

Presbytery of Wabash Valley

PERSONNEL POLICIES

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PRESBYTERY OF WABASH VALLEY PERSONNEL POLICIES

1.00 A THEOLOGY OF EMPLOYMENT

The Presbyterian Church (U.S.A.) is a community of faith called into being by God's grace in Jesus Christ. As such it is "a community of people known by its convictions as well as by its actions," (Form of Government, G-2.0100).

- a. This community of faith celebrates creation as an ongoing phenomenon of God in the world. It acknowledges the sovereignty of God over the world and the Lordship of Jesus Christ over the church.
- b. This community of faith is made up of people called by God into a covenant relationship. Here, gifts are recognized and used for the purposes of God. This community of faith values the contributions of all its employees.
- c. This community of faith is a servant community. It offers its life for the world.
- d. This community of faith is an interdependent community within which particular responsibilities are accepted and acted upon.

This Church is living testimony that the "God who creates life, frees those in bondage, forgives sin, reconciles brokenness, makes all things new, is still at work in the world." (G-3.0330)

Implicit in Christian theology are certain basic assumptions about persons which should be taken into account in the Church's employment practices if the Church is to be faithful to its best insight. Without such faithfulness, the Church will distort its witness. Through faithfulness, the Church will make life together in work more meaningful, productive and rewarding. The basic assumptions are inherent in the central teachings of the Christian faith regarding the nature of persons. They are benchmarks which can guide the church in its employment practices. Persons are created in the image of God. God is the creator; therefore, the creativity of those made in God's image must be recognized and protected. Failure to allow this creativity denies God's creation and the continual creativity through persons.

The Christian Gospel sets people free from bondage to assume responsibility for themselves. This means that in the acceptance of this freedom, a person finds worth and dignity. To deny the opportunity for the exercise of this freedom is to deny the worth and dignity of the individual.

A covenant agreement is the proper expression of a mutually agreed-upon, functional order in relationships. Employment is such an agreement in which two parties agree to function together in a certain way to achieve an agreed-upon objective or purpose. As an employer, the Church must recognize and incorporate into its particular personnel system these basic assumptions of faith, or it risks the possibilities of being unfaithful to its own witness.

These employment policies supersede any prior policies of the Wabash Valley Presbytery that are inconsistent with these provisions. These policies are subject to change at any time at the sole discretion of the Presbytery Personnel Committee and/or the Presbytery of the Wabash Valley. The policies are not to be interpreted as creating a contract of employment between the Wabash Valley Presbytery and its employees. It is the hope of the Wabash Valley Presbytery that employment relationships will be long term; however, the employee or the Wabash Valley Presbytery may decide to terminate the employment relationship at any time for any reason with or without cause or notice. Except with respect to officers of the Presbytery who are elected by it, the employment relationship remains an at-will employment relationship notwithstanding any provision of the personnel policies to the contrary. No supervisor or representative of the Wabash Valley Presbytery has the authority to enter into any agreement with any employment regarding terms of employment that would change the at-will employment relationship or deviate from the provisions of the policies, except by the express written authority of Wabash Valley Presbytery.

2.00 SCOPE AND APPLICATION OF THESE PERSONNEL POLICIES

The following guidelines are established as personnel policies of the Presbytery of Wabash Valley with regard to all staff whom it employs except those employees covered by the Personnel Policies of Geneva Center. These policies are designed to be consistent with all applicable provisions of the Form of Government of the Presbyterian Church (U.S.A.). The Presbytery is free to amend, modify, and change these policies at any time and will keep staff members informed, in writing, of such amendments, modifications and changes.

3.00 THE PRESBYTERY AS AN EMPLOYER

A basic principle in the structure of the Presbyterian Church (U.S.A.), is that the agencies and governing bodies of the Church have assigned responsibilities to enable the Church to carry out its mission. In order to carry out its assigned functions, the Presbytery employs staff to assist in preparing for and in implementing its decisions.

4.00 PRESBYTERY RESPONSIBILITIES

- a. To be faithful to the purpose of the Presbyterian Church (U.S.A.)
- b. To provide a position description to each staff member.
- c. To provide opportunity for staff member participation in the development and administration of the personnel systems, allowing adequate time during regular working hours for such participation.
- d. To assure that policies and administration of the personnel system are consonant with the rights of staff members.

- e. To provide equal opportunity for all staff members in all aspects of every phase of the personnel system and to have an affirmative action program.
- f. To provide adequate and equitable compensation and working conditions, supplies and equipment for the general welfare and well-being of all staff members within established resources.
- g. To exercise suitable discipline.
- h. To assist staff members in meeting their career goals and objectives in a manner consistent with the interest of the Presbytery.
- i. To conduct regular performance reviews and evaluations for all staff members that relate their work objectives to objectives of the Presbytery and that give staff members an opportunity to participate in evaluating their own performances.
- j. To establish and maintain open communication with staff members on all matters concerning their welfare and the Presbytery's interests.
- k. To establish and administer a process that provides for the hearing and resolution of complaints and grievances.
- l. To provide a work place that is safe and secure.

4.01 Staff Member's Responsibilities

- a. To give her / his best possible performance in his / her assigned functions.
- b. To understand her / his role and function in the context of the goals of the Presbytery.
- c. To participate in committees or groups as requested in furtherance of the goals of the Presbytery.
- d. To take initiative so that staff member's opinions are appropriately presented to any appropriate forum dealing with the personnel system.
- e. To make suggestions on the improvement of operations.
- f. To act in accordance with the Presbytery's rules and regulations.

5.00 PERSONNEL POLICIES

Personnel policies are adopted by the Presbytery upon recommendation by the Personnel Committee, through the Council.

6.00 EMPLOYMENT CATEGORIES, TERMINOLOGY AND PROCEDURES

6.01 Employer

The legal corporate employer of all Presbytery staff is the Presbytery of Wabash Valley, Inc., of the Presbyterian Church (U.S.A.), a legal non-profit corporation in the State of Indiana.

6.02 Non-exempt and Exempt Categories

The Fair Labor Standard Act provides for non-exempt and exempt positions with respect to overtime.

Persons employed in non-exempt positions shall be paid overtime wages for hours worked in excess of 40 hours per week. Overtime pay is at the rate of one and one-half times the regular hourly rates. All overtime work must be approved by a supervisor in advance. Compensatory time off for hours worked in excess of 40 hours a week is not allowed.

If the normal work week for a non-exempt position is less than 40 hours a week, all hours worked up to 40 hours a week will be paid at the regular hourly rate. However, compensatory time off, i.e. one hour for each hour worked, may be given in lieu of payment for hours worked in excess of normal work schedule but less than 40 hours a week.

Those persons employed in exempt positions are not paid overtime wages for hours worked either in excess of the normal work schedule or 40 hours a week. Such staff members are expected to manage their schedule to provide them with a minimum of one day off each week.

6.03 Ministers of the Word and Sacrament

In accordance with federal and state statutes and Church policy, all Ministers of the Word employed by the Presbytery are considered self-employed persons, for purposes of social security while engaged in the exercise of their ministry, and are not subject to withholding for certain taxes. They are, however, included in all other policies which apply to “staff members,” except where excluded by federal or state law.

6.04 Employment of Staff

(1) Elected Staff

All elected staff shall be called in accordance with the provisions of the Book of Order (G11.0303)

(2) Exempt Staff

Exempt staff (other than elected staff) are selected and supervised by the General Presbyter upon authorization by the Presbytery Personnel Committee.

(3) Non-exempt staff

Non-exempt staff are selected and supervised by the Office Manager in consultation with the General Presbyter, upon authorization by the Presbytery Personnel Committee.

6.05 Tenure of Elected Staff

Election of the General Presbyter and Associate General Presbyter shall be for an indefinite term. The Treasurer shall be elected for a two-year term and eligible for re-election. It is understood that in addition to the annual performance review and evaluation, all elected staff shall be subject to a comprehensive review and evaluation at least every four years.

6.06 Non-elected staff reviews

All non-elected staff shall receive an annual performance review and evaluation.

