

# PERSONNEL POLICIES AND PROCEDURES

Adopted: August 20, 2011

## INTRODUCTION

The Personnel Policies and Procedures are established by the Presbytery with regard to all staff which it employs. These policies do not constitute a contract. Their terms are implemented in accordance with the most recent edition of the Book of Order of the Presbyterian Church U.S.A. It is the intent of these policies to conform where necessary to applicable state and federal laws. In the event of a conflict with a state and federal law, the law shall prevail.

Personnel Policies and Procedures are determined by the Presbytery upon recommendation by the Presbytery Personnel Committee. These policies may be withdrawn or changed at any time by action of the Presbytery with consultation of the Personnel Committee. Presbytery Personnel Committee shall interpret and apply these policies and their decision shall be binding on all employees.

These policies are based on commitments by the employer to recognize and affirm the full potential of each employee. Additionally, employees will devote their interest and energy to their work and the goals of the organization. These commitments reflect an open partnership in which there are shared rights, responsibilities and accountability. The Church as an employer must recognize and incorporate into its personnel system the basic assumptions of its faith, or risk the possibility of being unfaithful to its own witness.

### 1. EQUAL EMPLOYMENT OPPORTUNITY

The Presbytery is an equal opportunity employer consistent with the principles of inclusiveness of the Presbyterian Church (U.S.A.).

### 2. SUBSTANCE ABUSE

The Presbytery recognizes that controlled substances, including drugs and alcohol, impose a serious safety and health risk for the workforce. It is the intent to provide safe and secure work environment, free from alcohol or the misuse of drugs (prescribed or not). Employees are expected to perform their jobs free from impairment. Additionally, the possession of alcohol or illicit drugs at the place of employment is prohibited.

### 3. SEXUAL HARASSMENT

The Presbytery strongly condemns discrimination based upon sex including sexual harassment. Such conduct will not be tolerated in any form by any person and is prohibited. Such conduct includes but is not limited to:

- a. Making unwelcome sexual advances or requests for favors or other verbal or physical contact of a sexual nature, a condition of an employee's obtaining employment or their continuing said employment.

- b. Making submission to or rejection of such conduct the basis for employment decisions affecting the employee, or
- c. Creating an intimidating, hostile or offensive work environment by such conduct. This prohibited conduct includes but is not limited to unwelcome sexual flirtations; advances or propositions; verbal abuse of a sexual nature; graphic verbal comments about an individual's body, sexually degrading words, and the display in the workplace of sexually suggestive objects or pictures.

Employees who believe they have been the subjects of sexual harassment should report the alleged act immediately to the Executive Presbyter or the chairperson of the Personnel Committee. The Presbytery will take no adverse action against any employee who in good faith complains of sexual harassment.

All complaints of sexual harassment will be investigated by the Personnel Committee. Any employee found to have engaged in objectionable conduct will be subject to appropriate discipline including termination.

#### 4. OTHER HARASSMENT

The Presbytery strongly condemns harassment based upon race, color, religion, national origin, sexual orientation, age or disability. Such conduct will not be tolerated in any form by any person and is prohibited. Such conduct includes but is not limited to verbal or physical conduct which is insulting or intimidating, has the effect of interfering with an individual's work performance or creates an intimidating, hostile or offensive work environment.

It shall be the responsibility of each employee to maintain an environment which is free from such harassment and to report incidents of conduct which he or she believes to constitute such harassment.

Employees who believe they have been the subjects of harassment should report the alleged act immediately to the Executive Presbyter or the chairperson of the Personnel Committee. The Presbytery will take no adverse action against any employee who in good faith complains of harassment.

All complaints of harassment will be investigated. Any employee who engages in objectionable conduct will be subject to appropriate discipline including termination.

#### 5. CONFLICT OF INTEREST

No employee shall accept any gift, gratuity, grant, service or any special favor from any person or persons or businesses which provide or receive goods and services or which seek to provide or receive goods and services from the Presbytery. Minor courtesies such as luncheons, dinners or similar arrangements in connection with business discussions may be received not to exceed \$30 per event.

Employees who hold other paid positions should ensure that such outside employment will not interfere with their performance of their duties or produce a conflict of interest in pursuit of those duties. Any question regarding this should be reviewed with their supervisor. Exempt staff who seek or obtain employment outside of regular position responsibilities shall consult with the Presbytery through its Personnel Committee prior to accepting outside employment. Non-exempt staff shall notify their supervisor of any outside employment.

If an employee is called upon to participate in a decision in which the interests of the Presbytery conflict with his or her personal interests or the individual stands to gain, the employee should abstain from participating in the decision.

