

## The Presbytery of Cincinnati

### PERSONNEL POLICIES

This personnel Policy Manual applies to all employees of the Presbytery of Cincinnati and is intended to provide guidelines and information about the presbytery's personnel policies, procedures, compensation, benefits, and related issues. The Presbytery of Cincinnati has an Equal Employment Opportunity Act (hereafter EEOA) Policy for all positions within the presbytery. The EEOA Policy states that all terms and conditions of employment are without regard to the protected classes that are listed. The EEOA Policy further states that any separation shall be handled without discrimination based on race, creed, color, national origin, age, gender, disability, or ordination status.

#### **I. RIGHTS AND RESPONSIBILITIES**

##### **A. Employer Rights**

1. To establish appropriate work goals through position descriptions;
2. To organize the staff of the Presbytery in order to accomplish basic work goals
3. To establish and administer a personnel system which can meet the personnel needs of the presbytery;
4. To establish and administer policies and practices for performance evaluation, compensation, career development, benefits, working conditions, promotions, terminations, and other phases of employment;
5. To expect employees to be productive in their assigned responsibilities;
6. To exercise suitable oversight through a Personnel Committee.

##### **B. Employer Responsibilities**

1. To be faithful to the purpose of the presbytery;
2. To provide open communication and opportunity for employee participation in the personnel system, thereby allowing and hearing input on decisions that impact them;
3. To assure that policies and the administration of the personnel system assist employees in performing their job duties and meeting objectives and career goals;
4. To provide equal opportunity for all employees in all aspects and phases of the personnel system and to have a program for equal employment opportunity;
5. To provide compensation to employees through an established salary administration system;
6. To develop position descriptions and qualifications for particular responsibilities and determine who is qualified to perform such responsibilities;
7. To conduct for all employees regular performance reviews and evaluations which relate their work objectives to goals of the Presbytery, and which give them an opportunity to participate in evaluating their own performance in relation to these objectives;
8. To provide benefits and supportive working conditions for the general welfare and well being of all employees;

9. To establish and administer a process which provides for mutual discussion and resolution of complaints and grievances;
10. To value cooperation and collegiality in staff relationships because positive staff interaction is a vital component of staff work.

C. Employee Rights

1. To receive the Personnel Policy Manual at the time of employment and to be notified of changes in such policies as they occur;
2. To receive periodic feedback on their work performance and to receive written evaluations;
3. To have the opportunity for career development consistent with their qualifications and ability;
4. To have safe, clean, and amicable working conditions;
5. To receive compensation and other benefits according to established salary ranges and benefit options;
6. To have open communication with other staff members and officers of the presbytery, allowing employee input for decisions that impact them.
7. Employees may request a member of Cincinnati Presbytery be present with them during meetings with the Personnel Committee for the purpose of listening, discernment and clarification.

D. Employee Responsibilities

1. To give their best possible performance in their assigned functions;
2. To understand their role and to honor their commitment to the goals of the presbytery;
3. To give their best effort towards innovative and faithful ministry as part of the presbytery staff.

## II. EMPLOYMENT CATEGORIES AND TERMINOLOGY

A. Employer

The legal corporate employer of all staff is The Presbytery of Cincinnati, a legal corporation in the State of Ohio. Personnel policies are approved by the presbytery upon recommendation of the Personnel Committee.

B. Employment Categories

1. General Staff are those employees whose responsibilities focus on the management of policies or general administrative/program operations.
2. Program Staff, are those employees whose responsibilities focus on the performance of particular program operations among other general duties.
3. Administrative Staff are those employees whose responsibilities focus on the performance of office operations and may also include other general duties.

C. Exempt/Non-Exempt

Employees of the presbytery are salaried, and whenever reasonable within the requirements of the Fair Labor Standards Acts are considered exempt.

D. Full-Time/Part-Time

Employees scheduled to work at least 40 hours per week are considered full time. Employees scheduled to work less than 40 hours per week are considered part-time. Persons holding two or more part-time positions that add up to a 40 hour work week are considered full-time.

E. Regular/Temporary

A regular employee is a person employed on a continuing basis. A temporary employee is a person employed for a short term, non-continuing basis. Ordinarily, temporary employment is for fewer than 3 months.

