

**GRACE LUTHERAN CHURCH**  
Saint Paul, Minnesota

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**GRACE LUTHERAN CHURCH**  
**PERSONNEL POLICIES**  
**LAY EMPLOYEES**  
**HANDBOOK**

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## PERSONNEL POLICIES OF GRACE LUTHERAN CHURCH

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### **PREFACE:**

Grace Lutheran Church “is a people created by God in Christ, empowered by the Holy Spirit, called and sent to bear witness to God’s creative, redeeming, and sanctifying activity in the world.” (Grace Lutheran Church Constitution, Chapter 4, Statement of Purpose). Grace Lutheran Church is one of the geographic program units of the Evangelical Lutheran Church in America and the Saint Paul Area Synod of the Evangelical Lutheran Church in America. In its service, the lay employees of Grace Lutheran Church shall carry out the duties to which they are assigned in faithfulness to the faith and mission of Grace Lutheran Church.

These personnel policies have been prepared in order that each lay employee of the church may know the terms of employment that will govern his or her relationship to the church. It is the responsibility of the Grace Lutheran Church Congregation Council to administer these policies. Any questions or suggested changes or exceptions should be directed to the Congregation Council.

### **1.0 GENERAL:**

#### 1.1 Authority:

The Grace Lutheran Church Congregation Council is authorized to adopt these policies pursuant to the general authority granted the Congregation Council by the Grace Lutheran Church Constitution, Bylaws and Continuing Resolutions.

#### 1.2 Scope:

These personnel policies apply to all lay employees in the church, unless the Congregation Council has granted an exception in accordance with these policies. All exceptions must be approved by the Congregation Council.

#### 1.3 Employment Contracts:

In very limited circumstances, the church acting through the Grace Lutheran Church Congregation Council, may alter a lay employee’s at-will status by entering into a written agreement for employment for a specific period of time. To be valid as an exception to the employment at-will status of church lay employees, all lay employment contracts must provide for a start date, a specific salary, and an end date. Lay employees working pursuant to employment contracts may or may not be eligible for health or pension benefits provided.

#### 1.4 Distribution of Personnel Policies:

These church personnel policies are distributed by the Grace Lutheran Church Congregation Council to all lay employees.

#### 1.5 Exceptions and Revisions:

Any exceptions and revisions granted by the Grace Lutheran Church Congregation Council are not valid until they have been recorded in the meeting minutes of the Congregation Council.

Exceptions and revisions to these personnel policies apply to all lay employees, unless provided specifically to the contrary. Lay employees shall be provided with copies of all exceptions and revisions to these personnel policies.

### **2.0 DEFINITION OF TERMS:**

As used herein, the term “lay employee” applies to any non-clergy person in the employ of the church. The term “lay employee” does not include a person employed temporarily through employment agencies or serving as an independent contractor, which persons are not eligible for employee benefits and to whom these personnel policies are inapplicable.

The term “exempt employee” means an employee who meets the conditions for exemption of coverage by the Fair Labor Standards Act and is not eligible for overtime compensation.

The term “non-exempt employee” means an employee who is covered by the Fair Labor Standards Act and is eligible for overtime compensation.

### **3.0 LAY EMPLOYEE CLASSIFICATIONS:**

Regular full-time: Those lay employees who work 40 hours a week on average.

Regular part-time: Those lay employees who work at least 32 hours a week, on average, as compared to full-time lay employees measured as a 40 hour week.

Limited part-time: Those lay employees who work less than 32 hours a week, on average, as compared to full-time employees measured as a 40 hour week.

### **4.0 SERVICE TIME:**

#### 4.1 General Principle:

No rights shall accrue to a lay employee by virtue of service time, except as specifically stated in these policies; however, in the selection of vacation periods and similar matters,

if other factors are equal, preference will be given to lay employees with the longest period of service.

#### 4.2 Creditable Service Time:

If a lay employee's service time has been continuous, the date from which creditable service is computed is the lay employee's date of hire. To qualify, the individual must be employed full time by this church. If a portion of an employee's creditable service time has been on a regular part-time or limited part-time basis rather than on a full-time basis, the Congregation Council will determine whether to use the beginning date on which the employee began part-time work or an adjusted date, reflecting the full-time equivalent of that service. In making such a determination, consideration will be given to the nature and extent of the creditable service time that was not on a full-time basis. The Congregation Council shall notify the lay employee in writing of the determination.

