

EMPLOYEE HANDBOOK

PRESBYTERIAN MISSION AGENCY OF THE PRESBYTERIAN CHURCH (U.S.A.)



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INTRODUCTION

This Employee Handbook provides information related to employment, benefits, and working conditions for employees of the Presbyterian Church (U.S.A.), A Corporation, who work for the Presbyterian Mission Agency. The terms "Employer," "Presbyterian Mission Agency," "PMA", and "Presbyterian Church (U.S.A.), A Corporation" are used interchangeably in this Employee Handbook to denote the employing organization. This Handbook **does not** apply to employees of the OGA nor to Mission Personnel and Mission Volunteers, except as indicated in their respective policies or handbooks. This Handbook and any future revisions to it revoke and supersede any and all policies and handbooks that existed prior to the issuance date of this Handbook.

The policies in this Handbook are consistent with the *Book of Order* of the PCUSA. There may be some variation in policy and/or practice based on location of the work site. This Handbook is neither a contract of continued employment nor a legal document nor a contract to provide specific compensation or benefits nor a guarantee of continued employment.

No Employee Handbook can anticipate every circumstance or question about policy. The need may arise and the Employer reserves the right, directly or through the Leadership Cabinet, to revise, supplement, or rescind any policies or portion of this Handbook, from time-to-time, as it deems appropriate, in its sole and absolute discretion, with the exception of the employment-at-will policy permitting you or the Employer to end your employment relationship for any reason or no reason, at any time, with or without notice. Employees will, of course, be notified of changes to this Handbook as soon as practicable after they occur through postings on employee information locations, such as CenterNet. Nothing in these policies will be enforced which violates applicable laws and/or GA mandates.

If the Leadership Cabinet approves changes to the Handbook, the changes become effective upon the Leadership Cabinet's vote. The Director of HR will report any substantive changes made by the Leadership Cabinet to the next meeting of the PMA Board's ("PMAB") Personnel and Nominating Committee. The Personnel and Nominating Committee need not act regarding changes reported to it. If, however, it disagrees with a change and deems a revision necessary, the Personnel and Nominating Committee may recommend revisions to the PMAB. The Personnel and Nominating Committee or the PMAB may revise the Handbook at any time.

Presbyterian Mission Agency Employee Information

Mission Statement of the Presbyterian Mission Agency

The Presbyterian Mission Agency is called to **inspire, equip, and connect** the PC(USA) in its many expressions to serve Christ in the world through new and existing communities of faith, hope, love and witness.

The Mission of the Church (*Book of Order* F-1.00)

F-1.01 GOD'S MISSION

The good news of the Gospel is that the triune God—Father, Son, and Holy Spirit—creates, redeems, sustains, rules, and transforms all things and all people. This one living God, the Scriptures say, liberated the people of Israel from oppression and covenanted to be their God. By the power of the Spirit, this one living God is incarnate in Jesus Christ, who came to live in the world, die for the world, and be raised again to new

life. The Gospel of Jesus Christ announces the nearness of God's kingdom, bringing good news to all who are impoverished, sight to all who are blind, freedom to all who are oppressed, and proclaiming the Lord's favor upon all creation. The mission of God in Christ gives shape and substance to the life and work of the Church. In Christ, the Church participates in God's mission for the transformation of creation and humanity by proclaiming to all people the good news of God's love, offering to all people the grace of God at font and table, and calling all people to discipleship in Christ. Human beings have no higher goal in life than to glorify and enjoy God now and forever, living in covenant fellowship with God and participating in God's mission.

F-1.0205 Christ Is The Foundation Of The Church

In Christ All The Fullness Of God Was Pleased To Dwell, And Through Christ God reconciles all things, whether on earth or in heaven, making peace by the blood of the cross (Col. 1:19–20). In Christ's name, therefore, the Church is sent out to bear witness to the good news of reconciliation with God, with others, and with all creation. In Christ the Church receives its truth and appeal, its holiness, and its unity.

F-1.03 THE CALLING OF THE CHURCH

F-1.0301 The Church Is the Body of Christ

The Church is the body of Christ. Christ gives to the Church all the gifts necessary to be his body. The Church strives to demonstrate these gifts in its life as a community in the world (1 Cor. 12:27–28):

- The Church is to be a community of faith, entrusting itself to God alone, even at the risk of losing its life.
- The Church is to be a community of hope, rejoicing in the sure and certain knowledge that, in Christ, God is making a new creation. This new creation is a new beginning for human life and for all things. The Church lives in the present on the strength of that promised new creation.
- The Church is to be a community of love, where sin is forgiven, reconciliation is accomplished, and the dividing walls of hostility are torn down.
- The Church is to be a community of witness, pointing beyond itself through word and work to the good news of God's transforming grace in Christ Jesus its Lord.

F-1.0302 The Marks of the Church

With all Christians of the Church catholic, we affirm that the Church is "one, holy, catholic, and apostolic."

F-1.0302b. The Holiness of the Church

Holiness is God's gift to the Church in Jesus Christ. Through the love of Christ, by the power of the Spirit, God takes away the sin of the world. The holiness of the Church comes from Christ who sets it apart to bear witness to his love, and not from the purity of its doctrine or the righteousness of its actions. Because in Christ the Church is holy, the Church, its members, and those in its ordered ministries strive to lead lives worthy of the Gospel we proclaim. In gratitude for Christ's work of redemption, we rely upon the work of God's Spirit through Scripture and the means of grace (W-5.5001) to form every believer and every community for this holy living. We confess the persistence of sin in our corporate and individual lives. At the same time, we also confess that we are forgiven by Christ and called again and yet again to strive for the purity, righteousness, and truth revealed to us in Jesus Christ and promised to all people in God's new creation.

F-1.0302d. The Apostolicity of the Church

Apostolicity is God's gift to the Church in Jesus Christ. In Christ, by the power of the Spirit, God sends the Church into the world to share the gospel of God's redemption of all things and people. Because in Christ the Church is apostolic, it strives to proclaim this gospel faithfully. The Church receives the good news of salvation in Jesus Christ through the testimony of those whom Christ sent, both those whom we call apostles and those whom Christ has called throughout the long history of the Church. The Church has been and is even now sent into the world by Jesus Christ to bear that testimony to others. The Church bears witness in word and work that in Christ the new creation has begun, and that God who creates life also frees those in bondage, forgives sin, reconciles brokenness, makes all things new, and is still at work in the world. To be members of the body of Christ is to be sent out to pursue the mission of God and to participate in God's new creation, God's kingdom drawing the present into itself. The Presbyterian Church (U.S.A.) affirms the Gospel of Jesus Christ as received from the prophets and apostles, and stands in continuity with God's mission through the ages. The Church strives to be faithful to the good news it has received and accountable to the standards of the confessions. The Church seeks to present the claims of Jesus Christ, leading persons to repentance, acceptance of Christ alone as Savior and Lord, and new life as his disciples. The Church is sent to be Christ's faithful evangelist:

- making disciples of all nations in the name of the Father, the Son, and the Holy Spirit;
- sharing with others a deep life of worship, prayer, fellowship, and service; and
- participating in God's mission to care for the needs of the sick, poor, and lonely;
- to free people from sin, suffering, and oppression; and to establish Christ's just, loving, and peaceable rule in the world.

F-1.0303 The Notes of the Reformed Church

Where Christ is, there is the true Church. Since the earliest days of the Reformation, Reformed Christians have marked the presence of the true Church wherever:

- the Word of God is truly preached and heard,
- the Sacraments are rightly administered, and
- ecclesiastical discipline is uprightly ministered.

In our own time, we affirm that, in the power of the Spirit, the Church is faithful to the mission of Christ as it:

- Proclaims and hears the Word of God,
 - responding to the promise of God's new creation in Christ, and
 - inviting all people to participate in that new creation;
- Administers and receives the Sacraments,
 - welcoming those who are being engrafted into Christ,
 - bearing witness to Christ's saving death and resurrection,
 - anticipating the heavenly banquet that is to come, and
 - committing itself in the present to solidarity with the marginalized and the hungry; and
- Nurtures a covenant community of disciples of Christ,
 - living in the strength of God's promise and
 - giving itself in service to God's mission.

F-1.0404 Openness

In Jesus Christ, who is Lord of all creation, the Church seeks a new openness to God's mission in the world. In Christ, the triune God tends the least among us, suffers the curse of human sinfulness, raises up a new humanity, and promises a new future for all creation. In Christ, Church members share with all humanity the realities of creatureliness, sinfulness, brokenness, and suffering, as well as the future toward which God is drawing them. The mission of God pertains not only to the Church but also to people everywhere and to all creation. As it participates in God's mission, the Presbyterian Church (U.S.A) seeks: a new openness to the sovereign activity of God in the Church and in the world, to a more radical obedience to Christ, and to a more joyous celebration in worship and work; a new openness in its own membership, becoming in fact as well as in faith a community of women and men of all ages, races, ethnicities, and worldly conditions, made one in Christ by the power of the Spirit, as a visible sign of the new humanity; a new openness to see both the possibilities and perils of its institutional forms in order to ensure the faithfulness and usefulness of these forms to God's activity in the world; and a new openness to God's continuing reformation of the Church ecumenical, that it might be more effective in its mission.

A Christian Philosophy of Employment

The Presbyterian Church (USA) is a community of faith called into being by God's grace in Jesus Christ. It is made up of people called by God into a covenant relationship where the gifts of God's people are recognized and used for the purposes of God. The Church seeks to order its institutional life by the biblical and theological themes that give it purpose and mission. These include:

- God as Creator
- In creating a good world, God also created human beings to continue this good work.
- Human Vocation - Human beings have as their chief end to glorify God and enjoy God forever. This involves a lifelong response in all aspects of life. Work, paid and unpaid, is an integral part of the believer's response to God's call. By working with integrity and responsibility toward all our neighbors and all of creation; by treating other workers and ourselves with respect, compassion, and gratitude; and by seeking forgiveness from God for imperfections in work, we engage in work pleasing to God. Our work thereby becomes a service to our neighbors and their work a service to us.
- Sinfulness - In the fallen human state, sinfulness can be manifested in individual sloth, dishonesty, exploitation of others or lack of charity. It can also take institutional patterns of discrimination and oppression. These various forms of sinfulness need to be confessed to a gracious God and addressed in law and policy.
- The Church as Community - The Church, as a witness to God's redemptive work, seeks to organize its institutional life in ways that reflect its theological visions of the Church. Although tension will continue to exist between the understanding of the Church as a community and as an institution, the direction is clear. It seeks to make work not a burden but a glad and collaborative response to Jesus' transformative life. It seeks to reflect God's creative and redemptive purposes in all life by providing not only a means of subsistence but also a way to honor human dignity and participate in community life. It seeks for its structure to reflect its policy: one that places a high value on participation and

diverse representation in decision making and avoids decisions imposed by individuals. It seeks to cultivate an environment where people support one another, utilize their gifts creatively and productively, and embody the love and openness of Jesus Christ.

The Employer strives to set an example of a work community built on faith which:

- recognizes the gifts of individuals;
- encourages individuals and groups to their best work;
- compensates fairly for work performed;
- recognizes the synergy and justice of a diverse workforce;
- supports individuals and families;
- models stewardship through efficiency and careful use of resources.

Standards of Ethical Conduct

In 1998 the 201st GA adopted Standards of Ethical Conduct for employees and volunteers of the PCUSA, a copy of which is included in this Handbook at Appendix 2.

100. EMPLOYMENT IN GENERAL

101. Organization Values

The PMA is a caring, compassionate, and inclusive community called by God to fulfill the mandates of the Presbyterian Church (U.S.A.) Constitution, serving and leading the people of God through resources, programs, and initiatives, and the church of Jesus Christ through partnerships with our colleagues, congregations, governing bodies, and ecumenical partners.

Our vision to become a culturally proficient organization is based on these shared values:

- We believe our purpose is to glorify and serve God, and that God's grace inspires us to bring God's love, justice, and reconciliation into a diverse world.
- We believe we provide a living expression of the gospel when we honor God's gift of diversity, respecting and encouraging the good in each of us.
- We believe seeking God's will is integral to our decision-making process.
- We believe employing honesty, integrity, and respect in our conversations and interactions with our colleagues and our constituencies create and foster trust.
- We believe working with competence, in consultation and in partnership with others, is the best way to serve those within and outside the Presbyterian Center.
- We believe we do our best and most productive work when we are encouraged to use our individual gifts, talents, and creativity in the achievement of our shared goals and objectives.
- We believe a balanced life, with time for work, leisure, and spiritual nature, makes us healthier and more productive colleagues at the Presbyterian Center.

102. Cultural Proficiency in the Workplace

The PMA values diversity in the workplace and to that end instituted a cultural proficiency program. Cultural proficiency supports policies, practices, values and behaviors that allow individuals and organizations to effectively interact and address issues of difference. Employees are encouraged to become familiar with the above values and strive to incorporate culturally proficient standards of behavior into their work for the PMA.

103. Equal Opportunity and Affirmative Action

The PMA engages in employment policies and practices that promote equality of opportunity in all aspects of employment. In developing this Handbook, the PMA is guided by the *Book of Order*, the policies of the GA, the Presbyterian Church (U.S.A.) Churchwide Policy For Equal Employment Opportunity And Affirmative Action For General Assembly Agencies Cultural Proficiency Standards of Behavior, applicable federal, state and local laws, and executive orders related to equal opportunity in employment.

All employment policies and practices, including recruiting, selection, benefits, compensation, performance reviews, promotion, transfers, corrective action, training, and separation will be administered without discrimination based upon race, color, national origin, gender, age, marital status, sexual orientation, gender identity/expression, transgender status, creed, protected disability status, citizenship status, genetic information, uniformed service (e.g., U.S. Armed Forces or National Guard) or status as a Vietnam Era or special disabled veteran in accordance with applicable federal, state and local laws, or veteran status, or religious affiliation (except where a category is a bona fide occupational qualification), or any other characteristic protected by law.

The PMA acts affirmatively to expand employment opportunities that contribute to a diverse workforce. The PMA voluntarily sets goals for itself regarding equal employment opportunities for women and racial/ethnic persons and reviews and reports to the GA on progress toward meeting these goals.

Employer is committed to complying fully with the Americans with Disabilities Act (ADA) and ensuring equal opportunity in employment for qualified persons with disabilities. All employment practices and activities are conducted on a non-discriminatory basis. Reasonable accommodation is available to all qualified applicants, candidates, and employees with known physical or mental impairments, where their disability impacts the application or interview process or affects the performance of job functions unless to do so would impose an undue hardship or a direct threat to the Employer. If an employee seeks an accommodation, the employee must notify HR and provide adequate information about the disability and requested accommodation, including such medical documentation as may be required to respond to the request. HR will manage the process of considering requests for accommodations. Applicant and employee medical information is stored separately from employee personnel files and are kept as confidential records.

This policy is neither exhaustive nor exclusive. The Employer is committed to taking all other actions necessary to ensure equal employment opportunity for persons with disabilities in accordance with the ADA and all other applicable federal, state, and local laws.

104. Employment At-Will

Employment of the employees of the PMA is at-will and may be terminated at any time with or without cause and with or without notice, by either the employee or the Employer, except for discriminatory reasons.

105. Ethics/Honoraria/Outside Employment

All funds and property received and administered by the PMA are entrusted to the organization by God through the faithful financial support of the PCUSA, members and friends. The highest degree of stewardship and fiduciary responsibility is expected of all employees, including the receiving, reporting, and use of funds, property, and time. Employees are responsible for complying with the *Ethics Policy for Employees of the Presbyterian Mission Agency and the Office of the General Assembly of the Presbyterian Church (U.S.A.)* ("Ethics Policy") which requires compliance with all applicable laws, regulations, and PMA policies and

procedures. The complete Ethics Policy and forms are available on CenterNet and by contacting HR or the Legal Services Office ("Legal Services").

Because PMA employees are paid with funds contributed by congregations and middle governing bodies, employees should not request or accept *honoraria* from those entities when the employee is providing a service (for example, speaking or conducting workshops) related to the employee's work for PMA. For purposes of this paragraph, *honoraria* mean donations or gratuitous payments in consideration of a single event service for which payment would not normally be made or required had the service been performed for the Employer. If the congregation or mid-council insists upon providing an honorarium for the single event service, that payment shall be paid to the Employer, not the employee. There are two exceptions to this rule: 1) The host may reimburse reasonable travel, meal, and lodging expenses to the Employer; and, 2) payment for outside employment, more specifically explained below.

Outside employment including, but not limited to, serving in a paid, temporary pastoral relationship with a particular church (example: as a stated supply) is permitted as long as such outside employment does not interfere with the performance of the employee's work duties for the PMA or result in a conflict of interest as that term is defined in the Ethics Policy. Employees may accept payment for such employment.

The Ethics Policy requires each employee to comply with the Ethics Policy, attend the Employer-provided training, and submit: an Annual Ethics Policy Representation; self-reports and questions as they arise; and, Whistleblower reports as the need arises under the Ethics Policy.

The Ethics Policy contains a Whistleblower Policy that requires employees to report their violation of the Ethics Policy and violations of other employees. Reports under the Whistleblower Policy may be made anonymously in three ways: 1) submitting an unsigned form, 2) through the EthicsPoint hotline (888-236-6877), or 3) through the EthicsPoint website: www.ethicspoint.com.

If an investigation is warranted, the process is confidential. Retaliation for good faith reports is prohibited. Violation of confidentiality or retaliation may result in disciplinary action, up to and including termination of employment. If a decision is made to discipline an employee as the result of a report and/or investigation, the employee may appeal through the Grievance and Appeal Procedure, Section 617.

106. Immigration Law Compliance

The Employer is committed to employing only United States citizens and aliens who are authorized to work in the United States, and does not unlawfully discriminate on the basis of citizenship or national origin. In compliance with the Immigration Reform and Control Act of 1986, each new employee, as a condition of employment, must complete the Employment Eligibility Verification Form I-9 and present documentation establishing identity and employment eligibility. Former employees who are rehired must also complete the form if they have not completed an I-9 with the PMA within the past three (3) years, or if their previous I-9 is no longer retained or valid. Employees with questions or seeking more information on immigration law issues are encouraged to contact HR. Employees may raise questions or good faith complaints about immigration law compliance without fear of retaliation.

107. Confidential Information

The protection of confidential information is vital to the interests and the success of the Employer. Such confidential information includes, but is not limited to: employee information (including, but not limited to,

employee's social security numbers and medical information); vendor information; donor information; computer processes, programs, passwords, and codes (such as source code); financial information; and, proprietary information of the Employer.

Employees are also reminded that they are required to comply with the Ethics Policy, which includes additional provisions on confidentiality pertaining to PMA/OGA information.

This policy should not be interpreted to prohibit employees from disclosing and discussing the terms and conditions of their employment. Employees who improperly use or disclose confidential information will be subject to disciplinary action, up to and including termination of employment, even if they do not actually benefit from the disclosed information. If you have a question about whether certain information is confidential consult relevant policies, such as the PMA's *Data Security Policy*, or ask your supervisor. Employees should also refer to Sections 605, Employee Personal Public Witness, 606, Participation in Public Demonstrations at GA, PMA or Related Committees, and 607, Role of Staff in Resourcing Meetings, for other policies pertaining to obligations of employees related to confidential information.

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 Employer. Particular care must be exercised when confidential documents and information are stored on external storage devices (for example, USB drives or thumb drives).

Employees may be assigned records or computer accounts identified by their personal names; however, all the documents and information produced or stored in these and all records and accounts remain the property of the Employer.

108. Personnel Records

The Employer maintains a personnel file on each employee, which is the property of the Employer. The personnel file includes such information as the employee's job application, resume, records of training, documentation of performance reviews and salary increases, and other employment records. Any medical or health information shall be maintained separately. Employees may review their personnel file by contacting HR. Employees may review their personnel file only in the presence of a member of HR, but employees cannot remove documents from personnel files. Former employees are not allowed access to their personnel file. Information in personnel files is confidential. Generally, only those with supervisory responsibility for the employee have access to the employee's personnel file. Supervisors with open positions may review the personnel files of employees who are candidates for those open positions.

200. EMPLOYMENT STATUS AND CLASSIFICATIONS

201. Job Postings

The Employer provides employees the opportunity to indicate their interest in open positions and advance within the organization according to their skills and experience. In general, notices of all regular, full-time and part-time job openings are posted, although the Employer reserves its discretionary right to not post a particular opening.

A vacant position may be filled by internal transfer without posting in order to (NOTE: this list is not exhaustive): (a) promote affirmative action goals; (b) meet special needs in a work area; (c) move an employee whose position has been eliminated to an existing vacant position not being eliminated; (d) provide

for promotion; (e) secure maximum utilization for employee skills; or (f) draw from an applicant pool for the same job open thirty (30) to sixty (60) days earlier.

Multiple recruiting methods may be used to fill open positions. External recruiting may begin concurrently with internal posting.

To apply for an open position, employees can express interest by submitting a resume through the HR page on CenterNet. Interested employees who cannot access CenterNet should contact HR for assistance. Employees must be in their current position for at least six (6) months and be performing at a satisfactory level before they are eligible to apply for another position within the Employer.

If any applicant, candidate or employee needs accommodation in the process of applying or interviewing for an open position, the person should contact HR for assistance.

202. Employment Classifications

The Employer clarifies definitions of employment classifications so that employees understand their employment status and benefits eligibility. These classifications do not guarantee employment for any specified period of time. Accordingly, the right to terminate the employment relationship at-will at any time is retained by both the employee and Employer.

Exempt Status: Employees whose positions meet specific exemption tests established by the federal Fair Labor Standards Act (FLSA) are exempt from FLSA's provisions and do not receive overtime pay when they work in excess of forty (40) hours per week.

Non-Exempt Status: Employees whose positions do not meet the FLSA exemption tests and must be paid the equivalent of at least time and a half of their regular hourly rate of pay for time worked in excess of forty (40) hours per week.

Full-Time Status: Full-time employment is defined as forty (40) regularly scheduled hours of work per week, unless otherwise defined by your work location.

Part-Time Status: Anything less than forty (40) regularly scheduled hours of work per week, or as otherwise defined by your work location.

Regular Status: Employment that is at-will and has no prearranged ending date.

Term Status: The Employer, in special circumstances, employs people for prearranged periods of time, typically no more than one (1) year, for projects of finite duration, projects of time-limited funding, or programs in transition. Positions requiring work for more than one (1) year should be reviewed for regular status. Term employment is employment at-will and is acknowledged with a written contract (see HR for forms), which will include the length of the term, conditions of employment, and available benefits. Term employees may not begin work until the contract has been signed by the Director of HR or a designee.

Term employees working for six (6) months or more and for at least twenty (20) hours a week are entitled to the annual allotments of vacation, emergency, and sick leave as defined in Section 300. All term employees scheduled for twenty (20) or more hours per workweek are eligible for holiday pay for those holiday hours (prorated for part-time term employees) that occur during the term employee's regular scheduled work time.

Term employees working for less than six (6) months and/or less than twenty (20) hours a week are not entitled to benefits except holiday pay as specified above. Term employees are not eligible for floating holidays or for pension benefits unless they are already vested in the Board of Pensions (hereafter "BOP") Plan (must have participated in pension plan at least three (3) years to be vested or must be a Teaching Elder).

Term employment may not be used as a way to avoid the regular hiring process. As in all employment situations, term employment will be administered in accordance with equal employment opportunity and affirmative action policies. Term employees are subject to PMA policies and procedures, including those in this Handbook. Unless extended, term contracts automatically expire at the end of the specified contract period unless terminated earlier because of resignation, retirement, or dismissal. However, term employees who are terminated without cause are not eligible to file a grievance or appeal under Section 617 and if they have pending grievances/appeals at the time that they are notified of the termination without cause of their contract, the process ends automatically as of the last day of work.

Elected/Confirmed Employee Status: Employees who are elected or confirmed to their positions by the PMAB; specifically, the Executive Director, and Deputy Executive Director. These employees are subject to the Employee Handbook, are entitled to the same benefits as are regular employees, and are subject to various other PMA policies, including, but not limited to, those set out in the PMAB Manual of Operations. Officers of the Employer who do not occupy the above-listed elected or confirmed positions do not have elected status.

203. Volunteers and Independent Contractors

Volunteers and independent contractors are not employees. For more information, contact HR.