6.07 Position Descriptions

A position description which meets the criteria of the Affirmative Action Employment Opportunity guidelines shall be required for each position. Position descriptions will be reviewed annually or upon a vacancy by the Personnel Committee.

6.08 Validation of Elected Position

All new and vacant elected positions shall be validated by the Presbytery upon recommendation of the Personnel Committee, after consultation with the Synod of Lincoln Trails and of the Council before candidates are sought.

7:00 EQUAL EMPLOYMENT OPPORTUNITY

It is the policy of the Presbyterian Church (U.S.A.) and the Presbytery not to discriminate in employment policy and practices and to promote equality of opportunity in all aspects of employment. The Presbytery will recruit, hire, train, and promote persons in all job titles without regard to race, ethnic origin, marital status, sex, age or disability (except for disabilities which prevent the individual from being able to perform the essential functions that cannot be reasonably accommodated). In those positions, where religious belief or affiliation is not essential to the function to be performed, employment decisions will be made without regard to religious affiliation.

All personnel decisions and actions, including but not limited to compensation, benefits, transfers, promotions, layoffs, returns from layoffs, discipline termination, and training are administered without regard to race, ethnic origin, creed, religion, national origin, marital status, sex, age or disability. Supervisors are expected to cooperate fully in the equal employment opportunity objectives of the Presbytery and their own performances will be evaluated accordingly.

8.00 RECRUITMENT AND SELECTION

8.01 Internal Transfers within the Presbytery Staff.

The Presbytery may fill a vacant non-elected position within its organization by internal transfer without church wide advertising or internal posting in order to:

1. Meet special needs of the Presbytery
2. Improve the fit of persons to the demand of the job
3. Provide for promotion
4. Secure maximum utilization of employee skills
5. Promote affirmative action/equal employment opportunity goals

If the Presbytery elects not to limit the filling of a vacancy to a person within the staff, then the provisions of 8.02 and 8.03 apply.

8.02 Church wide Advertising

Advertisement of designated vacancies in elected Presbytery positions shall be included in appropriate publications of the Presbyterian Church (U.S.A.), as well as other publications.

8.03 Internal Posting

Notice of vacancies in non-elected positions of the Presbytery may be posted for the information of local, non-exempt Church employees and should continue for at least two weeks to permit access to the vacancy by interested employee applicants.

9.00 SELECTION OF STAFF

9.01 Elected Staff

See 6.4 Employment of Staff

Elected staff shall be nominated and elected in keeping with affirmative action/equal employment opportunity goals.

Elected staff shall be determined in accordance with the provisions of the Form of Government Chapter IX, and the Equal Employment Opportunity Program of the Presbytery making sure positions are known to churches within the Presbytery.

9.02 Appointed Non-exempt Staff

Non-exempt staff are selected by the General Presbyter and or her/his designee in accordance with Presbytery personnel policies. Efforts should be made to recruit actively racial ethnic persons and women for positions where affirmative action goals call for such action.

9.03 Background Checks

Pre-employment screening for all staff positions includes a mandatory Criminal History Background Check. The background check is based on the last seven years' residential history of the applicant. All applicants shall be required to sign a release form authorizing the criminal history background check. Only the General Presbyter shall be responsible for ordering and reviewing the criminal history reports. The discovery of a criminal conviction will not automatically prevent the person from employment.

Providing false or misleading information or omitting information through the application process is grounds for the Presbytery to eliminate the applicant from further consideration or discharge if discovered after employment.

An applicant who claims that the information provided through the background check is inaccurate or false will be given an opportunity to present other mitigating information.

Criminal Background Check Release Form

In becoming an applicant for a staff position in Wabash Valley Presbytery, I hereby consent to a criminal records check, as required by the policies of the presbytery. I understand that the information obtained will be shared with others on a confidential, need-to-know basis; that I have the right to see it; and a right to dispute its accuracy.

I understand that providing false or misleading information or omitting information through the application process is grounds for the Presbytery to eliminate me from further consideration or to discharge me if discovered after employment.

Signature _____ Date _____

Please provide the following information required for the criminal records check:

Name (First, Middle, Last)_____

Other names by which I have been known_____

Date of birth:_____

Social Security Number:_____

Current residence address, including the county_____

Other residence addresses where I have lived in the past seven (7) years, including the

County_____

10.00 CONTRACTS AND TERMS OF CALL

10.01 Calls for Ministers of the Word and Sacrament

All staff who are Ministers of the Word and Sacrament shall be provided with a written call stating the terms of employment. For the Presbytery, such a call is to be prepared by the search committee in consultation with the stated clerk in a form authorized by the General Assembly. The call shall be processed in compliance with the Form of Government.

10.02 Elected Staff and Presbytery Officers

All staff and Presbytery officers shall be provided with the terms of employment. Such terms shall be prepared by the Personnel Committee, the General Presbyter, or the Stated Clerk.

10.03 All Contracts

All contracts for employment will contain wording that will indicate intent of the Presbytery to honor the terms of a call except in case of a failure of the staff member to perform satisfactorily or in the case of a change in structure, function, or funding (in which case adequate notice and assistance in relocation may be given). (See section 17.00)

11:00 OTHER EMPLOYMENT PRACTICES

11.01 Probationary Employment

The first three (3) months of employment of non-exempt personnel are considered a probationary or trial period giving the employee and the supervisor an opportunity to evaluate interest and qualifications for the position under actual working conditions.

11.02 Performance Review for Probationary Employees

Prior to regular employment, a performance appraisal is prepared and discussed with the probationary staff member by her/his supervisor. When all requirements for regular employment are completed satisfactorily, regular employment will begin with the next pay period.

11.03 Nepotism

To affirm and facilitate equal opportunity for all staff members and employment candidates, care will be exercised in the employment and assignment of persons who are direct relatives of people in the church's employ. In the full spirit of these policies, such people should not be automatically denied employment nor fair treatment.

However, individuals shall not be employed by, or through the involvement of direct relatives and they shall not be assigned to a position where a direct relative is in a position to influence the staff member's salary, promotion, or other aspect of personnel practice.

11.04 A. Sexual Harassment

All staff and officers shall be held accountable in accordance with the Presbytery of Wabash Valley Policies and Guidelines on Sexual Misconduct which is attached as Appendix A.

11.05 Conflict of Interest

No staff member shall accept any gift, gratuity, grant, service, or any special favor from any person(s) or business which provides or receives goods and services or which seeks to provide or receive goods and services to or from the Presbytery. However, minor courtesies such as luncheons, dinners, or similar arrangements in connection with business discussions or items of nominal value (\$25 or less) may be received.

In addition, if a staff member is called upon to participate in a decision in which the interests of the Presbytery conflict with her/his personal interests, the staff member should abstain from participating in the decision.

Full-time staff members who hold other paid positions should ensure that such outside employment will not interfere with the performance of their duties or produce a conflict of interest in the pursuit of those duties. Any question regarding this should be reviewed with the General Presbyter.

All staff members shall avoid even the appearance of conflict of interest, special interest, or any other inappropriate conduct. If a staff member discovers that she/he

may be in a position of conflict of interest, she/he shall immediately report this conflict to the General Presbyter.

11.06 Privacy

The Presbytery shall establish procedures necessary to guarantee the confidentiality of medical and employment records in accordance with the privacy guidelines established by the General Assembly and other applicable laws.

11.07 Honoraria

Presbytery personnel will not retain honoraria for any services rendered as a part of their normal job function. Any such honoraria will be held in a fund to be used for Presbytery purposes by the staff member who received the honoraria. Supply preaching as a service for a congregation is not considered to be part of the normal job function.

11.08 Governmental Investigations

In the event of an inquiry by the police, F.B.I., or other governmental investigational agency, or official concerning the work of Presbytery, its activities, records, or personnel; or in the event a staff member of an agency is sought to be queried by such governmental agency, the following shall be the policy in this area:

- a. All such inquiries shall be referred to the General Presbyter.
- b. No information or documents of any kind will be released until the General Presbyter has consulted with officers of the Presbytery and the Stated Clerk of the General Assembly.
- c. The General Presbyter may release information or documents following the consultation and clearance described above.
- d. Staff members shall be informed if there is an inquiry regarding their personnel records.