#### 4.3 Reinstatement:

If a former lay employee of this church again becomes a lay employee of this church, the lay employee shall be reinstated without loss of creditable time if the lay employee is re-employed after an absence of one year or less. If a former lay employee is re-employed after an absence of more than one year, accrual of creditable time will commence in the same manner as if the lay employee were a new employee.

#### 4.4 Anniversaries:

This church shall recognize and honor extended periods of service beginning with the fifth year and at successive five year intervals. The Congregation Council shall maintain a uniform policy for such recognition.

### **5.0 RECRUITMENT AND EMPLOYMENT:**

#### 5.1 Inclusiveness in Employment:

This church is committed to both the spirit and the applicable legal requirements of equal employment opportunity and affirmative action. Consistent with this commitment, the continuing policy of this church is to afford equal employment opportunity to qualified persons in all aspects of the employment relationship, including hiring, compensation, promotion, demotion, transfer, selection for training opportunities, layoffs, discharges, and retirement. It is the policy of this church not to cause any person to suffer disadvantages in employment because of race, color, gender, sexual orientation, age, national origin, disability, marital status, or status with regard to public assistance.

If the Congregation Council determines there is a bona fide need of a Lutheran theological background, training or experience, preference will be given to persons with the appropriate and required qualifications.

## 5.2 Personnel Records:

Records will be maintained in the church office. An individual personnel file will be maintained for each lay employee, containing his/her application for employment, resume, letter of employment, salary information, attendance records, performance appraisals, and other appropriate pertinent information. Lay employee records are personal and will be kept in a secured file with access only by persons authorized by the Congregation Council. Lay employees have the right to review their individual personnel file and all documents contained therein, at a time mutually convenient to the lay employee in accordance with the church's personnel files policy and procedures.

## 5.3 Relatives in Employment and Contractual Agreements:

Persons who are related in the first degree by blood or marriage (parents and children or grandchildren, brothers and sisters, spouses, etc.) or are members of the same household will not be employed or engaged under contract by the church in a relationship wherein one relative reports directly to the other. Two related persons may share one position.

## 5.4 Employment Process:

The application process for all lay positions shall include providing a clear description of the job, advertising if appropriate, screening and interviewing and recommendation to the Congregation Council. The Congregation Council President will provide an offer letter of employment to the individual setting forth specific information pertinent to the position (compensation, start date, etc.).

No promises, commitments or representations which are inconstant with or override these hiring practices may be made to a lay employee or prospective lay employee without the prior written approval of the Congregation Council. Any such promise, commitment or representation shall be void unless it is contained in a written agreement signed by the lay employee and the Congregation Council President and approved by the Congregation Council.

## 5.5 Background Checks:

The church may require a criminal background check prior to the issuance of an offer letter of employment.

## 6.0 PERFORMANCE MANAGEMENT:

### 6.1 Purpose

Performance reviews and appraisals are intended to provide individual support for the lay employee, to improve individual performance by an objective and constructive assessment of the individual's performance, to assist in the development and fulfillment

of the individual's career or occupational goals, and to provide information for the salary recommendation process.

## 6.2 Compatibility Evaluation and Performance Appraisals:

In order to evaluate and assess mutual compatibility and satisfaction and to provide an opportunity for the open exchange of communication, lay employees of this church shall receive a performance review and appraisal three to six months after their hire date. Thereafter, lay employees shall receive performance reviews and appraisals at least annually.

## 6.3 Performance Management process:

Any or all of the following steps may be omitted if, in the sole discretion of the Congregation Council, circumstances warrant.

Step 1. Ongoing Feedback. The appropriate supervisor(s) shall provide regular specific feedback about the lay employee's performance, whether the performance is exceptional, adequate, substandard or other.

Step 2. Verbal Warning. If the lay employee's performance in one or more key areas of responsibility is below expectations, the appropriate supervisor(s) may issue a verbal warning. The warning shall be specific, offer suggestions for improvement, include a reasonable and defined timeframe for the lay employee to improve his/her performance, and clearly state the consequences (i.e., written warning or other, up to and including termination) if the performance does not improve by the end of the verbal warning period stated.