204. Employment References and Background Checks

To ensure that individuals who join the staff of the PMA are well qualified and have a strong potential to be productive and successful, the Employer conducts a background check that will include a criminal background check, and may include a reference check, educational verification, and a credit check. HR will ensure that appropriate releases and consents are obtained from applicants. The Employer reserves the right to require existing employees to be subjected to job-related criminal records and/or other background checks.

Any employee who receives an oral or written request for a reference or employment verification must forward the request to HR for response. HR will respond to inquiries from other employers and lending institutions upon receipt of a written release from the current or former employee.

205. Employment Applications

The Employer relies upon the accuracy of information contained in employment applications and resumes, as well as the accuracy of other data presented throughout the hiring process and employment. Misrepresentations, falsifications, or material omissions in any information supplied by applicants or employees may result in the exclusion of the individual from further consideration for employment or, if the person has been hired, disciplinary action up to termination of employment.

206. Nepotism

The employment of relatives in the same program area or office of the PMA may cause serious conflicts and problems with favoritism and employee morale. In addition to claims of partiality in treatment at work, personal conflicts from outside the work environment can be carried over into day-to-day working

relationships. No person may be employed in a position that is under the direct supervision of an immediate family member (spouse, parent, in-laws, child, grandchild, brother, sister, or grandparent) or a member or resident of the same household or where the family or household member, by virtue of the position held, 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. In addition, if there is a real or perceived conflict of interest in the employment of relatives within PMA, the Executive Director has the discretion to determine employment.

207. Annual Performance Reviews

Supervisors and employees are strongly encouraged to discuss job performance and goals on an informal, day-to-day basis. Performance reviews are conducted at least annually to provide both supervisors and employees the opportunity to, performance against goals, core and role competencies, and individual development objectives. See *Section 601, Employee Conduct, Work Rules and Performance*.

208. Job Descriptions

The Employer makes every effort to create and maintain accurate job descriptions for all positions within the organization. The Employer maintains job descriptions to: orient new employees to their position, identify the requirements of each position, establish hiring criteria, set standards for employee performance reviews, and establish a basis for making reasonable accommodations for individuals with disabilities. Job descriptions do not necessarily cover every task or duty that might be assigned, and additional responsibilities may be assigned as necessary. Contact your supervisor or HR if you have any questions or concerns about your job description.

209. Elected or Appointed Persons Employment Ineligibility

Pursuant to the *Ethics Policy for Elected and Appointed Members of the Presbyterian Mission Agency Board and the Committee on the Office of the General Assembly of the Presbyterian Church (U.S.A.)*, no PMAB elected member shall be eligible to become an employee of Employer or otherwise render compensable services to the Employer for the duration of their term. For purposes of this paragraph, resignation does not result in the premature end of term. For example, an elected person who resigns with one year left in the elected person's term continues to be prohibited from becoming an employee until the expiration of that remaining year. This prohibition does not apply to a member serving as an *ex officio* member of the PMAB. Exceptions, however, may be made under the following two (2) circumstances if the PMAB Executive Committee votes by 2/3 to allow the exception: (1) to facilitate development of specified projects through limited contracts of less than eighteen (18) months in duration. The elected member may be compensated under the contract; (2) to fill an officer or employee position on an interim or acting basis for two (2) years or less. The elected member may be compensated for such service. The elected member must resign that elected position.

210. Exempt Employee Relocation

The Employer assists new or transferred exempt regular, full-time employees, with certain moving expenses, when the relocation exceeds fifty (50) miles from their current residence to the new location because of employment with the Employer. HR administers the process for reimbursement of expenses.

All regular, full-time exempt employees, whether new or transferred, are eligible for relocation expense assistance except as provided below. Also covered are spouses and dependents who are part of the employee's household at the time of transfer or hire, including dependent parents and children up to the age of twenty-three (23) or who are over twenty-three (23) but disabled and dependent on the employee.

Reimbursement for costs under these policies will be limited to costs actually incurred within one (1) year of the employee's transfer or hire date.

HR will provide current reimbursement policies, housing search information, and other resources regarding relocation to new employees relocating.

The Employer will reimburse new or transferring exempt employees for certain expenses as follows:

- Search for Housing at the New Location – Reimbursement will be provided for actual documented costs of commercial airline economy class transportation, use of personal auto or car rental, lodging, meals and incidental personal expenses, including family care coverage for one (1) new location housing search trip for two (2) adults for up to five (5) days.
- Sale and/or Purchase of Residence – An employee may be reimbursed for normal costs incidental to the sale of a primary residence at the current location, and for the expenses incidental to the purchase of a residence at the new location up to a maximum reimbursement of \$6,000.00. The expenses are to be itemized and documented. Reimbursable expenses are limited to:
 - real estate broker's fees and commissions for the sale of a home at the employee's current location, based on the normal percentage commission rate. Excluded is any such fee or commission on the purchase of a home at the new location (normally the seller's responsibility)
 - fees normally required in the purchase of a residence at the new location including: title search, abstract; other legal fees; title insurance; documentation and notary fees; appraisal fees; inspection fees; credit report costs; mortgage transfer taxes; revenue stamps and other regulatory required fees; FHA or VA fees if required by the mortgage lender (excluded are FHA or VA mortgage points which may be required by the lender); and, the first annual mortgage title insurance amount if required by the lender.
 - prepayment penalties for settling old mortgage;
 - seller points of up to 3% of the mortgage loan that are required in the current market to sell the residence at the current location under an FHA or VA loan as well as any origination fees or other required loans up to 3% of the amount of the loan.

This provision does not include any losses incurred on the sale of a house vis-à-vis its appraised value or its purchase cost or any differential between cost of housing at the old location and cost of housing at the new location.

- Reimbursement for Duplicate Housing Costs – If an employee is unable to sell the employee's home before closing on the purchase of a new home in the new location, or if a renter, and is unable to abrogate a rental contract, reimbursement may be provided for duplicate costs of housing up to \$500.00 a month for a period not to exceed three (3) months. Costs to be reimbursed will include rent, real estate tax, utilities, necessary ordinary maintenance, and mortgage interest. Mortgage loan amortization costs will not be reimbursed. Costs must be itemized when submitted for reimbursement.

- Lease Termination Assistance – An employee who rents a home will be reimbursed for normal costs incidental to the termination of present lease agreements. The reimbursement may not exceed two (2) month's rent. These costs are to be itemized and documented and may include: forfeiture of deposit; broker's sublease fee; penalty for lease termination; and advertising costs for subleasing or transferring lease.
- Travel to New Location – The employee and immediate family will be reimbursed for travel to new location by authorized transportation.

If travel is by private automobile, costs will be reimbursed at the Employer's current mileage rate, plus necessary fees for tolls, parking, etc. En route lodging and meals for the family will be reimbursed based on a normal travel distance of 400 miles a day.

Expenses will be reimbursed for the movement of up to two (2) cars; but, if both cars are driven, it will normally be expected that there will be no reimbursement for commercial travel to the new location.

- Shipment of Household Goods – The Employer will pay for the shipment, packing, crating, hauling, and unpacking of household goods, including appliances, up to a maximum of 15,000 pounds including the cost of full value insurance in transit.

The employee will contact the Purchasing Department which will arrange for the shipment of the employee's household goods. The reimbursable shipping expenses include only those items that represent normal household items.

Specifically excluded are:

- hazardous materials;
- gas and/or propane tanks;
- perishables;
- major recreational equipment such as boats, trailers, snowmobiles, gliders, etc.;
- animals other than household pets; and
- firewood, lumber, and bricks.

Shipment will be from one (1) location and to one (1) location only, and all at the same time.

- Temporary Storage of Household Goods – If circumstances require that all or part of the employee's family's effects be placed in storage, the cost of that storage will be covered for up to three (3) months. Employees planning to store their effects should obtain advance approval. Reimbursable costs include storage, occasional interim access, insurance, and delivery.
- Temporary Living Costs – Employees and their families who are unable to move into their new residence may be reimbursed for temporary living costs for up to thirty (30) days at the new location. Actual itemized and documented costs will be reimbursed including lodging, meals and incidental expenses.

If it is necessary for the family to occupy temporary housing at the old location before traveling or, if the employee requires temporary accommodations before the family moves to the new location, the costs of such housing may be reimbursed up to the thirty (30) days allowed.

- Reimbursement for Increased Income Tax – Only relocation cost reimbursements for travel to the new location, shipment of household goods and temporary (not more than 30 days) storage of household goods are non-taxable. Other reimbursements represent taxable income. All must be reported by the employee and the Employer. The Employer will be required to report all taxable reimbursements on the employee's Form W-2 and treat the taxable amounts as subject to withholding. *See Section 705, Withholding.*

Because the employee's gross income for tax purposes will be increased by these reimbursements, the Employer will make a payment to the employee in an amount up to but not to exceed \$300.00, to compensate for the resulting tax, based upon the employee's compensation.

After the employee has completed a federal tax return for the year or years in which reimbursement was received, the employee will certify on forms provided by the Employer: (a) what was reported as taxable income because of relocation reimbursement, and (b) their marginal tax rate, based upon the employee's compensation received from the Employer. Reimbursement will be in an amount up to but not to exceed, \$300.00 that will keep the employee even after tax, including the taxability of this reimbursement.

- Special Provisions – For purposes of employee recruitment, the reimbursement and cost amounts set out in the relocation may be increased where the PMA Executive Director and the Deputy Director for Shared Services/CFO concur. Also with the concurrence of these officers, the one-year time limit for incurring reimbursable costs may be increased. If any such increases are offered or provided to an individual being recruited, the increase amount or time will be put in writing.

211. New Employee Orientation

New employees are required to attend the New Employee Orientation held on their first day of work or as otherwise scheduled by HR. Supervisors are responsible for departmental orientation and training in the work function of the particular office, and for explaining the specific tasks of the job as outlined in the position description. New employees should discuss such things as lunch breaks, work breaks, and other details applicable to the office with the supervisor.

212. Compensation Administration

The compensation program of the Employer was created to achieve fair pay practices, comply with federal and state laws, show our commitment to Equal Employment Opportunity, and offer competitive compensation within our labor market. Because recruiting and retaining talented employees is critical to our success, the Employer is committed to paying its employees equitable wages that reflect the requirements and responsibilities of their positions. The Compensation Program is administered by the HR Department. Employees with questions regarding compensation issues should contact HR.

213. Other Compensation Stipulations

Employees are not eligible to receive any other additional payments under independent contractor contracts, stipends or honoraria. However, exempt employees may write publications or design illustrations for publication (artwork included) by the Employer and receive payments as additional compensation under the following requirements:

- The publication must have been written and/or illustrations designed with the prior knowledge and prior written consent of the employee's supervisor; and
- The writing of the publication and/or illustration design must not have been part of the employee's job description or other duties assigned by employee's supervisor; and
- The supervisor and employee must have agreed in writing that the writing and/or illustration design of the publication was on the employee's own time; and
- There must be a written agreement between the employee and the Employer that provides for, among other things, a method of payment, i.e. lump sum payment or royalties, to the employee, said payment to constitute additional compensation and to be subject to any required withholdings and deductions including, but not limited to, any applicable income tax and social security withholding and said payments will be made through the payroll system.
- This additional compensation is not to be considered in determining the amount of or eligibility for other benefits.
- The writing must also specify whether or not the employee will own any copyright in the publication or artwork. *See Section 610, Copyright Policy.*

Non-exempt employees may receive additional compensation for work that is unrelated to their job duties. For example, an administrative assistant may enter into an independent contractor agreement to produce artwork if this is not part of the administrative assistant's job duties.

214. Employer 403(b) Contribution Program

Under federal law, most employees who are Teaching Elders exclude many housing costs from their taxable income. The Employer provides certain payments to help equalize the compensation of Teaching Elders and lay employees (i.e. members of the staff who are not Teaching Elders). Because of exclusion of the housing allowances from taxable income for a Teaching Elder, for each benefits-eligible employee who is not a Teaching Elder, each calendar year the Employer shall contribute 4% of eligible employees' base salary into their 403 (b) tax deferred plan on a pro-rated biweekly basis. Employees then make investment choices from among available mutual fund investment options. HR should be contacted for further information.

215. Credited Service

It is the policy of the Employer to credit years of service as an employee toward certain benefits eligibility such as vacation, severance, and study leave, etc., as either a regular full-time or part-time (prorated) employee in the following service: (1) on the staff of the PMA or the OGA; (2) on the staff of a PCUSA mid-council (i.e. local PCUSA church, presbytery, or synod); (3) on the staff of a GA corporation (i.e. BOP, Presbyterian Church (U.S.A.) Foundation and/or its related corporations, Presbyterian Publishing Corporation, or Presbyterian Church (U.S.A.) Investment and Loan Program, Inc.); (4) on the staff of a Presbyterian-related theological or educational institution.

"Total credited service" is defined as the sum of all regular full-time service and prorated part-time service. Total credited service is used to determine the amount of personal leave to which the employee is entitled.

"Continuous credited service" is defined as the sum of all regular full-time service and prorated part-time service without a break in service. Continuous credited service is used to determine the amount of severance to which the employee is entitled.

"Break in service" is defined as a period of time during which the employee does not appear on the payroll of any Presbyterian Church (USA) mid-council or entity. If the period of time during which the employee does

not appear on the payroll is one (1) year or less and there has been no intervening Employer, service will be considered continuous.

Leave without pay will not count toward credited service.

This section does not apply to the BOP's determination of credited service and related benefits eligibility. For information about what service the BOP includes toward credited service, contact the BOP. *See Section 217, Separation Pay and Benefits.*

Service awards are not based upon credited service. Service awards are based upon total years of service to the Employer or any affiliate (ex. PILP, Presbyterian Women), regardless of breaks in service (ex: Jane works for the PMA for 5 years and resigns; she is rehired and works for 5 years and is RIFed; she is rehired and works for 10 years. At the end of that 10th year Jane has 20 years of service for purposes of service award recognition).

216. Employment Separations

The employment relationship with the Employer is at-will and may be terminated at any time, with or without cause and with or without notice, by the employee or the Employer (except as otherwise required by applicable laws). Terminations of employment may occur as the result of voluntary resignation, dismissal for cause, termination without cause, dismissal for poor performance, reduction in force, reorganization, position elimination, retirement, or death.

All termination decisions are made upon recommendation of the supervisor, with the concurrence of the Director of HR or designee in HR, and the: (1) Director to whom that supervisor directly or ultimately reports; or (2) if the supervisor reports directly to the Deputy Executive Director, the Deputy Executive Director; or (3) if the supervisor reports directly to the Executive Director, the Executive Director.

Voluntary Resignation

A resignation occurs as a result of the employee's own decision to leave the employee's position. Non-exempt employees ending employment voluntarily should give at least two (2) weeks' notice of resignation; exempt employees should give one (1) month's notice, if practicable. An employee's notice of resignation is effective immediately upon receipt by the supervisor and/or HR. Employees who resign will receive pay for time worked plus unused prorated vacation.

Involuntary Dismissals

- Dismissal for Cause: In an involuntary dismissal for cause, employment may be terminated without notice. This includes, but is not limited to, attendance issues, insubordination, neglect in the care and use of Employer's property or funds; violation of the *Ethics policy*; sexual misconduct; illegal, dishonest or unethical behavior; or failure or refusal to observe Employer policies. For additional information, see Section 601. Employees who are dismissed for disciplinary reasons will receive pay for time worked and the cash equivalent of unused prorated vacation.
- Termination Without Cause: Employment may be terminated without cause or for reasons other than causes discussed elsewhere in this policy. Employees terminated without cause will receive notice and

will be offered notice pay and severance in exchange for a legal release. *See Section 217, Separation Pay and Benefits.*

- Dismissal for Poor Performance – An employee who is dismissed for poor performance should receive notice of performance deficiencies through the annual performance review process and from discussions with the employee's supervisor throughout the year. When dismissed for poor performance, the employee will receive pay for time worked plus cash equivalent of unused prorated vacation.
- Reduction in Force; Reorganization; Job Elimination: If the Employer or any organizational unit of the Employer, because of a change in objectives, reorganization, or a change in financial outlook or conditions, initiates a reduction in work force, reorganization, or eliminates positions, the decisions and procedures by which employment will be terminated will be consistently applied. When multiple positions are affected, written notice to all affected employees announcing the action and reasons for it should be issued by the Deputy Executive Director and/or the Executive Director. If any of these occur, the employment separation meeting and the employee's departure will be handled in a manner which has been reviewed and approved by the Personnel and Nominating and which maintains the dignity of the departing employee and ensures the best interests of the organization.

Reductions in force and reorganization will be accomplished in a manner that best preserves overall organizational effectiveness as determined by the Employer and will be based upon objective criteria, which will be developed in consultation with the Personnel and Nominating Committee of the PMAB and which will be reported to and approved by the PMAB Executive Committee and the criteria will maintain the dignity of the departing employee(s). Decisions on staffing will be made in consultation with HR and Legal Services. A written rationale for the elimination of each position must be prepared. If work is shifted to an existing position, the job description will be promptly updated to reflect any changes in job duties and responsibilities.

217. Separation Pay and Benefits

All employees, regardless of the circumstances of separation from employment, receive pay for time worked plus unused, prorated vacation pay in compliance with Kentucky law. Employees whose work site is not in Kentucky will be paid in accordance with applicable state laws where those employee work.

Reduction-in-Force, Reorganization, Job Elimination or Termination Without Cause – Upon signing a separation agreement containing a legal release, regular full-time and part-time employees whose employment is involuntarily terminated through a reduction in force, reorganization, job elimination, or through termination without cause are eligible to receive the following (term employees are not eligible and receive pay pursuant to the terms of the term employment agreement):

- Notice Pay (up to 6 months equivalent of regular wages paid on bi-weekly basis for exempt employees; up to 3 months equivalent regular wages paid on bi-weekly basis for non-exempt employees). If the employee becomes employed during the notice period, Notice Pay ends;
- Severance Pay based on continuous credited service as set forth in the Severance Schedule below (and prorated in the case of part-time employees); at employee's option severance pay may be paid as a one-time lump sum payment or as bi-weekly payments.
- Benefits continuation (as described in the separation agreement) while Notice Pay and/or Severance Pay are being paid as bi-weekly payments; and
- Outplacement assistance, up to \$1,000.00.

Employees under the age of forty (40) who are asked to sign a separation agreement will be allowed ten (10) days to consider and sign the separation agreement. Consistent with the Older Workers Benefit Protection Act, employees over the age of forty (40) will be informed in writing that if: (a) they are an individual employee whose employment is being severed, the employee has twenty-one (21) days within which to consider the separation agreement; or (b) the separation agreement is requested in connection with an exit incentive or other employment termination program offered to a group or class of employees, the employee has forty-five (45) days within which to consider the separation agreement.

At its sole discretion, the Employer may require certain employees to continue to work through the notice period in order to, for example, phase out the responsibilities of their positions or to sustain the work of their positions until a replacement is hired for that position. Such employees must sign another separation agreement with regard to severance that contains a legal release. Employees required to work through the notice period that choose to resign before the end of the notice period forfeit any remaining notice and severance pay. Employees who resign before the official separation date are not eligible for notice pay and severance. If employees are not required to work during all of the notice period, the notice pay will continue as regular wages.

If an employee secures employment with a GA entity,¹ notice pay will cease on the first day of employment and no severance will be paid. If the employee secures employment with an employer other than a GA entity, notice pay will cease on the first day of employment and severance will be paid in a lump sum.

Severance Schedule

Years of Continuous Credited Service	Severance Pay in Weeks
Up to 1 year	0
1 year, up to 2 years	2
2 years, up to 3 years	4
3 years, up to 4 years	5
4 years, up to 5 years	6
5 years, up to 6 years	7
6 years, up to 7 years	8
7 years, up to 8 years	9
8 years, up to 9 years	10
9 years, up to 10 years	11
10 years, up to 15 years	12
15 years, up to 20 years	13
20 years, up to 25 years	14
25 years and above	15

No paid benefits, including paid time off benefits, accrue during notice and severance periods.

¹ GA entity includes the Board of Pensions, Presbyterian Investment and Loan Program, Inc., the Office of the General Assembly, Presbyterian Publishing Company, and the Presbyterian Church (U.S.A.) Foundation, Inc.

If an employee is rehired by the Employer during the period of severance, the employee may repay that portion of the severance received in order to restore continuous credited service to the original start date or have such years deducted from their original start date. If severance is being received as continued salary or the employee is receiving notice pay, any payments stop when the employee is rehired.

If an employee is rehired by the Employer after the period of severance has expired and the employee's new job is also eliminated, the employee is entitled to severance based only on the amount of continuous credited service in the new job.

Other Involuntary Separation

- Dismissal for Poor Performance: Employees terminated for poor performance are not eligible for notice pay, severance pay or outplacement assistance.
- Dismissal for Cause: Employees terminated for cause are not eligible for notice pay, severance pay or outplacement assistance.

Voluntary Separations

- Voluntary resignation: Employees who voluntarily resign are not eligible for separation pay and benefits, including, but not limited to, notice pay, severance pay, or outplacement assistance.
- Job abandonment: Employees who abandon their jobs are not eligible for separation pay and benefits, including, but not limited to, notice pay, severance pay or outplacement services.
- At its sole discretion the Employer may offer a voluntary separation program. The terms of the program will be identified by the Executive Director after consultation with HR and Legal Services. If Notice Pay and Severance Pay is offered, the above provisions of this section related to the impact on an Employee who becomes employed during Notice or Severance Pay shall apply, unless explicitly excluded by the Executive Director. Employees who choose to accept a voluntary separation agreement during a reduction in force process are not eligible for re-employment with the Employer for a minimum of three (3) years, except with approval of the Executive Director.

Benefits

- Benefits through the BOP continue while a separated employee receives notice pay and/or severance pay on a bi-weekly basis.
- Once Employer-provided benefits cease, the separated employee may purchase continuation health coverage through the BOP. This continuation health coverage replaces COBRA continuation coverage because coverage through the BOP is not subject to ERISA.
- Specific information is available by contacting HR or the BOP directly at (800) 773-7752.

300. BENEFITS AND LEAVES

301. Benefits Eligibility

Eligible employees are provided with a wide range of benefits through the BOP and other providers and information on those benefits are provided to employees at hire and annually during open enrollment:

Regular full-time and part-time employees whose regular work schedule is twenty (20) hours or more a week are eligible for most benefits other than short-term disability. See Section 310 for more information. Benefits for eligible part-time employees will be prorated based on the percentage of time worked. Term employees who routinely work more than twenty (20) hours a week may be eligible for certain benefits. See *Section 202, Employment Classifications* for "Term" Status. Temporary agency workers, independent contractors, and volunteers are not eligible for benefits.

Each year, HR in conjunction with the BOP will provide detailed information about the insurance plans and other benefits and the cost for those plans and benefits. Please contact HR with any questions.

The following programs are administered in a manner prescribed by applicable laws: Social Security, worker's compensation, jury duty, voting leave, and military leave. Detailed information on benefits may be obtained from HR or, with regard to benefits offered through the BOP, from the Regional Representative of the BOP. Some insurance plans and other benefits require contributions from the employee; however, others are paid for by the Employer. Please contact HR for information.

Employees may or may not be covered by state unemployment insurance programs based on applicable state laws and the options of the Employer. Employees in Kentucky are not covered by the state unemployment insurance program.

302. Vacation

The Employer provides paid vacation to eligible employees. Vacation is intended to provide employees with paid time off for rest, relaxation, and personal pursuits. Employees are encouraged to use their vacation.

The established year for taking vacation is the calendar year, January 1 through December 31, each year. Unused vacation may not be carried over to the next calendar year and must be used no later than close of business on December 31 regardless of whether December 31 is a paid holiday. Vacation time cannot be used on a paid holiday. An employee will not be paid for any unused vacation the employee does not use by December 31st of each year.

- **Usage and Approval** – **Employees must have prior approval of their supervisor to use vacation.** Eligible employees have vacation available on their first day of employment. No more than the equivalent of the employee's regularly scheduled daily hours may be recorded as vacation for any one (1) working day. Employees must exhaust vacation before moving into any unpaid leave status except military and parental. See *Section 300*.
- **Eligibility** – Paid vacation is available to all regular full-time and part-time employees whose regular work schedule is twenty (20) hours or more a week and may be available to term employees who consistently work twenty (20) or more hours per week. Leave for eligible part-time employees is prorated in the payroll system automatically based on the percentage of time worked. Temporary agency workers and independent contractors are not eligible for leave paid by Employer.

