, officers, and employees of the church should seek to uphold the dignity of all persons involved, including persons who are alleging harm, persons who are accused of sexual misconduct, and the families and communities of each.

Mission Presbytery has jurisdiction over its members, officers, and employees such that if a member, officer, or employee is alleged to have committed an offense against Scripture or the PC(USA) Constitution, the church has the duty to inquire into the allegations and, if the allegations are proven, to correct the behavior of the member, officer, or employee and ensure the safety of others in the community. Allegations of sexual misconduct are always considered allegations of offense against Scripture or the PC(USA) Constitution that trigger the disciplinary processes of the PC(USA) set forth in the Book of Order. In the case of an active non-member who is employed or volunteers with the church, the individual will be covered by the policies and procedures of Mission Presbytery.

If the person accused of sexual misconduct is no longer a member, officer, or employee of the PC(USA), but the conduct occurred while the person was acting on behalf of the PC(USA), the church does not have jurisdiction to correct the behavior, but it does have a duty to hear the allegations of offense and to take measures to prevent future occurrences of harm. Presbytery may appoint an administrative commission to hear the allegations of sexual misconduct. The Presbytery also will take measures to prevent future occurrences of harm through education and policy.

### **Reporting Requirements**

#### **1. Reporting Sexual Misconduct**

A person needing to report that a member, officer, employee, or volunteer of the PC(USA) has committed sexual misconduct is encouraged to seek guidance from a PC(USA) teaching elder, ruling elder, or Stated Clerk regarding filing the report.

If the person who is accused of committing sexual misconduct is a member, ruling elder, deacon, volunteer, or employee of a congregation, the report of allegations should be made to the teaching elder, the clerk of session, or the chair of the personnel committee of that congregation. If the accused is a member or officer of the church, the church will respond by using the procedures set forth in the Rules of Discipline of the Book of Order. If the accused is a nonmember employee or volunteer, the church will respond by using procedures set forth by the session of the congregation.

If the person who is accused of committing sexual misconduct is a teaching elder member, the report of allegations should be made to the Stated Clerk of the Presbytery. If the report of allegations is placed in writing, the Presbytery will respond by using the procedures set forth in the Rules of Discipline of the Book of Order. If the person who is accused of committing sexual misconduct is a volunteer or nonmember employee of the Presbytery, the report of allegations first to the supervisor, then to the Personnel Committee, and finally to the Stated Clerk of the Presbytery if the Rules of Discipline of the Book of Order will be used in response. If an allegation is made by one Staff member against another Staff member, the supervisor and Personnel Committee will be notified.

## 2. Receiving Reports of Sexual Misconduct

Reports of allegations of sexual misconduct will not be taken lightly or disregarded and allowed to circulate without concern for the integrity and reputation of the victim, the accused, and the church. Reports of allegations will be dealt with as matters of highest confidentiality, both before and after they have been submitted to appropriate authorities.

Reports of allegations of sexual misconduct may come from persons who have or who do not have a formal relationship with the PC(USA) and may be made to a variety of officers or leaders within the PC(USA). It is the duty of officers to see that any allegation of sexual misconduct is reported appropriately keeping in mind the mandatory reporting requirements for allegations of child abuse.

The first person to learn of an incident of sexual misconduct should not undertake an inquiry alone or question either the victim or the accused unless the incident is divulged in the process of pastoral care, counseling, or a therapy session. If the victim is hesitant to talk to “higher authorities,” the person who has received the initial report has a special pastoral responsibility to build trust and willingness to speak with the accuser, lest the church be unable to respond because no one is able to give firsthand information.

The person receiving the initial report of allegations of sexual misconduct shall analyze the relationship of the person accused of sexual misconduct with the PC(USA) and Mission Presbytery. The supervisor should be notified and talk with both the accuser and the accused to determine if a misunderstanding or miscommunication ensued or if, in fact, an offense occurred. If an offense occurred, the allegations of offense are filed with the council with jurisdiction over the person accused. This may be done by the person alleging harm or by any member of the PC(USA).