### **III. ESTABLISHMENT OF POSITIONS**

#### **A. Authorization**

General Staff positions shall be authorized by the presbytery in consultation with Synod, if appropriate, before candidates are sought. Program Staff and Administrative Staff positions shall be authorized by the presbytery upon recommendation of the Personnel Committee.

#### **B. Position Descriptions**

Position Descriptions will be provided for all positions and will be maintained on file in the Presbytery Office.

### **IV. RECRUITMENT AND SELECTION**

#### **A. General Staff**

Members of the General Staff shall be elected by the presbytery in accordance with the provisions of the Book of Order, G-9.0701 and G-9.0702 and the EEOA Policy of the presbytery. The term is a period specified by the presbytery with the possibility of election for additional terms.

#### **B. Program or Administrative Staff**

When employing Program or Administrative Staff, it is policy of the Personnel Committee to:

1. comply with all applicable federal, state, and local regulations, as well as the presbytery's hiring guidelines;
2. to seek out, and eventually employ, qualified candidates, or persons deemed to be qualifiable with specific, short-term training (less than 2 months) for a particular position;
3. Participate in the final selection of candidates with the General Presbyter and other members of the staff, as appropriate.
4. Provide each new employee with an offer letter outlining the terms of employment. The purpose is to attract and obtain the services of competent personnel. All employment will be within the guidelines of the presbytery's EEOA Policy.

#### **C. Written Call**

General Staff members, if Ministers of Word and Sacrament, shall be provided with a written Call. The Call of a minister shall be submitted to the minister's presbytery for approval, in compliance with the Book of Order, G-11.0410. General Staff members who are not Ministers of Word and Sacrament are provided with a letter of appointment noting the term, salary, and benefits of their position.

#### **D. Employment At Will**

Each employee is seen as a valued and integral part of the shared ministry of this presbytery, which encourages the full use of the gifts and talents of each employee.

Employment is with the mutual consent of the employee and the Presbytery of Cincinnati. The employee and the presbytery each have the right to terminate employment relationship at any time, with or without cause or advance notice. This "employment at will" relationship will remain in effect throughout the

employee's tenure with the presbytery unless it is specifically modified by and express written agreement signed by the employee and approved by the presbytery upon recommendation of the Personnel Committee. This employment at will relationship may not be modified by any oral or implied agreement.

**V. SALARY ADMINISTRATION**

A. Principles

The presbytery is committed to salary administration principles which will provide: fair pay for the work performed; equity of payment for positions of relative value; flexibility to meet organizational changes and pay for performance.

B. Salary Ranges

Salary ranges for all staff, exempt and non-exempt will be reviewed and adopted annually by the presbytery. The intent of the ranges is to provide guidelines for salary administration for the staff.

C. Salary Review and Increases

1. Employee compensation will be reviewed annually by the Personnel Committee and the employee's supervisor as part of each employee's annual performance review. A compensation review does not mean an automatic increase in compensation.
2. All presbytery staff salary increases, authorized by the presbytery, will commence on January 1 of the year for which they are granted.
3. In accordance with the Book of Order, G-11.0410, changes in terms of call for a Minister of Word and Sacrament must be reported to the presbytery before implementation.

D. Overtime

1. Overtime consists of those hours worked by non-exempt employees in excess of 40 hours in a pay week or 10 hours in a work day. Overtime is compensated at a premium rate of one and one-half (1.5) times the employee's hourly pay rate. Employees who work approved overtime will receive premium pay, if applicable, in accordance with the state and federal law.
2. Overtime must be in writing and approved by the supervisor in advance. Employees who fail to gain approval will be subject to discipline. Overtime pay will be paid in the pay period in which it is earned.

E. Withholding of Taxes/Social Security

Employees employed as "ministers" (Ministers of Word and Sacrament or Commissioned Lay Pastors with sacerdotal duties) are considered self-employed for Social Security purposes and are employees for Federal Tax purposes. No SECA (Self-employment Contributions Act) may be withheld from their wages. However, they may request that federal, state, and local taxes be withheld and paid on their behalf. All other employees are covered by FICA (Federal Insurance Contributions Act) and Medicare. The employee's share of FICA and Medicare as well as federal, state, and local taxes shall be withheld from their wages and paid on their behalf.

F. Housing Allowance

The Internal Revenue Code provides that a minister shall exclude from gross income for income tax purposes any housing allowance paid as part of his/her compensation to the extent that he/she used it for renting or providing a home. This is intended to apply to any Minister of Word and Sacrament/Commissioned Lay Pastor with sacerdotal duties that have not been provided with a manse.