On January 1 of each year, exempt employees are eligible for annual vacation according to the following credited service schedule (prorated for eligible part-time):

Up to one year through twenty-five years	22 Days
Twenty-six years and over	27 Days

On January 1 of each year, non-exempt employees are eligible for annual vacation leave according to the following service schedule (prorated for part-time):

Up to one year	11 Days
Two to five years	15 Days
Six to twenty-five years	22 Days
Twenty-six years and over	27 Days

Determination of the amount of vacation to which the employee is entitled is based on the employee's total credited service (see *Section 215, Credited Service*). The accrual rate for vacation will change on January 1 of the applicable year of service listed above.

During the first year of employment, vacation will be prorated according to the following schedule ("First Year Vacation Chart").

Month Employed	10-Day Based	11-Day Based	15-Day Based	22-Day Based	27-Day Based
January	10 Days	11 Days	15 Days	22 Days	27 Days
February	9 Days	10 Days	13 Days	20 Days	25 Days
March	8 Days	9 Days	12 Days	18 Days	23 Days
April	7 Days	8 Days	11 Days	17 Days	22 Days
May	6 Days	7 Days	10 Days	15 Days	20 Days
June	5 Days	6 Days	8 Days	13Days	18 Days
July	4 Days	5 Days	7 Days	11 Days	16 Days
August	3 Days	4 Days	6 Days	9 Days	15 Days
September	2 Days	3 Days	5 Days	7 Days	12 Days
October	1 Days	2 Days	3 Days	6 Days	11 Days
November	0 Days	1 Days	2 Days	4 Days	9 Days
December	0 Days	0 Days	1 Days	2 Days	7 Days

- Payment at Separation/Year One - Employees in their first year of employment whose employment ends for any reason will be paid unused vacation that they have accrued in the months of their employment as set forth in First Year Vacation Chart. For example, if a ten (10) day based employee is in the fifth (5) month of the first year of employment when that employee is separated from employment, that employee is entitled to three (3) days of pay in their final paycheck for accrued vacation, but if any of the three (3) days have been used in those five (5) months, the final paycheck will not include pay for that used vacation day.
- Payment at Separation – Employees who have worked for more than one (1) year and whose employment ends for any reason will be paid unused vacation, prorated based upon the percentage of the year worked, according to the following schedule, less any vacation hours used in that calendar year:

Month of Employment Termination	10-Day Based	11-Day Based	15-Day Based	22-Day Based	27-Day Based
January	0 Days	0 Days	1 Days	2 Days	7 Days
February	0 Days	1 Days	2 Days	4 Days	9 Days

March	1 Day	2 Days	3 Days	6 Days	11 Days
April	2 Days	3 Days	5 Days	7 Days	12 Days
May	3 Days	4 Days	6 Days	9 Days	15 Days
June	4 Days	5 Days	7 Days	11 Days	16 Days
July	5 Days	6 Days	8 Days	13 Days	18 Days
August	6 Days	7 Days	10 Days	15 Days	20 Days
September	7 Days	8 Days	11 Days	17 Days	22 Days
October	8 Days	9 Days	12 Days	18 Days	23 Days
November	9 Days	10 Days	13 Days	20 Days	25 Days
December	10 Days	11 Days	15 Days	22 Days	27 Days

303. Sick Leave

Paid sick leave for illnesses or absences that qualify as Family and Medical Leave Act (FMLA) leave will run concurrently with the FMLA leave (see Section 311, Family and Medical Leave Act).

- **Eligibility** – Paid sick leave is available to all regular full-time and part-time employees whose regular work schedule is twenty (20) hours or more a week and may be available to term employees. Sick leave for part-time employees is prorated based on the percentage of time worked. Temporary agency workers, volunteers, and independent contractors are not eligible for paid sick leave. Employees whose employment ends for any reason shall have no claim for pay in lieu of unused sick leave.
- **Accrual** – Sick Leave is available to eligible employees at the rate of ten (10) working days per calendar year. In the first year of employment, sick leave will be prorated according to the following schedule:

Month Employed	Prorated Sick Leave
January	10 days
February	9 days
March	8 days
April	7 days
May	6 days
June	5 days
July	4 days
August	3 days
September	2 days
October	1 day
November	0 days
December	0 days

Sick leave does not increase with length of service. Unused sick leave may accumulate with no maximum limit.

- **Usage** – Employees have sick leave available on their first day of employment. Employees can use no more hours of sick leave for a work day than the normal number of hours for which the employee was scheduled to work on that particular day. Employees must exhaust all accrued sick and vacation leave before moving into unpaid status, except as specifically provided in other policies such as military leave

and parental leave. For example, if an employee exhausts sick leave benefits, the employee must use vacation leave before moving into unpaid status, unless approved in advance in writing by the Deputy Executive Director.

- **Approval – Use of sick leave must be approved in advance, if possible, by the employee’s immediate supervisor.** An employee who cannot report to work for medical reasons must notify the employee’s supervisor as soon as possible. A physician’s statement may be required for any absence at the discretion of the supervisor. For absences of three (3) days or more an employee may be asked to provide to HR a physician’s statement.

304. Emergency Leave

The Employer provides three (3) emergency days per year to regular full-time and regular part-time employees and eligible term employees whose regular work schedule is twenty (20) hours or more a week to be used for personal or family emergencies. Temporary agency workers and independent contractors are not eligible for emergency leave.

In the first year of employment, emergency leave will be prorated according to the following schedule:

<u>Employment Month</u>	<u>Leave Credit</u>
January through March	3 Emergency Days
April through June	2 Emergency Days
July through September	1 Emergency Day

If employment with the Employer is ended for any reason, the employee shall have no claim for pay in lieu of unused emergency leave.

305. Holidays

The following paid holiday time off is granted to regular full-time and regular part-time employees (part-time employees receive holiday time off on a prorated basis at the rate of one fifth of their normal scheduled weekly hours) on the holidays listed below:

New Year’s Day	January 1
Martin Luther King Jr. Day	Third Monday in January
President’s Day	Third Monday in February
Good Friday	As announced
Memorial Day	Last Monday in May
Independence Day	July 4
Labor Day	First Monday in September
Thanksgiving Day	Fourth Thursday in November
Friday after Thanksgiving Day	Fourth Friday in November
Christmas Eve	December 24
Christmas Day	December 25
Two Floating Holidays	As announced

There are two (2) floating holidays available to be granted to employees annually. One (1) or both days may be designated by the Leadership Cabinet as additional days to be celebrated as holidays for that calendar year. Any undesignated floating holidays may be used at the discretion of the employee and then only as full days off, and cannot be carried over into the next calendar year.

306. Bereavement Leave

Regular full-time and part-time employees who work twenty (20) or more hours a week are eligible for up to four (4) days of paid leave following the death of a member of their immediate family. There is no limit to the number of leaves that may be taken if an employee has several "immediate family" members pass away in a calendar year. "Immediate family" is defined as spouse, child, parent, stepparent, parent-in-law, sibling (including step and half), grandparent, grandchild, father-in-law, mother-in-law, sister-in-law, brother-in-law, son-in-law and daughter-in-law. Additional time off may be authorized by the immediate supervisor, but will be charged against available sick leave or vacation. Bereavement leave is prorated for eligible part-time employees at the rate of one fifth of their normal scheduled weekly hours.

307. Jury Duty or Court Leave

Regular full-time and part-time employees are eligible for up to two (2) weeks of paid leave when summoned for jury duty. In unusual circumstances, supervisors, in consultation with HR, may extend the period of time eligible for paid jury duty leave. Employees subpoenaed as witnesses for cases related to work are also eligible for paid court leave. Court leave may not be used for personal business or as a result of alleged violation of the law by the employee. Employees who are compensated by a party to court action to serve as "expert" witnesses are not eligible for court leave. Employees are required to submit appropriate documentation to HR concerning jury duty and work related court leave to be placed in their personnel file. Employees who are excused from jury duty for an entire day or who are excused with four (4) or more hours remaining in their regularly scheduled work hours must return to work.

308. Time Off to Vote

All employees are eligible for time off with pay to vote as required in the state in which they are employed.

309. Leave Without Pay

Upon request by an employee, **up to four (4) consecutive weeks** of leave without pay may be available to the employee when, in the sole determination of the Employer, work situations permit, all paid time off and FMLA leave has been exhausted and the leave requested is not FMLA leave. Employees who wish to request leave without pay should consult their supervisor and HR to determine if the employee is eligible for such leave.

- Eligibility – "Leave Without Pay" is available to employees employed for one (1) year or more and who have worked at least 1,250 hours during the twelve (12) months immediately preceding the date leave is requested.
- Uses of Leave Without Pay – Special circumstances for which Leave Without Pay may be available include:
 - Extended family or medical absences after paid leave and FMLA leave are exhausted;
 - Inactive or active duty in the uniformed services;
 - Unusual personal circumstances after paid leaves are exhausted; or
 - Special study leaves.
- Request for Leave Without Pay – Employees must request a Leave Without Pay in writing at least thirty (30) days in advance of the date on which the leave would begin. If the employee is unable to provide

thirty (30) days' notice, the employee must provide such notice as soon as is practicable, specifying the amount of leave time desired.

- Approval – Requests for Leave Without Pay must be approved by the supervisor and the Deputy Executive Director after conferring with HR. The approved request for Leave Without Pay will be stored in the employee's personnel file.
- Benefits During Leave Without Pay – Benefits coverage continues for four (4) weeks during a Leave Without Pay unless extended by law or regulation. Employees must pay the premiums for continuation of benefits beyond the first four (4) weeks of unpaid leave.

310. Short-Term Disability Leave and Long-Term Disability Insurance

Short-Term Disability Leave - The Employer's short-term disability benefit provides income replacement at 60% of an eligible employee's weekly salary for a limited period of time.

Eligibility – Employees are eligible for short-term disability leave if they have been employed more than twelve (12) months, have worked at least 1,250 hours in the previous twelve (12) months and have exhausted their paid leave benefit. (An employee may hold a maximum of 10 vacation days). In order to demonstrate eligibility for short-term disability benefits, an employee must deliver to HR a medical certification from a licensed physician showing that the employee is/was disabled as of the first day of the ninety (90) days of leave for which the employee seeks benefits. Term employees are not eligible for short-term disability leave.

Benefits – Eligible employees may receive sixty percent (60%) reduced pay short-term disability benefits for up to ninety (90) calendar days after certification of disability from a physician, subject to a seven (7) calendar-day waiting period.

If the eligible employee does not have paid leave available to cover the seven (7) calendar-day waiting period, the waiting period is unpaid. Sixty percent (60%) reduced pay benefits for an employee with insufficient paid leave to cover the waiting period will begin on the 8th calendar day and for up to the 90th calendar day from the onset of their short-term disability.

Pay During Short-Term Disability – If the eligible employee has benefit hours (sick, vacation, emergency, and/or floating holiday), they are to be used first. (An employee may hold a maximum of 10 vacation days.) If and when all available benefit hours have been utilized, the remaining time off will be paid at 60% of the regular pay for up to the 90th calendar day from the onset of their short-term disability (excluding the 7 calendar-day waiting period).

Time away from work under short-term disability and any paid leave preceding it runs concurrently with any leave for which an employee is eligible under the Family and Medical Leave Act ("FMLA") policy, Section 311. The ninety (90) day limit is for each unrelated disability. A new benefits period will begin if the employee has returned to work for forty-five (45) calendar days or more even though it may relate to the initial disability. If the return-to-work period is less than forty-five (45) days and the disability is related to the initial disability, the disability is considered continuous unless all ninety (90) days were previously exhausted. In that event, the disabled employee may apply for long-term disability insurance benefits through the BOP.

During short-term disability leave, service credit and benefits coverage, (except vacation and sick leave accrual) continue with the cost of benefits paid by the Employer. Any salary increase the employee would have received during the short-term disability leave will be effective upon the employee's return to employment (rather than January 1 and will not be retroactive to January 1).

Long-Term Disability Insurance – Long-term disability insurance benefits are provided through the BOP. In the event the disabled employee for medical reasons exhausts ninety (90) days of paid and/or disability leave (see definition above), that employee may apply for long-term disability benefits through the BOP. Short-term disability leave and sick leave need not be exhausted prior to applying for long-term disability insurance benefits through the BOP.

If approved, the long-term disability benefits will be 60% of the employee's effective salary, offset by any social security benefits, on the date disability began. If the employee applies for and is given long-term disability insurance benefits through the BOP and has unused accumulated sick leave, the payment of long-term disability benefits will be deferred by BOP until accumulated sick leave is exhausted. The employee will receive long-term disability payment directly from the BOP.

Generally, employed status ends on the later of: 1) the date of exhaustion of all paid leaves and unpaid FMLA leave; or 2) the date of commencement of long-term disability benefits. If the employee has applied for and been given long-term disability insurance benefits through the BOP, employed status will end unless the twelve (12) week FMLA leave period has not been exhausted, in which case employed status ends on the date the twelve (12) week FMLA leave period ends.

Return to Work After Short-Term or Long-Term Disability – Employees returning from short-term or long-term disability must submit a doctor's statement certifying their ability to perform the essential functions of their position and indicating any restrictions or requested accommodations. The Employer will comply with applicable disability laws, including the Americans with Disabilities Act.

Upon completion of the employee's short-term or long-term disability absence, if the employee has not exhausted the twelve (12) weeks of FMLA leave, the employee must be returned to the same or equivalent position. Otherwise, the employee may be returned to that employee's position, unless the Employer found it necessary, for business reasons, to fill the position during the employee's absence. In that situation, the employee will be given an opportunity to apply for a vacant position or may be offered a different but comparable position, if available, which the employee is free to accept or decline without prejudice.

311. Family and Medical Leave Act

It is the policy of the Employer to grant up to twelve (12) weeks of leave during any twelve (12) month period to eligible employees in accordance with the Family and Medical Leave Act ("FMLA") and the exigency provisions of the National Defense Authorization Act ("NDAA") and up to twenty-six (26) weeks of leave in any twelve (12) month period in compliance with certain provisions of the NDAA.

The Employer's existing policies on sick leave, parental leave, and other paid and unpaid leave generally provide employees with benefits and rights superior to those required by the FMLA. To the extent that coverage provided under this policy overlaps the coverage provided in other Employer policies, this policy establishes the minimum benefits offered.

Employee Eligibility

To qualify to take leave under this policy, employees must meet **all** of the following conditions:

The employee must have worked for Employer for twelve (12) months or fifty-two (52) weeks. The twelve (12) months or fifty-two (52) weeks need not have been consecutive.

The employee must have worked at least 1,250 hours during the 12-month period immediately before the date when the leave is requested to commence.

The employee must work in a location where fifty (50) or more employees are employed by Employer within seventy-five (75) miles of that location.

Type of FMLA Leave Permitted (Non-Servicemember and Servicemember)

Eligible employees can use FMLA leave for one of the following reasons:

- a. The birth of a child and in order to care for that child.
- b. The placement of a child for adoption or foster care and to care for the newly placed child.
[NOTE: Leave for birth, adoption or foster care of a child must be taken within one (1) year of the birth or placement of the child.]
- c. To care for a spouse, child or parent with a serious health condition.
- d. An employee may take leave because of a serious health condition that makes the employee unable to perform the functions of the employee's position.
- e. A covered family member's active duty or call to active duty in the Armed Forces. An employee whose spouse, son, daughter or parent either has been notified of an impending call or order to covered active military duty (which requires deployment to a foreign country) or who is already on active duty may take up to twelve (12) weeks of leave for reasons related to or affected by the family member's call-up or service. Reasons related to the call-up or service include helping the family member prepare for the departure or caring for children of the servicemember and care for a military member's parent who is incapable of self-care when the care is necessitated by the member's covered active duty. The leave may commence as soon as the individual receives the call-up notice. Son or daughter for this type of FMLA leave is defined the same as for child for other types of FMLA leave, except that the person does not have to be a minor. This type of leave would be counted toward the employee's twelve (12) week maximum of FMLA leave in a twelve (12) month period. Employees requesting this type of FMLA leave must provide proof of the qualifying family member's call-up or active military service before leave is granted.
- f. To care for an injured or ill servicemember. This leave may extend up to twenty-six (26) weeks in a twelve (12) month period for an employee whose spouse, son, daughter, parent or next-of-kin is injured or recovering from an injury suffered while on active military duty and who is unable to perform the duties of the servicemember's office, grade, rank or rating. "Next-of-kin" is defined as the closest blood relative of the injured or recovering servicemember. An employee is also eligible for this type of leave when the family servicemember or veteran is receiving medical treatment, recuperation or therapy, even if the servicemember is on temporary disability retired list. Employees requesting this type of FMLA leave must provide certification of the family member or next-of-kin's injury, recovery or need for care. This certification is not tied to a serious health condition as for other types of FMLA leave. This is the only type of FMLA leave that may extend an employee's leave entitlement beyond twelve (12) weeks to twenty-six (26) weeks. Other types of FMLA leave are included with this type of leave totaling the twenty-six (26) weeks.

- g. Rolling 12-Month Period Applies. An eligible employee can take up to twelve (12) weeks (or up to 26 weeks of leave to care for an injured or ill servicemember) of FMLA leave during any twelve (12) month period. Employer will measure the twelve (12) month period as a rolling twelve (12) month period measured backward from the date an employee uses any leave under this policy. Each time an employee takes leave, Employer will compute the amount of leave the employee has taken under this policy in the last twelve (12) months and subtract it from the twelve (12) weeks (26 weeks for the care of an injured or ill servicemember) of available leave, with the balance remaining being the amount the employee is entitled to take at that time.
- h. Spouses who both work for Employer and FMLA Leave. Eligible spouses who both work for Employer who wish to take leave for the birth of a child, adoption or placement of a child in foster care, or to care for a parent (but not a parent-in-law) with a serious health condition may only take a combined total of twelve (12) weeks of leave. Eligible spouses who both work for Employer who wish to take leave to care for a covered injured or ill servicemember may only take a combined total of twenty-six (26) weeks of leave.

Serious Health Condition

A serious health condition is a condition that requires inpatient care at a hospital, Hospice or residential medical care facility, including any period of incapacity or any subsequent treatment in connection with such inpatient care or a condition that requires continuing care by a licensed health care provider. This policy covers illnesses of a serious and long-term nature, resulting in recurring or lengthy absences. Generally, a chronic or long-term health condition, which, if left untreated, would result in a period of incapacity of more than three (3) days, would be considered a serious health condition. If you have questions, consult with HR.

Procedure for Requesting Non-Servicemember FMLA Leave

All employees requesting this type of FMLA leave must provide at least verbal notice with an explanation of the reason(s) for the needed leave **to their immediate supervisor or HR**. If the leave is foreseeable, the immediate supervisor will require the employee to provide a written request for leave and reason(s) with a copy to HR.

Employer will provide individual notice of rights and obligations to each employee requesting leave within five (5) business days or as soon as practicable, after which the employee will submit a certification form, as described below.

When an employee plans to take leave under this policy, the employee must give Employer thirty (30) days' notice. If it is not possible to give thirty (30) days' notice, the employee must give as much notice as is practicable. An employee who is to undergo planned medical treatment is required to make a reasonable effort to schedule the treatment in order to minimize disruptions to Employer's operations.

If an employee fails to provide thirty (30) days' notice for foreseeable leave with no reasonable excuse for the delay, the leave request may be denied until at least thirty (30) days from the date Employer received notice. While on leave, employees are requested to report periodically to Employer regarding the status of the medical condition and their intent to return to work.

Procedure for Requesting Servicemember FMLA Leave

All employees requesting this type of FMLA leave must provide at least verbal notice with an explanation of the reason(s) for the needed leave **to their immediate supervisor or HR**. Leave may commence as soon as the individual receives the call-up notice. If the leave is foreseeable, the immediate supervisor will require the employee to provide a written request for leave and reason(s) with a copy to HR. Employer will provide individual notice of rights and obligations to each employee requesting leave within five (5) business days or as soon as practicable.

Documentation of the Covered Family Member's Active Duty or Call to Active Duty in the Armed Forces: Employees requesting this type of servicemember FMLA leave must provide proof of the qualifying family member's call-up or active military service. This documentation may be a copy of the military orders or other official Armed Forces communication.

Documentation of the Need for Servicemember FMLA Leave to Care for an Injured or Ill Servicemember: Employees requesting this type of Servicemember FMLA leave must provide documentation of the family member's or next-of-kin's injury, recovery or need for care. This documentation may be a copy of the military medical information, orders for treatment, or other official Armed Forces communication pertaining to the servicemember's injury or illness incurred on active military duty that renders the member medically unfit to perform his or her military duties.

Certification of Health Care Provider

Employees seeking FMLA must provide Employer with a certification from a health care provider of the serious health condition. The employee ordinarily must respond to such a request within fifteen (15) days of the request. Failure to provide certification may result in a denial of continuation of leave. Medical certification should be provided by using the form provided by HR. Request for a medical certificate must be made in writing as part of Employer response to employee request for leave.

Certification of the serious health condition shall include the date when the condition began, its expected duration and a brief statement of treatment. For medical leave for the employee's own medical condition, the certification must also include a statement that the employee is unable to perform work of any kind or a statement that the employee is unable to perform the essential functions of the employee's position. For a family member who is seriously ill, the certification must include a statement that the patient, the family member, requires assistance and that the employee's presence would be beneficial or desirable.

If the employee plans to take intermittent leave or work a reduced schedule, the certification must also include dates and the duration of treatment as well as a statement of medical necessity for taking intermittent leave or working a reduced schedule.

Employee Status and Benefits During Leave

Employer will continue an employee's health benefits during the leave period at the same level and under the same conditions as if the employee had continued to work. If an employee chooses not to return to work for reasons other than a continued serious health condition of the employee or the employee's family member or a circumstance beyond the employee's control, Employer will require the employee to reimburse Employer the amount it paid for the employee's health insurance premium during the leave period. For optional benefits

such as dental, flexible spending account, etc., deductions will continue to be taken from employee's pay during any paid FMLA leave or for unpaid leave. Employer will advance the employee portion of the cost for these benefits. On return to work, Employer will agree with employee on repayment of these advanced costs, in full, through payroll deduction.

Use of Paid and Unpaid Leave

An employee who is taking FMLA leave must use all paid sick and vacation leave, but an employee may hold back ten (10) vacation days prior to being eligible for unpaid leave. Paid leave will be counted toward the FMLA leave entitlement.

Disability leave for the birth of the child and for an employee's serious health condition, including worker's compensation leave (to the extent that it qualifies), will be designated as FMLA leave and will run concurrently with FMLA.

Intermittent Leave

An employee may take FMLA leave in twelve (12) consecutive weeks, or may use the leave intermittently (take a day(s) periodically when needed over the year). In all cases, the leave may not exceed a total of twelve (12) work weeks (or 26 work weeks to care for an injured or ill servicemember over a 12-month period). Employer may temporarily transfer an employee to an available alternative position with equivalent pay and benefits if the alternative position would better accommodate the intermittent or reduced schedule, in instances of when leave for the employee or employee's family member is foreseeable and for planned medical treatment, including recovery from a serious health condition or to care for a child after birth, or placement for adoption or foster care.

If the employee is taking leave for a serious health condition or because of the serious health condition of a family member, the employee should try to reach agreement with Employer before taking intermittent leave or working a reduced hour schedule. If this is not possible, then the employee must prove that the use of the leave is medically necessary. Employer may require certification of the medical necessity as discussed above.

Recertification

Employer may request recertification for the serious health condition of the employee or the employee's family member every thirty (30) days when circumstances have changed significantly or if the Employer receives information casting doubt on the reason given for the absence or if the employee seeks an extension of his or her leave. Otherwise, the Employer may request recertification for the serious health condition of the employee or the employee's family member every six (6) months in connection with an FMLA absence. Employer may provide the employee's health care provider with the employee's attendance records and ask whether need for leave is consistent with the employee's serious health condition.

Employee Status After Leave

An employee who takes leave under this policy will be able to return to the same position or a position with equivalent status, pay, benefits and other employment terms. Employer may choose to exempt certain key employees from this requirement and not return them to the same or similar position.