If the report is made orally, the person receiving the report of allegations should request that the person making the report of allegations place it in writing. A report of allegations of sexual misconduct in writing from a member of the PC(USA) alleging another member or officer of the PC(USA) committed an offense must be acted on according to the Rules of Discipline of the Book of Order. If a clerk of session or the Stated Clerk receives a report of allegations in writing from a nonmember of the PC(USA) alleging another member or officer of the PC(USA) committed sexual misconduct, the report also should be acted on according to the Rules of Discipline of the Book of Order.

If the person who makes the report is unwilling or unable to place it in writing, any member of the PC(USA) may make the written statement that will automatically trigger the Rules of Discipline of the Book of Order.

### 3. Mandatory Reporting of Child Abuse

All ruling elders, deacons, Certified Christian Educators, teaching elders, inquirers, candidates, Christian clergy performing ministry service for Mission Presbytery, and contractors are required to report knowledge of child abuse to the civil and ecclesiastical authorities according to the Book of Order standards of confidence and privilege.

## **Responding**

The appropriate council or agency response will vary according to the relationship of the Presbytery with the person who is accused of sexual misconduct. Church members and officers are subject to inquiry and discipline (censure and correction) under the Book of Order. Non-church member employees and volunteers are subject to oversight and correction by the council or agency that employs them.

### 1. Accused Covered by Book of Order

When an allegation of offense of sexual misconduct has been received by the clerk of session or Stated clerk of the presbytery, the Clerk of the council will report to the council that an offense has been alleged and that the council will proceed according to the procedures set forth in the Rules of Discipline of the Book of Order. The council will appoint an investigating committee (IC) to inquire into the allegations. The IC must promptly begin its inquiry into the allegations. Delay may cause further harm to the victim and/or the accused.

Councils and entities must cooperate with civil authorities in an investigation of child sexual abuse or other criminal sexual misconduct. Church disciplinary proceedings cannot interfere with a criminal investigation by civil authorities and may have to be suspended until these are completed.

The session has original jurisdiction in disciplinary cases involving members, ruling elders, and deacons of the church, each congregation having jurisdiction only over its own members.

The Presbytery has original jurisdiction in disciplinary cases involving teaching elders and officers serving on committees or agencies of the Presbytery. The Presbytery may only place a teaching elder on administrative leave when allegations of child abuse have been received and the Presbytery has followed the Book of Order procedures to conduct its risk evaluation to determine whether or not a teaching elder member accused of child abuse should be placed on administrative leave (D-10.0106). The permanent judicial commission (PJC) members who will conduct this risk evaluation based upon the allegations and a hearing taking into account counsel from the Presbytery's secular legal advisor.

When a church officer renounces jurisdiction, the clerk of session or Stated Clerk shall report the

renunciation at the next meeting of the council and shall record the renunciation in the minutes of the council. The status of any pending charges may be shared with the council at that time.

## 2. Accused Not Covered by Book of Order

When a council or agency of the Presbytery receives an accusation of offense of sexual misconduct against a nonmember employee or volunteer, the procedural response of the council or agency will be guided by this policy, the Personnel Policies & Procedures. The Personnel Committee (PER) will respond to the allegation of offense of sexual misconduct in the following manner:

- a) Determine whether or not the allegation gives rise to a reasonable suspicion of sexual misconduct by the accused.
- b) If so, gather additional information necessary to make a decision about correcting the
- c) behavior.
- d) Determine any remedies, including limiting ministry, suspension, or termination necessary and advisable under the circumstances. If the accused is a member of another denomination, that denomination will be notified of the allegations and the response.
- e) Inform the victim and the accused of the remedy.
- f) In all cases, the PER shall prepare a written report, which shall be included in the accused's permanent personnel file. The accused shall be allowed to attach any written statements to said documents, also for permanent inclusion in the permanent file.

## 3. Record Keeping

The council or agency should keep detailed records of its actions and minutes of its deliberations and its conversations with the accuser, the accused, and other parties involved, correspondence, and copies of the reports received from committees or commissions. Such records will be kept confidential as far as possible. In Case # 208-6, the General Assembly Permanent Judicial Commission (GAPJC) interpreted the Rules of Discipline to say that a council or agency may share the contents of inquiry reports with other councils or entities of the PC(USA) when necessary. The Stated Clerk of the Presbytery will maintain the records while the inquiry is in process.

## **PREVENTION AND RISK MANAGEMENT**

### **Implementation**

This policy is binding upon all members, employees, volunteers, and contractors of or in a professional relationship with the Presbytery, its committees and agencies.