Step 3. Written Warning. If the lay employee's performance does not improve as a result of a verbal warning, the appropriate supervisor(s) may issue a written warning. The written warning shall be in memo form, addressed to the lay employee, discussed in a face-to-face meeting and signed and dated by the appropriate supervisor(s). The warning shall be specific, offer suggestions for improvement, include a reasonable and defined timeframe for the lay employee to improve his/her performance and clearly state the consequences if the performance does not improve by the end of the written warning period stated.

Step 4. Termination. If the lay employee's performance does not meet the expectations specified, the employee may be terminated. Employment can also be terminated if the problem involves a breach of policy, conduct including but not limited to that specified in paragraph 13.3 of these personnel policies, or if the employee's performance or conduct is such that continued employment is no longer in the best interest of the church.

## **7.0 COMPENSATION PROGRAM:**

The purpose of the compensation program is to provide adequate pay for services rendered and to ensure equity in basic compensation regardless of protected class or lay employee status.

### **7.1 Position Evaluation Process:**

The responsibility for the preparation and/or revision of any lay employee's position job description resides with the Congregation Council or their designee in consultation with the lay employee's appropriate supervisor(s) and the lay employee. Each position job description will accurately define a lay employee's duties and responsibilities. Each position job description will be reviewed annually by the lay employee and his/her appropriate supervisor(s) during the time of a lay employee's annual performance review and appraisal and be revised, if appropriate, to reflect changing position duties and responsibilities. A position job description shall be prepared and/or revised prior to the hiring of any new staff or the creation of any new position.

### **7.2 Salary:**

Salary shall be in accordance with any and all approved actions of the Congregation Council.

### **7.3 Overtime:**

Overtime must be approved in advance of the time worked by the Congregation Council, its designee or appropriate supervisor(s). While a non-exempt lay employee will be paid overtime hours worked, working unauthorized overtime can serve as grounds for discipline, up to and including termination. A non-exempt lay employee will be paid for all authorized overtime hours worked. Exempt lay employees are not eligible for overtime pay or equivalent time off.

Non-exempt lay employees eligible for overtime work will be paid at a rate of one and one-half times their regular hourly rate for time worked in excess of 40 hours in any normal work week. Sick leave, vacation time and other absences from work as described in Section 11 will not be considered as time worked.

### **7.4 Adjusting Hours Worked Within the Work Week or Pay Period:**

Under limited circumstances and only when requested by the lay employee and authorized in writing by the Congregation Council, its designee, or appropriate supervisor(s), a non-exempt lay employee may be granted time off in lieu of overtime pay if the leave is taken during the same week in which the overtime would have been earned but for the lay employee's adjusting his/her work hours. Time off will be allowed on an hour for hour basis.

Under limited circumstances and only when requested by the lay employee and authorized in writing by the Congregation Council, its designee, or appropriate supervisor(s), a non-exempt lay employee may be granted time off in lieu of overtime pay if the leave is taken during the same pay period in which the overtime would have been earned but for the lay employee's adjusting his/her work hours. Time off will be allowed on a time and one-half basis (i.e., a lay employee working 48 hours in the first week and 28 hours in the second week of the same pay period is not due overtime pay, if requested and approved).

#### 7.5 Pay Periods:

Pay periods for all lay employees will be semi-monthly, and payment will be made on the 15<sup>th</sup> and the last day of the month. If a normal pay day falls on a non-working day, paychecks will be issued on the last working day preceding the non-working day.

#### 7.6 Gifts and Fees for Outside Employment:

Significant gifts or additional income for performing the normal duties and responsibilities of a position are not to be expected or accepted by lay employees. Any monetary gifts received shall be placed in a designated church fund determined by the Congregation Council.

### **8.0 REIMBURSABLE EXPENSES:**

#### 8.1 General Principal:

Lay employees of the church who are authorized to travel in connection with the performance of their work will be reimbursed for transportation, food, and lodging expense, in accordance with any and all approved actions of the Congregation Council.

#### 8.2 Use of Personal Automobile:

When authorized by the Congregation Council, its designee, or appropriate supervisor(s), lay employees may be reimbursed for authorized church business use of their personal automobile using the mileage rate set by the Internal Revenue Service and published annually.