11.09 References

All requests for employment references must be directed to the General Presbyter. No other employee is permitted to provide a reference for a current or former employee without prior authorization from the General Presbyter.

11.10 Internet Access, Use and Security

Unacceptable uses of the Internet and Presbytery E-mail:

The Presbytery's e-mail system and Internet access may not be used for any purpose unrelated to the business of the Presbytery, other than incidental use (*e.g.*, checking local weather, etc.), without prior authorization. In no event will an employee be allowed to transmit, retrieve, or store any information that may violate applicable copyright laws or that may be considered defamatory, discriminatory, or harassing in nature. Accordingly, employees are strictly prohibited from using the Presbytery's e-mail system or Internet access for any of the following purposes:

- 1) viewing, transmitting, retrieving, or storing material, for any purpose unrelated to the business of the Presbytery that may in any way be considered obscene;
- 2) transmitting any messages containing derogatory, harassing, or inflammatory remarks about an individual or group's race, color, religion, national origin, age, disability, or other characteristic or attribute not related to their job performance;
- 3) transmitting any abusive, profane, or offensive language;
- 4) transmitting any information that the employee knows or has reason to believe may be false, misleading, or libelous; or
- 5) using the Presbytery's e-mail system or Internet access for any other purpose that is illegal, that may damage the Presbytery's reputation, or that is otherwise contrary to the Presbytery's best interest.

Further, employees are prohibited from transmitting or posting any confidential material, or other private or proprietary information outside the organization without the prior authorization of the General Presbyter.

Communications:

Each employee is responsible for the content of all data, text, audio, or images that they place on, forward, or send over the Internet or the Presbytery's e-mail system. Employees are prohibited from sending any e-mail or other electronic communication that attempts to hide his or her identity or misrepresent the sender as someone else. All

information transmitted on the Presbytery's e-mail system or Internet access must contain the employee's name and other identifying information. Further, any information sent by an employee to an individual or entity outside of the Presbytery via an electronic network (e.g., bulletin board, online service, or Internet access) must be viewed as a statement that may reflect on the Presbytery and its integrity. Personal "disclaimers" in electronic messages are insufficient.

Exclusive Property:

All equipment, services, and technologies provided to employees as part of the Presbytery's computer system constitute the exclusive property of the Presbytery. Similarly, all information composed, transmitted, received, or stored via the Presbytery's computer system also is considered the property of the Presbytery. As such, all such information is subject to disclosure to the Presbytery's management and administration, law enforcement, and other third parties, with or without notice to the employee. Accordingly, employees must ensure that all information communicated via the Presbytery's computer system is accurate, appropriate, ethical, and serves a legitimate business purpose.

Acknowledgment

I hereby acknowledge that on the date shown below I read the copy of the Presbytery of Wabash Valley Internet Policy. I further acknowledge that I am obligated as part of my job to review and understand the policies and be familiar with their provisions. I agree to comply with the provisions of these policies as a condition of my employment with the Presbytery of Wabash Valley. I understand these guidelines cannot anticipate every situation or answer every question about my employment. They do not constitute an employment contract and do not create contractual obligations.

Your signature verifies you have read the Presbytery of Wabash Valley Internet Policy:

Signature

Date

General Presbyter

Date

12.00 SALARY ADMINISTRATION

12.01 Philosophy and Principles

Compensation of staff members of the Presbytery will be guided by the underlying principles as outlined by the General Assembly.

The Presbytery is committed to salary administration which will provide: fair pay for the work performed; incentive for personal achievement and growth; and flexibility to meet changes in organization, functions, positions, and personnel over a period of time. Salary levels will be maintained in a manner which results in their being consistent internally equitable, responsive to changes in cost of living, and in keeping with the Church's philosophy and objectives.

12.02 Salary Review and Increments

Salaries of elected staff will be reviewed annually.

12.03 Salaries, Ministers of the Word and Sacrament

In accordance with Form of Government, changes in terms of the call of a staff member who is a Minister of the Word and Sacrament must be approved by Presbytery.

12.04 Housing Allowances

Under the Internal Revenue Code, an ordained minister may exclude from her/his gross income, for tax purposes, if it is designated in advance, any housing allowance paid as part of her/his compensation.

Before the last Presbytery meeting of each year, each ordained minister staff person of the Presbytery will complete and submit to the Presbytery Personnel Committee a request for appropriate housing allowance for the coming year.

12.05 Equalization for Compensation

It is understood that the exclusion of the housing allowance from taxable income for an ordained minister and the payment of the employer portion of the social security (FICA) for an exempt lay employee are approximately equal benefits.

13.00 FULLY ACCOUNTABLE REIMBURSEMENT POLICY

13.01 Authorized expenses incurred by employees in performance of their work assignments shall be reimbursed in an adequate and uniform manner utilizing a voucher system.

13.02 The Presbytery shall reimburse employees mileage at the standard mileage rate allowed by the IRS. The reimbursement request shall include all appropriate documentation required by the Presbytery auditor.

14.00 CAREER OPPORUNITIES

14.01 Continuing Education for Elected Staff

Elected staff are required to participate in two weeks of annual study leave with full salary under the following conditions:

- a. The purpose of the continuing education is to improve the skills and potential usefulness of the staff member to the Presbytery. The study leave is not a reward for past services and is not an additional vacation, though it may be taken in conjunction with a vacation. See Committee on Ministry Manual for detailed guidelines.
- b. The General Presbyter will determine with the staff member the most convenient time for the study leave to occur so that the work of the Presbytery will not be unduly disrupted.
- c. The staff member shall submit a written report to the General Presbyter, indicating the benefits derived and the extent to which the initial purpose of the leave was achieved.
- d. Annual continuing education time and allowance may be cumulative from year to year up to three years. The total accumulation will be no more than six weeks. Continuing education expenses must be vouchered to receive reimbursement. The costs to the Presbytery, in addition to salary continuation, will not exceed that person's accumulated continuing education allowance plus up to \$500 for travel, room, and board from the staff travel budget.
- e. Compensation for continuing education time or allowance will not be granted as part of the severance conditions when a staff member leaves the employ of the Presbytery.

14.02 Continuing Education for Non-Elected Staff

It is anticipated that most study needs of non-elected staff can be met through means other than extended continuing education. Exceptions will be determined by the Personnel Committee.

14.03 Sabbatical Leave for Elected Staff

To enable full time elected employees to experience renewal, which will contribute to the work of the Presbytery and to their own development, an extended sabbatical leave, with pay, may be granted within the following guidelines:

- a. The staff member must have completed five years of credited service to the Presbytery.
- b. The request will normally be made to the General Presbyter at least six months prior to the leave for recommendation to the Personnel Committee which will

make the final decision.

- c. At least five years must have elapsed since any sabbatical leave, and at least one year since any continuing education.
- d. A detailed written plan of clearly identified goals must be approved by the General Presbyter and/or Personnel Committee, long enough in advance so that budget and staffing needs may be met.
- e. The maximum length of sabbatical will be four (4) months.) It may be taken in conjunction with earned vacation within a particular year, but may not be combined with continuing education.
- f. The costs to the Presbytery, in addition to salary continuation, will not exceed that person's accumulated study leave allowance plus up to \$500 for travel, room and board from the staff travel budget.
- g. The ongoing work of the particular position and the total functions of the Presbytery will be factors in considering the timing and approval of a sabbatical.
- h. A sabbatical leave will not be granted as part of the severance conditions when a staff member leaves the employ of the Presbytery.
- i. Following an extended leave, it is expected that a staff member will continue in the employ of the Presbytery for at least three months for each month of leave. If the staff person voluntarily terminates employment with the Presbytery without fulfilling this expectation, she/he shall reimburse the Presbytery for the salary received during the leave according to the percentage of this expectation which is unfulfilled.

15.00 PERFORMANCE REVIEWS

15.01 Annual Performance Review

An annual performance review and evaluation shall be conducted for both elected and non-elected staff. Evaluations held be done honestly and fairly, and in relation to their work. The evaluation will be documented in writing and a copy given to the staff member. The annual review of the work of the General Presbyter and other staff within the authority to employ personnel will be in accordance with the Form of Government and will include an EEO review. Among other things, the annual review will help to determine the merit increase the staff member may receive.