Employees returning from FMLA leave (except intermittent or reduced schedule leave) must comply with Employer policy concerning the submission of return to work certification from their health care provider.

Questions/Information

If you have questions about any of the information in this policy or your rights under the FMLA or you need additional information, please contact HR.

312. Parental Leave

Pursuant to Section 311, the FMLA policy, eligible new parents are entitled to take unpaid leaves of absence for the birth of a child or for the placement of a child for adoption or foster care. Employees who are eligible for leave under Section 311 are required to comply with the FMLA policy's notice, use of paid leave, and other provisions that apply to parental leave in order to receive the benefits described in this policy and the other provisions of the FMLA policy that apply to parental leave in Section 311. Pursuant to KRS 337.015, employees in Kentucky who are not eligible for FMLA leave, but who are adopting a child under the age of seven (7), are eligible for up to six (6) weeks of personal leave to receive an adoptive child. Employees who seek leave under KRS 337.015 must submit a written request for leave to their supervisor and to HR, preferably fourteen (14) days in advance of the leave, if practicable.

Eligibility for Parental Leave Benefits – As provided for in the FMLA policy, employees must have worked for the Employer for a minimum of twelve (12) months and must have actually worked 1,250 hours in that twelve (12) month period prior to the date when leave is to commence in order to be eligible for parental leave benefits. Term employees are not eligible for Parental Leave benefits.

All forms of Parental Leave run concurrently with FMLA leave if the parent is eligible for FMLA leave. See *Section 311, Family and Medical Leave Act*. If the parent is not eligible for FMLA leave, the parent is not eligible for Parental Leave benefits.

To assist new parents who are eligible for Parental Leave benefits, the Employer provides benefits which run concurrent with FMLA leaves of absence, as follows:

Leave for Prenatal Care and for Birth – Eligible employees who are entitled to FMLA leave for prenatal care and/or who give birth by normal delivery or C-section are required by the FMLA policy to use available benefit hours during their leave for prenatal care and child birth, but may withhold up to ten (10) days of vacation from paid leave benefits. If and when all available benefit hours have been exhausted (except vacation days held back), the employee is eligible to receive 60% of regular pay during parental leave and for the balance of the FMLA leave to which the employee is entitled pertaining to the birth of a child or children. No benefit hours may be accrued during the reduced pay portion of the leave.

Example: Jane is eligible for twelve (12) weeks of FMLA leave when she becomes pregnant. She is entitled to take and chooses to use six (6) weeks of parental leave/FMLA leave after the birth of the child. Jane exhausts all of her paid leave benefits at the end of the first week of post-birth FMLA leave (although she holds back 10 days of vacation). During the remaining five (5) weeks of FMLA leave Jane can receive 60% of her regular pay during parental leave.

Parental Leave for Non-Birth Parent, Adoptions, Foster Care Placement - Eligible employees who are entitled to FMLA leave following the birth of a child or for placement of a child for adoption or foster care may also receive parental leave benefits. If the parents are both on staff of the Employer and wish to take parental leave to care for their newborn child, their aggregate leave is limited to twelve (12) weeks, as per the FMLA policy. This leave must be taken within twelve (12) months of the birth or placement of a child. Intermittent leave must be approved by the supervisor and is tracked by total hours, not days. Eligible employees who are entitled to FMLA leave for birth or placement of a child are required by the FMLA policy to use available benefit hours during their leave, but may withhold up to ten (10) vacation days from paid leave benefits. If and when all available benefit hours have been exhausted (except vacation days held back), the employee is eligible to receive 60% of regular pay during parental leave for the balance of the FMLA leave to which the employee is entitled. No benefit hours may be accrued during the reduced pay portion of the leave.

During parental leave, service credit and benefits coverage (except vacation and sick leave accrual), continue with the cost of benefits paid by the Employer. Any salary increase the employee would have received during the parental leave will be effective upon the employee's return to employment (rather than January 1 and will not be retroactive to January 1).

313. On-The-Job Injuries/Worker's Compensation Leave

If an employee is injured on the job while working at the Center or traveling on business for the Employer, regardless of how insignificant the injury may appear, the employee must notify HR and the employee's supervisor within a reasonable time after the employee realizes the injury, preferably as soon as possible after the injury occurs. The supervisor should confirm that HR has been notified. Such reporting is necessary to comply with laws and to initiate insurance and worker's compensation benefits procedures. Retaliation for good faith reports of injury is prohibited. HR will notify the Risk Manager, so that a First Report of Injury is filed by the insurance company within twenty-four (24) hours of the accident. Determination of worker's compensation coverage is made by the insurance company. Employees shall be covered by worker's compensation insurance in accordance with the laws of the state in which they are employed. The total benefit payable will usually be that required by the state in which the PMA worksite is located. During this period of absence due to injury or illness, the employee's position may be filled due to business necessity on either a temporary or regular basis, depending upon the business needs of the department. Time off under worker's compensation counts as time off under FMLA if an employee is eligible for FMLA leave. If the employee has not exhausted the twelve (12) weeks of FMLA leave, upon return to work, the employee must be returned to the same or equivalent position. *See Section 311, Family and Medical Leave Act.*

Neither Employer nor the insurance carrier will be liable for the payment of the worker's compensation benefits for injuries that occur during an employee's voluntary participation in any off-duty recreational, social, or athletic activity sponsored by Employer.

314. Marriage Leave

Regular full-time and part-time employees who work twenty (20) or more hours a week with one (1) or more years of credited service are eligible for up to three (3) days of paid leave for their own marriage (as defined by state law). Marriage leave is prorated for part-time employees at the rate of one fifth (1/5) of their normal scheduled weekly hours.

315. Military Leave

The Employer complies with the Uniformed Services Employment and Reemployment Rights Act and the Veterans' Reemployment Rights statutes. A military leave of absence will be granted to employees who are

reservists and who are absent from work because they have been called up for active duty in the United States uniformed services or state National Guard in accordance with federal law. Verbal or written advance notice of military service is required, unless military necessity prevents such notice or it is otherwise impossible or unreasonable.

All employees are eligible annually for up to two (2) weeks of paid leave less the amount of the employee's military pay (unless prohibited by state law) for temporary regular active or inactive duty training as a reservist in the United States uniformed services or state National Guard. After the first two (2) weeks of paid leave, the military leave will be unpaid. However, employees may use any available paid time vacation leave for the absence. Health and pension plan benefits are available as required by law. Benefits accruals, such as vacation, sick leave, and holiday benefits, will be suspended during the leave and will resume upon the employee's return to active employment.

Employees on military leave for up to thirty (30) days are required to return to work for the first regularly scheduled shift after the end of service, allowing reasonable travel time. Employees on longer military leave must apply for reinstatement in accordance with federal law and all applicable state laws. Employees returning from military leave will be reemployed in the same or similar job they left or placed in a position they would have attained had they remained continuously employed or a comparable one, depending on the length of military service in accordance with federal law. They will be treated as though they were continuously employed for purposes of determining benefits based on length of service.

316. Employee Assistance Program

The Employer cares about the health and well-being of its employees, and recognizes that a variety of personal problems can disrupt their personal and work lives. Through the BOP's Employee Assistance Program (EAP), the Employer provides free confidential access to professional counseling services for help in confronting such personal problems as alcohol and other substance abuse, marital and family difficulties, financial or legal problems, and emotional distress. The EAP is available to all employees and offers problem assessment, short-term counseling, and referral to appropriate community and private services.

The EAP is strictly confidential and is designed to safeguard your privacy. Information given to the EAP counselor may be released only if requested by you in writing. Employees can access EAP 24 hours a day, 7 days a week by calling 866-640-2772; information on services can be found at www.pensions.org.

317. Study Leave for Exempt Employees

If the annual budget has sufficient funds, study leave may be available for eligible exempt employees. The purpose of study leave is to provide a time for intensive education or training that will enhance an exempt employee's work-related mission in the "broad sense" by providing an opportunity to renew and refresh the mind and spirit through the pursuit of life long education. Activities related to study leave may include enrolling in an extended course and/or conference or conducting independent study. For additional information consult your supervisor and the Director of HR.

Annual Study Leave

Up to two (2) weeks annual study leave, with pay, may be granted to exempt employees at the discretion of the Deputy Executive Director (or Executive Director for departments or persons reporting to the Executive Director) within these guidelines:

- Regular exempt employees of the Employer with at least five (5) years of credited service are eligible to participate. However, terms of call for Teaching Elders may take precedence over the years of credited service requirement. Study leave is not considered additional vacation, although it may be taken in conjunction with vacation.
- It is granted only when the exempt employee and the supervisor have agreed on the appropriate timing of the leave and upon clearly identified goals that are related to the needs of the individual and the Employer.
- A report on learnings in relation to agreed goals must be reviewed with the supervisor within one month after the completion of the leave.
- Annual study leave may be cumulative from year to year for up to three (3) years. The total accumulation of annual study leave will be no more than six (6) weeks.
- Pay in lieu of this study leave will not be provided.
- Provisions must be made by the supervisor to cover the exempt employee's work during the absence.

Extended Study Leave

To enable exempt employees to give extended study to subjects that will contribute to the work of the Employer and to their own technical or professional development, an extended study leave, with pay and benefits, may be granted within the following guidelines.

- The exempt employee must have completed seven (7) years of credited service.
- At least five (5) years must have elapsed since any previously extended study leave, and at least one (1) year must have elapsed since any previous two (2) week study leave was taken.
- A detailed written plan of study with clearly identified goals and expected end-products must be approved by the Executive Director long enough in advance so that budget and staffing needs may be met.
- The maximum length of extended study leave will be four (4) months. It may be taken in conjunction with earned vacation within a particular year but may not be combined with annual study leave because an employee is not eligible for both types of leave in the same year.
- The ongoing work of the particular position and the total functions of the organization will be primary factors in considering the granting of extended study leave.

318. Other Leaves for Exempt Employees

The Deputy Executive Director (or the Executive Director for supervisors who report directly to the Executive Director), may recommend other leaves of absence for exempt employees at full salary, reduced salary, or without salary for the purpose of acceptance of assignment of limited duration with other councils of the church or other churches, universities and colleges, governmental agencies, foreign nations, private foundations, corporations, and similar agencies as a faculty member, expert consultant or in a similar capacity, or for other appropriate purposes consistent with the needs and interest of the PCUSA. Leaves of

absence at full or reduced salary pursuant to the provisions of this paragraph must be approved by the Executive Director.

319. Employee Development

Employee development through training, continuing education, and professional development programs is encouraged and supported. These programs afford employees the opportunity to acquire new skills and knowledge and refresh current skills consonant with the needs of the Employer and with their own career goals and objectives. Employee development is available for regular part-time and full-time employees.

The process of employee development is an integral part of the annual performance review. A review of employee development needs and progress should occur at least annually at the performance review. The content of an employee development program will be based upon career and performance goals of the employee as they relate to the needs of the Employer. The employee development plans to meet these needs must have advance approval and are subject to budget availability. Availability of employee development will be administered without discrimination on the basis of race, color, national origin, gender, age, marital status, sexual orientation, gender identity/expression, transgender status, creed, protected disability status, citizenship status, genetic information, uniformed service or status as a veteran, or religious affiliation (except where a category is determined to be a bona fide occupational qualification) or other characteristic protected by law. The types and amounts of funds available for employee development will be established by the Employer during the budgeting process. Employees with questions should contact HR.

Programs of employee development may include, but are not limited to:

- Training – Training is defined as job skills learning through classes, seminars, or conferences and which helps the employee meet current or anticipated job requirements. Participation in training is initiated and paid for by the Employer and is specifically related to the current work responsibilities. Employees are eligible for training from the first day of employment.
- Career Development – The Employer may choose to sponsor a program of career development, which allows employees to pursue or continue general education through degree or specialized programs. Participation in career development is initiated by the employee but reimbursed in part by the Employer after successful completion of course work. The instruction must be related to the current job responsibilities or job-related career objectives. Employees with satisfactory performance are eligible for the career development program after twelve (12) months of full-time employment.
- Professional Development/Continuing Education – Professional development/continuing education is defined as programs of study that relate directly or indirectly to current or anticipated work and which develop the employee's professional expertise. Participation in professional development/continuing education may be initiated by either the Employer or the employee and may include annual study leave or extended study leave as offered by the Employer.
- Application for Employee Development – Each ministry area will have its own employee development process. Interested employees must complete an Employee Development Form (available from the ministry area representative or HR). The request must be signed by the employee, supervisor, and ministry area director or employee's designee and submitted to accounts payable. A copy should be simultaneously sent to HR to be placed in the employee file.

The types and amounts of funds available for employee development will be established each year by each ministry area during the budgeting process based on available resources. All employee development activities are at the discretion of the Employer and availability of funds.

- Tuition Reimbursement – If there is an annual budget appropriation HR will oversee the Employer Tuition Reimbursement program. The funds will be disbursed on a first come-first serve basis to eligible employees. Employees with satisfactory performance are eligible to participate in the tuition reimbursement program after one (1) year of regular full-time employment. There is a \$1,500 maximum benefit per twelve (12) month calendar year for each approved application. Tuition reimbursement will be processed by HR and paid through the normal payroll process upon receiving verification of a passing grade of C or better for the approved coursework. All applicable taxes will be withheld in accord to IRS Code, Section 102C.

The application process for Tuition Reimbursement is:

- Employees must complete and submit a *Staff Development/Tuition Reimbursement/Study Leave Application* with supporting documentation to their supervisor and/or Ministry/Program Director for consideration.
- The employee's Supervisor and/or Ministry/Program Director will review the application and determine if they support the employee and their application. If they do support it, they will write a recommendation rationale and forward it, with the application and related documentation, to the Director of HR for further review and consideration.
- The Director of HR will review all the information to ensure the employee and the educational institution meets all qualifications.
- The Director of HR will then submit the application to the Leadership Cabinet and/or the Executive Director for approval. Approval of the funding will be at the discretion of the Leadership Cabinet and/or the Executive Director.
- If approved, the Leadership Cabinet and/or Executive Director will return the approved application to the Director of HR, who will notify the employee.
- Checks will be processed by the Employer through payroll upon receipt of documentation verifying a passing grade of C or better.

This tuition reimbursement policy can be amended or revoked at any time by the Executive Director. Any change will be communicated on CenterNet as appropriate.

The following guidelines should be applied when considering tuition reimbursement applications:

- Tuition reimbursement may be used for the following:
 - Accredited recognized higher education colleges or universities;
 - Towards recognized undergraduate degrees that are applicable to the Employer's purpose and mission in Employer's sole discretion;
- Tuition reimbursement will not be considered for the following:
 - Books or related fees not covered by tuition;
 - Professional certifications or related training courses;
 - Memberships or dues;
 - Other non-tuition expenses;
 - Coursework that has already been completed.

- Applicant must have been a regular full-time with one (1) or more year's employment with the Employer. Volunteers, part-time, term, and temporary employees are not eligible.
- Applicant must have received satisfactory performance rating on the previous annual performance review.
- Applicant currently under a work improvement plans and/or probation are not eligible to apply.
- Applicant must have their supervisor's approval for the tuition reimbursement.

320. Involuntary Furlough

The Employer may, in its discretion, determine that it is necessary to temporarily suspend all or some of its operations for a set period of time, referred to here as an involuntary "furlough," which is a temporary non-duty, non-pay status. Employees will be given as much advance notice of a furlough as possible. Employees placed on involuntary furlough will not report to work and are strictly prohibited from performing work of any type during the furlough period, including checking email and voice mail. Involuntary furlough for salaried, exempt employees will be for increments of one (1) or more work weeks.

Employees who are already on approved leave, such as short-term disability and FMLA, will not be considered on furlough and their status will not be affected by a furlough.

321. Retirement

According to the 1975 General Assembly, "Retirement shall mean the discontinuance of the act of service of ministry and/or giving up of a position with attached salary which rendered the retiring member eligible for participation in the benefits plan of the Presbyterian Church (U.S.A.)." This includes persons who choose regular or early retirement. Employees who retire should give one (1) month notice of their intention to retire. Employees must be at least 55 years of age to be eligible for retirement benefits. Employees must be at least 65 years of age to be eligible to retire with full pension benefits through the BOP.

Employees who terminate employment due to retirement receive wages for hours worked plus payment for unused prorated vacation.

Retirement benefits must be coordinated with the BOP. In applying for retirement pension benefits, the member signs a statement agreeing to notify the BOP of any reemployment. It is the member's responsibility to contact the BOP of re-employment after retirement.

- Post-retirement Service

Re-employment of retirees is discouraged due to potential impact on BOP pension and/or social security benefits. However, retirees who choose to continue to provide assistance to the Employer after retirement usually do so as volunteers and may be reimbursed for expenses only.

Under the following special circumstances as a term employee, an exception may be made to this general policy:

- when the unusual skills or experience required for a job will be unreasonably costly and/or time-consuming to locate and a retiree is available with these skills or experience; or
- when the infrequent or unpredictable timing of the work to be accomplished makes recruiting difficult and a retiree is available with a flexible schedule; or

- when the work to be accomplished is of very short duration yet requires experience with the PCUSA.

Post-retirement service is employment by a member after initiating retirement benefits under the Benefits Plan. If the service is approved by the BOP, the retired member's pension benefits will continue during the approved duration of the service. The Board, in its sole discretion but in accordance with the GA rules, may approve certain types of post-retirement service. It is the retired member's responsibility to inform the BOP of any service the employee performs after retirement.

The following guidelines specify under what conditions a retiree who retires under normal circumstances may be considered for post-retirement service, and how a decision will be made, and apply to both Teaching Elders and lay employees:

- Service may be for no more than twelve (12) months and is not renewable.
- The total number of hours worked may be no more than the amount which would generate gross earnings equivalent to maximum social security earnings allowance.

322. Death in Service

Salary Continuation. In the event of the death of an employee, salary will be continued for four (4) weeks from the date on which the death occurs. Because salary continuation is a death benefit, if a beneficiary is not designated by the employee, the salary continuation must be paid to the estate of the deceased employee.

Final Pay Check. The final pay check for active service will include unused prorated vacation. If the employee used direct deposit, the final paycheck will be deposited by direct deposit into the employee's designated checking account. If the employee did not use direct deposit, the final paycheck will be made payable to the employee's estate or to the employee, as we are directed by the executor/administrator of the estate.

400. TIMEKEEPING/PAYROLL

401. Workweek/Work Hours

The standard workweek runs from 12:00 a.m. Sunday through 12:00 p.m. Saturday. The workday generally begins at 8:00 a.m. and ends at 5:00 p.m. with a one (1) hour, unpaid lunch break. Staffing needs and operational demands may require that the work schedules for employees will vary among departments. With the approval of the supervisor, an employee may schedule work during any work period ranging from 6:30 a.m. to 7:00 p.m. Work schedules of exempt and non-exempt employees may be adjusted within any one (1) pay period/two (2) workweeks as long as the total hours worked by a non-exempt employee does not exceed forty (40) hours in any workweek. Schedules are at the discretion of the supervisor in each work area.

If it becomes necessary for the employee to be late or absent, the employee must call the employee's supervisor no later than one-half (1/2) hour after the beginning of regular start time, giving the reason for the absence or lateness and the expected time of arrival. The employee is expected to personally make the call to the supervisor unless illness or emergency prevent the employee from making the call. Failure to communicate for any absence or lateness may result in disciplinary action. Failure to come to work for three (3) consecutive work days during which an employee fails to communicate with their supervisor about the reason for the absence will be considered job abandonment and could result in termination of employment.

402. Pay Dates

All employees are paid bi-weekly on every other Friday, unless it is a designated holiday, and then employees will be paid on the day before the Employer holiday begins (e.g. for a payday falling on Friday during the Thanksgiving holiday, payday will be the Wednesday immediately prior to Thanksgiving). Each paycheck will include earnings for all work performed through the end of the previous workweek.

Employees may have pay directly deposited into their bank accounts with advance written authorization to the Payroll Department. Itemized statements of wages are available on the HR/Payroll system.

403. Timekeeping/Overtime

Employees are responsible to record time accurately in the Employer's payroll system as set forth below.

The Employer complies with the federal Fair Labor Standards Act and state wage and hour laws through accurate classification of employees as exempt or not exempt from overtime and by payment of one and a half times the regular hourly rate to non-exempt employees who work over forty (40) hours in a workweek. It is the responsibility of the Employer to ensure that employees are correctly classified as exempt or non-exempt from overtime pay.

By law non-exempt employees who work over forty (40) hours in a single workweek must receive overtime pay; therefore, non-exempt employees must accurately record the time they work. **All overtime must be specifically authorized in advance by the supervisor.** The Employer can apply corrective action to employees who work overtime that is not approved by a supervisor. Overtime pay cannot be waived by a non-exempt employee. Calculation of overtime pay is based on one and 1/2 times the non-exempt employee's hourly regular rate of pay.

If a non-exempt employee works on a designated Employer holiday at the request of the Employer, the non-exempt employee will be paid at an hourly rate equal to two times their hourly rate in lieu of paid time off for the holiday. If the hours worked would otherwise exceed forty (40) hours, the employee receives two and one-half times their hourly regular rate of pay for working on a designated holiday, and not triple time.

Time off in lieu of overtime pay (commonly referred to as comp. time) is not permitted.

Exempt employees do not receive overtime pay or comp. time. Exempt employees must record and submit scheduled hours not worked, commonly referred to as "exception" time, on a timely basis. An exempt employee and their supervisor may agree to a schedule revision from time to time. For example, an exempt employee working on the weekend, may be permitted by their supervisor to work that time and not report to work the following Monday, as a schedule revision.

Any employee (exempt or non-exempt) who falsifies or fails to accurately record time records, consistent with the manner described in this Employee Handbook, may be subject to disciplinary action up to, and including, termination of employment. In recording time, as discussed below, employees are reminded the two (2) rest breaks are paid breaks, and the lunch break is an unpaid break.

404. Breaks/Lunch Period

Two (2) paid 15-minute breaks may be taken daily, schedule permitting, but at a minimum at least a paid break of ten (10) minutes during each four (4) hours worked is required by law, in addition to the lunch period. Breaks may not be taken at the beginning or end of the workday or added to the lunch period without

permission from the supervisor. Lunch is an one-hour unpaid meal period, normally completed between 11:30 a.m. and 2:00 p.m., or as otherwise approved by the supervisor. Arrangements for breaks and lunch are made with the supervisor.

405. Non-exempt Employee Travel

It is the Employer's policy to pay non-exempt employees fairly and in compliance with state and federal laws for time spent in travel on work-related duties.

Local and One-Day Trips

Ordinary travel time to and from work does not count as hours worked. Once the work day has started, however, time spent in traveling to and from place of work to another location on work-related business must be counted as time worked.

Non-exempt employees given one (1) day work assignments which require them to travel will be paid for actual time worked, less a normal meal period, including travel time as follows:

- From their normal work site to a point of departure (e.g., airport), or to their business destination and return to their work site, or
- From their home to their business destination and return home, less time normally spent traveling to and from their normal work site.

Overnight Travel

When non-exempt employees are required to travel on company business for overnight assignments, they will be paid for hours worked as follows:

Day of Departure: Actual hours worked including travel time from the work site to the point of departure (e.g., airport) and from the point of arrival to the business destination or hotel.

Day(s) at Out-of-Town Business Destinations: The greater of either the hours corresponding to the employee's normal hours worked, or actual hours worked, including travel time to and from hotel and business destination(s).

Day of Return: Same as "Day of Departure" above, except travel time would include travel from the airport or other arrival location to the work site if the employee is required to report back to work on the day of return.

Time taken off during a business trip, or extensions of a trip, for personal reasons will be unpaid unless vacation is used.

Emergency or On-Call Situations.

If a non-exempt employee is called out at night or after having completed a day's work and must travel a substantial distance to perform an emergency job, all time spent on such travel must be counted as hours worked.

Example:

Matt is traveling from Louisville to Philadelphia to participate in meetings this afternoon and tomorrow morning. He is staying overnight at a hotel near the location of the meeting. He gets into the office at his regular time this morning and leaves the office for the airport at 11:00 a.m. for a flight to Philadelphia which leaves at 12:30 p.m. On arrival in Philadelphia, he takes a cab to the meeting location where he participates in a meeting which ends at 7:00 p.m. After the meeting, he goes out to dinner with co-workers and they drop him off at his hotel at 8:30 p.m. The next morning he eats breakfast in the hotel café at 7:30 a.m. and goes back to the meeting location at 8:00 a.m. He concludes his meeting at 10:30 a.m. and takes a cab to the airport where his flight leaves for Louisville at 1:00 p.m. He arrives in Louisville at 2:30 p.m. From the airport he goes to the office at about 3:00 p.m. and works until 5:00 p.m.