### **9.0 WORKING HOURS AND HOLIDAYS:**

#### 9.1 Working Hours:

Lay employees are to organize their work schedule within the limits of specified hours, subject to the approval of the Congregation Council, its designee or appropriate supervisor. Work schedules will normally be on the basis of eight hours per day, Monday through Friday. For regular full-time and regular part-time lay employees working four days a week, time worked is to be an eight-hour period between the hours

of 7:00 a.m. and 5:00 p.m. Care must be taken that hours worked allow for proper office or work responsibilities coverage. An unpaid lunch period of from one-half to one hour in length may be taken, but is not considered as time worked; therefore, this time is in addition to a lay employee's eight-hour work schedule. A paid 15 minute rest break may be taken by non-exempt lay employees each morning and afternoon, and is considered time worked. These rest breaks may not be taken at the beginning or end of the work day or be part of the lunch period except in unusual circumstances with the permission of the Congregation Council, its designee or appropriate supervisor. Variations in the established hours for individual non-exempt lay employees may be made by the Congregation Council, its designee or appropriate supervisor to adjust for particular travel or other considerations which may prevail, providing such variations do not conflict with the efficient operating of the office or church.

Non-exempt lay employee lunch and rest break periods will be scheduled to provide for the well-being of the staff and the effective operation of the office and church.

#### 9.2 Attendance Records:

Adequate attendance records suitable for payroll purposes and for meeting appropriate wage and hour requirements shall be maintained by the Congregation Council, its designee, or appropriate supervisor.

#### 9.3 Approval of Overtime:

Non-exempt lay employees shall not work overtime unless approved in advance by the Congregation Council, its designee, or appropriate supervisor.

#### 9.4 Holidays:

The church office will be closed on the following seven holidays: New Year's Day, Easter Monday, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day. Employees will be paid for such holidays proportionate to their average time worked.

#### 9.5 Holidays Falling on Saturday or Sunday:

If a holiday listed in paragraph 9.4 falls on a Saturday or Sunday, lay employees will be given time off during the same pay period in which the holiday falls as approved by the appropriate supervisor. Eligible lay employees will be paid for these holidays to the same extent as indicated in paragraph 9.4.

#### 9.6 Election Day and Time Off for Voting:

For the purpose of voting on the day of elections, each lay employee will be allowed up to two paid hours of leave, either at the beginning or the close of normal working hours.

The specific time selected must be approved in advance by the Congregation Council, its designee, or appropriate supervisor.

## **10.0 LAY EMPLOYEE BENEFITS:**

### **10.1 Benefit Eligibility:**

Regular full-time lay employees are eligible for all benefits as described herein.

Regular part-time lay employees working at least 32 hours a week, are eligible for all benefits in an amount proportionate to the percentage of time they work, on average, as compared to full-time lay employees measured as a 40 hour week.

### **10.2 Social Security:**

The church will make contributions for its lay employees as required under the Federal Insurance Contributions Act (FICA.)

### **10.3 Worker's Compensation:**

As required by Minnesota State law, the church provides Worker's Compensation Insurance coverage for all lay employees, at no cost to the lay employee.

### **10.4 Unemployment Compensation Insurance:**

As a religious organization, the church is not required to participate in unemployment compensation insurance under Minnesota State law. Lay employees separated from employment with the church are not eligible to receive unemployment compensation insurance.

### **10.5 Pension Plan:**

Through Portico Benefit Service, the church provides a pension plan for the benefit of its regular full-time lay employees and regular part-time lay employees working at least 32 hours a week, in an amount proportionate to the percentage of time they work, on average.

Detailed information regarding pension benefits provided to church lay employees is contained in brochures published by Portico Benefit Service and available to all lay employees. The pension benefits are controlled by the language of the plan documents and the actual policies. Benefit policies may be modified, added or terminated at any time at the ELCA's or the church's discretion. Further inquiries or questions should be directed to Portico Benefit Services.

Under the provisions of Portico Benefit Services, a signed agreement between the church and the lay employee may reduce the lay employee's compensation to credit that amount

to the pension plan under a tax shelter, as approved by the Internal Revenue Service. The lay employee may also contribute to another pension plan or annuity plan of his/her choice, provided the total of all amounts under the tax shelter, including the employer's contribution, do not exceed the current allowable limits of the Internal Revenue Service regulations.