15.02 Comprehensive Review

A comprehensive review and evaluation shall be conducted for elected staff at the end of the third year of service. The comprehensive review/evaluation of the General Presbyter and other staff with the authority to employ personnel will be in accordance with the Form of Government and

will include an EEO Review.

15.03 Corrective Action

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

The determination of appropriate corrective action is within the discretion of the General Presbyter; however, to ensure consistent and fair treatment of all employees and to protect the Presbytery and the General Presbyter from liability, the Presbytery should consult with the Personnel Committee, appropriate legal counsel or other appropriate resources to determine the appropriate action.

To insure fair and equitable treatment to all employees, the following elements should be part of any corrective action:

- a. The employee will be informed of the unacceptable performance or conduct and advised of the consequences of continued unacceptable actions/performance. Such warnings may be verbal or in writing and used in conjunction with any other forms of corrective action prior to the development of a corrective action plan. When appropriate, an action plan will be developed for assisting the employee to resolve the problem. Employees will sign in acknowledgement of having received such warnings and corrective action plans.
- b. The supervisor will prepare a report in writing of any corrective action; this report will be retained in the employee's personnel file. The corrective active plan will identify the employee's specific performance expectations.
- c. The employee may respond in writing and have the response placed in his/her personnel file.

Examples of corrective action include counseling, verbal warnings, written warnings, demotions, and suspension.

Failure by the employee to carry out his or her responsibilities under the plan for corrective action may result in further actions including dismissal.

All corrective actions must be administered in a nondiscriminatory manner in compliance with the Presbytery policies on equal opportunity employment and affirmative action.

16.00 SEPARATION PRACTICES

The term "separation" shall refer to any and all terminations of the relationship between a staff member, elected or non-elected and the Presbytery.

16.01 Voluntary Resignation

A voluntary choice of separation made by the staff member may take place after one month's written notice to the Personnel Committee for elected staff members or two weeks' written notice to the General Presbyter for non-elected employees. All such staff members will receive pay for

accrued vacation if such notice is given, but will forfeit vacation pay if the notice is not given.

16.02 Termination Without Cause

A non-elected staff member's employment may be terminated by the Presbytery Council for reasons other than those enumerated under Dismissal for Cause in paragraph 16.03 below. Termination without cause will be upon the recommendation of the General Presbyter and Personnel Committee. An elected staff member's employment may be terminated without cause by the Presbytery upon recommendation of the Council.

16.03 Dismissal for Cause

Dismissal for cause of non-elected staff may take place upon written notice from the General Presbyter after consultation with the Personnel Committee Moderator.

Discharge of an elected staff member is considered to be an action of last resort taken after corrective measures have proven ineffective or when the staff member's conduct is such as to preclude further employment. (See above; under 15.03 Corrective Action) Written documentation is required prior to recommending dismissal for cause. However, the Presbytery reserves the right to determine that certain behaviors are not subject to corrective action and may lead to immediate dismissal.

Dismissal is subject to the complaint procedure as outlined herein; reasons for dismissal for cause shall include but not be limited to:

- a. Unsatisfactory performance
- b. Insubordination in the line of assigned duties
- c. Neglect in the care and use of Presbyterian Church (U.S.A.) property and funds
- d. A pattern of unexcused absence or tardiness
- e. Illegal, dishonest, unethical, or immoral conduct
- f. Failure or refusal to observe Presbytery's policies
- g. Sexual harassment
- h. Sexual misconduct \Rightarrow

as defined in Appendix A

All conditions for termination of Ministers of the Word and Sacrament shall be compatible with the provisions of the Form of Government and the Rules of Discipline of the Presbyterian Church (U.S.A.).

All dismissals of employees of the Presbytery will be reviewed by the Personnel Committee.

16.04 Reduction of Force

Separation because of the discontinuation of a project or retrenchment in budget, or for other circumstances arising out of no fault of the employee, is at the discretion of the governing body. In determining which employees will be subject to layoff, the Presbytery will consider among other things the skill, productivity, past performance and attendance of those involved, the job duties and requirements, and whenever feasible, the length of service. Written notice of such separation will come from the Presbytery Council after consultation with the Personnel

Committee of Presbytery Council. Six months notice or pay in lieu of notice will be given to exempt staff and thirty days notice or pay in lieu of notice will be given to non-exempt staff. Should re-employment take place before the expiration of the notice period, salary payment will continue only to the actual dates when re-employment is achieved. In addition to the above, when notice is given, severance allowance will be given in relation to the length of continuous service with the governing body.

In addition to the period of notice, a severance allowance will be given in relation to the length of continuous service with the Presbytery as follows:

YEARS OF SERVICE	WEEKS
Up to 1 year	0
1 year up to 2	2
2 years up to 3	4
4 years up to 5	6
5 years up to 6	7
6 years up 7	8
7 years up to 8	9
8 years up to 9	10
9 years up to 10	11
10 years up to 15	12
15 years up to 20	13
20 years up to 25	14
25 years and above	15

Payment of severance allowance will be achieved in one of the following two ways as determined by the Presbytery after consultation with the staff member:

- a. A lump sum payment – the total amount of salary due as severance will be paid in not more than two (2) payments. The payment or payments shall be completed within six (6) months of the staff member’s last day of work.
- b. Continued salary – the staff’s salary will be continued on the regular schedule through the severance period.

The Presbytery’s share of the staff person’s pension and other benefits payments will be continued to be paid by the Presbytery during the severance period if payment of severance is on the basis of continued salary. Pension and other benefit programs will not be continued if the severance allowance is made in one (1) or two (2) lump sum payments. No additional vacation or other benefits entitlement will accrue during the severance period.

16.05 Suspension

1. Suspension is a temporary separation pending investigation and occurs following consultation with the person involved by the immediate supervisor, of exempt Presbytery staff. Concurrence for suspension is required by the following persons and groups: General Presbyter,

Moderator of the Personnel Committee of Presbytery Council, and Moderator of the Presbytery Council. In the case of non-exempt staff concurrence shall be required from the Executive Presbyter and the Personnel Committee of Presbytery Council.

2. Following the suspension process, the next step is investigation of the facts that led to the suspension. The investigation should be under the aegis of the Presbytery Council. The Presbytery Council shall notify the suspended person of the right to appear before the council, or representatives thereof. -The suspended person may defend his or her position, provide the council with relevant information, and may appear with or without the assistance of an advocate.
3. The third and final step is the decision by the Presbytery Council regarding extending the suspension, reinstating the suspended person with or without pay, or discharge. A decision to discharge an exempt staff person shall be made after consultation with the Council on Administrative Services. In the case of non-exempt staff, concurrence shall be required from the General Presbyter and the Personnel Committee of the Presbytery Council.

16.06 Retirement

The Presbyterian Church (U.S.A.) Pension and Benefits Plan provides retirement benefits. (See the provisions of the plan for further information.) An employee may retire as early as age 55, but this may result in less-than-full retirement benefits. (See the provisions of the plan for further information.) Employees who wish to plan for a gradual transition to retirement are encouraged to explore with the Personnel Committee (through the General Presbyter) possibilities for alternative responsibilities, part-time responsibilities, special project assignments, or other arrangements which would be beneficial to the employee and the employer.

16.07 Disability

Disability is considered to be temporary separation due to physical or mental inability to function on the job. The decision to grant disability leave shall be made by the Personnel Committee of Presbytery Council in consultation with the General Presbyter. It shall be based upon the written recommendation of a physician, or physicians; and subject to the approval of the Presbytery Council. Disability allowance shall be up to six (6) months. During the first three months from the time of affirmative decision, full time employees will receive full salary. During the next three months, if the Board of Pensions concurs with the decision to grant disability, the person will receive forty per cent (40%) of the regular salary. No payment shall be made by Wabash Valley Presbytery after six months. Part time employees receive only the disability coverage provided by the Board of Pensions of the Presbyterian Church (U.S.A.).

16.08 Death in Service

When the death of an exempt staff member occurs, the spouse, dependents or designated beneficiary shall receive a separation allowance. The amount shall be the equivalent of the salary of the deceased for thirty (30) days from the time of death. Other death benefits may be provided by the Board of Pensions.