All employees shall avoid even the appearance of conflict of interest, special interest, or any other inappropriate conduct. If an employee discovers that he or she may be in a position of conflict, he or she shall immediately report this conflict to his or her supervisor.

#### 6. NEPOTISM

No person may be employed in a position that is under the direct supervision of an immediate family member (including but not limited to spouse, parent, parent-in-law, child, grandchild, brother, sister, or grandparent) or a member of the same household or where the family or household member, by virtue of the position held in Presbytery, has authority to influence the employee's salary, promotion, or other aspects of employment. This applies both to original employment and changes in employment by promotion, demotion, transfer, or reorganization.

#### 7. SOLICITATION

It is the policy of the Presbytery to ensure productive work environments where employees and program operations may function without disruption. Employees may not advertise services, solicit another employee, or collect from another employee while either employee is on work time. "Work time" is defined as all time on the job other than before and after work, at meal periods and during break times.

#### 8. CONFIDENTIALITY AND SECURITY OF PREBYTERY RECORDS

It is the policy of the Presbytery that employees are required to protect organization records entrusted to them or accessible to them against unauthorized access, loss or destruction. These records include all written and/or computerized information produced by or for the Presbytery.

Employees may be assigned records or computer accounts identified by their personal names. All items purchased or leased by the Presbytery, including but not limited to computers, electronic mail systems, copiers, etc. and the output resulting from the use of these resources (e-mails, records, documents, files, etc), is the property of the Presbytery.

#### 9. PERSONAL USE OF COMPUTERS

Incidental and occasional use of e-mail or other computer resources for personal use is permitted provided the use is approved in advance by the supervisor and does not interfere with the ability to complete assigned work timely and accurately. Downloading software or computer programs, viewing material of an inappropriate nature, and soliciting are strictly prohibited (note this is a representative list only and the Presbytery reserves the right to deem other computer activities as prohibited).

#### 10. EMPLOYMENT CATEGORIES AND TERMS

Employer: The legal corporate employer of all Presbytery staff is the Presbytery of Missouri River Valley of the Presbyterian Church (U.S.A.), a legal corporation in the State of Nebraska. The

Presbytery, in consultation with the appropriate governing bodies, will have the authority to employ, appoint, call, discipline, terminate, provide compensation and benefits, and direct the work of its staff.

#### Schedule status

Full-time: An employee hired to perform duties at least 40 hours per week.

Part-time: An employee hired to perform duties less than 40 hours per week.

Temporary: An employee hired to perform duties less than 3 months. (not eligible for benefits).

#### Exempt status

Exempt employee: An employee, as classified by the Fair Labor Standards Act of 1938 as amended, who is paid on a salary basis not subject to fluctuations based on the hours worked. Exempt employees do not receive overtime pay for hours in excess of 40 per workweek.

Non-exempt employee: An employee, as classified by the Fair Labor Standards Act of 1938 as amended, who is paid on an hourly basis for each hour worked. Hours worked in excess of 40 per workweek are paid at 1.5 times the normal hourly rate and compensatory time cannot be used in lieu of payment.

#### Job category status

Teaching Elder: In accordance with Federal and State Statutes and Church policy, all Teaching Elders employed by the Presbytery are considered self-employed exempt persons engaged in the exercise of their ministry. They are subject to other policies which apply to “employees” unless excluded by Federal or State law.

Elected Staff: Certain staff members are elected by the Presbytery in accordance with the positions outlined in the current edition of the Book of Order of the Presbyterian Church U.S.A. This includes, but is not limited to the Executive Presbyter and the Stated Clerk.

Support Staff: Individuals hired to perform certain support functions.

## 11. EMPLOYMENT PERIOD AND EMPLOYMENT AT WILL

Certain positions are elected for specific periods of time or indefinitely as outlined in the current edition of the Book of Order of the Presbyterian Church U.S.A. while other positions may be hired on a contract basis for a specific period.

Employment with the Presbytery is considered “at will”, meaning that it may be terminated either by the employee or the employer at any time.

## 12. POSITION DESCRIPTIONS

The Presbytery shall develop a position description for each staff position in accordance with guidelines provided by the Personnel Committee of the Presbytery and other governing bodies as appropriate. Position descriptions shall be periodically reviewed and updated as needed by the Personnel Committee. Substantial changes to the nature of the position description will be reviewed by the Presbytery. Position descriptions may be modified to enable employees to make use of their skills and increase their potential abilities.