To satisfy this requirement, the amount actually being spent for housing, or the fair rental value as a furnished home plus utilities, (whichever is less), will be designated by the employer as a manse or housing allowance. If the total amount which is designated for manse allowance is not fully used, it is the recipient's responsibility to report the balance to the Internal Revenue Service as taxable income.

G. Honoraria

1. Ordinarily, presbytery personnel do not expect to receive payment for services rendered as part of their normal job function. However, if payment is offered, it may be accepted and turned in to the presbytery as a credit against staff expenses.
2. Occasionally, presbytery personnel render optional services beyond their normal job (e.g. pulpit supply). The usual payment of honoraria and expenses is appropriate, and the money may be retained by the individual.

VI. **BENEFITS**

A. Pension and Health Insurance

Full-time clergy employees shall be granted participation in the Board of Pensions of the Presbyterian Church (USA) and other benefits as may be required for clergy members of the Presbytery of Cincinnati. Should a lay person be elected as General Staff, these policies will have to be revised to meet all employment classification standards before benefits can be granted.

B. Flexible Benefits Plan

Full-time lay and part-time lay employees working at least 20 hours per week shall be granted a percentage of salary to be used according to the Presbytery of Cincinnati's Flexible Benefits Plan. This percentage will be established annually by the Personnel Committee. Each employee will annually execute a Flexible Benefits directive to establish how these benefit dollars will be used. Health insurance and retirement should be the first consideration of every employee using the Flexible Benefits Plan.

An annual review of benefits shall be provided by the Personnel Committee to reaffirm or amend the selection of benefits by each employee.

C. Vacation

All clergy employed pursuant to a presbytery validated Call receive vacation as spelled out in the Call.

All clergy employed in positions other than those covered by a presbytery validated Call and all exempt employees are entitled to twenty-two (22) working days of vacation after one year of service. During their first year of service such employees will accumulate vacation days at the rate of one and one-half days per month worked.

Non-exempt staff with less than three years of service are entitled to fifteen (15) working days of vacation annually. After three years of service, non-exempt employees receive twenty-two (22) working days annually.

Part-time (20 hours or more per week) employees receive vacation on a pro-rated basis following the above schedule.

Temporary employees do not receive vacation.

Vacation time is not cumulative and must be used within the 12-month period in which it was earned, except when special provisions have been made by the General Presbyter in consultation with the Personnel Committee.

It is the intention of the Personnel Committee that all vacation will be scheduled in consultation with the Administrative Coordinator and the General Presbyter to facilitate the well-being of other staff members and the presbytery as a whole. Staff members are encouraged, and may be required, to take vacation in one and two-week periods to ensure the continuity of Presbytery operations.

Employees who terminate their employment for any reason will receive pay for any unused vacation hours at the rate of pay current at the time of termination. Employees will be entitled to pro-rated vacation time for the period of time worked in the new anniversary year up to the date of their termination. Pro-rated vacation entitlement will be based upon the number of full months worked. Example: An employee who terminates after working 3 full months in a new anniversary year would be entitled to  $\frac{1}{4}$  or 25% of their annual vacation time per the above schedule.

D. Holidays

1. The Personnel Committee shall annually publish a list of paid holidays to all staff.
2. Holidays falling on Saturday will be observed on Friday, and holidays falling on Sunday will be observed on Monday. Part-time employees will receive pay at the current rate for normally scheduled work days when the holiday occurs on a scheduled work day. Temporary employees are not entitled to holiday pay.
3. Employees are entitled to one personal day per year. Personal days are to be scheduled as far in advance as possible.

E. Sick Leave

During the first year of employment, sick leave will be earned at the rate of one day for every two complete months worked. After one year of employment the Presbytery provides regular full-time and regular part-time employees with (10) working days of sick leave during each anniversary year, cumulative up to 120 days. Accrued sick time is not paid at time of termination. Permanent part time employees accrue sick leave on a pro-rated basis. Temporary employees are not entitled to sick leave.

Sick leave may be used for the employee illness and routine health exams or to attend to family members who may require the employee's personal care or attention due to illness. When possible, employees must request approval in advance.

The presbytery is under no legal obligation to continue to pay employees who have used all of their sick leave: however the presbytery may decide to extend sick leave payment upon recommendation of the Personnel Committee.