16.09 Exit Interviews

All terminating employees shall have an exit interview. The General Presbyter, office manager, and representative of the Personnel Committee will conduct interviews for non-elected staff. The General Presbyter and Moderator of Personnel Committee will conduct interviews for elected staff.

17.00 VACANCY PROCESS

In the event of a vacancy the following is the general procedure:

- a. Conduct exit interview; results shared with Personnel Committee
- b. Conduct review of staffing rationale and evaluate need for the position
- c. Determine whether or not there is a need to fill vacant position on an interim basis
- d. Implement appropriate search process

18.00 COMPLAINT PROCEDURE

For the purpose of this policy, a complaint involves concerns or misunderstandings regarding procedures and practices that should be resolved as quickly as possible, facilitated by open channels of communication between staff and supervision, and free of reprisal.

A grievance is an allegation of a violation of an approved personnel policy or practice or an applicable state or federal law not adequately dealt with in those policies or practices.

In order to deal promptly and fairly with all complaints and grievances of employees, the following steps must be taken:

- a. The complaining party should report the complaint or grievance immediately to his or her supervisor or, if that individual is subject of the complaint or grievance, to the General Presbyter, or if the General Presbyter is the subject, to the Personnel Committee Moderator.

If not satisfied with the supervisor's action, there will be discussion with the General Presbyter, who may assist in trying to reach a fair and equitable solution.

If dissatisfied with the action of the General Presbyter, the complaining party may appeal to the Personnel Committee Moderator, who will seek to resolve the issue in consultation with all parties involved.

Employees serving in elected or called positions in the Presbytery are further bound and advised by the Book of Order.

A written record of all decisions made in resolving complaints or grievances shall be kept in the records in the affected staff person's personnel file and the confidential records of the Personnel Committee Moderator.

A written decision from the Personnel Committee shall be given to the complaining and affected parties, who shall indicate in writing acceptance or rejection of the decision.

The record of decisions remain the property of the Presbytery and may be inspected by the involved staff person only upon written request.

19.00 BENEFITS

19.01 Social Security

All personnel are covered by the Federal Old Age and Survivors Benefits Act (Social Security). The staff member's share of the tax is withheld from wages of staff who are not Ministers of Word and Sacrament. Staff who are Ministers of the Word and Sacrament are considered self-employed, and Social Security taxes are not withheld, nor paid for them.

19.02 Health Insurance

Major medical protection for staff persons and dependents is provided to participants in the program of the Board of Pensions. The Presbytery may also provide other supplementary health insurance coverage.

19.03 Pension

All regular employees who work at least 20 hours per week will be enrolled in the Presbyterian Church (U.S.A.) Pension Plans for which full dues are paid by the employing entity.

19.04 Holidays

The same number of holidays will be given to staff. The paid holidays for staff of the Presbytery are:

- New Year's Day
- Martin Luther King Jr. Day
- Presidents' Day
- Good Friday
- Memorial Day
- Independence Day (July 4th)
- Labor Day
- Thanksgiving Day and Friday following
- Christmas Day and the following day
(providing two consecutive days off other than Saturday & Sunday)
- ½ day as follows: Christmas Eve
New Year's Eve

When a paid holiday falls on a Saturday or Sunday, it will be observed as a holiday on the nearest Friday or Monday respectively. When a paid holiday occurs during a staff's vacation or sick leave, the staff will be granted an off-setting day off. Each staff member will be permitted to take their own birthday as a paid holiday.

19.05 Sick Leave

Permanent full-time employees will receive ten (10) working days of sick leave each calendar year, cumulative up to 120 days, to be used in case of illness. Sick leave may be used as days are earned. Employees shall notify the Presbytery as soon as possible on the day of the absence and follow any other procedures for reporting an absence. Sick leave entitlement during the first year of employment will be pro-rated according to the length of employment, using a ratio of one day after each two months of employment. The ten (10) days of additional sick leave will be credited on January 1 of each successive year of employment to a cumulative maximum of no more than one hundred twenty (120) days. Total credited service will be included in computing entitlement of sick leave.

At the time of termination of employment (either voluntary or involuntary), staff shall have no claim for pay in lieu of unused sick leave.

In the case of more than three (3) consecutive days of absence due to illness, the Presbytery may require medical doctor certification for the payment of sick leave benefits or before return to work is authorized.

19.06 Medical Leave

If an employee expects to be absent from work for more than three (3) consecutive days as a result of illness, injury, or other disability (including pregnancy), he or she must submit a written request for medical leave to the General Presbyter at least thirty (30) days before the anticipated commencement of the leave. In the case of an emergency or when thirty (30) days' notice cannot otherwise be provided, the employee or a member of the employee's immediate family must notify the General Presbyter as soon as possible. The written leave request normally should follow this notification by no more than three days.

In all situations, the employee's request for medical leave must be supported by a physician's certification of the medical need for leave. This certification must be furnished within fifteen (15) days of the employee's leave request. The employee also may be required to submit to an examination by a physician selected by the Presbytery before the leave of absence will be approved. If circumstances require an extension of the leave for any reason, the employee must provide the Presbytery with a physician's statement justifying the employee's continued medical condition and inability to work. Upon return from medical leave, an employee must submit a doctor's statement indicating the employee is released to return to work.

The maximum duration of a medical leave of absence is twenty-six (26) weeks. If an employee is unable to return to work after twenty-six (26) weeks, his or her employment will be terminated. Unless otherwise required by applicable law, the Presbytery cannot guarantee reinstatement of the employee upon completion of an approved leave of absence. Nonetheless, the Presbytery will make every effort to return the employee to a comparable job subject to budgetary restrictions, the Presbytery's need to fill vacancies, and the Presbytery's ability to find qualified temporary replacements.

As a general matter, medical leaves of absence under this policy are unpaid. However, an employee on medical leave may be eligible for paid sick days, short-term disability benefits, and/or long-term disability benefits under the Presbytery's policies. Any salary increase action for which the employee may become eligible in the course of the leave will be effective on

return to employment.¹

19.07 Worker's Compensation

All eligible staff members shall be covered by worker's compensation insurance provided by and in accordance with the law of Indiana.

19.08 On-The-Job Travel Accident Insurance

All staff traveling on the Presbytery's business will be covered with Travel Accident Insurance, at the expense of the Presbyterian Church U.S.A., in an amount equal to three (3) times their annual salary but not to exceed the amount of \$100,000. This coverage does not extend to situations where there are specific exclusions from eligibility proscribed by the insurance carrier.

19.09 Off-The-Job Disability Benefits Insurance

The Presbytery provides short-term and long-term disability benefits for full-time employees. Part-time employees receive only the disability coverage provided by the Board of Pensions of the Presbyterian Church (U.S.A). A complete description of the Presbytery's disability plan is provided in the group insurance policy and materials provided by the Board of Pensions of the Presbytery Church (U.S.A.).

19.10 Vacation

A vacation with pay is provided for all permanent employees for rest, refreshment and relaxation. Vacations are not cumulative, and must be used within the calendar year. Exceptions will be considered only under very unusual circumstances.

Full-time, elected employees are entitled to 31 days vacation per year.

Ministers of Word and Sacrament serving as full-time elected employees who have been ordained 15 years or more shall be granted a fifth week of vacation with full pay. Upon January 1 of the calendar year in which the 15th anniversary of their ordination falls, a fifth week shall be due and usable by the employee.

Full-time, non-elected employees are entitled to an annual paid vacation, dependent upon the length of their service with the Presbytery or according to their contract. The Presbytery provides 10 working days of vacation (for one year of service, with an annual increase of one day per year thereafter up to a maximum of 20 working days for 10 or more years of service. For the first year of employment, vacation shall be computed as one day per month served after the first three months of employment (maximum nine working days). On January 1 of the next year, the ten (10) days of vacation shall be due and usable by the employee.

Vacation time must be used in the year it is earned. Earned vacation must be taken. Employees are not entitled to pay in lieu of taking time off for vacation, except when terminating the employment relationship. In such circumstances, employees are entitled to be paid for all earned,

¹ This is existing language currently found under the disability insurance section.

unused vacation.