## 13. RECRUITMENT AND SELECTION

All new positions will be validated by the Presbytery prior to filling. Vacant positions may be filled by internal transfer or promotion without public advertising. Every effort will be made to ensure the recruitment and selection process (including transfers and promotions) is open, inclusive, and kept with the Presbytery's commitment to Equal Employment Opportunity.

Elected staff shall be selected in accordance with the provisions of the current edition of the Book of Order of the Presbyterian Church U.S.A. All other staff shall be hired by the Executive Presbyter in consultation with the Personnel Committee.

## 14. TERMS OF CALL, APPOINTMENT, AND EMPLOYMENT

All exempt staff shall be provided with a written "call" prepared by the Presbytery stating the terms of employment. All non-exempt staff shall be provided with an offer letter containing the title of position, date of employment, salary and benefits. The offer letter must be signed by the employee and returned to the Executive Presbyter.

The Presbytery observes a 40 hour work

## 15. PERFORMANCE REVIEW

The Presbytery believes it is in the best interest of all parties to provide regular and on-going feedback regarding the performance of all staff. Reviews will assess past performance but will also be used to coach and support the individual for future success. Accordingly, each employee will receive an annual performance review during each calendar year. Elected staff will receive in addition a comprehensive review at least every 5 years. Support staff will receive an initial performance assessment 90 days following hire.

Reviews will be conducted by the supervisor in conjunction with the Personnel Committee. In the case of elected positions, the Personnel Committee in conjunction with the appropriate Synod representative (as appropriate), will perform annual and comprehensive reviews.

## 16. ADDRESSING EMPLOYEE CONCERNS AND PROBLEMS

The Presbytery recognizes that in some instances, employees may have concerns with the terms and conditions of employment. Employees are encouraged to notify their supervisor, the Executive Presbyter, or the Personnel Committee directly, of any such concerns.

## 17. SALARY ADMINISTRATION

The Presbytery is committed to salary administration principles that will provide fair pay for work performed. Presbytery will establish salary amounts for exempt positions . Presbytery, with recommendation from the Personnel Committee will determine salary amounts for non-exempt positions. Salaries are reviewed annually by the Personnel Committee and adjusted periodically . Ordinarily salary adjustments are made annually at the beginning of the calendar year and administered by the Personnel Committee.

Personnel Committee makes a personnel budget recommendation annually to the appropriate committee for consideration. Recommendations are then submitted to the Presbytery.

## 18. HONORARIA

All honoraria received as a result of the work and programs of the Presbytery shall be turned into the Presbytery. All other honoraria may be retained by the individual upon consultation with the Executive Presbyter or in the case of EP, the Personnel Committee.

## 19. HOUSING ALLOWANCE

By December 1 of each year, each teaching elder of Presbytery will request an appropriate housing allowance for the coming year. Based on this data, the Personnel Committee will approve specific amounts to be designated for housing allowance of the upcoming calendar year for each.

## 20. BENEFITS

The Presbytery, in conjunction with the Presbyterian Church (U.S.A.), provides the following benefit programs to all full-time employees. Eligibility for permanent part-time employees is specified by benefit. In the event that a part-time employee later becomes full-time, pro-rated service credit will be given from original hire date for vacation and sick leave benefits. Temporary employees do not receive benefits unless required by Federal or State law.

### Health and Welfare Plans

Health-Major medical, prescription drug coverage and health management programs

Disability-Income replacement in the event of a disability

Death Benefit-Provided to your survivors in the event of your death

\*Supplemental Death Benefits-Provided to your survivors in the event of your death

\*Long Term Care-Provides benefits when you are unable to care for yourself

\*Dental

Employee Assistance Program-Confidential resource for dealing with personal issues

\*Optional plans

### Retirement Plans

Pension-All eligible employees will be automatically enrolled in the defined benefit pension plan of the Presbyterian Church (U.S.A.). Exception to mandatory participation can be made only after filing a written waiver.

Social Security-The employee's share is withheld from wages of non-clergy staff. Teaching elders are considered self-employed for social security purposes and are responsible for the payment of their self-employment contributions.

*All health, welfare and retirement plans are administered by the Board of Pensions of the Presbyterian Church (U.S.A.). Specific information, including eligibility, benefit summaries, plan documents, forms, and provider contact information is available from the Board at [pensions.org](http://pensions.org) or [pcusa.org](http://pcusa.org).*

### Other Insurance Plans (see PRM)

Workers' Compensation and unemployment insurance are provided pursuant to the laws of the State of Nebraska to both full and part-time employees.

Unemployment Insurance: All non-ordained employees are covered by the Nebraska or Iowa unemployment insurance, in accordance with the laws of the state in which they are employed.