### **Liability and Insurance**

The Presbytery annually will review its insurance coverage for sufficient coverage and specially liability insurance to cover sexual abuse and molestation. The Presbytery will ensure that insurance coverage includes endorsements to cover specific exposures such as camps, day-care operations, shelters, or other outreach programs. Such coverage may provide for legal defense

expenses and judgments in civil suits brought against the council or agency, its officers, directors, or employees.

The Stated Clerk will inform the Presbytery's liability insurance carrier of any alleged caused by sexual misconduct of member of Presbytery, contractor, Christian clergy of another denomination working on behalf of the Presbytery, and paid or volunteer employees.

## **Employment Practices**

### **1. Record Keeping**

The Presbytery will maintain a personnel file on every employee, including teaching elders. The file should contain the application for employment, any employment questionnaires, background checks, references responses, and all other documents related to an employee's employment, except records which may be required, by law, to be kept in separate files.

### **2. Prescreening**

A background check, including a national criminal background check, on all members and Staff of Presbytery as well as all applicants that may have interaction with children and youth; including but not limited to, discovering previous complaints of sexual misconduct.

### **3. References**

The employing council or agency is responsible for contacting references for prospective teaching elders, employees, or volunteers. A written record of conversations or correspondence with references will be kept in the teaching elder or employee's personnel file.

If false or misleading information is given by an individual, or relevant information is withheld, the individual will be eliminated from consideration. Individuals will be informed of negative comments regarding sexual misconduct and shall be given an opportunity to submit additional references or to give other evidence to correct or respond to harmful information obtained from a reference.

## **Background Check Policy**

**PURPOSE:** Mission Presbytery seeks to maintain a safe, secure, and caring environment where clergy, ruling elders, educators, inquirers, candidates, both paid and volunteer Staff members, and contractors labor and participate in ministries and administration of the Presbytery. Background checks are conducted to ensure due diligence in providing such an environment for everyone within Mission Presbytery and Christ's church.

**WHO REQUIRES A BACKGROUND CHECK:** To preserve and maintain such a safe environment, background checks will be conducted for:

1. All Teaching Elders prior to their being received into membership of the Presbytery [NOTE: Committee on Ministry (COM) may require a background check prior to a pastor search committee (PNC, APNC, IPNC, etc.) conducting face-to-face interviews with potential candidates; or prior to examination]
2. All Candidates for Ordination who have received a call within the Presbytery [NOTE: COM stipulations as in the above line item applies]
3. All Teaching Elders currently members of Presbytery moving into new pastoral leadership positions who have not had a background check conducted in the past five (5) years
4. Certified Christian Educators and Certified Associate Christian Educators employed by churches in Presbytery in certified positions
5. Ruling Elders called to serve as Commissioned Ruling Elders (CRE) at the time of their entry into an approved CRE education program [NOTE: these background checks may be conducted by the Seminary of enrollment, member's church, or the Presbytery Office]
6. Inquirers and Candidates coming under care of the Presbytery through the work of the Committee on Preparation for Ministry (CPM) [NOTE: these background checks may be conducted by the Seminary of enrollment or by the Presbytery of care]
7. Clergy of other Christian denominations constitutionally eligible to provide ministry leadership and approved by COM for temporary pastor positions in churches
8. Presbytery Staff members, paid and volunteers
9. Contractors working for the Presbytery, its committees, or agencies.
10. All adults who regularly work with children and youth younger than 18 years of age and/or serve as sponsors or chaperones on youth trips and events [NOTE: these background checks may be conducted as dictated by the event/venue hosting organization, the child/youth's home church, or the Presbytery Office]

**SCOPE OF BACKGROUND CHECKS:** Background checks ordinarily will include, as permitted by States and Counties within the address history of the individual:

SSN Verification

Identity Verification

10 year Address History

50 State Criminal Records

50 State Sex Offender Registration

50 State Terrorist Database

Serious traffic infractions

Credit check (for clergy, CREs, certified educators, Presbytery Staff, and contractors providing financial management for the Presbytery, as applicable)

**BACKGROUND CHECK SERVICES:** Background checks performed through the Presbytery Office will use Intellicorp's services. Mission Presbytery maintains a group account with Intellicorp. Sub-accounts may be set up for churches desiring to use Intellicorp under the Presbytery's group account.