The presbytery reserves the right on a case by case basis to permit unpaid time off after the employee has exhausted all sick and vacation time. The presbytery reserves the right to require written documentation (i.e. Doctor's statement) verifying the need for unpaid leave of absence.

F. Worker's Compensation

All General Staff, Program and Administrative employees of the presbytery, except Ministers of Word and Sacrament whose position is part of a presbytery validated call, shall be covered by Worker's Compensation Law of the State of Ohio.

G. Leaves of Absence

1. Family Leave and Child Care Leave

Maternity or Child Care Leave, not to exceed twelve (12) weeks and, may be granted by the General Presbyter upon written request from an employee. Accumulated sick leave and/or vacation time shall be used by the employee. Additional leave time shall be without pay and without presbytery contributions to the employees' benefit package. An employee's benefits package may be extended when paid by the employee. If the General Presbyter requests maternity or child care leave it must be approved by the Personnel Committee.

2. Disability Leave

Disability Leave is considered to be temporary separation due to physical or mental inability to function on the job. The decision to grant leave shall be made by the Personnel Committee in consultation with the General Presbyter. If the General Presbyter requests disability leave, the Personnel Committee will act alone. Decisions shall be based upon appropriate medical recommendation. Employees will be solely responsible for providing this information in order to be considered for a disability leave. If disability leave is approved, a disability allowance may be paid for up to six (6) months. During the first three months of the disability allowance period, the employee will receive full salary. During the next three months, the employee will receive one-half of regular salary. No disability allowance will be paid until the employee's accumulated paid sick leave and vacation time has been exhausted.

3. Leave for Family Responsibilities

If any employee needs an extended leave of absence for child rearing purposes or care of other family members, they must request such in writing to the Personnel Committee. An extended leave of absence for cause may be granted provided it does not seriously disrupt operations. This leave will be without pay, including presbytery contributions to the employees' benefit package. An employee's benefits package may be extended when paid by the employee.

4. Bereavement Leave

All full-time and regular part-time employees are eligible for up to three days away from work, with pay, to arrange and/or attend the funeral of an immediate family member. Part-time employees will be paid for funeral days away from work that occur on their regularly scheduled workdays, not to exceed 3 days. For the purpose of this policy, an immediate family member is defined as the employee's spouse, parent, step-parents, spouse's parent, child, step-child, sibling, and grandparent. Employees who require more than three days from work may utilize earned vacation

time or a personal leave of absence, subject to the provisions of the presbytery leave of absence policy.

5. Jury Leave

Any employee called upon to serve jury duty will be granted leave and paid the difference between their jury duty pay and their regular pay. If called as a witness, leave will be handled in the same way.

6. Military Leave

Employees who serve in U.S. military organizations or state militia groups may take the necessary time off without pay to fulfill their obligations, and will retain all of their legal rights for continued employment under existing laws. These employees may request use of accrued personal and vacation time, but are not required to do so. The employee is expected to notify the General Presbyter or the Personnel Committee as soon as the obligation is known.

H. Presbytery Staff Attendance

It will be the responsibility of the General Presbyter to maintain all staff attendance records which shall be reported to the Personnel Committee quarterly.

I. Service Credit

If a part-time employee is later placed on full-time status, prorated service credit will be given from the first day of employment for any tenure-related benefits.

J. Travel Reimbursement

Travel related to the work of the presbytery will be reimbursed to all employees at the rate defined by the Internal Revenue Service.

## VII CAREER OPPORTUNITIES

A. Study Leave for General and Program Staff

1. Up to two weeks annual study leave may be scheduled by the General Presbyter and approved by the Personnel Committee. Study leave is granted for personal and professional growth that will benefit the presbytery and is directly related to the mission of the presbytery. Financial arrangements may be negotiated.
2. A written request to the Personnel Committee must be prepared prior to the approval of study leave as well as a short written report to the Personnel Committee regarding the results following return from study leave. These forms will be made a part of the employee's personnel file.
3. Study leave may be accumulated for up to three years. Unused study leave will not be included in pay at time of termination or retirement. Study leave is not vacation but may be used in conjunction with vacation if approval is received.

B. Annual Study Leave/Job Training for Administrative Staff

Up to one week of annual study leave/job training may be scheduled and approved by the General Presbyter in accordance with the above guidelines.