19.11 Leaves of Absence, with Pay

Leaves of absence for all staff, with pay, are provided under the following circumstances:

- a. For regular training period in the U.S. Armed Forces (up to two weeks annually).
- b. For jury duty (up to two weeks annually; in exceptional cases, the General Presbyter may grant additional leave of absence with pay for jury duty). The employee's pay from the Presbytery will be reduced by the amount of reimbursement received from the court so that the employee's effective earnings are unchanged for the period of the leave.
- c. For marriage of a staff member who has one or more years of credit service with the Presbytery (up to three days).
- d. For personal or family emergencies or for personal business which cannot be cared for outside of working hours (up to three days annually). Time off for the job with pay is permitted in the serious illness of a child or spouse. This time off will be with the approval of the General Presbyter. It will not be counted against the three day annual limit above and should not exceed three days annually.
- e. In case of death in the immediate family (husband, wife, parent, parent-in-law, child, step-child, brother, sister, grandparent) the staff member will receive full pay for absence of the day of death up to and including day after burial. This leave should not exceed four (4) working days.
- f. Adequate time off for voting where election hours and work schedules would work a hardship on staff members.

19.12 Parental Leave

In addition to other benefits, an employee who has been employed by the Presbytery for at least one year is entitled to parental leave in the period immediately preceding and following the arrival (birth or adoption) of a child as follows:

1. The employee will normally apply for parental leave at least one month in advance of the expected arrival of the child, specifying the amount of leave time desired.
2. The leave can be for up to three months. The leave may include a period in advance of the expected arrival of the child as well as some after the child has arrived. The leave normally should be unbroken except for any periods of absence due to medical reasons.

3. Up to six weeks of the leave may be with full salary, housing and benefits. The remainder of the leave, if longer than six weeks, will be with benefits only. If a staff person does not return to the Presbytery employ, 75% of the salary earned during the period of leave must be returned to the Presbytery.
 - a. Sick leave and/or vacation time are separate issues and are not to be a confused with parental leave; each is taken on its own merit and eligibility.
 - b. Benefit coverage (except vacation and sick leave accrual) and service credit will continue during the entire leave, with the cost of benefits paid by the Presbytery.
 - c. If both parents are employed by the Presbytery, only one parental leave may be granted. However, leave may be shared by the two parents.
 - d. Upon completion of parental leave, the employee will be entitled to return to his/her position.
 - e. Any salary increase action for which the employee may become eligible in the course of the leave will be effective upon return to employment.

19.13 Leaves of absence, without pay

Leaves of absence without pay are provided under conditions such as the following, with approval of the Personnel Committee:

- a. For portions of parental leave
- b. For military service performed by an employee with credited service of three months or more. Upon return every effort will be made to place the employee in a position of similar level, status and salary.
- c. For personal reasons such as, health, career assessment, family responsibilities, etc. These leaves of absence will be for a minimum of one month and a maximum of six months subject to renewal no more than once.
- d. For study toward the fulfillment of a degree requirement or the completion of a study project.

In extraordinary circumstances, other leaves of absence without pay may be granted upon recommendation of the General Presbyter with concurrence of the Personnel Committee.

Approval of a leave of absence will be based upon the reason an employee is requesting a leave of absence, the amount of time requested, the employee's performance and the need to retain the employee on the job.

Pension dues will not be paid by the employer for any leave of absence without pay which

exceeds four weeks but these payments may be made by the employee in accordance with the terms of the applicable plans.

19.14 Relocation Assistance Policy

Whenever an employee, whether by new employment or by transfer, is required to move the employee's place or residence in order to carry out the duties of the position, the Presbytery will pay for the cost of packing, crating, moving, temporary storage, and insuring the employee's household goods and personal effects.

Transportation expenses for the employee and family will be paid to the new location by air (coach fare), rail or automobile, or some reasonable combination thereof. In the event that travel is by automobile, reimbursement shall be made at the rate currently being paid by the Presbytery for work related travel, and shall cover one automobile with mileage computed by the most direct route.

House hunting expenses (including travel, lodging and meals) will be paid for the employee and spouse for one round trip covering a period not to exceed three (3) days. In unusual circumstances additional time may be made available upon authorization by the General Presbyter.

19.15 Swing Loans

Ordinarily, only "swing" loans will be made to relocating staff members. A loan of up to a maximum of \$25,000 may be negotiated with the search committee. A swing loan covers the period of time between the purchase of housing at the new location and the sale of the previous residence.

20.00 POLICIES FOR PART-TIME STAFF

Part-time employees are those who are employed to work less than 37.5 hours per week. If they are not temporary, and are employed at least 20 hours a week, they are eligible for the following:

- a. Holiday Pay, if the holiday falls on one of the regularly scheduled working days for that part-time employee.
- b. Jury duty differential pay.
- c. Time-and-a-half-pay over 40 hours in any work week.
- d. Vacation and sick pay and severance allowance in proportion to hours worked each week.
- e. Worker's Compensation and unemployment insurance, as appropriate.
- f. Social Security participation, as appropriate.
- g. Part-time employees who are eligible will be enrolled in the Pension and Benefits Plan of the Presbyterian Church (U.S.A.).

- h. If a part-time employee is later placed on full-time basis, prorated service credit will be given from the first day of the part-time employment for sick leave and vacation benefits.

21.00 BENEFITS FOR TEMPORARY STAFF MEMBERS

Those employed on a temporary basis for a short period, (usually less than three months), and those who contracted for a specific task on an hourly rate (*e.g.* staff to Committee on Preparation for Ministry or Congregational Development and Redevelopment Committee) are not paid for holidays, sick leave, or other leaves, and do not earn vacation leave during their temporary employment. They are not eligible for the pension plans or other health benefits entitlements or other benefits offered by the Presbytery. If a temporary employee joins the regular staff, her/his temporary employment is not considered as credited service in computing entitlements to vacation and other benefits.

Rochester, Indiana

the following policies and guidelines approved

November 19, 2002 Presbytery meeting

PRESBYTERY OF WABASH VALLEY
POLICIES AND GUIDELINES ON SEXUAL MISCONDUCT

1. INTRODUCTION:

A. Purpose: The purpose of these policies and guidelines for the Presbytery of Wabash Valley is to --

1. declare and maintain a high standard for the professional ministry in accord with G-6.0106,
2. prevent misconduct and abuse,
3. safeguard the Church, the Church's members and staff from any form of sexual misconduct,
4. seek justice by assuring effectiveness of the church's administrative, investigative and judicial processes in determining truth, protecting the innocent, and dealing appropriately with those who victimize others,
5. promote healing of all persons and congregations where sexual misconduct has occurred, working to restore relationships broken by the sexual misconduct, and seeking to bring healing to those who are found guilty of sexual misconduct, and,
6. address questions and concerns by establishing a response team which will act when situations or accusations of sexual misconduct arise.

B. The Need for Explicit Norms: We believe that Jesus Christ calls us to standards of responsible conduct in all of life. We affirm on the basis of both Scripture and the Presbyterian Constitution that the behavior of church

leaders must be exemplary. These guidelines are an attempt to make public some ethical assertions which for the most part have been unwritten. In the past, cultural norms provided sufficient support that it could be said that “everyone knew” what constituted proper and/or expected behavior; however, waves of change have swept through our society. Now it has become important to make explicit what was implicit to encourage the relationship of trust essential to effective ministry.

- C. **Application:** These policies and guidelines apply to all members of presbytery, including Ministers of Word and Sacrament, Commissioned Lay Pastors, and employees, hereafter referred to as “Persons”. It shall be the responsibility of sessions to set their own policies and guidelines for staff members in congregations. Samples of congregational misconduct policies will be available from the presbytery office.

- D. **General Assembly Standards of Ethical Conduct:** The Presbytery of Wabash Valley adopts as guidelines for behavior by ministers, elders and members of presbytery, the “Standards of Ethical Conduct” adopted by the 210th General Assembly (1998). While the provisions of that document are not substitutes for the provisions of Scripture or the Constitution, the document is a useful teaching tool for the presbytery and sessions.