**BACKGROUND CHECK RELEASE FORM:** All individuals requiring a background check must complete, sign, and return a Background Check Release Form to the office conducting the background check. The form is available from the Presbytery Office.

**FORMS ON FILE:** Completed release forms for background checks performed by the Presbytery Office for its Staff, contractors, committees, or agencies are considered confidential and will be secured in the personnel files in the Presbytery Office.

**FAILURE TO AUTHORIZE:** Background checks will not be performed until the release form has been received by the Stated Clerk. However, no individual shall be received into membership in Mission Presbytery or placed in any leadership or ministerial position or on any approved roll or hired for any Presbytery Staff position covered by this policy until the background checks have been performed and the results reviewed by the Stated Clerk. Failure to authorize performance of a background check will be treated as withdrawal of an application, contract, call, and/or working with children/youth under 18 years of age.

**BACKGROUND CHECK FEES:** Fees for background checks vary depending on the States and Counties accessed fees that the individual's address history includes. Costs associated with the performance of required background checks will be group billed invoiced by the Presbytery Office for payment by the responsible party:

1. Churches whose search committees or sessions have requested a background check to interview, call, covenant or contract for either an installed or temporary pastoral relationship
2. CPM, if applicable, for inquires moving to candidacy
3. COM for individuals received and accepting a pastoral relationship with one of the Presbytery's congregations
4. Personnel Committee for Staff of the Presbytery
5. Individual for whom the background check was conducted COM has approved for a Validated Ministry or has received as a honorably retired member or a member-at-large.

**REVIEW AND EVALUATION OF REPORTS:** The Stated Clerk reviews each background check conducted by the Presbytery Office and determines if the check results in a "clear report" or a "not clear report" and so notify the Personnel Committee, COM, CPM, session, search committee, as applicable, and the individual.

Clear Report: No criminal or sexual misconduct offense reports returned.

Traffic offenses and credit issues will be decided by the appropriate committee or agency working with the church, search committee, and the individual.

The Stated Clerk will communicate to the appropriate committee, session, or search committee that the background check produced a clear report.

**Not Clear Report:** Criminal or sexual misconduct offense reports outside the parameters of risk management for the Presbytery to do due diligence in providing a safe environment due to the likelihood of repetition of the undesirable offenses or behaviors, and the impact on the mission and life of the congregation and Presbytery or particular ministry or role involved.

In the event that one or more of the background check reports are not clear, the Stated Clerk will communicate the results to the individual and request the individual to confirm or deny the accuracy of the report. If the individual denies the accuracy of the report, the Stated Clerk will initiate communication with legal judicatories reporting the offense(s) to verify the accuracy of the background check report. If necessary, the Stated Clerk will authorize "interviews with friends, acquaintances, or others who may have relevant information" per the background check release form signed by the individual.

If the background check is not clear and results in an adverse decision, a copy of the report and notice of adverse decision will be provided the individual.

**DISPOSITION OF BACKGROUND CHECK REPORTS:** No background check reports returned are physically maintained by the Presbytery Office in personnel or office files.

Background Check Release Forms are maintained and disposed of as follows:

1. Permanently in the individual's personnel file in the Presbytery Office on Teaching Elders received/ordained into membership of the Presbytery
2. Permanently in the individual's personnel file in the Presbytery Office on Commissioned Ruling Elders commissioned to particular service
3. One year for individuals interviewed but not selected for the position; then destroyed
4. One year for individuals denied admission/employment; then destroyed
5. One year beyond ordination of Candidates for Ministry who receive a call to a ministry beyond the bounds of the Presbytery or withdraw from the candidacy process; then destroyed

## **Presbytery Staff Personal Leaves of Absence: Sabbaticals, Extended, Military**

### **SABBATICAL LEAVE**

Presbytery Staff members who are full-time Teaching Elders, Commissioned Ruling Elders, Certified Christian Educators, and Ruling Elder Executive or Associate Presbyters shall be eligible for sabbatical leave after six (6) consecutive years of service in the same ministry position without having taken an extended absence prior. The recommended length of the sabbatical leave is not less than sixty (60) nor more than (90 days). Eligibility for and length of sabbatical leave does not vest or accumulate. Accrued vacation time and continuing education time may be attached to the sabbatical leave at the council's discretion.