C. Promotions

In order to provide opportunity for advancement and professional development, the presbytery will encourage existing staff to apply for vacancies which may occur. An employee's past performance, work experience, attitude and potential for growth are factors that will be considered.

#### D. Sabbatical Leave

1. The presbytery may grant Sabbatical Leave to full time general staff. Sabbaticals shall be for no more than three months with pay, but vacation time may be added if necessary for the Sabbatical leave designed. The leave will be for professional development and related to the life of the presbytery.
2. A detailed written plan of study with clearly defined goals and expected end-products must be approved by the Committee on Ministry and Personnel Committee.
3. To be eligible, the general staff must have been employed with the presbytery for a minimum of six (6) consecutive years not interrupted by prolonged personal paid leave or leave of absence. A report on learning in relation to agreed goals must be reviewed with the Personnel Committee within one month after completion of the leave.
4. The sabbatical must be requested and approved in advance with enough time to meet budget and staffing needs during the leave.

### **VIII PERFORMANCE REVIEWS**

#### A. Initial Review

New employees are hired on a probationary basis for a three (3) calendar month period. During the probationary period, an employee can be terminated for any reason. At the end of the probation period, the new employee's performance will be reviewed and provided performance has been satisfactory she/he will become a member of the staff. This initial review for new employees will focus on how the employee is performing and assimilating to their new responsibilities. Evaluation criteria will be based upon the employee's Job Description as well as the performance expectations expressed by both the employee and his/her immediate supervisor at the time of employment. Successful completion of this probationary period does not create an entitlement to continued employment. Employment is at-will and the presbytery neither promises nor implies guarantee of continued employment.

#### B. Annual Review

Each employee shall have an annual performance review and evaluation conducted by his/her supervisor and at least one member of the Personnel Committee. These evaluations shall be documented in writing and submitted to the Personnel Committee. The annual review of the general staff shall be conducted by members of the Personnel Committee. The purposes of the annual review include an assessment of past performance, the setting of work objectives and personal goals and a review of salary/benefits.

This annual review provides an important opportunity for setting new goals, reflecting on performance, highlighting strengths, and naming specific recommendations for growth. The review also lays the groundwork for ongoing discussion and feedback.

As part of the evaluation process, every employee is required to submit a written self-evaluation document utilizing similar criteria on which his/her performance evaluation is prepared. During the evaluation, employees will have the opportunity to discuss the performance evaluation with their supervisor and one or two members of the Personnel Committee. This is a good time to ask questions and clarify important points and segments of the evaluation while providing employee feedback to the supervisor. The supervisor will submit a written evaluation to be

used during the discussion at least one hour prior to the meeting to give the employee time for reflection and to prepare any questions or responses. Performance evaluations help the presbytery make important decisions about job placement, training, and development, and compensation increases.

C. Comprehensive Review

A comprehensive review and evaluation will be conducted for all elected staff. The primary purpose of this comprehensive review is to determine whether or not to recommend the staff person for election to an additional term.

D. Guidelines

The Personnel Committee will develop and implement guidelines for the administration of Initial, Annual and Comprehensive reviews.

## VIII SEPARATION PRACTICES

A. Principles

1. The term "separation" refers to any and all terminations of the relationship between an employee and the presbytery.
2. All conditions for separation shall be compatible with the provisions of the Book of Order.
3. All matters regarding termination shall be treated in a manner respectful of both employee and the presbytery.
4. Any appeal process for a minister shall be consistent with the appeal process outlined in the Book of Order, D-13.000.

B. Reasons for Separation

1. Voluntary Resignation

Any employee may voluntarily resign at any time. It is requested that if an employee resigns, one month's written notice for General Staff or two week's written notice for Program and Administrative Staff be provided. Notice of resignation shall be in writing and addressed to the General Presbyter, with a copy to the Chair of the Personnel Committee. A resignation by the General Presbyter shall be in writing and addressed to the Chair of the Personnel Committee.

All employees who give proper notice shall receive pay for accrued vacation. Vacation pay is forfeited if notice is not given. There may be circumstances where it would be in the best interest of the presbytery to separate an employee immediately upon receiving written notice of resignation. In the event of an immediate separation, severance pay will be handled on a case by case basis.