Matt is paid for all time covered by the sections underlined in this example, and all time covered counts toward the calculation of overtime for any hours in excess of forty (40). See *Section 508, Business Travel*.

500. WORKPLACE CONDITIONS

501. Safety in the Workplace

The Employer is committed to providing a safe and healthy work environment for employees. Building Services has the responsibility for implementing, administering, monitoring, and evaluating safety programs. Each employee is expected to obey safety rules and to exercise caution in all work activities. Employees must immediately report any unsafe condition to the appropriate supervisor. Employees who violate safety standards, who cause hazardous or dangerous situations, or who fail to report or, where appropriate, remedy such situations, may be subject to disciplinary action, up to and including termination of employment. Some employees are designated as Safety Monitors. Safety monitors receive periodic workplace safety training. The training covers evacuation procedures and other safety practices to eliminate or minimize hazards. Each employee is expected to obey safety rules and to exercise caution in all work activities.

The Employer provides security guards at entrances. Access to the building is limited to authorized personnel and their visitors. Employees are issued security badges and must show their badge to gain access to the building. Visitors must register at the guard desk and wear a visitor's badge. All employees and visitors are required to comply with access procedures and to cooperate with security personnel.

502. Workplace Violence

The Employer is committed to preventing workplace violence and to maintaining a safe work environment. Given the increasing violence in society in general, the following guidelines deal with intimidation, harassment, or other threats of (or actual) violence that may occur during work hours or on the Employer's premises.

- All employees, including supervisors and temporary employees, should be treated with courtesy and respect at all times. Employees must refrain from fighting, "horseplay," disorderly conduct, acts of violence, physical abuse, verbal abuse, threats or any type of behavior that may or does endanger the health, welfare or safety of any person or that disrupts business activities at the Employer's premises.
- No one (except law enforcement officials) may possess guns, knives, weapons, firearms, ammunition, explosives, fireworks or dangerous instruments of any kinds in the Presbyterian Center or other premises of the Employer or in a vehicle that is owned by the Employer or rented on behalf of the Employer.

- No one may threaten, intimidate, or coerce an employee, supervisor or third party on Employer's premises at any time, including off-duty periods. This prohibition includes all acts of harassment including, but not limited to, harassment based upon the protected categories listed in Section 103 of this Handbook, harassment that violates Section 614 of this Handbook or harassment that otherwise violates federal, state, or local law. All threats of (or actual) violence, both direct and indirect should be reported as soon as possible to your immediate supervisor, Building Services, or HR. This includes threats by employees, as well as threats by customers, vendors, solicitors, or visitors. When reporting a threat of violence, you should be as specific and detailed as possible. The Employer will promptly and thoroughly investigate all reports of threats of violence or actual violence.
- All suspicious individuals or activities should also be reported as soon as possible to a supervisor and Building Services.

Anyone found to be responsible for threats of or acts of violence or other conduct that is in violation of provisions of this Employee Handbook will be subject to prompt disciplinary action, up to and including termination of employment.

503. Use of Telephones, Hand-held Devices and PMA Mail Delivery System

Employees are permitted to use Employer provided telephones and hand-held devices (e.g. cell phones, iPhones, iPads, Blackberries, beepers, pagers, PDA's, etc.) (hereafter "Hand-Helds") for personal, non-business use so long as such usage is not excessive and does not interfere with the performance of the employee's duties or the duties of other employees. Employees may be required to reimburse the Employer for any charges resulting from their personal use of the Hand-Helds. The definition of "not excessive" means occasional use for personal time that does not interfere with work duties or as otherwise explicitly approved by a supervisor.

Employees are required to use Hand-Helds in a safe manner and in compliance with local, state, and federal laws. Employees should always practice safe use of Hand-Helds (Employer-issued or personal) while conducting work for the Employer. **Employees shall not engage in making calls, sending emails, or sending text messages or other electronic communications² or put on wearable technology that can cause driver distraction while operating a motor vehicle owned by or rented on behalf of the Employer or in any vehicle while the employee is engaged in the business of the PCUSA.** This includes communications with providers and services such as OnStar and other services that can be contacted directly through the communications systems in a vehicle. If an employee must send or receive a communication while driving, the employee should find a safe and proper parking space and put the vehicle in park before beginning the conversation or reviewing the communication or sending a message, as the case may be. Pulling over on the side of the road is not safe or acceptable unless there is an emergency such as an accident or a car breakdown.

Employees should always be conscious of their surroundings and should not discuss on a cellular telephone or other device confidential information (see Section 107), when their conversations can be overheard. Due to the insecure nature of this communication medium, employees are not permitted to divulge highly confidential

² In this Handbook, Electronic Communications means (oral or written, audio or visual) by means of Employer-provided media and services including, *but not limited to:* (1) electronic mail (email); (2) instant messages; (3) text messages; (4) internet access; and (5) access to and participation in web-based discussion forums including, but not limited to, WIKI, twitter, blogs, bulletin boards, and collaboration tools.

information such as bank account numbers, social security numbers, donor information, credit card numbers or passwords while using Hand-Helds unless the communication is securely encrypted.

Employees may use the PMA's mail system to mail personal correspondence and packages, but are required to pay for any personal postage expenses. *See Section 611, Technology Policy.*

504. Smoking

In keeping with the Employer's intent to provide a safe and healthy work environment, smoking (including the use of e-cigarettes or illegal substances) is prohibited on Employer's premises. It is permitted outside in designated areas during meal and break periods.

505. Use of Equipment and Vehicles

Employees are expected to be good stewards in the care and use of Employer equipment and vehicles. Please notify your supervisor if any equipment or vehicles appear to be damaged, defective, or in need of repair. Prompt reporting of damages, defects, and the need for repairs could prevent deterioration of equipment and possible injury to employees or others. Intentional destruction or damage of equipment or vehicles can result in disciplinary action, up to and including termination of employment. Laptops should be secured while located in an employee's office by use of the lock provided by the Employer and employees should never leave a laptop or other electronic device unattended when permitted to remove that device from the Center or work station.

506. Emergency Closings

At times, emergencies such as severe weather, fires, or power failures can disrupt operations. In extreme cases, these circumstances may require the closing of the Presbyterian Center or other PMA offices ("Center") or transferring of operations to another location.

All employees will report to work on time unless the Employee Information Line (569-8000) or local office number or the website (www.pcusa.org/emergency) specifically instruct otherwise or report that the Presbyterian Center or a PMA office is closed. The message will be updated by 6:00 a.m. if it is an early morning situation.

Regardless of whether the Center is open or closed, it is each employee's decision as to whether you will show up for work during severe weather (ex. accumulated snow). If an employee elects not to work on a given day, we request the courtesy of a phone call to your manager or supervisor advising as to your status for the day. If the facility is announced to be closed on a given day: (1) all exempt level staff will receive their regular pay for the day of closure; (2) all full-time hourly employees will receive an amount equivalent to eight hours of base pay for the day and those who are less than full-time will receive pay for the number of hours they would have worked on that day.

If the Center remains open on a severe weather day, employees who report to work will receive their normal pay for the day, i.e., exempt staff will receive their regular salary and non-exempt employees will be paid at their hourly rate for all hours worked as well as any overtime approved by the supervisor. If an employee elects not to report to work when the Center is open, the employee can elect to 1) use any available paid time off for the missed day or 2) if the employee has no paid time off, the employee will not be paid for that day.

If a decision is made to close for more than three (3) days, employees will have the choice of using any paid time off, if available, or taking the time off without pay, as permitted by applicable law. Certain key employees

may be required to work and possibly report to an alternative location even though the building is closed, and, in such cases, key employees will be paid their regular pay. Employees who with approval of their supervisor voluntarily take time off from work due to inclement weather must comply with the provisions of this Handbook with regard to recording time off.

507. Access to the Presbyterian Center

The building is private property. The building is open Monday through Friday from 6:30 a.m. to 7:00 p.m. The building is closed on Saturday and Sunday and designated holidays. The Employer may close the building and/or restrict access at any time in its sole discretion (*See Section 501, Safety in the Workplace*, for specific access procedures.) Visitors must register at the security desk and wear a visitor's badge, returning the badge to the security desk when the visitor signs out. Employees are responsible for their visitors while inside the building. Employees must exit the building before 7:00 p.m., Monday through Friday. Failure to do so may result in disciplinary action.

508. Business Travel

Employees will be reimbursed for reasonable business travel expenses incurred while traveling away from the building. All work-related travel must be approved in advance by the employee's supervisor. Employees whose travel plans have been approved are responsible for making their travel arrangements in accordance with applicable policies. Please refer to Guidelines for Reimbursement of Expenses (which can be found on the CenterNet at Policies and Forms under Accounting). Corporate credit card use must comply with the applicable policy.

Employees who are involved in an accident while traveling on business must promptly report the incident to their immediate supervisor and HR. All employees are covered by a travel accident insurance policy when traveling on approved business. The travel accident policy provides for accidental death and dismemberment benefits during business travel. The accident medical benefit is secondary to any other medical coverage. The Employer pays the full cost of this coverage. Beneficiary designation cards are available in Risk Management and in HR.

509. Communicable Disease and Pandemic Policy

Communicable Disease

Communicable diseases spread from one person to another or from an animal to a person. The spread often happens via airborne viruses or bacteria, but also through blood or other bodily fluid. The terms infectious and contagious are also used to describe communicable disease.

Pandemic Flu

Influenza or flu is caused by viruses that can cause different diseases: avian (or bird) flu, H1N1/swine flu, pandemic influenza, and seasonal flu. Pandemic influenza can occur when mutating flu viruses become transmissible to humans, who generally lack any natural immunity to fight off the viruses' adverse health effects.

Notification of Communicable Diseases and Pandemics

The Emergency Response Team ("ERT") helps to keep employees informed in the event of a health emergency. The ERT will notify employees, using tools such as CenterNet and the PCUSA web site, about

significant Health Emergencies. The ERT will provide employees with information concerning best practices in hygiene, as identified by U.S. government and international agencies, and it will inform employees about the PMA's plans to deal with outbreaks in the event they impact the operations of the Center and other PMA workplace locations (Stony Point Center, Washington Office, U.N. Office, and so forth, hereafter "Worksites"), as well as outbreaks that impact deployed personnel.

Steps You Can Take To Control Infection

The PMA takes a number of steps to minimize, to the extent practicable, exposure to and spread of infection in the workplace. The workplace is an ideal site for infection because of workers' close proximity to one another. The PMA encourages all workers to discuss their specific health needs with a family physician or other appropriate health or wellness professional.

For the information and education of employees, the PMA posts on CenterNet and in restrooms information concerning infection-control measures. Employees are encouraged to review that information.

What You Can Do At Your Worksite

To try to avoid infection and to avoid infecting others, employees are encouraged to take the following steps:

1. Cover your cough by coughing into your elbow or into a tissue. Properly dispose of used tissues. Then wash your hands. If you cough or sneeze into your hands, wash them immediately and thoroughly without touching surfaces other employees may touch.
2. Wash your hands regularly throughout the day, especially after you cough and after use of a restroom. Information on the best way to wash your hands is posted on CenterNet and in the restrooms.
3. Hand sanitizer is available in or just outside all restrooms, and at both entrances to the Presbyterian Center.
4. Avoid touching your hands to your eyes, nose or mouth; influenza virus and other communicable diseases on your hands can infect you at those locations.
5. Avoid close contact with people who are or appear to be sick and exhibit symptoms such as sneezing, coughing, runny nose, flu symptoms, vomiting or diarrhea. This is known as "social distancing." Stay at least three (3) feet away from someone who has these symptoms.
6. Avoid sharing office supplies and equipment with ill or apparently ill co-workers, such as pens, cellular telephones, telephones, copiers, and keyboards.
7. Find ways to limit exposure to co-workers who might be ill, such as conducting meetings by telephone/conference call or videoconference or using email or telephone to communicate with co-workers to avoid face-to-face meetings.
8. If you realize that you are sick, do not come to work and infect co-workers. Seek medical treatment to determine if you have a communicable disease and find out how long you may be infectious. Notify your supervisor that you are sick.
9. If you have the symptoms of a communicable disease while at work, such as vomiting or diarrhea, you should shelter in place in your office, inform your supervisor and Human Resources ("HR"), describe the place(s) where you were sick so it can be cleaned and disinfected, and wait for instructions.

Vaccinations

The PMA encourages all employees to maintain up-to-date vaccinations and to obtain seasonal flu shots, if available and not medically contraindicated. Seasonal flu shots are offered at the Presbyterian Center.

Flu: The Centers for Disease Control (CDC) has recommended that people “get vaccinated against seasonal influenza as soon as vaccines become available at their doctor’s offices and in their communities ...The novel H1N1 vaccine is not intended to replace the seasonal flu vaccine – it is intended to be used alongside seasonal flu vaccine.”

The CDC has established priorities within the population with regard to those most in need of protection from a vaccine. Employees should talk with their personal physician to determine if you should be vaccinated against influenza.

Visitors and Guests

If, during a health emergency, you invite a guest to the Worksite for a business meeting or for a personal visit, you should take care to determine if the guest may have been exposed to a communicable disease or pandemic flu. If you believe there is even the remotest possibility that a guest may have been exposed (ex. the guest traveled to a country where an outbreak was prevalent), you should notify your supervisor and discuss alternative arrangements for a meeting (ex. Go To Meeting). You should also notify Building Services.

Personal-Protection Equipment

The PMA maintains on-site supplies of recommended personal-protection equipment, such as face masks, rubber gloves, and anti-bacterial hand gels. If a situation warrants, the PMA may require employees and visitors to the Center to use this equipment. The PMA urges all employees to speak with their personal physician about types and proper use of personal-protection equipment in the home.

Emergency Contact Information

In the event of a health emergency, and for any emergency, it will be important for the PMA to be able to contact its employees by telephone and email, at home, to keep them informed of developments. Workers should notify their immediate supervisor and HR of any change in emergency contact information; they should do so within two (2) weeks of a change. When providing such information, employees, especially those who have children or care for elderly relatives, should identify individuals on whom they can depend if the employees themselves become sick at work and must be isolated and quarantined at the Worksite.

How The PMA Will Respond In The Event Of A Health Emergency

The PMA Has Identified Personnel Who Perform Critical Functions

In the event of a health emergency, the PMA will identify and designate certain employees whose jobs are vitally important to the PMA’s continued operation. The PMA may decide that only identified and designated personnel should come to each Worksite during a health emergency. In addition, the PMA has equipped some personnel with the resources, including computers and cell phones, which those employees may need to work remotely during emergencies. The PMA will provide a list of identified and designated personnel to all

managers as well as outside parties with a need to know. At a certain time during a health emergency when it may be necessary to limit which employees come to a Worksite or when management may be required to close a Worksite, employees will be informed to take home their computers and devices at the end of each work day.

You Will Get Notice If You Should Stay Home

The Executive Director of the PMA, in consultation with the Leadership Cabinet and our affiliates, will make certain decisions in the event of a health emergency. One decision will be whether to continue daily business operations at the Worksite in full force or with a reduced workforce or to close the Worksite for a period of time. These decisions will be communicated to employees in various ways, including on CenterNet, on the PCUSA web site, by the Employee Information Line, on television, and by staff calling tree or Outlook email communication directly to employees. In some cases, the orders will be based upon directions or orders from local, state or federal officials. In the event of a health emergency, employees are encouraged to access all of these means of communications to stay current with operations at the Worksite. For further information, see the Communications section below.

You Should Notify Your Supervisor If...

If the Worksite is open and if a medical emergency or personal conditions prevent you from reporting to work on time or at all on a particular day during a health emergency, you are responsible to notify your supervisor, as provided for in Section 303 of the Employee Handbook:

Approval – Use of sick leave must be approved in advance, if possible, by the employee's immediate supervisor. An employee who cannot report to work for medical reasons must notify the employee's supervisor as soon as possible. A physician's statement may be required for any absence at the discretion of the supervisor. For absences of three (3) days or more an employee must provide to HR a physician's statement.

Notice should be given by direct telephone call to your supervisor or by email or text message. If direct contact does not work, you may leave a detailed message on your supervisor's voice mail. As a final resort, you may call a co-worker who is at your Worksite and ask the co-worker to contact your supervisor. Regardless of the form of contact, you should leave a telephone number where you can be reached for further information. For further information, see the Employment Policy Supplements In The Event Of A Health Emergency, below.

Remote Work Locations - The PMA acknowledges that during a health emergency, local, state, or federal authorities might prohibit or severely curtail access to and use of public services and public transportation; close or prevent access to buildings or public highways; isolate or quarantine the occupants of building; and prevent inter- or intra-state delivery of goods and services. The PMA cannot predict and has no control over such authorities' actions and may have a legal duty to comply with directives of outside authorities. However, the PMA may continue key "bare bones" operations from remote work locations, including the homes of employees who perform duties critical to the daily operations at the Worksite. The PMA has provided to these personnel the equipment necessary for off-site telecommuting operations.

Communications

Outside Authorities

The PMA and ERT partner with local, state, and federal emergency-response and health agencies to ensure legal compliance with emergency-response protocols to which the PMA is subject and to coordinate efforts to maintain safety and security in and outside the Worksites. In the event of a conflict between directives issued by the PMA and directives issued by local, state, or federal authorities, such as the federal Department of Homeland Security, the Department of Health and Human Services, the PMA directs all employees to obey all orders issued under local, state, or federal law as reported by the news media. PMA will inform employees of such orders by the systems described in this policy.

Dedicated Web Pages

The PMA maintains a Web page on the PCUSA website devoted to health emergencies and notification of employees as to important issues: www.pcusa.org/emergency. This site is your one-stop source of information on what to do, when, and how in the event of a health emergency in our area. This webpage will be functional at all times and the website address will be located on a label on your ID badge.

The PMA informs all employees concerning how to access this site and to become familiar with the site's wide range of information. Some of this information will be provided in annual training.

Other Media Sources

In an emergency, the PMA consults with outside authorities to coordinate dissemination of instructions or other important information as quickly as possible to all employees. The PMA communicates with employees via the website, Employee Information Line, and local radio and television stations.

Media Inquiries

All media inquiries which you might receive, including those in relation to a health emergency or related issues, should be immediately referred to Senior Director of Communications, Kathy Francis. at extension 5194, cellular telephone - 502-396-4408. If Kathy is not available, please contact Mission Communicator, Kathy Melvin at extension 5415, cellular telephone - 502-377-4321.

Employment Policy Supplements In The Event Of A Health Emergency

Ill Or Infected Employees Should Stay Home or Shelter in Place

The PMA expects employees who contact any type of serious communicable disease during a health emergency, or who have been exposed to ill or infected family members or others to stay home and seek medical attention as is necessary and appropriate. The PMA expects such workers to notify their supervisor as soon as possible of exposure or illness and the need to be away from the Worksite. At the discretion of the PMA or the direction of outside authorities, the PMA can require: (1) the isolation and quarantine at the Worksite of any infected employees who comes to work with a health emergency; (2) that an employee who has visited a hot zone or who may have been exposed to a health emergency shelter is placed in quarantine, whether at home or away from home (ex. in a foreign country), and not return to a Worksite until the employee

has been seen by medical professionals and received a report that the employee is not or is no longer infectious and is not a threat to co-workers; and (3) that an employee not come into contact with co-workers, partners, and other third parties while they may be infectious. While sheltering in place, an employee who is not incapable of work due to symptoms of a disease or other health condition may be asked to conduct remote work for the PMA, such as work using a telephone, computer or other device.

Employee Leave and Pay

In the event of a health emergency, the PMA, in its sole discretion, may grant administrative leave (throughout this Handbook defined as: time off with pay for purposes and length of time specified by Employer) to personnel whose duties are not critical to daily operations at the Worksite and who are directed to stay home. The PMA may announce an emergency closing or it may be required to close the Worksite for a period of time and all employees may be granted administrative leave for a limited period of time. The PMA may pay employees on administrative leave for a period of time. The PMA will monitor emergency conditions daily to determine how long emergency closing and administrative leave must continue and, following consultation with outside authorities, will advise employees when to expect to return to work.

Before or after the PMA declares nonessential employees to be on administrative leave, employees can use appropriate paid and unpaid leaves of absence, which they have accrued and for which they are eligible at the time leave is sought, such as sick leave. Employees on sick leave when an emergency closing is announced will be charged with sick leave days for days during the emergency leave on which they would have otherwise been absent on sick leave. Employees using other types of appropriate and authorized leave are charged with whichever type of leave is scheduled when an emergency closing is announced, but if that leave expires before the conclusion of the emergency closing, the employee may be granted administrative leave for that day and for the rest of the emergency closing.

Family And Medical Leave Act (FMLA)

The PMA places on family and medical leave any eligible workers (as defined by the FMLA) whose health condition qualifies as a serious health condition under the FMLA and who fall ill with flu or must be absent from work to care for an infected family member if such a family member (ex. son, daughter, father, mother, spouse) is covered by the FMLA. The PMA requires such employees to notify the HR Department as soon as possible of need for family and medical leave. The PMA allows employees to use accrued paid annual and sick leave in lieu of unpaid family and medical leave. The PMA requires employees to take unpaid family and medical leave once all accrued paid leave is used. All employees should review the PMA's family and medical leave policy in the Employee Handbook.

Business Travel

In the event of a health emergency, travel on the PMA's behalf may be suspended and limited to a select group of personnel or discontinued altogether for a period of time. Travel to areas in which a health emergency is known to exist may be stopped for the safety of employees and employees returning from such "hot zones" will be asked not return to work for a period of time to avoid the potential infection of co-workers at a Worksite.

Health Emergency Resources List

The PMA maintains a page on CenterNet to answer your questions about Health Emergencies. This information will also be on the web page on the PCUSA website at www.pcusa.org/emergency. Employees can find additional information on the following websites:

Centers for Disease Control and Prevention:

<http://www.cdc.gov>

The World Health Organization:

<http://www.who.int/en/>

U.S. Department of Health and Human Services:

<http://www.pandemicflu.gov/index.html>

Kentucky Cabinet for Health and Family Services:

<http://chfs.ky.gov/dph/epi/preparedness/panflu/>

Employee Assistance Program Services

The PMA's Employee Assistance Program (EAP) services remain available to all plan members to the extent practicable and reasonable during a health emergency. The Benefits Plan of the Presbyterian Church (USA) offers an Employee Assistance Program with Cigna Behavioral Health (CBH) to all participating members of the Benefits Plan. All PMA employees who are enrolled in the Benefits Plan are eligible to participate, whether it's a simple question, a sudden emergency, or an ongoing problem. At any hour of the day or night, you can talk to a compassionate, trained professional and connect to helpful confidential resources. The EAP program includes (but is not limited to) confidential, free counseling services for Plan members and their covered dependents; referral services to help members with their emotional well-being and life events and to provide resources for family and care giving, health and wellness, and daily living; up to six (6) counseling sessions per problem at no cost to the Plan participant; assistance with legal concerns including a free initial consultation; and enhanced financial help and information, resources and referrals for child care, senior care, education and pet care. CBH can be reached toll free at 866-640-2772 or there is on-line access at www.cignabehavioral.com, Employer ID is "pcusa."

600. EMPLOYEE CONDUCT AND CORRECTIVE ACTION

601. Employee Conduct, Work Rules and Performance

Employees are expected to recognize their responsibility to the Employer and its constituents, visitors and co-workers by satisfactorily performing the duties of the job for which they were hired, while engaging in acceptable standards of conduct and personal behavior. Meeting the performance requirements of a position and exhibiting appropriate conduct and behavior are expectations the Employer has of all its employees.