#### 10.6 Insurance Benefits:

Through the ELCA, the church offers Portico Benefits Services insurance plans which provide for long-term disability, survivor, and medical/dental benefits. Separate plan documents explain each benefit in detail, and the benefits are controlled by the language of the plan documents and the actual policies. Benefit policies may be modified, added, or terminated at any time at the ELCA's or the church's discretion or by the insurance company. Further inquiries should be directed to Portico Benefit Services.

#### 10.7 Survivor Benefit:

In the event of death of a lay employee, the lay employee's salary shall be paid to their surviving spouse through the month in which death occurs. If there is no surviving spouse, or if the deceased is unmarried at the time of death, payment will be made to a dependent(s) or person(s) previously designated by the lay employee, or, in the absence of a designation, to the estate of the deceased lay employee.

#### 10.8 Continuing Education:

Regular full-time and regular part-time lay employees working at least 32 hours a week on average, may receive up to two weeks of continuing education time per year, and an amount of funds approved annually by the Congregation Council.

Continuing education time and funds cannot be carried over from year to year. Unused continuing education time and funds are forfeited at the end of each calendar year. Exceptions to these provisions require written approval in advance from the Congregation Council.

Lay employee continuing education plans are subject to approval in advance by the Congregation Council

### **11.0 ABSENCE FROM WORK:**

Lay employees do not earn sick leave or vacation leave while on unpaid leave status.

#### 11.1 Sick Leave:

Unless otherwise specified in the letter of employment, commencing on the first day of employment, regular full-time lay employees and regular part-time lay employees in proportion to their average time worked, are eligible for sick leave for absences due to

illness or injury. Sick leave shall accrue at a rate of one day per month for completed employment calculated at the rate of an eight hour day for regular full-time lay employees and proportionate to the time worked on average for regular part-time lay employees. Paid sick leave may not be taken until it has been accrued.

The appropriate supervisor shall monitor lay employee records in this regard, and any absences of more than four consecutive days may require that the lay employee furnish a physician's statement indicating that the illness or injury was of a sufficient nature to prevent the lay employee from working. Failure to provide such a statement, when requested, may result in disciplinary action and an appropriate deduction from the lay employee's salary for the period of absence.

Absence from work for a longer duration will be considered in accordance with the pension policies and other benefit plans of the church. If extended and/or recurring health problems prevent a lay employee from satisfactory work performance, the lay employee shall notify the Congregation Council or its designee.

Sick leave may accrue up to a maximum of 36 working days in order that this policy will correlate with the ELCA Board of Pensions long term disability policy. Sick leave may be carried over from year to year, but shall not exceed 36 working days. Lay employees will not be paid for accrued sick leave upon separation from employment.

#### 11.2 Vacation Time:

Regular and part-time lay employees begin to accrue vacation time during the first calendar year of employment. Regular full-time lay employees will accrue vacation time based on the following schedule of employment time:

- 0 – 5 years employment = 10 working days each year
- 6 – 15 years employment = 15 working days each year
- Over 15 years employment = 20 working days each year

Regular part-time lay employees working at least 32 hours a week will earn vacation under the above schedule in proportion to their average time worked as in the following example for a lay employee working 32 hours a week:

- 0 - 5 years employment = 8 working days each year
- 6 – 15 years employment = 12 working days each year
- Over 15 years employment = 16 working days each year

Vacation time accrued must be taken in the year earned and cannot be carried over into the next calendar year without advance approval of the Congregation Council.

### 11.3 Compassionate and Emergency Leave:

In the event of a death in the immediate family (spouse or son, daughter, mother, father, brother, sister, grandparent, grandchild, or legal guardian of either the lay employee or the lay employee's spouse,) a lay employee will be allowed leave with pay not to exceed three working days.

### 11.4 Jury Duty:

A regular full-time lay employee who is summoned to jury duty shall be entitled to full pay during the period of such service. Regular part-time lay employees summoned to jury duty shall be entitled to pay in proportion to their average time worked. Fees paid to lay employees for jury duty may be retained by the lay employee.

### 11.5 Leave Without Pay:

Leave without pay for personal reasons may be granted under exceptional circumstances by the Congregation Council to a lay employee after due consideration has been given to the work requirements of the church. Leave without pay may be granted for a period of up to three months. Service credits and other benefits do not accrue to a lay employee while on a leave without pay status.

### 11.6 Military Leave:

The church will grant leave to lay employees for service in the uniformed services in compliance with the Uniformed Services Employment and Reemployment Rights Act of 1994 or any successive applicable legislation. All required notice to the church shall be given by the lay employee to the Congregation Council, its designee or appropriate supervisor in compliance with the Act.