C. Reduction of Force

Termination because of the discontinuation of a project or retrenchment of budget, or for other reasons beyond the control of the employee is at the discretion of the presbytery. Written notice of such termination will come from the Personnel Committee. Whenever possible, notice will be given to the affected employee(s) six months prior to the anticipated reduction of force. Where the suddenness of events makes it impossible to grant any advance notice, severance pay for Program and Administrative employees will be in accordance with the following schedule:

1. One month's salary in lieu of notice where service is less than two (2) years;
2. Two month's salary in lieu of notice where service is between two (2) and five (5) years;

3. Three month's salary in lieu of notice where service is over five (5) years.
4. For elected positions: Three months salary where service is under five years. Six months salary where service is five years or more AND permanent reemployment does not occur in the first three months.

D. Dismissal For Cause

Termination for cause shall include, but not be limited to, the following:

1. Unsatisfactory performance;
2. Insubordination;
3. Neglect in the care and use of Presbytery property or funds;
4. Habitual unexcused absences or inappropriate time management;
5. Character or actions which would discredit the Presbytery;
6. Falsification of employment application, work record, or Presbytery documents.

No severance allowance will be paid to employees dismissed for cause, but they will receive the cash equivalent for their unused earned vacation. When an employee's performance is unsatisfactory, he or she will be given written notice of such deficiencies and an opportunity to improve performance before being discharged.

It is the goal of the presbytery that complaints between the employee and the presbytery shall be resolved through the dispute resolution and disciplinary procedures of the Church as set forth in the Book of Order.

E. Dismissal Procedure

1. The General Presbyter, or person acting on his/her behalf, shall discuss the situation with the employee and conduct such additional investigation as is warranted by circumstances.
2. If initiation of dismissal action is decided upon, matters concerning it shall be put in writing and the reasons shall be furnished. If a person other than the General Presbyter has initiated the action, the General Presbyter's concurrence will be obtained.
3. Following concurrence of the General Presbyter, approval shall be secured from the Personnel Committee. The employee being considered for dismissal is entitled to a hearing by the Personnel Committee regarding his/her dismissal.
4. Upon approval of the Personnel Committee, the matter will be referred for approval to the Presbytery for General Staff. No further approval is required for Program or Administrative Staff. When the appropriate steps have been followed, the General Presbyter will send a written notice of termination to the employee setting out the reasons for dismissal and fixing a date therefore.
5. When the dismissal of the General Presbyter is being considered, the above process will be followed except that the role ordinarily played by the General Presbyter will be assumed by the Chair of the Personnel Committee.

F. Retirement

Retirement age for employees may be as early as 62, to take effect at the end of the month in which that age is attained. There is not upper age limit for

service as an employee of the presbytery.

#### G. Exit Interviews

The General Presbyter and/or a member of the Personnel Committee will attempt to conduct an Exit Interview with each terminating employee – regardless of whether or not the termination is voluntary or involuntary. The purpose of the Exit Interview is to discuss the basis for leaving as well as to receive any insights from the employee regarding improvements the Presbytery of Cincinnati can make to its programs, employee relations, and employee team dynamics. Departing employees are encouraged to share their thoughts candidly. Exit Interview discussions will be kept confidential and shared only with presbytery leaders that have a need to know.

### X. PERSONNEL RECORDS

It is important that the presbytery always have current information on its employees. The presbytery is to be informed immediately of any changes in the information supplied on an employee's resume, employment application, or employee data form.

All employee personnel records are maintained in a confidential, secure location accessible only to the General Presbyter and the Personnel Committee Chairperson. Upon request, an employee will be allowed to review and copy his or her personnel file maintained in the secure location. The file may not be taken from office premises. During the employees' tenure, documents included in the file may not be removed or altered by anyone without the mutual, signed consent of both employee and employer. Personnel records belong to Presbytery of Cincinnati, who maintains the right to make additions to employee records that are deemed relevant. Employees may prepare and request relevant documents and letters be included as part of their personnel file.

### XI Alcohol, Drugs, and Controlled Substances

The sale, transfer, possession, or use of a controlled substance when performing duties as a Presbytery employee, on or off presbytery property, or within a vehicle is prohibited.<sup>1</sup> "Under the influence", for the purpose of this policy, is defined as being unable to perform work in a safe or productive manner, and/or being in a physical or mental condition which creates a risk to the safety and well being of the affected employee, other co-workers, members of the presbytery, the general public, or the presbytery property. In addition, off duty conduct which may adversely affect the reputation or interests of the presbytery is unacceptable. For purposes of this policy, alcohol is considered a controlled substance. No employee shall be under the influence of controlled substances, including alcohol, illegal drugs, or undocumented legal drugs when performing duties.