- **Conduct and Work Rules**

Below is a list of rules, the violation of which may result in disciplinary action up to and including termination of employment. Some of these rules are summaries of other policies found in this Handbook, which policies should also be reviewed and will be applied if they are violated. This list is not intended to be all-inclusive and may be modified by the Employer from time-to-time. Disciplinary action will be determined by the Employer on a case-by-case basis. The progressive process of disciplinary action will not be followed in every case and

at the sole discretion of the Employer disciplinary action will be taken in proportion to the nature of the offense and the severity of the violation. If an employee feels a disciplinary action was unfair, the employee may file an action pursuant to Section 617. Disciplinary actions may include verbal warnings, written warnings, suspension (as used in this Handbook: Employer mandated time off with or without pay) or termination. No employee shall:

1. Be insubordinate, fail to follow instructions, refuse to carry out an instruction, refuse to perform assigned work or abandon assigned work without notice and approval of the employee's supervisor (ex. leave a meeting without warning or notice; leave a meeting with Board members -- at which the employee is assigned to attend to provide support or to provide a report -- without notice and supervisor approval).
2. Yell loudly and repeatedly at or use profane language towards a supervisor, co-worker, visitor, board member, committee member, GA Commissioner or any third party with whom an employee is interacting at the Presbyterian Center or anywhere while conducting the business of the Employer.
3. Violate any policy, rule or process of the Employer, including but not limited to:
 - a. the Workplace Violence policy in Section 502;
 - b. the Alcohol and Drug Use policy in Section 602;
 - c. the Attendance policy in Section 603;
 - d. the Anti-Discrimination and Anti-Harassment Policy, Section 614, or the Sexual Misconduct Policy, Section 616;
 - e. the smoking policy in Section 504
4. Commit any act of dishonesty, theft, concealment or misappropriation of any Employer property or the property of others (including, but not limited to, tangible property or documents or information which is stored electronically or otherwise on Employer's computer, telephone or voice mail systems). This includes, but is not limited to, theft of any records or documents from administrators, supervisors, executive employees, the Executive Director, co-workers, vendors, suppliers, employees, donors, mid-councils, churches, members of mid-councils or churches, customers, clients or prospective customers or clients of Employer or checks, money orders or other instruments by which donors, customers or clients pay Employer or pay for their expenses or other costs.
5. Deliberately waste, spoil, destroy, deface, sabotage or vandalize Employer property or equipment of any type or nature or the property or equipment of other people which is located on Employer's premises.
6. Be accused of or convicted of a crime that may affect Employer's business and/or reputation, or which may impair the employee's reputation and ability to effectively serve the Employer or engage in any criminal act on work time and/or on Employer's premises.
7. Violate the provisions of the Ethics Policy, including, but not limited to, engaging in conduct which is inconsistent with an employee being on a leave of absence or absent from work; falsify any records of Employer; or violate the Confidential Information policy.
8. Engage in any act, which may represent a conflict of interest or perform work for another employer or work unrelated to an employee's employment with Employer while the employee is on the employee's work time for Employer for which the employee is compensated by Employer.
9. Engage in fraud upon or any act of dishonesty against Employer or its worker's compensation carrier or outside vendor which oversees or manages a plan of the Employer or a customer or client of Employer.

10. Violate the Technology Policy, Section 611, or Social Media Policy, Section 612, or engage in excessive personal use of Employer's telephones or computers or related systems and excessive access to and viewing of social media that is not for work purposes and part of an employee's work duties.
11. Threaten the safety and security of Employer or its employees, including failure to use safety devices or equipment and failure to follow and comply with safety policies and procedures or fail to timely report an accident involving anyone on Employer's property, or violate the safety rules set forth in any federal, state or local statutes, regulation or ordinance (see Section 501).
12. Violate any federal, state or local laws, statutes, regulations or ordinances.
13. Sleep while on duty and while on work time.
14. Make a false report about any matter related to Employer's business.
15. Falsify or omit information on an employee application, transfer request, promotion request or other work-related document, as well as on or in any Employer records.
16. Intentionally, carelessly, recklessly or negligently provide false, incorrect or misleading information to Employer, a government agency or the like or refuse to cooperate during an Employer investigation.
17. Unreasonably interfere or distract another employee in the performance of the employee's duties or misuse Employer work time.

- **Performance**

Employees are expected to satisfactorily perform the requirements and performance expectations of their job as determined by and in the sole discretion of the employee's supervisor. Supervisors are expected to set and clarify expectations of performance with their employees and to provide ongoing feedback to motivate results and outcomes consistent with performance expectations.

In the event that performance by an employee is substandard or inconsistent with a supervisor's expectations and the requirements of the position, the supervisor should meet with the employee and clearly identify steps or actions the employee should take to correct or improve sub-standard performance. Such discussions and expectations should normally and presumptively be documented in writing, including the ramifications or actions that will ensue in the event that performance is not brought up to accepted standards within a reasonable period of time.

In the event that an employee violates one or more of the above conduct and work rules or fails to meet performance expectations, it may be necessary to terminate the employee's employment. Terminations of employment require the recommendation of the supervisor, the concurrence of the Director of HR, and the approval of the supervisor's supervisor (*See Section 216*). Conduct, behavior and performance-based issues with employees must be judged on a case-by-case basis and consideration given to the employee's past record.

602. Alcohol and Drug Use

It is the Employer's desire to provide a drug-free, healthful, and safe workplace. To promote this goal, employees are required to report to work unimpaired by alcohol or drugs, be those illegal or legally prescribed, in a condition to perform their jobs in a satisfactory manner.

While on Employer premises and while conducting Employer-related business and activities off premises and while operating vehicles owned by the Employer or driving a vehicle while on work time for the Employer or

while operating a rental vehicle paid for by the Employer and used for Employer business, no employee may have, use, purchase, possess, distribute, sell, be impaired by or under the influence of alcohol or illegal drugs. (Note: Exceptions to this policy are: (1) Employer-sponsored or Employer related functions where alcohol is available for purchase by employees after standard work hours, typically after 5:00 p.m.; and (2) transportation of alcohol that is not open and is not consumed in a vehicle owned by an employee or rented for Employer business purposes (ex. driving a case of wine to an Employer function)).

"Impaired" means the employee is under the influence of a substance to the extent that their motor senses (e.g., sight, hearing, balance, reaction, or reflex) or judgment are or may be reasonably presumed to be affected. A supervisor who suspects that an employee is impaired should contact HR immediately. The employee may be required to submit to alcohol or drug testing. The types of tests used by the Employer are urine for drug testing and breath testing for alcohol. Tests will be conducted by an approved laboratory. Failure to submit to a test for drugs or alcohol could result in termination. Results of drug and alcohol tests will remain confidential as required by law.

The legal use of prescribed or over-the-counter medications is permitted on the job only if such use does not impair the employee's ability to perform the essential functions of the job effectively and in a safe manner that does not endanger the employee or other individuals in the workplace. Violation of this policy may result in corrective action up to immediate termination.

603. Attendance

Part of an employee's performance requirement is good attendance. Each employee is expected to be present and ready to work during all scheduled work hours (see Work Hours rules Section 401). Attendance records are kept to document attendance and absences for pay purposes and will be considered in evaluating performance. Each department supervisor is to establish attendance and punctuality standards. Consequently, there may be variations in standards among departments.

No employee may falsify or improperly alter time and attendance records of any employee, be repeatedly tardy, be absent without notice for three (3) consecutive scheduled work days without call or explanation, take unscheduled or unauthorized breaks, abandon one's position or walk off the job. Employees who develop a pattern of lateness or unexcused absences may be counseled by their supervisor and will be subject to disciplinary action up to and including dismissal. Lateness and attendance records will be taken into consideration if an employee applies for a promotion.

Certain approved absences are recognized by the Employer and, although recorded, do not reflect upon the employee's attendance record relative to acceptable standards. They include, for example, approved vacation, holidays, emergency leave, jury duty, funeral leave, military leave, parental leave, leave without pay (only if approved in advance), short-term disability leave (as approved through required procedures), pre-scheduled doctor's appointments either for the employee or a family member, FMLA leave with approved certification, and any Presbyterian Center-wide approved absences such as absence caused by weather condition. A pattern of sick leave that is not FMLA leave may reflect upon an employee's attendance record (e.g. routinely calling in sick the day after a designated holiday).

604. Children in the Workplace

As a general rule, employees should not bring children into the workplace. While every effort is made to ensure a safe, healthy work environment, the Employer workplace is not designed for the extended presence of children, and the presence of children can interfere with normal work of colleagues. When childcare cannot

be arranged, the employee should use available emergency time or vacation, with the supervisor's prior approval.

There are, however, specific occasions where the presence of children in the workplace is allowed with the supervisor's prior approval. Examples include:

- Take Your Daughters/Sons to Work Day for career exploration/mentoring; and
- Brief (1-2 hours or less), occasional visits with coworkers or required circumstances needing immediate attention (such as stopping by the office before or after a doctor's visit).

During any such allowed visit, the child must be under the immediate and constant supervision of the employee parent.

605. Employee Personal Public Witness

All persons employed by the Employer when they are working as or holding themselves out as Employer's employees, are expected to give a full and accurate representation of the position of the PMA in matters of policy, social witness statement, or theological or doctrinal positions. However, the possibility of personal dissent from a policy of the GA and as articulated by any of its entities or the possibility of making a personal public witness is not precluded by employment with the Employer and is a reasonable expression of freedom of conscience.

Because public actions or expressions of personal belief may affect not only the Employer work environment but also the PCUSA at large, employee personal public witness is subject to the following guidelines:

- When making a personal public statement, the employee shall make it clear that the employee is speaking for the employee and not speaking for the Employer, the PCUSA, or any of its entities.
- When making a personal public witness, the employee shall not make reference to his or her employee status. If questioned, the employee may acknowledge his or her employment status without using that status to make a claim of authority. Accordingly, it is not permissible for an employee making a personal statement to use professional stationery, the Employer's communications systems (including, but not limited to: computer system, email system, and/or social media platforms and sites), claim expertise by virtue of employment by the Employer, or hold press conferences on Employer property.
- It is permissible, however, for persons employed by the Employer to identify their personal church affiliation while making a personal public witness. Thus, it is permissible for an Employer's employee to claim membership in a particular congregation or mid-council.
- Employees must inform their supervisor and the appropriate mid-council, when appropriate, of their personal public witness or dissent.
- In the event an employee feels that the employee cannot carry on necessary job functions for reasons of conscience, the employee may request, but not necessarily receive, a change of assignment or may exercise his or her right to resign the position.

In certain circumstances, employees may be required, as part of work responsibilities, to accomplish work on issues currently in opposition to GA or PMA policies or around which there is controversy. This may involve research, production of resources, or planning of or participation in programs and events. When acting within the scope of their employment responsibilities, employees are protected from disciplinary action related to the provisions of this policy.

606. Participation in Public Demonstrations at GA, PMAB or Related Committees

Employees must refrain from participating in public demonstrations to protest GA or policies or actions while working at meetings of the GA, PMAB or related committees ("committees" includes committees, task forces and work groups). "Public demonstration" means any public display or opposition to GA or PMAB policy or action such as standing or marching with others in opposition, or signing written statements with others in protest of GA or PMAB policy or action. "Public demonstration" does not include meeting or communicating with individuals or groups who might oppose an Assembly action or policy, or written communication made individually and apart from the Assembly.

607. Role of Staff in Resourcing Meetings

During meetings of the GA, PMAB and related committees, employees must be perceived as impartial providers of resources and services, not advocates on issues coming from sources other than those sources that may come before the meeting for action. When staffing these meetings, they are working as PMA employees, and are expected to give full and accurate representation of the position of the GA and PMAB in matters of policy, social witness statement, or theological or doctrinal positions, even when representing GA or PMAB policies or positions that do not represent the employee's personal position. It is appropriate for employees who participate in advocacy or advisory roles as part of their position description to, at times, engage in work in opposition to or toward changing GA or PMAB policies or around which there is controversy, but in so doing the employee must accomplish such work in consultation with the employee's supervisor and not in a manner intended to advocate the employee's personal position on any issue. Employees may be asked by the GA, PMAB or committee members for recommendations or to provide leadership on topics in meetings. Such recommendations or leadership must be provided in a balanced, impartial manner that is consistent with the employee's duties as defined by the position description, supervisor and organization.

Employees are required to comply with applicable policies and other meeting guidelines, including but not limited to the *Guide for General Assembly Committee Leaders* and this Handbook.

608. Personal Property

The Employer is not responsible for and does not provide insurance coverage for the loss, theft or destruction of an employee's personal property on the Employer's premises, in parking areas, or while on business travel. Employees should not leave valuables unattended in the work area nor should employees bring large sums of cash into the office or leave purses, wallets, or cash unattended.

609. Employer Property/Return of Employer Property

All furniture, office space, office supplies, equipment, systems, files and work documents, hardware (including, but not limited to cellular telephones, PDAs, computer equipment, laptops, iPads, external storage devices), software, and other property on the premises of the Employer and supplied to employees by the Employer (ex. books, credit card, parking card, identification badge, keys) is the property of the Employer and is to be used only for the business purposes of the Employer, except as otherwise indicated in this Handbook. Employees may not use Employer property for their own personal business or personal benefit, such as using the Employer's computer system to operate an outside business. Any employee found to be using Employer property for non-Employer business usage will be subject to corrective action up to and including termination of employment.

All property must be returned by employees on or before their last day of work. Employer may also take all action deemed appropriate to recover or protect its property. Supervisors do not have authority to transfer

equipment, data, hardware, software, licenses, files or records to departing employees. Any computer (including laptops) or other electronic device that is approved for transfer to a departing employee must be delivered to the IT Department so that all Employer data and information is removed from the computer or electronic device and all licensed materials and programs are removed. Departing employees should pay fair market value for the equipment.

610. Copyright Policy

All works created by employees within the scope of their employment are the exclusive property of the Employer and the Employer owns the copyright to all such works. Any representation to the contrary by an employee shall be cause for general dismissal unless the Employer and the employee signed a written agreement indicating otherwise. "Works" includes, but is not limited to, publications, artwork, illustrations, music, lyrics, articles, books, brochures, video tapes, audio tapes, photographs, and computer programs. *See Section 213, Other Compensation Stipulations.*

611. Technology Policy

Introduction

The equipment, hardware (ex. computers, devices, telephones), software, programs, systems, services, and technology employees use to send and receive electronic communications, perform word processing, and perform other types of work are the property of the Employer (hereinafter "ECS").

Electronic Records Policy and the Ethics Policy

All electronic communications and attachments sent, received, and/or stored on the Employer's systems are records and property of the Employer and should be maintained in accordance with the Electronic Records Policy and the Ethics Policy. "Electronic communications" includes electronic mail, instant messages, text messages, internet access, and access to web-based discussion communications, including, but not limited to, WIKI, twitter, blogs, bulletin boards, and collaboration tools.

Employees Should Not Share Passwords

Employees should maintain their login ID's and passwords as confidential and never permit unauthorized third-party access to the ECS, their Employer-provided devices or their passwords.

Privacy and Monitoring

Maintaining the Employer's systems involves significant costs. The ECS should be used for business purposes only. Occasional and very limited or incidental use of the ECS by employees, for personal non-business use, is permitted, as long as it does not burden Employer's systems. Employees should have no expectation of privacy in anything that is sent, received or stored in the ECS, including blog transmissions or social networking communications.

The Employer reserves the right, within legal limits, in its sole discretion, to: (1) access ECS data and records at any time with or without notice to employees; and (2) disclose records to law enforcement or government officials or to other third parties without notification to or permission from employees. By using the ECS, employees consent to such monitoring. Employees should not expect privacy with respect to personal or work activities conducted on the Employer's ECS. Employees who use the ECS for transactions intended to

be secure, such as personal banking or investing, do so at their own risk. The Employer cannot guarantee the safety or security of any such personal confidential information or of passwords and user ID's entered by employees related to such personal transactions.

Employees should only subscribe to mailing lists and participate in online discussion forums that are job-related or serve a legitimate work-related purpose with supervisor's approval. In accessing web-based discussion forums, blogs, and using mailing lists through the ECS, employees must at all times represent and act in the best interests of the Employer and understand that the Employer's public statement policy applies to participation in these online forums and mailing lists.

Special consideration should be given to sending or forwarding sensitive information via the ECS. Electronic communications should be written with the same care as other written documents. Employees are expected to communicate with courtesy and restraint. The Employer reserves the right to issue ECS security policies and practices. Employees should not direct work-related email to the employee's personal email address on a routine basis. Any work-related emails received by the employee's personal email address should be either printed and deleted, with the printed copy provided to the Employer or forwarded to the employee's email address on the Employer's ECS.

Use of Portable Digital Music Players

Except for Employer-issued devices, employees are prohibited from connecting portable electronic devices (ex. mp3 players, iPods) (hereinafter "PDA Players"), to the Employer's ECS: (1) to download material; (2) to transfer information, data, music, movies, concerts, television shows, documents or other electronically stored materials to or from the Employer's computer, telephone or Internet system; or (3) to use the Employer's computer system as a device to play or broadcast music, movies, live concerts, television shows, or any other media (exception: if the employee is connecting an Employer-issued device for a work-related project).

Prohibitions

Employees are prohibited from:

1. downloading protected materials (ex. copyright protected) from or through the ECS
2. downloading harmful viruses, worms, and other devices or programs that can harm the Employer's ECS.
3. downloading into or through the ECS, (whether by file-sharing or any other method or program), movies, DVDs, CDs or any other type of media from the Internet or email or any other source. If the Employer is notified of such improper or illegal conduct or is charged or sued for such improper conduct engaged in by an employee, that employee is subject to corrective action up to and including immediate termination of employment and is responsible for any fines, penalties, interest, legal fees, and judgments found or levied against the Employer.
4. downloading into any PDA Player any confidential or proprietary documents, information, data, photographs, files or materials of the Employer or any of its employees, vendors, members, donors, customers or clients or that relate or refer to any of its employees, vendors, members, donors, customers or clients. Employees are prohibited from downloading, taping or collecting such

confidential and proprietary information using wearable technology that has video, audio, and recording capabilities.

5. sending email messages to all employees absent a legitimate business reason to do so and then only with prior approval from the sender's supervisor and the Senior Director of Communications.
6. using the ECS to knowingly transmit, retrieve or store any communication that: (a) is discriminatory or harassing; (b) appears derogatory to any individual or group; (c) is obscene or pornographic; (d) can be seen as defamatory or threatening; (e) reveals the organization's confidential information without authorization; or (f) is used for any purpose that is illegal or contrary to the Employer's policy or interests.

Violations of this policy may result in corrective action up to and including termination of employment

612. Social Media Policy

Employees who use the Employer's computers, devices and systems for social media should do so for business purposes only, which include, but are not limited to, productivity, communication with members regarding the mission work of the denomination, and mission development. Social media accounts which are used for the business of the Employer should be set up in the name of the Employer with employees as account administrators. Such social media accounts belong to the Employer no matter which employees or former employees are listed as the account administrators. If an employee account administrator resigns, is terminated, separates or otherwise leaves employment with the Employer:

(1) that does not alter ownership of social media accounts set up for the business of the Employer – such social media accounts continue to belong to the Employer and not to any employee or former employee; and

(2) the former employee should be removed from all social media accounts owned by the Employer.

In addition to owning the social media accounts used for the business of the Employer, the Employer also owns the contents of those social media accounts. The Social Media Specialist shall identify the account administrators and only those who persons who are granted access by the Social Media Specialist shall publish content in those social media accounts.

Employees using Employer's computers, devices, equipment, and computer systems for social media shall not:

- Communicate on behalf of any organization that has no denominational, professional or business affiliation with the Employer.
- Communicate sexually inappropriate statements or information, harass other individuals or include statements in social media postings and comments that are vulgar, harassing, disruptive, intimidating, offensive, defamatory, discriminatory toward anyone, or that are inconsistent with the professional image of the Employer (see Section 615).

- Reveal confidential or proprietary information of the Employer, its business, members of the denomination, persons or entities that do mission work with or for the Employer and/or the denomination, and persons or entities who do business with the Employer or reveal confidential and personal information of employees and individuals outside of the organization (see Section 107). Engage in illegal, fraudulent or malicious conduct such as violate copyright law, trade, securities, patent, discrimination or any other laws.
- Offer to buy or sell goods, operate a business not associated with the Employer or use social media for personal financial gain.
- Use profanity.
- Make derogatory comments toward the Employer or express personal views inconsistent with the provisions of Section 605 of the Employee Handbook.

As Mission Agency staff, employees are likely to be viewed by friends, family, and online followers as a representative of the Employer and the PCUSA. If employees talk about the Mission Agency or the PCUSA anywhere online, especially on their personal social media pages and accounts, they must be transparent and honest about their identity and comply with all policies in this Handbook, such as Section 605, the Employee Personal Public Witness Policy.

Employees who set up personal accounts should keep them separate from Employer's business accounts and shall not identify them as Employer accounts. Employees cannot expect that their social media posts made on the Employer's systems, equipment, and devices will be private. If an employee uses Employer-owned hardware, software, equipment, and systems for social media, the Employer has the right to monitor the employee's social media postings, comments, and so forth. By using the Employer's hardware, software, equipment, and systems, employees consent to such monitoring.

Each year employees shall sign an agreement that states they will not disclose organizational confidential information.

613. Privacy

Employees are reminded their offices, desks, file cabinets, files, closets, computers, hand-held devices, purses, brief cases, tote bags and lunch boxes/bags are not private as between the Employer and the employee, and are subject to search by the Employer or law enforcement officers at any time. Therefore, employees should have no expectation of privacy in those areas and objects at work and no expectation of privacy in use of computers and Employer-issued Hand-Held devices which the Employer reserves the right to monitor and search at any time. *See Section 503, Use of Telephones, Hand-held Devices and PMA Mail Delivery System, and Section 611, Technology Policy.*

614. Anti-Discrimination and Anti-Harassment Policy

A. Equal Employment Opportunity

As stated in Section 103 of this Handbook, all employment policies and practices including recruiting, selection, benefits, compensation, performance reviews, promotion, transfers, corrective action, training, and

separation will be administered without regard to race, color, national origin, gender, age, marital status, sexual orientation, gender identity/expression, transgender status, creed, protected disability status, citizenship status, genetic information, uniformed service (e.g. U.S. Armed Forces or National Guard), status as a Vietnam Era or special disabled veteran in accordance with applicable federal, state and local laws, or veteran status, or religious affiliation (except where a category is determined to be a bona fide occupational qualification) or any other characteristic protected by federal, state or local law. The Employer strongly opposes and does not tolerate any form of discrimination by or towards its employees especially when discrimination is based upon the protected categories in Section 103 of this Handbook and categories protected by federal, state or local law.

B. Anti-Harassment

The Employer strongly opposes and does not tolerate any form of harassment and unwelcome conduct by or towards its employees, especially when that harassment is based upon the victim being in one of the protected categories listed in Section 103 of this Handbook and any category protected by federal, state or local law. This policy includes, but is not limited to, harassing comments, behaviors, or conduct based upon the protected categories listed above in subsection A (e.g. race, color, national origin, and so forth).

Harassment includes sexual harassment, which is a form of Sexual Misconduct under Section 616 of this Handbook, and is illegal under federal, state and local laws. Sexual harassment is defined as unwelcome sexual advances, unwelcome requests for sexual favors and other unwelcome verbal, non-verbal or physical conduct or communication of a sexual nature when:

- A submission to such conduct or communication is made either explicitly or implicitly a term or condition of employment;
- Submission to or rejection of such conduct or communication by an individual is used as a basis for employment decisions affecting such individual; or
- Such conduct or communication has the purpose or effect of unreasonably interfering with an individual's employment or creating an intimidating, hostile or offensive work environment.

Examples of harassing behavior may include, but are not limited to: insulting, obscene or profane language; unwelcome disparaging comments about physical appearance, manner of dress, attire; unwelcome jokes, innuendo; displaying inappropriate cartoons, photographs, computer screen savers or wallpaper; unwelcome and/or inappropriate touching of another employee's body; and any other harassing behavior that is abusive or offensive to another reasonable person and which creates an intimidating, hostile, or offensive working environment.

The scope of this policy is not limited to the physical location of the employee's workplace and relationships with other employees at this location. It includes contacts anywhere in connection with carrying out employee responsibilities and relationships with employees, volunteers, and members of the PCUSA, councils, entities, committees, and/or related entities.

C. Reporting Discrimination or Harassment

Any employee who knows of or becomes aware of discrimination, harassment, or perceived discrimination or harassment, whether or not that employee is the victim or target of the discrimination or harassment, must

report it immediately, as described in Section 615, *Procedures for Reporting any Form of Discrimination, Harassment or Retaliation*.