- E. **Named Behaviors Not Comprehensive:** The list is not intended to be all-inclusive, nor is it intended to be a comprehensive commentary on the constitution of the church or civil law. No one should conclude, however, that what is not on the list is therefore permitted. Rather, the listing reflects some areas in which problems tend to arise.

2. STANDARD FOR ALL MINISTER MEMBERS OF PRESBYTERY

- A. **Privileged Clergy Communication:** The responsibilities of ministers for confidentiality in pastoral care are given in G-6.0204. One of the most critical current issues regarding confidentiality relates to child abuse. The

civil law of Indiana makes a minister as pastor a mandatory reporter for allegations of abuse. In some other capacities he/she may not be a mandatory reporter. The ethic of confidentiality is intended to assist people to get help for their problems. It is not intended to prevent people from being held accountable for their harmful actions or to keep them from getting the help they need.

B. Sexual Behavior: Sexuality is a gift of God, and an integral part of who we are as persons. However, when relationships of trust are breached and persons are abused it can become the basis for oppression. The following sexual behaviors are reasons for action by the Response Coordination Team:

1. Sexual Misconduct: No sexual relationship can or should exist between a minister and a church member or employee of the church being served except where the minister and church member or employee are united in Christian marriage. The relationship between a minister and a church member is one of trust. Ministers experience different levels of interrelationships with members and employees. This requires the minister to be conscious of his/her professional responsibility to maintain appropriate relationships and boundaries. The office of Minister of Word and Sacrament carries with it a tremendous amount of responsibility, whether it is perceived or not. Ministers are responsible for maintaining the appropriate boundaries between themselves and members of the congregation, counselees, employees and also members of the general public.
2. Sexual Harassment: Sexual Harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal and physical conduct of a sexual nature when:
 - a. Submission to such conduct is either made explicitly or is implied as a condition of an individual's employment or their continued status in an institution;

- b. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting each individual; or
 - c. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performances by creating an intimidating, hostile or offensive working environment.
- 3. Sexual Abuse. Sexual abuse of another person is any maltreatment or undue advantage taken involving sexual conduct in relation to any person under the age of eighteen years or anyone over the age of eighteen years without mental capacity to consent, or any person when the conduct includes force, threat, coercion, intimidation, or misuse of office or position. (D-10.0401a)
- 4. Pornography: The use, purchase and possession of child pornography is illegal.
- 5. Sexually Offensive Behavior: Ministers must take care to avoid either sexually overt or sexually oriented language or behavior. For example, the minister's conspicuous possession of sexually-oriented materials might easily threaten those with whom he or she works. The minister is in an unequal power position in his or her professional setting. His or her inappropriate sexual references and behavior can intimidate and sexually harass those with whom he or she works or those to whom he or she ministers. The minister alone is responsible for seeing that this behavior does not occur.

3. PREVENTION OF MISCONDUCT

- A. These policies and guidelines shall be distributed to all ministers, commissioned lay pastors, employees, volunteers, and entities of the Presbytery of Wabash Valley. A new copy shall be sent to them whenever a change is adopted by presbytery. A new acknowledgment must be signed and submitted when any change is adopted in the policy. These policies and guidelines shall be made available to all persons who accuse others of misconduct as well as those accused of misconduct.

- B. All candidates, ministers, commissioned lay pastors and employees of the Presbytery of Wabash Valley shall sign a written acknowledgment (see Attachment A) indicating that they have received, read and understood a copy of these Policies and Guidelines on Misconduct. Such acknowledgment will be kept in the person's personnel file. The Stated Clerk will report to presbytery the names of those who have not submitted their signed acknowledgment within three months of the effective date of this policy, and communicate to the COM and to their session or employer their failure to comply. These bodies shall then initiate actions to terminate or dissolve relationships with such individuals. This shall apply to all subsequent policy changes and new acknowledgments.

- C. All ministers seeking new calls within the Presbytery of Wabash Valley shall complete the Personal Information Form currently being distributed by the Churchwide Personnel Services of the PC(USA), including Part IV, Sexual Misconduct information or its successor form and comply with the requirements of (B), above.

- D. The calling or employing body is responsible for contacting references for prospective ministers, employees, or volunteers.

- E. The Presbytery of Wabash Valley and all its committees, and organizations

will adhere to this policy, including its standards, procedures, and practices.

- F. The Presbytery of Wabash Valley will provide an Education Workshop on Sexual Misconduct Prevention in each quadrant at the outset of this policy for all ministers and commissioned lay pastors in the presbytery. Employees and volunteers of the presbytery will be encouraged to attend. The Stated Clerk will report to presbytery the names of those ministers, and commissioned lay pastors who have not attended a workshop, and communicate to their session or employer their failure to attend.

As a condition of continued membership, commissioned status, or employment, except for status as “retired,” within nine months of the effective date of this policy, all ministers, commissioned lay pastors, and employees of the Presbytery of Wabash Valley shall have completed an Education Workshop on Sexual Misconduct Prevention. Failure to attend such a workshop will result in dissolution of the relationship with the Presbytery.

The Education Workshop on Sexual Misconduct Prevention shall be offered at least once a year for new minister members, employees and volunteers in the Presbytery.

The content of the workshop will include at least the following:

1. Why the Presbytery of Wabash Valley has Policies and Guidelines for Behavior.
2. The Presbytery’s Policies and Guidelines for Behavior.
3. The General Assembly’s statements of ethical behavior for members, volunteers and employees and ordained officers.
4. The broader issues of professional behavior and conduct in the workplace.
5. Why each congregation needs its own Policies and Guidelines for

Behavior, or sexual misconduct policy.

6. Model congregational policies.
7. Why each congregation needs its own liability insurance for misconduct.
8. Available resource within the presbytery for counseling services for personal, emotional and family problems, and for drug and sexual addiction.
9. Introduce members of the Response Coordination Team.

4. RESPONSE COORDINATION TEAM

- A. The Committee on Ministry shall appoint annually a Response Coordination Team (RCT) to assist the Presbytery officers, committees, and staff in responding to persons involved in allegations of professional misconduct. There shall be six members of the RCT, each normally appointed for a three year term; one member shall be designated as the convener. The RCT shall be composed, as nearly as possible, of an equal number of clergy and elders, and women and men. Members may serve no more than six consecutive years on the RCT. The COM shall maintain a list of persons available to serve on the RCT.
- B. Whenever an allegation of misconduct is received by the Stated Clerk, the Stated Clerk shall consult with the Moderator for the appointment of an investigating committee in accord with D-10.0200 or D-6.0302 and the policy of the presbytery. The Stated Clerk also shall notify the Chairperson of the Committee on Ministry, who shall notify the RCT of their need to act.

5. TASKS TO BE ADDRESSED BY THE RCT

- A. Guided by the necessity for confidentiality, the RCT will coordinate the Presbytery's rapid response to the effect of the alleged misconduct. The RCT shall quickly consult with appropriate staff, officers, and committees of

the Presbytery concerning appropriate ways to meet the needs that arise in the context of a misconduct allegation, to determine who is responsible for each task, and to recruit persons to meet the needs of individuals involved.

- B. The RCT shall see that appropriate persons are assigned --
 - 1. To offer counseling and advocacy for the accuser, any alleged victims and family, and the accused.
 - 2. To contact and be in relationship with the session and congregation (if a congregation is involved), based upon need-to-know decisions, in order to help the session and congregation communicate needed information and feelings, and to respond to the situation in healthy ways.
 - 3. To contact others who are known to be affected by the incident. This may include other persons in the congregation, the presbytery, another presbytery, the synod, or an organization related or not related to the church.
- C. Required reporting: Any reporting of alleged misconduct which involves the abuse of a minor or other criminal behavior or is otherwise required by applicable law, shall be immediately and officially reported to the appropriate local, state or federal authority. These and all other allegations of misconduct shall be immediately reported to the insurance carriers for the presbytery and congregation(s) involved.
- D. The RCT will plan and promote the required Education Workshop on Sexual Misconduct Prevention.