The business needs of Mission Presbytery will take priority over the scheduling of sabbatical leaves for eligible Staff members. Requests will be evaluated by the Personnel Committee and recommendations made to General Council based on a number of factors, including anticipated workload requirements and staffing considerations during the period of the sabbatical.

Sabbatical leaves are granted at full pay of the individual's effective salary. During a sabbatical leave, an employee may not accept paid employment with another employer. Subject to the terms, conditions, and limitations of the applicable plans, Mission Presbytery will continue to provide Board of Pensions benefits for the full period of the sabbatical.

Eligible members taking a sabbatical leave must sign a written agreement obligating them to return to Mission Presbytery for at least one (1) year of employment in the same ministry position following completion of the sabbatical. However, sabbatical leave will not be paid out if the member terminates from employment with Mission Presbytery before becoming eligible. Nor will compensation be paid out in lieu of taking the sabbatical.

### **EXTENDED LEAVE**

#### **1. Medical Leave**

The Presbytery provides medical leave of absence without pay to eligible employees who are temporarily unable to work due to a serious health condition or disability. For purposes of this policy, serious health conditions or disabilities include inpatient care in a hospital, hospice, or residential medical care facility; and continuing treatment by a health care provider.

Employees in the following employment classifications who have a minimum of twelve (12) months of continuous employment are eligible to request medical leave as described in this policy:

- Regular full-time employees: are normally granted leave for the period of the disability, up to a maximum of six (6) weeks within any twelve (12) month period.

- Regular part-time employees: normally granted leave for the period of the disability, up to a maximum of three (3) weeks within any twelve (12) month period.

Any combination of medical leave and family leave may not exceed this maximum limit. If the initial period of approved absence proves insufficient, consideration will be given to a request for a single extension of sixty (60) days.

Employees will be required to first use any accrued paid leave time before taking unpaid medical leave.

Subject to the terms, conditions, and limitations of the applicable plans, the Presbytery will continue to provide Board of Pension benefits for the full period of the approved medical leave. Benefit accruals, such as vacation, sick leave, and holiday benefits, will continue during the approved medical leave period.

Eligible employees should make requests for medical leave to their supervisors at least thirty (30) days in advance of foreseeable events and as soon as possible for unforeseeable events.

A health care provider's statement must be submitted verifying the need for medical leave and its beginning and expected ending dates. Any changes in this information should be promptly reported to the Presbytery. Employees returning from medical leave must submit a health care provider's verification of their fitness to return to work.

Employees who sustain work-related injuries are eligible for a medical leave of absence for the period of disability in accordance with all applicable laws covering occupational disabilities.

So that an employee's return to work can be properly scheduled, an employee on medical leave is requested to provide the Presbytery with at least two (2) weeks advance notice of the date the employee intends to return to work. When a medical leave ends, the employee will be reinstated to the same position, if it is available, or to an equivalent position for which the employee is qualified.

If an employee fails to return to work on the agreed upon return date, the Presbytery will assume that the employee has resigned.

## **2. Family Leave**

The Presbytery provides family leave of absence without pay to eligible employees who wish to take time off from work duties to fulfill family obligations relating directly to:

- a) childbirth
- b) adoption
- c) placement of a foster child; or
- d) care for a child, spouse, or parent with a serious health condition.

A serious health condition means an illness, injury, impairment, or physical or mental condition that involves inpatient care in a hospital, hospice, or residential medical care facility; or continuing treatment by a health care provider.

Employees in the following employment classifications with a minimum of twelve (12) months of continuous employment are eligible to request family leave as described in this policy:

- Regular full-time employees: may request up to a maximum of 6 weeks of family leave within any 12 month period.
- Regular part-time employees: may request up to a maximum of three (3) weeks of family leave within any twelve (12) month period.

Married employee couples may be restricted to a combined total of six (6) weeks leave within any twelve (12) month period for childbirth, adoption, or placement of a foster child; or to care for a parent with a serious health condition.

Any combination of family leave and medical leave may not exceed this maximum limit. If this initial period of absence proves insufficient, consideration will be given to a written request for a single extension of no more than sixty (60) calendar days.