Violation of this policy may result in disciplinary action, up to and including termination.

### XII OFF DUTY CONDUCT

Off duty conduct which may adversely affect the reputation or interests of the presbytery is unacceptable.

#### PERSONAL PUBLIC WITNESS

All persons employed by the presbytery, when they are working as or presenting themselves as staff members of the presbytery, are expected to give full and fair

representation of the position of the Presbyterian Church (USA) in matters of policy, social witness statements, or theological and doctrinal positions. Because public actions or expressions of personal belief may affect not only the work environment but also the presbytery, staff members personal public witness is subject to the following guidelines.

When making a personal public statement, a staff member shall make it clear that s/he is speaking for her/himself only and not speaking for the presbytery or the Presbyterian Church (USA). When making a personal public witness, a staff member shall not make reference to her/his employee status. If questioned, the employee may acknowledge employed status without using that status to make a claim of authority. Accordingly, it is not permissible for a staff member making a personal statement to use professional stationery, claim expertise by virtue of employment in the presbytery, or hold a press conference on presbytery property. Staff members must inform their supervision, when appropriate, of their personal public witness or dissent. It is permissible for persons employed by the presbytery to identify their personal church affiliation or membership while making a personal public witness.

### **XIII SPECIAL PROVISIONS**

#### **A. Confidentiality of Personnel Information**

Maintaining confidentiality is an essential necessity and required attribute of every presbytery employee. Specific duties and responsibilities may place the employee in circumstances to hear personal, confidential information that is being shared with the pastors or presbytery committees. At any time, employees may inadvertently overhear a conversation in which personal information regarding a minister, church member or employee is divulged that was not intended to be shared with the employee.

In each set of circumstances, the employee must recognize the need for and maintain complete confidentiality relating to all portions of the situation.

#### **B. Misconduct & Discipline**

The assurance of fairness to the Presbytery of Cincinnati and to its employees may occasionally require that discipline be imposed for violations of presbytery policies and rules as documented in the Policy Manual. Depending on the situation, discipline may include discussion with the employee's supervisor, warnings from the supervisor or Personnel Committee, or written documentation in the employee's evaluation.

The following, though not exhaustive, are representative examples of situations where discipline, up to and including termination, might be appropriate:

1. Insubordination, poor attitude, rudeness, or lack of cooperation
2. Below average work quality or quantity
3. Excessive absenteeism and tardiness
4. Failure to follow instructions or presbytery policies and procedures
5. Abuse, misuse, theft, or the unauthorized possession or removal of presbytery property or the personal property of others.
6. Falsifying or making a material omission on presbytery records, reports, or other documents, including payroll, personnel, and employment records.
7. Divulging confidential information to unauthorized persons.

8. Disorderly conduct on church property, including fighting or attempted bodily injury, the use of profane, abusive, or threatening language, or possession of a weapon.
  9. Violation of any law adversely affecting the presbytery, or conviction in court of any crime which may cause the employee to be regarded as unsuitable for continued employment.
  10. Violation of the policy on Alcohol, Drugs, and Controlled Substances.
- The presbytery is committed to treating each employee with the highest respect and fairness, and takes seriously its ethical responsibilities in any exercise of power.

### C. Grievance Process

#### 1. Preliminary Complaint Procedure

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

The complaining party must first discuss the problem with his/her immediate supervisor. If not satisfied with the supervisor's action, the complaining party is to approach the General Presbyter (or the Chair of the Personnel Committee if the General Presbyter is the subject of the complaint) who will seek to resolve the issue in consultation with all parties involved.

In the event the issue cannot be resolved by the parties, the Chair of the Personnel Committee shall call a meeting of the Committee, which shall review the alleged violation with all parties concerned. The Personnel Committee shall make a determination of the grievance.

#### **Written Records**

A written record of all decisions arrived at in all meetings shall be kept in the complainant's confidential personnel file. Letters of decision from the Personnel Committee shall include a provision for the complainant to indicate acceptance or rejection of the decision.

### D. Equal Employment Opportunity

#### 1. Policy

The Presbytery of Cincinnati will recruit, hire, call, train and promote persons within all job classifications without regard to race, creed, color, national origin, age, gender, disability or religious affiliation except when after careful study, religious affiliation is determined to be a bona fide occupational qualification.