### 11.7 Maternity/Paternity and Parenting Absence:

Absences from work under this section are for the purpose of issues related to parenting and may be taken only after six months of continuous employment.

**Maternity/Paternity Absence:** Regular full-time lay employees and regular part-time lay employees working at least 32 hours a week on average, may be provided up to six weeks of absence in connection with the birth of a child. Lay employees will be permitted to use accrued vacation leave and accrued sick leave and are also eligible for "Parenting Leave" following in this section. Lay employees not having enough accrued vacation leave and accrued sick leave for the time off desired up to six weeks, and/or if a lay employee desires additional time absent either prior to or following the child's birth, they may apply for leave without pay under Section 11.5. Lay employees who will be absent due to Maternity/Paternity are requested to provide the Congregation Council, its designee, or appropriate supervisor with as much advance notice as possible. During the period of unpaid maternity/paternity absence, vacation leave and sick leave do not accrue.

For purposes of computing a lay employee's retirement date, paid maternity/paternity absence will be considered as continuous service time.

Adoptive Leave: Up to six weeks of absence may also be available to a new mother or father in connection with the adoption of a child as described under Maternity/Paternity Absence above.

Parenting Leave: Two weeks of unpaid parenting leave is available to mothers and fathers. Lay employees who wish to use this benefit are required to provide the Congregation Council, its designee, or appropriate supervisor with as much advance notice as possible. Parenting leave shall be granted at the time period requested by the lay employee, unless the Congregation Council, its designee, or appropriate supervisor determines that rescheduling is necessary to meet the work requirements of the church.

#### 11.8 Absence Due to Weather or Travel Conditions:

The office and church building will be closed due to weather or travel conditions when authorized by the Congregation Council, its designee or appropriate supervisor. Lay employees will not be paid for days on which the church office and building is closed due to weather or travel conditions unless the employee chooses to use accrued vacation on such days.

### **12.0 CHILDREN IN THE WORKPLACE:**

Children are welcome to visit lay employees at the office or in the building for such purposes as lunch, a brief visit to a work station or for special occasions when they are specifically invited. The hosting lay employee is responsible for the children during such visits and should remain with them at all times.

Children should not be brought to the work site as a substitute for other child care arrangements. If a lay employee is faced with an unforeseen circumstance where child care arrangements have been disrupted, the Congregation Council, its designee or appropriate supervisor may grant an exception if the following conditions are met: Alternate arrangements are being made and the time the child will be in the work area is brief; the child is accompanied by the lay employee at all times; and the lay employee is able to perform his/her regular duties at all times.

### **13.0 SEPARATION AND RETIREMENT:**

#### 13.1 Completion of Term:

At the expiration of employment of a lay employee who is employed for a specific term pursuant to a contract, employment shall terminate at the end of the specified term unless a new re-employment contract is issued.

### 13.2 Termination Without Prejudice:

Any termination of employment by this church at any time for any reason other than a termination for cause shall be referred to as a termination without prejudice. Lay employees will ordinarily be given one month's notice of termination without prejudice. The Congregation Council, or its designee, may discharge the church's obligation in such case by payment of salary for the designated period.

If employment is to be terminated within the initial three-month to six-month employment period, either at the request of the employee or this church, a two-week notice shall be provided unless termination is for cause. If a lay employee is terminated for cause, notice will be immediate.

### 13.3 Termination With or Without Cause:

All lay employees of the church except those serving pursuant to an employment contract executed in conformity with paragraph 1.3 are employees "at will," which means both the church and the lay employee have the right to terminate employment, with or without cause, at any time. In addition to poor work performance that has been fully documented, other examples of termination for cause include, but are not limited to: insubordination, fighting, dishonesty, violating of law or church policy, theft, sexual harassment in the workplace, misrepresentation or omission of facts on application for employment. If an employee is terminated for cause, notice will be immediate.

### 13.4 Resignation:

Lay employees who wish to voluntarily terminate their employment are expected to give a two-week notice. Lay employees who resign will receive payment for the time they have worked since the last pay period. Any lay employee who resigns shall not receive accrued vacation, sick or separation pay.