6. DISCIPLINARY, JUDICIAL, AND ADMINISTRATIVE PROCESSES

- A. Disciplinary Process. All allegations of misconduct will be investigated

through the appropriate process. In cases of members under the jurisdiction of the Presbytery of Wabash Valley judicial process as provided in the Rules of Discipline will be followed. In cases involving employees, the provisions of the personnel policy will be followed. For employees who are members of Presbytery, both personnel policy provisions and disciplinary process will apply.

- B. Judicial Process. If the Stated Clerk receives written allegations under D-10.0100, the clerk shall convene an Investigating Committee (as appointed by the Moderator) as soon as possible after its formation. The investigating committee shall conduct its investigation in accordance with D-10.0202 and “Investigating Committee and Judicial Process,” Polity Reflection paper #3.

- C. Contact with Persons. The investigating committee shall maintain regular contact with the person making the allegations, keeping her/him informed about the status of the investigation.

- D. Administrative Process. Following an allegation of misconduct against a member of presbytery serving a church or agency or against a staff member or employee of the presbytery, the appropriate committee (COM or Personnel) shall consult with the accuser, the accused, and the involved session or board of oversight to ascertain whether the circumstances would be aided by the accused person’s being advised to ask for an administrative leave, if a minister, or placed on administrative leave if a lay person. If the misconduct alleged is an offense against a minor, COM or Personnel shall ask for/institute administrative leave procedures and encourage the complainant to notify civil authorities. If a minister asked to request administrative leave declines to do so, and COM believes such leave is necessary to the ministry and mission of the church or agency served, COM and the presbytery shall proceed under G-11.0103o or the personnel policy to remove the person from her/his position with the church or agency. In cases where a minister is removed from a church as a result of such action,

COM will help congregations find interim or supply pastors trained in responding to congregations where abuse has occurred.

The COM, RCT, or other body may also request that an administrative commission be appointed to deal with discord caused by the alleged misconduct.

The COM also will appoint persons to work carefully with an affected session to recognize and deal with denial and anger that typically accompany abuse allegations.

- E. **Conclusion.** After all the procedures outlined above have been carried out, the RCT shall coordinate an evaluation, seeking responses from persons and groups involved in the response to the allegation of misconduct. The report shall be filed with the Committee on Ministry with other papers recording the incident.

ACKNOWLEDGMENT WABASH VALLEY PRESBYTERY

Policies and Guidelines for Sexual Misconduct

This attachment to the Policies and Guidelines for Sexual Misconduct in the Presbytery of Wabash Valley is to be signed by all candidates, ministers, and commissioned lay pastors of the Presbytery.

By signing this attachment, you acknowledge that you have received, read and understand the most recent Policies and Guidelines for Misconduct adopted by the Presbytery of Wabash Valley. The Stated Clerk will report annually to presbytery the names of those ministers who have not submitted the form, and communicate to their session or employer their failure to comply.

Signed _____ Date _____

This document will be kept in your personal file.

Please give your comments on how this policy might be improved:

PRESBYTERY OF WABASH VALLEY *STATEMENT ON PROFESSIONAL ETHICS*

The following is a statement on expected professional ethics for the clergy of the Presbytery of Wabash Valley. Accepting a professional role is unavoidably a promise-making act. Expectations of conscientiousness, commitment and competence are connected to our ministry. The current social environment is testing our commitment to certain standards of conduct that have been previously assumed. Thus, the presbytery is compelled to articulate its understanding of what we hold in common as ethical standards of professional behavior and adopted in “Standards of Ethical Conduct” approved by the 210th General Assembly (1998) Presbyterian Church (U.S.A.) which is the current guideline for all governing bodies, congregations, and personnel.

As ministers we are committed to Jesus Christ, acknowledging him as both our Savior and our Lord. Christ is the vine, we are the branches. Christ is the head of the body. We are members one of another. We are to act in a manner upholding the integrity, morality and dignity of the whole body of Christ.

Ministers are also bound by ordination vows to obedience to Christ, under authority of the Scriptures and guided by the *Book of Confessions*. Whenever a minister is installed, these commitments are reaffirmed. These promises create a framework for ministry that is accountable to the Presbytery of Wabash Valley for its character and conduct.

As an expression of our faithfulness to Jesus Christ and our promises as ordained clergy within the Presbytery, persons signing this statement fully acknowledge and affirm their intention to be guided by the following standards:

In Pastoral Care

- * To cultivate pastoral relationships that reflect integrity;
- * To maintain confidentiality, honoring the trust between pastor and parishioner;
- * To know one’s limits as a pastoral counselor and to avoid the misuse of power.

In Sexual Conduct

- * To behave in ways that honor the trust and integrity of marriage relationships;
- * To avoid Sexual Harassment and Sexual Misconduct, and/or exploitation in all relationships (pastor/parishioner, colleagues in ministry, counselor/counselee, among staff members, employer/employee, etc.);
- * To maintain relationships within the confines of acceptable sexual behavior as defined by the policy statements of the Presbyterian Church (U.S.A.);
- * To comply with the Sexual Misconduct Policy of the Presbytery of Wabash Valley, the receipt of which I acknowledge by signing this Statement of Professional Ethics.

In Legal Matters

- * Not to engage in criminal activity including, but not limited to, embezzlement, sexual misdemeanors or felonies, spousal or child abuse.

In Financial Matters

- * To exercise financial responsibility regarding personal debts and the use of church funds;
- * To observe policies established by the Constitution of the Presbyterian Church (U.S.A.) regarding receiving gifts or using designated funds.

In Professional Relations

- * To interact with colleagues and churches in ways that mutually support ministries, including such areas as respecting the ministries of other pastors and churches, honoring the Presbytery's policy on leaving a pastorate, and observing predecessor/successor courtesies.

As a minister in the Presbytery of Wabash Valley, I have read this statement, acknowledge its contents, and agree to be guided by these standards.³

NAME _____

DATE _____

¹ Sexual misconduct and sexual harassment are defined as follows in "Presbyterian Church (U.S.A.) sexual Misconduct Policy and its Procedures "adopted by the 205th General Assembly (1993), Appendix A. p 129:

Sexual Harassment is defined as unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of sexual nature harassment when:

1. Submission to such conduct is made either explicitly or implies a term or a condition of an individual's employment or their continued status in an institution;
2. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting each individual; or
- C. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performances by creating an intimidating, hostile or offensive working environment.

Sexual Misconduct is the comprehensive term used in this policy and its procedures to include:

1. Child sexual abuse as defined by law and by the Presbytery of Wabash Valley Policies and Guidelines on Sexual Misconduct,
2. Sexual harassment, as defined above,
3. Rape or sexual conduct by force, threat, or intimidation,
4. Sexual conduct (such as offensive, obscene or suggestive language or behavior, unacceptable visual contact, unwelcome touching or fondling) that is injurious to the physical or emotional health of another,
5. Sexual Malfeasance defined as sexual conduct within a ministerial (e.g. clergy with a member of the congregation) or professional relationship(e.g. counselor with a client, lay employee with a church member, presbytery executive with a committee member who may be a lay person, a minor or an elder). Sexual conduct includes unwelcome sexual advances, requests for sexual favors, and verbal or physical conduct of a sexual nature. This definition is not meant to cover relationships between spouses, nor is it meant to prevent church professionals from having normal, mutual social, or married relationships.
6. Sexual Abuse as found in *Book of Order*. D-10.0401.

² The Paper, which has current standing as policy with the Presbyterian Church (U.S.A), was adopted by the 205th General Assembly (1993) and noted above.

³ This Statement of Professional Ethics shall be signed by every minister member of the Presbytery of Wabash Valley and by every clergy person laboring within the bounds of the Presbytery of Wabash Valley, and kept on file in the presbytery office.

“Standards of Ethical Conduct” is available through Presbyterian Distribution Service (PDS), 100 Witherspoon Street, Louisville, Kentucky 40202 or by calling 1-800-524-2612.

“Presbyterian Church (U.S.A.) Sexual Misconduct Policy and its Procedures” may be obtained from the Office of the Stated Clerk, Presbyterian Church (U.S.A.) 100 Witherspoon Street, Louisville, KY 40202 or by calling the Department of Constitutional Services at 1-502-569-5000.