Sexual, racial, religious or national origin harassment or discrimination is forms of misconduct that undermine the integrity of the employment relationship at the presbytery and, therefore, will not be tolerated.

Such misconduct, regardless of who originates it or participates in it, and regardless of whether it is verbal, written or physical, should be reported promptly.

Anyone who is the object of any such conduct or who observes any such activity should immediately report the matter to their immediate supervisor, the General Presbyter, or any member of the Personnel Committee.

All complaints will be investigated in a thorough, timely and sensitive manner. After the investigation has been completed, a determination will

be made by the Personnel Committee regarding whether any discipline, up to and including discharge, should be imposed.

For the specific policy and procedures on Sexual Misconduct, see the Presbytery of Cincinnati Policy and Procedures adopted June 13,, 1995.

2. Responsibility

The General Presbyter shall be responsible for the presbytery's implementation and administration of its EEOA Policy under the guidance and supervision of the Personnel Committee.

3. Compliance

- a. The EEOA Policy and Personnel Policies of the Presbytery shall be reviewed by the Presbytery Committee on Representation and the Synod of the Covenant, if appropriate.
- b. The Personnel Committee shall make an annual report to the Presbytery Council, the Presbytery Committee on Representation, and the Synod which evaluates the General Presbyter regarding inclusiveness in employment.
- c. The Stated Clerk of the Presbytery shall include in the annual report to the Synod the implementation of the presbytery's EEOA Policy for the calling of ministers and the appointment of candidates, interims, stated supplies and designated pastors.

E. Sexual Harassment

The presbytery is committed to providing a work environment that is free of discrimination. In keeping with this commitment, the presbytery maintains a strict policy prohibiting unlawful harassment, including sexual harassment. It is important for staff members to understand that jokes, stories, cartoons, nicknames and other comments, including but not limited to references about appearance, may be offensive to others.

Sexual harassment of staff members by supervisors, co-workers, or vendors is prohibited. Harassment includes unwelcome sexual advances, requests for sexual favors and other verbal, visual or physical conduct of a sexual nature when: 1) submission to the conduct is made either explicitly or implicitly a condition of employment; 2) submission to or rejection of the conduct is used as the basis for an employment decision affecting the harassed staff member; 3) or the harassment has the purpose or effect of interfering with a staff member's work performance or creates an intimidating, hostile, or offensive work environment.

If a staff member believes that s/he is being or has been harassed in any way, s/he should report the facts of the incident(s) immediately, without fear of reprisal, to a supervisor, General Presbyter or Chair of the Personnel Committee. In determining whether that alleged conduct constitutes unlawful harassment, the totality of the circumstance, such as the nature of the conduct and the context in which the alleged incident occurred shall be investigated.

In order to deal promptly, fairly and as confidentially as possible with alleged incidents of sexual harassment, the following steps shall be taken: on receipt of a complaint, the Chair of the Personnel Committee shall appoint three (3) members to serve as a Special Committee on Sexual Harassment. The

formation of this committee shall be in accordance with the Book of Order section on diversity of representation.

Within five (5) working days, the staff member bringing the complaint regarding alleged sexual harassment shall speak confidentially with the Special Committee on Sexual Harassment. This committee shall investigate the complaint in a thorough and prompt manner. If, after investigation, the Special Committee finds no probable grounds that an actual incident of sexual harassment has occurred, it shall so advise the person making the complaint, and the matter shall be closed. If, after investigation, there is a genuine indication that an incident of sexual harassment has taken place, the Personnel Committee preferably with the permission of the person making the complaint, shall adopt one or more of the following procedures to resolve the situation: 1) formal grievance procedures as outlined in this policy; 2) formal separation for cause as outlined in this policy; 3) development and implementation of a program of counseling

Committee on Ministry must be informed when a minister is involved. Members of the staff who are Minister of Word and Sacrament, Commissioned Lay Pastors or Certified Christian Educators are accountable through the Sexual Harassment Policy of the Committee on Ministry; all other staff members are accountable through this policy.

## 2. Revision or Amendment of Personnel Policies

The Personnel Committee shall review the Personnel Policies of the Presbytery of Cincinnati at least every three (3) years, and may recommend changes for the presbytery's consideration.

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