### 13.5 Separation Pay:

Where separation from employment is by termination without prejudice, the church policy is to grant no separation pay. The Congregation Council may give further consideration to a lay employee terminated without prejudice, depending upon the circumstances of the termination and length of service.

### 13.6 Reduction in Work Force:

If the church needs to reduce its work force due to budget or other considerations, issues of priorities of the mission of the church and seniority will be considered by the Congregation Council.

#### **14.0 SEVERANCE BENEFITS:**

##### 14.1 Purpose:

No severance benefits are provided for by this church to support the lay employee's transition from employment with the church. Neither disability nor retirement qualifies for severance benefits. The Congregation Council may grant exceptions to this policy based upon the circumstances of termination and length of service.

##### 14.2 Disposition:

In case of a difference of opinion in the interpretation of this severance benefits policy, the Congregation Council shall make the final disposition.

#### **15.0 GRIEVANCE PROCEDURES:**

Addressing and resolving issues in the work place and in the church are primary ministries, offering opportunities to grow and occasions for practicing justice. Whenever possible, grievances (conflicts) should initially be discussed directly with the persons involved. If the issue cannot be resolved, the grievance should be discussed with the lay employee's appropriate supervisor(s). The church Mutual Ministry Committee may be used to facilitate discussion.

##### 15.1 Filing of grievance:

If the grievance cannot be resolved informally, the lay employee may file a written grievance with the Congregation Council. The Congregation Council shall provide a written response to the lay employee with 15 working days after the grievance is received.

##### 15.2 Response to Grievance:

If the lay employee is not satisfied with the response from the Congregation Council, the lay employee may submit a written request for a hearing with the Congregation Council. This request must be received within 15 working days after the date of the response by the Congregation Council.

##### 15.3 Hearing on Grievance:

If a lay employee requests a review of the Congregation Councils decision on a grievance, the Congregation Council shall make the final determination. The Congregation Council shall schedule a hearing within 15 days of receiving a request for a hearing of the grievance. At least 10 working days in advance of the date set for the hearing, notice of the hearing shall be given to the lay employee, the lay employee's appropriate supervisor(s) and the Congregation Council. All hearings shall be closed to

the public. The lay employee may be present at the hearing and may bring an advocate of the lay employee's choosing other than legal counsel. The grievant shall be notified in writing regarding the disposition of the grievance, within 10 working days of the hearing.

Lay employee grievances are to be processed promptly; however, time limits may be waived or extended by the Congregation Council under extraordinary circumstances, or with the written consent of both parties.

## **16.0 HARASSMENT:**

### 16.1 Policy:

It is the policy of this church to maintain a workplace free of any form of harassment or intimidation based upon a person's race, color, religion, gender, national origin, age, disability, sexual preference, marital status, or status with regard to public assistance. Any form of harassment within the workplace is unacceptable behavior and is subject to appropriate disciplinary action.

### 16.2 Sexual Harassment Definition:

Sexual harassment includes, but is not limited to: unwelcome and unsolicited advances, requests for sexual favors, discriminatory tormenting based on gender and other undesired verbal, visual, or physical conduct of a sexual nature. In particular, sexual harassment:

Commented [FN1]:

is submission to any kind of sexual harassment as an explicit or implicit term or condition of employment;

is submission to, or rejection of, sexually harassing behavior if used as a basis for employment or other personnel decisions affecting the recipient of the behavior;

has the purpose or effect of unreasonably interfering with the recipient's work performance or creating an intimidating, hostile, or offensive work environment.

### 16.3 Reporting Harassment:

Any lay employee who believes that there has been a violation of this harassment policy has the right and responsibility to report the perceived violation as soon as possible to the lay employee's appropriate supervisor(s), the Congregation Council or its designee. The Congregation Council, its designee or the appropriate supervisor(s) shall address all allegations promptly, objectively, and confidentially, and shall conduct further investigation where appropriate. In the event that the complaint involves a clergy employee, the complaint shall be reported to the Congregation Council for review and resolution. A lay employee has the right to the presence of an advisor at any and all proceedings regarding the complaint.

This church shall take no adverse action against a lay employee based on the lay employee's good faith complaint of harassment, and shall, to the extent possible, protect such lay employee against reprisal from other individuals. Lay employees found to have engaged in harassment, retaliation, or reprisal, or who have failed to report violations or lay employee complaints to the Congregation Council, its designee, or appropriate supervisor(s), shall be subject to disciplinary action, including termination.