### Holidays

There shall be 11 paid holidays per year:

New Year's Day, Martin Luther King, Jr. Day, Good Friday, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Day after Thanksgiving, Christmas Day, plus two other days designated by the Executive Presbyter at the beginning of the year.

When a holiday falls on Saturday or Sunday, it will be observed as a holiday on the nearest Friday or Monday respectively. Permanent Part-time employees working at least 20 hours per week receive holiday pay when the holiday falls on a regularly scheduled work day.

### Vacation

A vacation with pay is provided for all regular employees as follows, or as stated in the terms of call:

<u>Service</u>	<u>Days of vacation</u>
Full-time teaching elders, and elected staff	as stated in the terms of call.

Full-time support staff

90 days to 1 year	10, prorated
1-4 years	10
5-9 years	15
10-14 years	20
15-24 years	22
25 years	27

Permanent Part-time staff

Prorated based on the hours worked as applied to the schedules above for the appropriate position type.

Specific vacation dates shall be determined in advance in consultation with the employee's supervisor.

Vacation days are not cumulative and earned vacation days not used in the calendar year in which they are earned will be forfeited, except with special provision has been made by the supervisor, or in the case of the Executive Presbyter, the Personnel Committee. In the event of a separation, any earned but unused vacation will be paid.

21. LEAVE WITH PAY

The Presbytery provides the following types of leave with pay:

Marriage: Up to three days of paid leave shall be granted to a full-time employee who has been employed by the Presbytery for at least one year.

Personal/family emergency: Up to three days of paid leave shall be granted to a full-time employee for situations that cannot be cared for outside of working hours.

Bereavement: Up to four days of paid leave shall be granted to a full-time employee in the case of death of an immediate family member (husband, wife, parent, parent-in-law, child, brother, sister, grandparent). Personal/family emergency leave may be used to attend a funeral locally with supervisor approval.

Jury Duty: For up to a maximum of two weeks per year, the Presbytery will pay full and permanent part-time employees working at least 20 hours per week the difference between the individual's normal and customary pay less whatever the individual receives for jury duty. In exceptional cases, the

Presbytery Executive or the chairperson of the Personnel Committee may grant additional time off with pay.

Election: Adequate time off for voting where election hours and work schedules create a hardship on the employee.

Sick Leave: Time off due to a bona fide illness (including pregnancy) or injury which limits the employee's ability to discharge their duties will be paid up to a maximum of ten days per calendar year. During the initial calendar year of employment, days will be prorated based on the number of full months employed. Sick leave is cumulative up to ninety days, however, at the time of termination of employment (voluntary or involuntary) an employee shall have no claim for pay in lieu of unused sick leave. Permanent Part-time employees working at least 20 hours per week sick leave to be pro-rated based on the number of hours per week worked.

## 22. LEAVE WITHOUT PAY

Employees may be granted leave without pay under special circumstances. Leaves without pay must be approved by the Executive Presbyter with consultation of the Personnel Committee. Certain health, welfare and retirement benefits may be able to be continued at the employee's own expense, however, eligibility for said benefits will be defined by the plan documents. Time off benefits will not be earned during leaves without pay unless required by law.

## 23. MILITARY LEAVE

The Presbytery will observe all requirements of The Uniformed Services Employment and Reemployment Rights Act or other state and federal laws as required.

## 24. STUDY LEAVE

Annual Study Leave for exempt staff is determined by the terms of call.

## 25. SEPARATION

The term "separation" shall refer to any and all terminations of employment for all categories of employees. All conditions for separation shall be compatible with the provisions of the current edition of the Book of Order of the Presbyterian Church U.S.A.

## 26. VOLUNTARY SEPARATION

A voluntary choice of separation freely made by the employee may take place at any time. Employees are requested to submit their resignation in writing to their supervisor, at least two weeks in advance of the termination date.

## 27. INVOLUNTARY SEPARATION

An involuntary separation may be made by the supervisor after consultation with the Personnel Committee.

All separations will be reported in writing to the Personnel Committee and Presbytery and if deemed appropriate to the Synod Personnel Committee. The reasons for staff separation shall be documented in detail and shall be confidential.

## 28. REDUCTION IN FORCE

A reduction in force may be necessary due to a change in work requirements, budgetary constraints or other reason deemed in the sole discretion of the Presbytery. In the event of a reduction in force, severance will be given as follows:

Service	Paid Severance
< 1 year	2 weeks
1-3 years	4 weeks
4 years	6 weeks
5+ years	8 weeks plus a week for each year over 5 to a maximum of 12 weeks.