D. Reprisal and Retaliation Are Strictly Prohibited

Employees can submit reports, complaints or questions, act as witnesses, participate in investigations in good faith without fear of retaliation. Retaliation against a person for submitting a report, complaint or asking a question or giving information about discrimination or harassment, whether that individual is a victim or witness to it, is a serious violation of this policy and will be treated as a separate and distinct cause for complaint and may result in more strict corrective action than the harassment or discrimination itself. Any acts of retaliation must be reported immediately and will be promptly investigated. See *Section 615, Procedures for Reporting Any Form of Discrimination, Harassment or Retaliation* and *Section 706, Reporting of Policy Violations*.

615. Procedures for Reporting Any Form of Discrimination, Harassment or Retaliation

The Employer is committed to providing a work environment that is free from all forms of unlawful discrimination and inappropriate conduct that can be considered harassing, coercive, disruptive or retaliatory. Employees who believe that they have experienced discrimination or harassment should review this policy and follow its process to report without fear of retaliation. The Employer values and respects its employees, and it takes seriously all reports, complaints or questions of discrimination or harassment, and the Employer will not tolerate unlawful or improper conduct by any of its employees or by any third party non-employee toward its employees.

An employee who wishes to report or has a question related to discrimination or harassment, as defined in this Handbook (see e.g. Sections 103 and 614), must immediately submit a complaint or report or question, using the process described in this policy. However, employees are not limited or restricted to submitting a formal complaint form.

A. What May Be Included In A Complaint Or Report

If you are the employee submitting a complaint, report or have a question about discrimination or harassment you are encouraged, but not required, to write down your complaint, report or question in as much detail as possible, including names, dates, witnesses, and incidents. Forms are available from HR and Legal Services. If you have any documents or items to submit, you may attach them or turn them in with the completed form. Please sign and date any written report and submit it as described below in subsection B.

B. How To Submit Reports And With Whom

1. If the report, complaint or question is not about your supervisor, you may submit it to your supervisor, to the Director of HR or to an HR Generalist, or to Legal Services.
2. If the report, complaint or question is about your supervisor or any of your supervisor's supervisors (including, but not limited to, any director-level staff member or the Executive Director), you may submit it to the Director of HR or an HR Generalist or to Legal Services.
3. Reports, complaints or questions about harassment or discrimination by persons who are not employed by the Employer may be made to the Director of HR or to an HR Generalist or to Legal Services.
4. Reports, complaints or questions may also be made anonymously to the Director of HR, an HR Generalist or to Legal Services.

C. Investigation and Appeal Process

- (a) If the report, complaint or question is written, Legal Services will send the accused and the appropriate executive-level supervisor a copy. If the report, complaint or question is oral, a summary will be provided.
- (b) HR and Legal Services will determine if the accuser or the accused needs to be placed on administrative leave until the investigation or the process is concluded.
- (c) Legal Services and HR will evaluate the report, complaint or question to determine if the information provided warrants an investigation. If so, HR and Legal Services will conduct an investigation of the allegations. A confidential written report from the investigators will be provided to an Administrative Committee ("Committee").
- (d) The Committee will issue a decision setting forth its conclusions regarding whether policy(ies) was or were violated and, if so, any appropriate disciplinary or other corrective or remedial action. A summary of the Committee's decision will be given to the parties. If this decision is not timely appealed it is final.
- (e) Either party may appeal the Committee's decision to the Deputy Executive Director ("DED") for Shared Services or designee (who is selected by the Director of HR and the General Counsel) within five (5) business days of the date of the decision. The appeal should: (1) be made in writing and submitted to Legal Services; and, (2) include in detail the basis for the appeal of the Committee's decision; and, (3) include relevant documents or other materials. The DED for Shared Services or designee will decide the appeal and issue a decision. A summary of the decision will be given to the parties. If this decision is not timely appealed it is final.
- (f) Either party may appeal the DED's (or designee's) decision to the Executive Director ("ED") or designee within five (5) business days of the date of the decision. The appeal should: (1) be made in writing and submitted to Legal Services; (2) include in detail the basis for the appeal of the DED's decision; and, (3) include relevant documents or other materials. The ED or designee will decide the appeal and issue a decision which is final and cannot be appealed. A summary of the decision will be given to the parties. If the ED is one of the parties to the report, he or she will be replaced for this purpose by a director-level staff member to be named by the Chair of the Personnel and Nominating Committee.
- (g) Retaliation against an individual for reporting harassment or discrimination, whether that person is a victim of harassment or discrimination or witness to it, is a serious violation of this policy and will be treated as a separate and distinct cause for complaint and may result in more strict disciplinary action than as the harassment or discrimination itself. No employee is allowed to retaliate against anyone who submits a report or who is a witness in a matter or otherwise involved in a report of discrimination or harassment. Any acts of retaliation must be reported immediately to the Director of HR or Legal Services and it will be promptly investigated.

D. Additional Procedural Matters

- (a) If counseling for either party is recommended by a final decision, counseling may be obtained through the Employee Assistance Program (EAP), or through mental health coverage.
- (b) If it is determined that inappropriate conduct did occur and the accused is a Teaching Elder, the final decision and any related corrective action shall not be considered exclusive of any actions that may be taken under the *Book of Order*. The Employer will inform and fully cooperate with the mid-council of jurisdiction.
- (c) Any investigation, report, question, complaint, documents, administrative records, reports, findings, responses, and appeal materials that are related to the investigation, reporting, and appeal process are confidential. All parties, witnesses, and participants shall respect the confidentiality of the process and will not discuss the fact of the investigation or any matters known to them or discussed by them in an investigation to anyone except those responsible for the investigation and appeal process, including the investigators, the

Committee, the DED for Shared Services, and the ED or their designees. All paperwork and materials related to the process will be placed in the care and custody of Legal Services. Breach of confidentiality by participants in the investigation or decision-making or appeal process can result in disciplinary action, up to and including termination of employment.

(d) Implementation of this procedure by an employee does not limit the right of the Employer to proceed with any disciplinary action related to the reporting employee, as long as that action is not in retaliation for the use of the procedure.

616. Sexual Misconduct

Our GA community depends on trust and civility. A willingness to recognize the dignity and worth of each person is essential to our mission. It is the responsibility of each person to respect the personal dignity of others. The Employer expects employees to demonstrate a basic generosity of spirit that precludes expressions of sexual misconduct.

The Employer maintains a workplace free from any form of sexual misconduct, including sexual harassment, by any employee or by any non-employee work contacts. This policy is based on the Sexual Misconduct Policy adopted by the 219th General Assembly (2010), which was revised in 2013, and as that document may be subsequently amended (pertinent portions of the Sexual Misconduct Policy are attached to this Handbook as Appendix 1 and the policy is incorporated by reference as a policy of the PMA). That policy covers employees who are members of the PCUSA as well as non-member employees.

The scope of this policy is not limited to the physical location of the workplace and relationships with other employees at that location. It includes contacts anywhere in connection with carrying out Employer responsibilities and relationships with employees, volunteers, and members of any PCUSA bodies or entities.

Any form of sexual misconduct is unacceptable behavior within the workplace and is subject to appropriate disciplinary action. For employees who are not members of the PCUSA, the procedures to investigate allegations of sexual misconduct are contained in this Handbook at Section 615 and the appropriate corrective action is included in Section 601 and Section 216 of this Handbook. For employees who are members of the PCUSA, the same Handbook provisions apply as do relevant provisions of the *Book of Order* and the *Standards of Ethical Conduct* (210th General Assembly 1998), and other documents of the Church. All employees are encouraged to immediately report incidents of sexual misconduct to their supervisor or to the Director of HR, following the procedures described in Section 615 of this Handbook. If the report is about the employee's supervisor, the employee can report directly to the Director of HR.

Allegations of sexual misconduct will be investigated and corrective or disciplinary action taken, as warranted, which may include dismissal from employment pursuant to Sections 216 and 601.

Sexual Misconduct, as defined in the *Sexual Misconduct Policy* approved by the 219th General Assembly (2010) (see Appendix 1), is the comprehensive term which includes: child sexual abuse; sexual abuse as defined in the *Book of Order* (D-10.0401c); sexual harassment; rape or sexual contact by force, threat, or intimidation; sexual conduct; sexual malfeasance; and/or misuse of technology.

617. Grievance and Appeal Procedure

Introduction

The Employer encourages good working relationships between all employees that affirm the importance of each individual's contribution to the PMA in an atmosphere of mutual respect. Sometimes employees have disagreements on issues and an employee may wish to file a grievance. The PMA strives to give fair and reasonable consideration to all employee concerns and any subsequent appeals as described in these procedures.

Initial Process - Grievance Process

A. Employees may grieve warnings, suspensions, demotions, involuntary transfers, terminations and/or other work-related actions which adversely affect their employment by filing a grievance within five (5) business days of the adverse actions, except in the following cases:

- acts or policies implemented by management to comply with GA or PMA actions or with applicable laws and governmental regulations;
- management and/or insurance carrier decisions regarding worker's compensation and benefits claims such as short-term and long-term disability claims or flex benefits; or
- any matter that is subject to specific administrative review set out in any employee benefits plan; or
- Any matters related to reductions in force, reorganizations or job elimination (Sections 216, 217).

Grievances involving discrimination, sexual harassment or any other form of harassment are to be processed under Section 615 of this Employee Handbook.

To initiate a grievance an employee must go to HR to submit a grievance form or orally report a grievance within **five (5) business days** of the adverse employment action. In the case of a grievance involving HR, the grievance should be submitted to Legal Services. HR or Legal Services, as appropriate, will work with the grievant's department Director and will provide the grievant's Director or designee with a copy of the grievance or a summary, if the grievance was oral. The Director or designee will meet with the grievant within a reasonable period of time that should not exceed ten (10) days. At this meeting the grievant is given the opportunity to explain what the grievant feels was unjust in the action taken and can present any evidence and names of witnesses to support the employee's position. Following the meeting, the Director or designee reviews the grievance, gathers any necessary information and sends a written response to the grievant/employee within a reasonable period of time after the meeting, which should not exceed ten (10) days.

B. If the grievance is filed against the Director of HR, that grievance should be made through Legal Services. The General Counsel or designee will meet with the Director of Policy, Administration and Board Support or designee to discuss the grievance. The Director of Policy, Administration and Board Support or designee will meet with the grievant/employee and will complete the review as soon as practicable and issue a response. Appeal: The employee may appeal this decision to the Executive Director or designee who will review the record of the matter and issue the final decision.

C. If a grievance is filed against the Deputy Executive Director, that grievance shall be made through the Director of HR. The Director of HR will meet with the Executive Director or designee to discuss the grievance.

The Executive Director or designee will meet with the grievant/employee and will complete the review as soon as practicable and issue the final decision. Appeal: The employee may appeal this decision to the PMAB Personnel and Nominating Committee through Legal Services.

D. If the Deputy Executive Director or other executive employee who reports to the Executive Director files a grievance against the Executive Director, that grievance shall be made through the Director of HR. The Director of HR will meet with the Executive Director to discuss the grievance, while providing a copy of the grievance to the Chair of the PMAB Personnel and Nominating Committee, which shall address the appeal as a committee as expeditiously as possible. The Committee will contact the grievant, the Executive Director, and any other persons with whom it needs to speak and will consider the matter and render a final decision.

E. If an employee whose position is eliminated in a reduction-in-force, reorganization, job elimination or otherwise has an active grievance, no matter at what stage, the grievance becomes moot when the position is eliminated and is discontinued.

Appeal Process

An employee/grievant may appeal a response to the grievance after the process described above in Initial Process-Grievance Process. The following appeal steps will be taken within a reasonable period of time, which normally should not exceed ten (10) days per step:

- If the employee is not satisfied with the response, the employee can submit a written appeal to the Deputy Executive Director.
- The Deputy Executive Director or designee (collectively "Deputy Executive Director") must meet with the employee to hear why the employee believes the work-related action was unjust, including evidence or witnesses the Director failed to consider.
- The Deputy Executive Director must respond, in writing, and that response may uphold, overturn, or modify the adverse action and response of the Director.
- If the employee is not satisfied with the Deputy Executive Director's response, the employee can appeal to the Executive Director or designee. The Executive Director or designee may arrange a meeting with the employee or may review the written documents without meeting with the employee, in which case, the Executive Director or designee will complete the review as soon as practicable and issue a final decision. There is no appeal from the Executive Director's or designee's decision.

The time limits in this policy may be extended by the Employer to meet circumstances beyond the control of the Employer (e.g., vacations, holidays, medical absences, business travel and weekends). Employees will not lose pay for any time not on the job when their presence is required at the meetings described in this policy.

The Employer is committed to resolving grievances at the earliest possible step in the above procedures. By mutual agreement at any time in the grievance or appeal process, the employee and Employer may resolve the matter. During any of the above steps, no tape recorders or other devices with the ability to record audio and/or video will be allowed in any of the meetings. A representative from Legal Services will attend all of these meetings. The appeal process is not subject to the Open Meeting Policy. During grievance or appeal meetings all participants shall conduct themselves in a professional and respectful manner. Not every problem can be resolved to everyone's satisfaction, but through discussion employees and Employer can

increase confidence in each other. This confidence is important to the operation of an efficient and harmonious work environment.

Confidentiality

All grievances and appeals are confidential matters and all who are involved in the process should treat any and all information provided, discussions held, and documents submitted or generated in the process as confidential matters which should not be discussed, shared or revealed to anyone, except those directly involved in the grievance/appeal process. Any investigation, administrative records, reports, or findings that are related to a grievance or appeal shall remain confidential and will be placed in the care and custody of Legal Services. Breach of confidentiality is a violation of policy and will be cause for disciplinary action, up to and including termination.

No Retaliation

Employees can file grievances and pursue appeals in good faith without fear of retaliation. Retaliation against a person for filing a grievance or pursuing an appeal, or for supporting a grievant or appellant or participating in a grievance or appeal as a witness is a serious violation of this policy and may result in corrective action up to and including termination of employment. Any acts of retaliation should be reported immediately to HR or Legal Services and will be promptly investigated.

700. TEACHING ELDERS

701. Terms of Call/ Notification and Consultation with Presbytery

All Teaching Elders of the PCUSA must have a written call before starting work, ordinarily in a form that includes: a description of goals and working relationships; financial terms; the signature of the Teaching Elder; and the signature of the presbytery of membership.

For Teaching Elders employed in positions where ordination is a minimum qualification, the terms of call must at least meet the presbytery minimums for salary and study leave. For Teaching Elders employed in positions where ordination is not a minimum qualification, the terms of call and benefits will be established by the Employer and may or may not meet the presbytery minimums, but will be comparable to those offered to other employees in similar positions.

Prior to the offer of employment, HR will contact the Teaching Elder candidate's presbytery. Contact will be made through its stated clerk or executive presbyter to afford the presbytery the opportunity to communicate concerns about the candidate.

Prior to starting work, a Teaching Elder must consult with his or her presbytery and will be reminded by HR about the Teaching Elder's obligation to request and obtain the presbytery's approval of the terms of call. (See *Book of Order* G-2.0502).

HR will:

- Provide the Teaching Elder with an offer letter that includes the written call (see above-listed requirements);
- Copy the presbytery through the stated clerk or executive presbyter on the offer letter; and

- Ask the stated clerk or executive presbyter to notify HR of approval, making clear the employment relationship will not start without approval of the presbytery.

Written calls will be prepared for existing Teaching Elder employees and submitted with an updated position description when the annual performance review is submitted to HR Department.

During employment, HR will provide timely notification to the presbytery and the BOP of any changes in the terms of call (*Book of Order*, G-2.0502).

If during employment, the Employer becomes aware of any circumstances that might occasion corrective action of a Teaching Elder under the *Book of Order*, HR will be informed and will notify and provide full information and cooperation to the presbytery.

Upon termination of employment of a Teaching Elder, HR will provide timely notice of the dissolution of the call to the presbytery. If the dissolution was disciplinary in nature, then the notice will include the cause of dissolution. Financial provisions related to termination or settlement agreements are changes in terms of call that HR will share with the presbytery and with the BOP on a timely basis. Upon request of the presbytery, the presbytery will be given access to all information contained in the Teaching Elder's termination (separation) or settlement agreement, regardless of whether the agreement contains a confidentiality clause. This would at least allow the presbytery to exercise its responsibility of pastoral oversight in such situations. The Director of HR and/or a representative of Legal Services will respond to inquiries of appropriate officers of the presbytery.

HR will submit salary information to the GA for publication in the minutes.

Employment of a Teaching Elder remains at-will and may be terminated at any time with or without cause and with or without notice.

702. Manse/Housing Allowance

The Internal Revenue Code allows exempt level, ordained Teaching Elder employees to exclude from gross income for income tax purposes, if designated in advance by the Employer, any housing allowance paid as part of compensation when that allowance is used for specified purposes. The responsibility for accurate estimates of the housing allowance and payment of applicable taxes rest solely with the Teaching Elder employee.

For purposes of this policy, "housing" means housing and furnishings.

Housing allowances are to be used for expenses such as:

- Rental of a home;
- Purchase of a home, including down payment, mortgage, legal fees, fees for title search, installment payments, interest, taxes, fire and home liability insurance premiums, repairs, etc.;
- Operating expenses of a home, other than costs for food or domestic help, such as utilities, house furnishings, attached garage, sidewalks, and front and back yards; and
- Home owner association dues.

Due to Internal Revenue Service requirements, the manse allowance must be designated by the Employer prior to the Teaching Elder employee receiving the allowance (generally, before employment begins). The manse/housing allowance form is available from HR

703. General

The nature of the relationship between persons ordained to Teaching Elder and their presbyteries is governed by the *Book of Order*. They are generally covered by all provisions of this Employee Handbook except where excluded by federal, state, or local laws, including the ministerial exception.

704. Credited Service for Teaching Elders

With regard to Teaching Elders, in calculating "credited service" or "continuous credited service," the commencement of such service shall be the date of ordination to the office of Teaching Elders by a presbytery of the PCUSA as opposed to the date of hire by the Employer.

705. Withholding

The Internal Revenue Code exempts exempt-level, ordained Teaching Elder employees from mandatory withholding. Such Teaching Elder employees may pay their income and self-employment taxes via quarterly installments sent directly to the Internal Revenue Service or via voluntary withholding which may be arranged with HR and the Payroll Department by completing Internal Revenue Service Form W-4 (Employee's Withholding Allowance Certificate). It is the Teaching Elder employee's sole responsibility to complete Form W-4 if voluntary withholding is desired. If no such completed form is submitted to HR, no withholding will take place and the Teaching Elder employee will be responsible to make any and all tax payments to the Internal Revenue Service directly. As with the manse/housing allowance form, the responsibility for accurate estimates and completion of Internal Revenue Service Form W-4 rests solely with the Teaching Elder employee.

706. Reporting of Policy Violations

HR will report to the respective Teaching Elder's presbytery through its stated clerk or executive presbyter any disciplinary actions for violation of the Employer's Anti-Discrimination and Anti-Harassment Policies, Sexual Misconduct Policy or Ethics Policy for Employees of the PMA.

Definitions/Acronyms

In this Employee Handbook, the following definitions and acronyms apply (*see also definitions under 202. Employment Classifications*):

Disciplinary Action: Formal written corrective document that identifies performance issues or violation(s) of Employer policy and delineates future expectations. Examples are warnings, suspension, and employment termination.

General Assembly: The General Assembly (hereinafter "GA"), is the highest council of the Presbyterian Church (U.S.A.). It is composed of equal members of teaching and ruling elders, called commissioners, who are elected by the presbyteries. The GA meets biennially.

Human Resources or HR: The Human Resources Department of the Presbyterian Mission Agency.

Office of the General Assembly or OGA: The OGA provides a variety of ecclesiastical functions including the biennial GA meeting, polity and judicial process for the Church, ecumenical relations, record keeping, and the Department of History. The OGA is headed by the Stated Clerk who is elected by the GA.

Presbyterian Church (U.S.A.): The Presbyterian Church (U.S.A.) ("PCUSA") is a body of Reformed Christian believers who have agreed to conduct their worship and other religious activities in conformity with the then current version of the Presbyterian Church (U.S.A.) Constitution which contains, among other things, a detailed formal structure of the Church. As an ecclesiastical organization, the Presbyterian Church (U.S.A.) does not and, conformably to the First Amendment to the Constitution of the United States of America, cannot exist under any state or federal law. Thus, the Presbyterian Church (U.S.A.) has created various corporations (one of which is Presbyterian Church (U.S.A.)), A Corporation (more fully described below).

Presbyterian Church (U.S.A.), A Corporation: The principal corporation of the General Assembly and the Employer of the staff of the Presbyterian Mission Agency and the Office of the General Assembly.

Presbyterian Mission Agency: The Presbyterian Mission Agency Board ("PMAB"), is a body of voting members elected by the GA. The PMAB acts for the GA (on specific matters assigned by the GA) between meetings of the GA in a manner consistent with previously enacted GA policies. The staff of the PMAB is headed by the Executive Director, who is elected by the PMAB, subject to GA confirmation. The PMAB coordinates the work of the Ministry Areas, and serves as the board of directors of Presbyterian Church (U.S.A.), A Corporation.

Teaching Elders: Has the meaning set forth in the Presbyterian Church (U.S.A.) *Book of Order*.

APPENDICES

Appendix 1

PRESBYTERIAN CHURCH (U.S.A.) SEXUAL MISCONDUCT POLICY AND ITS PROCEDURES

I. Policy Statement

It is the policy of the Presbyterian Church (U.S.A.) (hereinafter referred to as PC(USA)) that all church members, church officers, non-member employees, and volunteers of congregations, councils, and entities of the church are to maintain the integrity of the ministerial, employment, and professional relationship at all times. Persons who engage in sexual misconduct are in violation of the principles set forth in Scripture, and also of the ministerial, pastoral, employment, and professional relationship. It is never permissible or acceptable for a church member, officer, employee, or volunteer to engage in sexual misconduct.

Distribution

Copies of this policy and its procedures shall be made available to all council and entity offices. It is intended as guidance for churches, mid-councils, and related entities and if properly implemented by them can be used by church members, church officers, employees, and volunteers. This is a policy of the General Assembly of the PC(USA), which governs and protects employees of the General Assembly Mission Council and the Office of the General Assembly. This policy and its procedures should be made available to persons who accuse others of misconduct, including those who are or claim to be victims of sexual misconduct and their families. Other councils of the PC(USA) may use this policy as a guide to develop their own policies and procedures related to sexual misconduct.

II. Standards of Conduct

... As [God] who called you is holy, be holy yourselves in all your conduct;
... Tend the flock of God that is in your charge, ...
not under compulsion but willingly, ...
not for sordid gain but eagerly. ... not
lord it over those in your charge, but be
examples to the flock.

... You know that we who teach will be judged with greater strictness.

1 Pet. 1:15; 5:2–3; Jas. 3:1, NRSV

The ethical conduct of all who minister in the name of Jesus Christ is of vital importance to the church because through these representatives an understanding of God and the gospel's good news is conveyed. "Their manner of life should be a demonstration of the Christian gospel in the church and in the world" (*Book of Order*, G-2.0104a).

The basic principles of conduct guiding this policy are as follows:

1. Sexual misconduct is a violation of the role of pastors, employees, volunteers, counselors, supervisors, teachers, and advisors of any kind who are called upon to exercise integrity, sensitivity, and caring in a trust relationship. It breaks the covenant to act in the best interests of parishioners, clients, co-workers, and students.
2. Sexual misconduct is a misuse of authority and power that breaches Christian ethical principles by misusing a trust relation to gain advantage over another for personal pleasure in an abusive, exploitative, and unjust manner. If the parishioner, student, client, or employee initiates or invites sexual content in the relationship, it is the pastor's, counselor's, officer's, or supervisor's responsibility to maintain the appropriate role and prohibit a sexual relationship.
3. Sexual misconduct takes advantage of the vulnerability of persons who are less powerful to act for their own welfare, including children. It is antithetical to the gospel call to work as God's servant in the struggle to bring wholeness to a broken world. It violates the mandate to protect the vulnerable from harm.

Definitions

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

Child sexual abuse; including, but is not limited to, any contact or interaction between a child and an adult when the child is being used for the sexual stimulation of the adult person or of a third person. The behavior may or may not involve touching. Sexual behavior between a child and an adult is always considered forced whether or not consented to by the child. In the Presbyterian Church (U.S.A.), the sexual abuse definition of a child is anyone under age eighteen.