Employees will be required to first use any accrued paid leave time before taking unpaid family leave. Benefit accruals, such as vacation, sick leave, and holiday benefits will continue during the approved family leave period.

Eligible employees should make requests for family leave to their supervisors at least thirty (30) days in advance of foreseeable events and as soon as possible for unforeseeable events.

Subject to the terms, conditions, and limitations of the applicable plans, the Presbytery will continue to provide Board of Pension benefits for the full period of the approved family leave.

Employees requesting family leave related to the serious health condition of a child, spouse, or parent may be required to submit a health care provider's statement verifying the need for a family leave to provide care, its beginning and expected ending dates, and the estimated time required.

So that an employee's return to work can be properly scheduled, an employee on family leave is requested to provide Mission Presbytery with at least two (2) weeks advance notice of the date the employee intends to return to work. When family leave ends, the employee will be reinstated to the same position, if it is available, or to an equivalent position for which the employee is qualified.

If an employee fails to return to work on the agreed upon return date, the Presbytery will assume that the employee has resigned.

### **3. Maternity/Pregnancy Disability Leave**

The Presbytery provides maternity/pregnancy disability leave of absence without pay to eligible employees who are temporarily unable to work due to a disability related to a problematic pregnancy, childbirth, or related medical conditions.

Employees in the following employment classification are eligible to request maternity/pregnancy disability leave as described in this policy:

- Regular full-time employees

Employees are normally granted unpaid leave for the period of the disability, up to a maximum of two (2) weeks within any two (2) month period. Benefit accruals, such as vacation, sick leave, and holiday benefits, will continue during the approved maternity/paternity disability leave.

Married employee couples may be restricted to a combined total of six (6) weeks leave within any twelve (12) month period for childbirth, adoption, or placement of a foster child; or to care for a parent with a serious health condition. pregnancy disability leave period.

Employees will be required to first use any accrued paid leave time before taking unpaid leave during the maternity/pregnancy disability leave period.

Subject to the terms, conditions, and limitations of the applicable plans, the Presbytery will continue to provide health insurance benefits for the full period of the approved maternity/pregnancy disability leave.

Employees should make requests for maternity/pregnancy disability leave to their supervisors at least thirty (30) days in advance of foreseeable events and as soon as possible for unforeseeable events.

A health care provider's statement must be submitted verifying the need for maternity/pregnancy disability leave and its beginning and expected ending dates. Any changes in this information should be promptly reported to the Presbytery. Employees returning from maternity/pregnancy disability leave must submit a health care provider's verification of their fitness to return to work.

So that an employee's return to work can be properly scheduled, an employee on maternity/pregnancy disability leave is requested to provide the Presbytery with at least two (2) weeks advance notice of the date she intends to return to work.

When a maternity/pregnancy disability leave ends, the employee will be reinstated to the same position, unless either the job ceased to exist because of legitimate business reasons or each means of preserving the job would substantially undermine the ability to operate the Presbytery safely and efficiently. If the same position is not available, the employee will be offered a

comparable position in terms of such issues as pay, location, job content, and promotional opportunities.

If an employee fails to report to work promptly at the end of the maternity/pregnancy disability leave, the Presbytery will assume that the employee has resigned.

### **MILITARY LEAVE**

A military leave of absence will be granted to employees who are absent from work because of service in the U.S. uniformed services in accordance with the Uniformed Services Employment and Reemployment Rights Act (USERRA). Advance notice of military service is required, unless military necessity prevents such notice or it is otherwise impossible or unreasonable. The employee may choose to take leave without pay or use any accrued vacation days. Vacation, sick leave, and holiday benefits will continue to accrue during a military leave of absence.

Employees on military leave for up to 30 days are required to return to work for the first regularly work day after the end of service, allowing reasonable travel time. Employees on longer military leave must apply for reinstatement in accordance with USERRA and all applicable state laws.

Employees returning from military leave will be placed in the position they would have attained had they remained continuously employed or a comparable position depending on the length of military service, in accordance with USERRA. Employees will be treated as though they were continuously employed for purposes of determining benefits based on length of service.

If summoned for active duty by the US Government during a disaster or civil disturbance, leave with pay will be granted for up to five (5) working days.

Contact the Stated Clerk for questions about military leave.