This church recognizes that a question of whether a particular action or course of conduct constitutes harassment requires a factual determination. This church recognizes also that false accusations of sexual or other harassment can cause serious harm to innocent persons, therefore, a thorough review will be conducted in each case.

#### 16.4 Appeals:

If a lay employee is not satisfied with the action taken by the Congregation Council, or its designee, or appropriate supervisor(s), the lay employee may seek a review by following the steps specified under grievance procedures in Section 15.

#### **17.0 CONFLICT OF INTEREST:**

Lay employees must avoid conflicts of interest or the appearance of conflicts of interest in their personal and business activities. The appearance of a conflict of interest may be just as damaging to the reputation of the church as the existence of an actual conflict of interest. A conflict of interest is a situation in which a lay employee's interest or outside economic interest in a matter:

Interferes with the lay employee's duties and responsibilities to the church.

May be inconsistent or incompatible with the lay employee's obligation to exercise best judgment in pursuit of the interests of the church.

Encroaches on the time that a lay employee should devote to his/her work with the church; or

Raises a reasonable question about or the appearance of such interference.

It is not possible to identify in advance all situations that may create a conflict of interest or the appearance of a conflict of interest. A lay employee must evaluate each situation on the relevant facts. When presented with a situation involving a potential conflict of interest, a lay employee shall ask him or herself: Would public disclosure of the matter embarrass the church or lead an outside observer to believe that a conflict exists? An employee should consult with his/her appropriate supervisor(s), the Congregation Council or its designee to determine if a conflict of interest or the appearance of a conflict of interest exists and, if so, how should it be resolved.

## **18.0 CONFIDENTIAL INFORMATION:**

It is the policy of this church that certain information be held in confidence by all lay employees, including: information related to personnel; allegations of misconduct; financial matters; medical, psychological and family matters pertaining to clergy leaders; as well as sensitive information involving the church and members of the congregation. Each lay employee is expected to handle confidential information with great care. Failure to do so may result in disciplinary action up to and including termination of employment.

## **19.0 USE OF ELECTONIC COMMUNICATIONS TECHNOLOGY SYSTEMS:**

Lay employees are prohibited from using the church's electronic communications systems and equipment, including but not limited to electronic mail and voice mail, to engage in behavior that would violate these personnel policies. Examples of violations of this policy include, but are not limited to, sending messages containing racist material of any kind, sexual innuendoes or inappropriate jokes or downloading, copying or sending confidential information to unauthorized internal or external recipients. Lay employees have no expectation of privacy, and the church reserves the right to monitor lay employee use of these systems to ensure compliance with these policies.

Excessive or inappropriate personal use of the church's electronic communication systems or equipment may be grounds for discipline, up to and including termination of employment.

All workplace electronic communications systems and equipment are the property of the church to be used to facilitate the work of the church. Software that has been installed on church computers and any data collected, downloaded, and/or created on church computers is the exclusive property of the church and may not be copied or transmitted to any outside entity for any purpose not directly related to the work of the church. Upon termination of employment, no lay employee shall remove any software or data from the church's computers.

## **20.0 SMOKING:**

The church provides a smoke-free workplace for all employees and those we serve. No one is permitted to use tobacco products on church property at any time.

## **21.0 FITNESS FOR DUTY:**

To aid in the protection of health and the well-being of staff and to maintain a safe working environment for employees and those whom we serve, the church reserves the right to request a Fitness for Duty evaluation when:

There is a reasonable cause for serious concern about a lay employee's ability to perform his or her role and duties safely;

A lay employee's behavior is grossly inappropriate for the workplace;

There is reasonable concern for workplace safety, or;

Medical clarification or a second opinion is needed to support a reasonable request for accommodation.

## **22.0 REQUESTS FOR LAY EMPLOYEE INFORMATION:**

When the church receives a request for information from another person or entity about a current or prior lay employee, it is the church's policy to provide only the following: date of employment; last position title; last salary.

In general, the church's policy is not to furnish any other information about work performance or employment, unless the current or prior lay employee specifically directs the church to do so and signs a release prepared by the church which authorizes such action. If a current or past lay employee does not authorize the church to furnish any additional information, the church will advise the requesting person or entity that, absent a release, the church policy is to provide only the information in the first paragraph above.