Sexual abuse as defined in the *Book of Order*: "Sexual abuse of another person is any offense involving sexual conduct in relation to (1) any person under the age of eighteen years or anyone over the age of eighteen years without the mental capacity to consent; or (2) any person when the conduct includes force, threat, coercion, intimidation, or misuse of ordered ministry or position" (*Book of Order*, D-10.0401c).

Sexual harassment; defined for this policy is as follows: unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

- a. submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, or their continued status in an institution;
- b. submission to or rejection of such conduct is used as the basis for employment decisions affecting such an individual;
- c. such conduct has the purpose or effect of unreasonably interfering with an individual's work performance by creating an intimidating, hostile, or offensive working environment; or
- d. an individual is subjected to unwelcome sexual jokes, unwelcome or inappropriate touching, or display of sexual visuals that insult, degrade, and/or sexually exploit men, women, or children.

Rape or sexual contact by force, threat, or intimidation.

Sexual conduct is offensive, obsessive or suggestive language or behavior, unacceptable visual contact, unwelcome touching or fondling that is injurious to the physical or emotional health of another.

Sexual Malfeasance; is defined by the broken trust resulting from sexual activities within a professional ministerial relationship that results in misuse of office or position arising from the professional ministerial relationship.

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

III. Church Response to Allegations of Sexual Misconduct

A. *Principles*

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

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

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

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

B. *Reporting Requirements*

1. *Reporting Sexual Misconduct*

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

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

Presbytery: If the person who is accused of committing sexual misconduct is a teaching elder member, the report of allegations should be made to the stated clerk of the presbytery. If the report of allegations is placed in writing, the presbytery will respond by using the procedures set forth in the Rules of Discipline of the *Book of Order*. If the person who is accused of committing sexual misconduct is a volunteer or nonmember employee of the presbytery, the report of allegations may be made to any of the staff or volunteers of the presbytery. The presbytery will respond by using procedures set forth by policy or bylaws of the presbytery.

Higher Council or Entity of the General Assembly: If the person who is accused of committing sexual misconduct is an employee or volunteer of the higher council or entity, contact the council or entity directly for the appropriate person to receive the report of allegations. The report of allegations may be made to any person with supervising capacity. The entity will respond by using procedures set forth by policy or bylaws of the entity.

2. *Receiving Reports of Sexual Misconduct*

Reports of allegations of sexual misconduct will occur in a variety of ways. Because a council or entity cannot control to whom the victim of sexual misconduct will speak first, it is important that officers, employees, and persons highly visible to church members and visitors understand how reports of incidents are channeled to the proper person. The allegations may come from persons who have or who do not have a formal relationship with the PC(USA) and may be made to a variety of officers or leaders within the PC(USA). It is the duty of these officers to see that any allegation of sexual misconduct is reported appropriately keeping in mind the mandatory reporting requirements for allegations of child abuse.

Reports of allegations of sexual misconduct should never be taken lightly or disregarded and allowed to circulate without concern for the integrity and reputation of the victim, the accused, and the church. Reports of allegations should be dealt with as matters of highest confidentiality, both before and after they have been submitted to appropriate authorities as outlined below.

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

The person receiving the initial report of allegations of sexual misconduct shall analyze the relationship of the person accused of sexual misconduct with the PC(USA) and shall make sure that the allegations of offense are filed with the council with jurisdiction over the person accused. This may be done by the person alleging harm or by any member of the PC(USA).

If the report is made orally, the person receiving the report of allegations should request that the person making the report of allegations place it in writing. A report of allegations of sexual misconduct in writing from a member of the PC(USA) alleging another member or officer of the PC(USA) committed an offense must be acted on according to the Rules of Discipline of the *Book of Order*. If a clerk or stated clerk receives a report of allegations in writing from a nonmember of the PC(USA) alleging another member or officer of the PC(USA) committed sexual misconduct, the report also should be acted on according to the Rules of Discipline of the *Book of Order*. If the person who makes the report is unwilling or unable to place it in writing, any member of the PC(USA) may make the written statement that will automatically trigger the Rules of Discipline of the *Book of Order*.

3. *Mandatory Reporting of Child Abuse*

All ruling elders, deacons, Certified Christian Educators, and teaching elders are required to report knowledge of child abuse to the civil and ecclesiastical authorities according to the *Book of Order*. The *Book of Order* requires that

- “Any member of this church engaged in ordered ministry and any certified Christian educator employed by this church or its congregations, shall report to ecclesiastical and civil legal authorities knowledge of harm, or the risk of harm, related to the physical abuse, neglect, and/or sexual molestation or abuse of a minor or an adult who lacks mental capacity when (1) such information is gained outside of a confidential communication as defined in G-4.0301, (2) she or he is not bound by an obligation of privileged communication under law, or (3) she or he reasonably believes that there is risk of future physical harm or abuse” (G-4.0302)

Further

“In the exercise of pastoral care, teaching elders (also called ministers of the Word and Sacrament) and ruling elders who have been commissioned by a presbytery to limited pastoral service (G-2.10), shall maintain a relationship of trust and confidentiality, and shall hold in confidence all information revealed to them in the course of providing care and all information relating to the exercise of such care.

When the person whose confidences are at issue gives express consent to reveal confidential information, then a teaching elder or a ruling elder commissioned to pastoral service may, but cannot be compelled to, reveal confidential information.

A teaching elder or a ruling elder commissioned to pastoral service may reveal confidential information when she or he reasonably believes that there is risk of imminent bodily harm to any person (G-4.0301). All persons covered by this policy have an additional duty to report knowledge of child sexual abuse to the employing entity, supervisor, or council representative. All persons should be informed of and must comply with state and local laws regarding incidents of actual or suspected child sexual abuse. These reports should be made within a reasonable time of receiving the information.

These provisions of the *Book of Order* attempt to balance conflicting moral duties for officers of the Presbyterian Church (U.S.A.).

For teaching elders, the provision strives to balance the duty to protect children from future harm with the duty of a teaching elder to hold in confidence any information revealed to them during the exercise of pastoral care in any ministry setting as defined in G-4.0301 in the *Book of Order*.

For ruling elders, deacons, and certified Christian educators, the provisions strive to balance the duty of an officer of the church to protect children from harm and any secular duty the officer may have to hold in confidence any information revealed as a result of a secular relationship such as attorney/client, counselor/client, or physician/patient. The secular duties will be a function of secular law and may vary from state to state.

C. *Responding*

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

1. *Accused Covered by Book of Order*

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

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

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

A presbytery has original jurisdiction in disciplinary cases involving teaching elders. A presbytery may dissolve a pastoral relationship when the "Word imperatively demands it" (G-2.0904). When a presbytery receives an allegation of offense of sexual abuse (defined in D-10.0401c) against a teaching elder, not only are the disciplinary procedures triggered by the allegation, but a panel from the Presbytery Permanent Judicial Commission is designated within three days to determine whether or not the teaching elder should be placed upon administrative leave during the inquiry and any subsequent trial. (D-10.0106). This includes any allegation against a teaching elder involving sexual conduct in relation to any person under the age of 18 years or anyone without the mental capacity to consent or conduct including force, threat, coercion, intimidation, or misuse of ordered ministry or position. It is recommended that the permanent judicial commission (PJC) members who will conduct this risk evaluation based upon the allegations and a hearing should also take into account secular legal advice.

When a church officer renounces jurisdiction, the clerk or stated clerk shall report the renunciation at the next meeting of the council and shall record the renunciation in the minutes of the

council. The status of any pending charges may be shared with the council at that time.

2. Accused Not Covered by Book of Order

When a council or entity of the General Assembly receives an accusation of offense of sexual misconduct against a nonmember employee or volunteer, the procedural response of the council or entity will be guided by the written personnel policies of the council or entity. Usually the council or entity will have a personnel committee that will be responsible for the inquiry. If a council does not have a personnel committee, it may appoint either a committee or administrative commission for the review of the allegation.

The committee or commission that will respond to the allegation of offense of sexual misconduct will do the following:

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

All procedures shall follow the guidelines set forth by the council, employing agency, or entity of the General Assembly.

3. Council or Entity Record Keeping

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

IV Prevention and Risk Management

A. Implementation

The Book of Order requires that all councils adopt and implement a sexual misconduct policy (G-3.0106). The General Assembly urges all councils and related entities including colleges, universities, and theological institutions to establish policies, procedures, that make it a violation of the employer's work rules to engage in sexual misconduct and that encourage reporting of sexual misconduct. Councils and entities are strongly encouraged to take appropriate steps to inform members, employees, volunteers, and students

of the council's sexual misconduct policy and the standards of conduct and the procedures for effective response when receiving a report of sexual misconduct.

B. Liability and Insurance

A council or entity can be held liable for harm caused by sexual misconduct of an officer, teaching elder or employee based on a number of legal theories. Councils and entities should take such potential liability into consideration when establishing hiring and supervisory practices.

Councils and entities should regularly inform their liability insurance carriers of the activities and programs they operate or sponsor and of the duties and responsibilities of officers, employees, and volunteers. The standard insurance policy should usually be enhanced by endorsements to cover specific exposures such as camps, day-care operations, shelters, or other outreach programs.

It is also recommended that councils and entities obtain an endorsement to their general liability insurance policy specifically covering sexual abuse and molestation. Such coverage may provide for legal defense expenses and judgments in civil suits brought against the council or entity, its officers, directors, or employees.

C. Employment Practices

1. Record Keeping

Accurate record keeping is an essential part of hiring and supervision practices of churches, middle governing, bodies and related entities. Every council and entity should maintain a personnel file on every employee, including teaching elders. The file should contain the application for employment, any employment questionnaires, background checks, references responses, and all other documents related to an employee's employment, except records which may be required, by law, to be kept in separate files.

2. Prescreening Applicants

Councils and entities are urged to establish thorough and consistent hiring practices. If an applicant is unknown to the employer, the employer should confirm the applicant's identity by requiring photographic identification such as a driver's license. The council should perform a background check, including a national criminal background check, on all applicants that may have interaction with children and youth.

Part of pre-employment screening should include specific questions related to discovering previous complaints of sexual misconduct. See Appendix B: Sample Exhibit E.

3. References

The employing council or entity is responsible for contacting references for prospective teaching elders, employees, or volunteers. A written record of conversations or correspondence with references should be kept in the teaching elder or employee's personnel file. (See Appendix B: Sample Exhibit B for a sample reference form).

A council should delegate responsibility for previous employer reference checks.

The person within the council or entity authorized to give a reference is obligated to give truthful information regarding allegations, inquiries, and administrative or disciplinary action related to sexual misconduct of the applicant.

If false or misleading information is given by the applicant, or relevant information is withheld, the applicant should be eliminated from consideration.

Applicants should be informed of negative comments regarding sexual misconduct and shall be given an opportunity to submit additional references or to give other evidence to correct or respond to harmful information obtained from a reference.

V. Educating and Training- Awareness

Since the issue of sexual misconduct has become an ever more present reality, there is an emerging need to educate and train a wide variety of persons. Persons needing this specific education include: teaching elders; volunteers; officers; nonprofessional and professional staff; ministerial candidates; professionals who will be working with this issue within the denomination; members of the congregation; and council staff including supervisors, employees, and stated clerks.

Education for these persons and groups will be different on a group-by-group basis. A primary requirement for all persons should be common knowledge regarding professional and ministerial boundaries, the General Assembly Sexual Misconduct policy and their own specific council or entity policy.

Theological institutions should include material in their existing curriculum on sexual ethics including the appropriate use of ministerial power, the General Assembly policy and its procedures on sexual misconduct, and other resources. It is further urged that the appropriate presbytery committee(s) include training for inquirers, candidates, newly ordained pastors, and new pastors to their presbyteries regarding sexual misconduct, especially including education on their specific policy and procedures.

Much of a congregation's education currently happens in response to an actual case of sexual misconduct. However, it is recommended that the congregation be as proactive in this area as possible offering education in a variety of settings. There are already numerous resource materials available that could be adapted to a congregation's setting.

Employing entities need to make sure all employees are well acquainted with, understand, and abide by their policy and procedures. Employing entities should offer additional training and resources, such as: a workshop during staff meeting; lunchtime discussion group; articles and books made available; etc.

Any professional (therapists, attorneys, advocates, mediators, arbitrators) used by a council should have access to experts qualified in the field of sexual misconduct if they themselves are not.

Appendix A

Definitions

Accused is the term used to represent the person against whom a claim of sexual misconduct is made.

Accuser is a term used to represent the person claiming knowledge of sexual misconduct by a person covered by this policy. The accuser may or may not have been the victim of the alleged sexual misconduct. A person such as a family member, friend, or colleague may be the accuser.

Church when spelled with the initial capitalized refers to the Presbyterian Church (U.S.A.). Church when spelled with the initial in lowercase refers to local churches. The word congregation is used loosely for members and participants.

Employee is the comprehensive term used to cover individuals who are hired or called to work for the Church for salary or wages.

Entity is the term used to refer to any program or office managed by a board, committee, council, or other body whose membership is elected by a council.

Council is a representative body composed of ruling elders and teaching elders: sessions, presbyteries, synods, and the General Assembly. A council may establish entities such as day-care centers, conference centers, camps, or homes for the aged. A council may have both church members and nonmembers as employees.

Inquiry is the term used in the Rules of Discipline to determine whether charges should be filed based upon allegations of an offense received by a council. See *Book of Order*, D-10.0000.

Mandated Reporter includes a person under the PCUSA constitution who is mandated to report to the civil authorities any reasonably held belief that there will be future harm and is also described by some states' laws as a person who is required to report any and all suspected incidents of child abuse, including child sexual abuse that come to their attention. State laws vary from defining "all persons having knowledge" as mandated reporters to specifying very limited lists of professions whose members are required to report.

Persons Covered by this policy includes church members, church officers, teaching elders, and nonmembers who are employees or volunteers of the General Assembly of the PC(USA). All other councils or entities of the General Assembly are urged to create a sexual misconduct policy using the guidelines set out in this policy.

Response is the action taken by the council or entity when a report of sexual misconduct is received. It may include (1) inquiry into facts and circumstances, (2) possible disciplinary action (administrative or judicial or both), (3) pastoral care for victims and their families and others, and (4) pastoral care and rehabilitation for the accused and care for their families.

Civil Authorities are the governmental bodies, whether city, county, state, or federal, who are given the responsibility to investigate, criminally prosecute, and/or bring civil charges against individuals accused of sexual crimes or offenses against adults and children.

Secular Law is the body of municipal, state, and federal laws and is often referred to collectively as civil and criminal law. Prohibited behavior addressed by this policy may result in criminal and/or civil charges filed under secular law.

Victim is a person claiming to have been harmed and/or abused by a person covered under this policy.

Volunteer is the term used for those who provide services for the General Assembly of the PC(USA). Volunteers include persons elected or appointed to serve on boards, committees, and other groups. For purposes of this policy, volunteers are treated the same as employees.

Appendix C Meeting the Needs of All Involved

In cases of sexual misconduct there are needs that have to be met for the good of all persons, groups, and entities. To ensure that the council is ready to meet the variety of needs present, an independent response coordination team may be named. This team will not investigate the allegation or in any way function as an investigating committee for disciplining members or officers, but should confine itself to coordinating a process that will meet the specific needs of victims and their families (if any), the accused and family (if any), employing entities, congregations, and councils:

A. The Needs of the Victim

The council, employing entity, and response coordination team should assure that adequate treatment and care are available for alleged victims of sexual misconduct and their families. Sometimes, the victim or family is so angry and alienated from the church, that offers of help may be perceived as insincere or as attempts of a cover-up. If the victim or family at first refuses, the church should continue to offer help. Above all the church should not act in a self-protective manner by ignoring the victim and their families.

The extent of the damage to the victims of sexual misconduct will vary from person to person, and is influenced by such factors as the degree or severity of abuse, the age and emotional condition of the victim, human dynamics, and the importance of one's religious faith. The council, entity, and response coordination team is to assume in all cases that the victim has been wounded by the experience.

Feelings of guilt, shame, anger, mistrust, lowered self-esteem, unworthiness, and feelings of alienation from God, self, the religious community, and family are frequent injuries suffered by victims. It is important for the response coordination team to be sensitive to the victim's pain and need for healing, and to act by making appropriate pastoral care available.

The following are some of the needs of the victim:

1. To be heard and taken seriously. From the time that the victim is first able to indicate that sexual misconduct has occurred, that person should receive immediate attention and serious consideration from all church representatives.
2. To receive pastoral and therapeutic support. The victim may require spiritual and professional assistance as a result of sexual misconduct. The response coordination team should offer to help arrange for such support from a pastor and therapist, if the victim desires. Discussions with such people would be confidential, privileged conversations.
3. To be informed about church process and progress with regard to the accusation. One member of the response coordination team should be the church contact person for the victim. Frequently, this contact person will give the victim information as to what is happening in the church as a result of the accusation.
4. To receive legal advice. The response coordination team should suggest that the victim might benefit from independent legal advice. (Legitimate claims might be more effectively pursued and flimsy

or false claims discouraged.) If requested, the response coordination team should suggest ways in which independent legal advice can be obtained.

5. To be assured of an advocate of one's own choosing. A victim may need continuing moral support from one individual who is present while the church process deals with the accusation. This advocate may be a relative, friend, or someone suggested by the response coordination team. This advocate could speak for the victim, if necessary.

- To be assured that justice will be pursued. The victim needs to be told by the response coordination team, and shown by the processes of the church, that justice is being pursued through fact-finding, truth-telling, confrontation, and agreement that may include removal or temporary exclusion of the accused from office or adjudication of the complaint.
- To receive healing and reconciliation. In addition to specific forms of restitution mentioned above, the victim needs to receive a sense of healing and reconciliation with all concerned—the self, the family, the church and, ideally, the accused. The response coordination team can help bring this about using the church's processes and resources. While the above are needs of the victim, one recognizes that all of these needs may also not be met through a reasonable handling of a specific case, but may only occur over a lengthier period of time. All of these needs, however, should be taken seriously and compassionately, and the rights of the victim respected.

B. The Needs of the Accused

The council or entity shall offer treatment and care for the accused as well as alleged victims and families. If the accused is a teaching elder, this is the primary responsibility of the presbytery (Book of Order, G-3.0307).

Feelings of guilt, shame, anger, mistrust, lowered self-esteem, depression, unworthiness, and feelings of alienation from God, self, the religious community, and family are often experienced by the accused. In addition, there may be fear of job loss, incarceration, and indignation if an allegation is false.

When a person is found not guilty of charges of sexual misconduct, it is important for the council or entity to see that the decision is disseminated as widely as possible within their power, unless doing so would further injure the person accused.

1. Personal Care

Whether the allegations about the accused are eventually found to be true or not, the accused deserves to be treated with Christian kindness and respect.

The response coordination team may suggest that the accused seek spiritual support or professional counseling. People in staff positions, such as presbytery executives or stated clerks, should not engage in personal counseling of the accused because of their potential involvement in disciplinary process.

2. Economic Security and Care for Family of Accused

When an allegation of sexual misconduct has been made against a teaching elder, the economic security of the accused is directly threatened, along with reputation, career, and family relationships. Again, the presbytery can be of assistance.

The response coordination team may alert the presbytery to the possible spiritual, emotional, and financial needs of the family of the accused and recommend expert resources.

C. The Needs of a Congregation in a Context of Sexual Misconduct

The council, employing entity, and response coordination team should be aware of the problems a congregation or employing entity may experience following allegations of sexual misconduct by a teaching elder, employee, or volunteer. The allegations may polarize the congregation or organization, damage morale, create serious internal problems, and even limit the trust a congregation may place in succeeding pastors. Efforts should be taken to recognize and identify the problems and heal any damage that may be done to the congregation or organization.

When there is sexual misconduct on the part of a teaching elder, non-ordained staff, or volunteer in a particular congregation, a number of needs unique to that congregation will emerge since sexual misconduct impacts congregations in different ways. Therefore, these needs will not necessarily emerge in the same sequence in each situation. Depending on the parties involved in the sexual misconduct, some of the needs may not emerge. In any event, those managing the church's response to the sexual misconduct will want to know that the following needs may emerge:

1. Pastoral Care

Members and staff of the congregation will need pastoral care. If it is the pastor who is involved in the sexual misconduct, care will need to be provided by another member of the ordained staff (if the church is a multiple-staff church) or by a trained interim pastor. If the pastor leaves as a result of sexual misconduct, in extreme cases a trained interim pastor or consultant in sexual misconduct may need to work with the congregation for an extended period of time.

If it is not a pastor who is involved in the sexual misconduct, then the pastor will provide the needed care for the congregation. The pastor, if not previously trained in this specialty area, will need to consult with denominational specialists who will advise him or her how to proceed and any anticipated problems.

2. Information About the Case

Members of the congregation will need opportunities both to receive and give information. If a case of sexual misconduct becomes a matter of public knowledge within a congregation and if a pastor has been found guilty of sexual misconduct, the interim pastor or consultant may hold appropriate meetings with individuals, small groups, or with the whole congregation. Such meetings should provide information about sexual misconduct in general, Presbyterian polity and our judicial process, and how others who may have been victimized may be heard and ministered to. If the offender is not the pastor, then the pastor may perform these functions. At such meetings, one may expect members to vent their feelings. An opportunity for this to happen should be provided. If this venting does not take place, then it may create serious problems for the future of the congregation, for future pastors, and for the governing

body.' Dynamics may differ somewhat in racial ethnic churches, but no empirical studies have yet demonstrated different dynamics.

3. Resource Persons

In light of the above needs, the following are several resource persons whose services would be valuable to a congregation in the context of sexual misconduct: a trained interim pastor, a presbytery representative knowledgeable in polity and the effects of sexual misconduct in the church, a consultant or therapist with knowledge and experience in dealing with sexual misconduct, an attorney who can discuss legal aspects of a case, an insurance agent who can advise the congregation about their exposure to liability or coverage.

It is the responsibility of the council to establish policy and its procedures governing cases of sexual misconduct in that jurisdiction. The PC(USA) policy and its procedures are intended to guide the development of council policy and procedures.

Revised/Approved by COGA, October 2013

Appendix 2

B.

LIFE TOGETHER IN THE COMMUNITY OF FAITH: STANDARDS OF ETHICAL CONDUCT FOR EMPLOYEES AND VOLUNTEERS OF THE PRESBYTERIAN CHURCH (U.S.A.)

As an employee or volunteer in an entity, governing body, or congregation associated with the Presbyterian Church (U.S.A.), I commit myself to the following standards of ethical conduct.

I.

I will conduct my life in a manner that will support the ministry of my workplace. Therefore I will:

1. Be honest and truthful in my relationships with others;
2. Treat all persons with equal respect and concern;
3. Maintain a healthy balance among the responsibilities of my position, my commitments to family and other primary relationships, and my need for spiritual, physical, emotional, and intellectual renewal;
4. Refrain from abusive, addictive, or exploitative behavior and seek help to overcome such behavior if it occurs; and
5. Refrain from gossip and abusive speech.

II.

I will conduct myself at my workplace in a manner that will support its ministry. Therefore I will:

1. Honor relationships within the workplace and observe appropriate boundaries;
2. Be judicious in the exercise of the power and privileges of my position;
3. Avoid conflicts of interest that might compromise the effectiveness of my work;
4. Refrain from exploiting relationships within the workplace for personal gain or gratification, including sexual harassment and misconduct as defined by Presbyterian Church (U.S.A.) policy;
5. Respect the privacy of individuals and not divulge information obtained in confidence without express permission unless an individual is a danger to self or others;
6. Recognize the limits of my own gifts and training, and refer persons and tasks to others as appropriate;
7. Claim only those qualifications actually attained, give appropriate credit for all sources used in papers, music, and presentations, and observe copyrights;

8. Observe limits set by the appropriate governing body for honoraria;
9. Deal honorably with the record of my predecessor and, upon leaving a position, speak and act in ways that support the work of my successor;
10. Be a faithful steward of and fully account for funds and property entrusted to me;
11. Accept the appropriate guidance of those to whom I am accountable;
12. Participate in continuing education and seek the counsel of mentors and professional advisors;
13. Show respect and provide encouragement for colleagues; and
14. Cooperate with persons of other faith traditions.

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