

XII • Employment Practices

12.01 Personnel Policy

PERSONNEL MANUAL PRESBYTERY PERSONNEL POLICY

The goal of the Presbytery personnel system is to be a team of colleagues who support, encourage and stimulate one another to be creative, intelligent, and responsible in the fulfillment of the mission and vision of the Presbytery of Wyoming. This Personnel Manual applies only to presbytery employees.

This policy shall be implemented using procedures as set out below or as modifications shall arise in fulfillment of the policy.

PRESBYTERY PERSONNEL PROCEDURES

Staffing Pattern

The Presbytery, (POW or Presbytery), shall determine its staff in consultation with the Presbytery's member churches, in accordance with and fulfilling the Presbytery's mission and vision.

TEAM MINISTRY

The Presbytery staff functions as a team: each and all are concerned about and responsible for the work of the Presbytery. Members of the Presbytery staff support and assist one another and are in constant communication with one another so as to be able to serve as resources to one another. Individuals are expected to treat each other with dignity and respect.

I. NATURE OF EMPLOYMENT

A. No Contractual Obligations

Policies set forth in this Personnel section are not intended to create a contract, nor are they to be construed to constitute contractual obligations of any kind or a contract of employment between POW and any of its employees.

B. Exceptions or Waivers

These provisions supersede all existing policies and practices and may not be amended or added to without the express written approval of the Presbytery via the Presbytery Council exercising its functional duties. Requests for an exception or waiver from the Personnel section must be recommended by the supervisor, then reviewed and approved by the Presbytery Council.

II. EMPLOYMENT CATEGORIES

A. EMPLOYER

The legal corporate employer of all Presbytery staff is The Presbytery of Wyoming, a legal corporation organized under the laws of the state of Wyoming.

B. EXEMPT AND NON-EXEMPT CATEGORIES

In accordance with the Fair Labor Standards Act, there are exempt and non-exempt positions.

C. EXEMPT

All exempt staff are elected personnel and are not entitled to overtime wages.

D. NON-EXEMPT

All non-exempt staff are entitled to overtime wages for actual time worked in excess of 40 hours per week. Overtime must be authorized in advance by the employee's supervisor. Employees will be compensated at time and one-half for overtime worked.

E. FULL-TIME, PART-TIME, TEMPORARY EMPLOYMENT

- 1) Full-time employees are hired for 40 hours of work per week (exclusive of lunch period).
- 2) Part-time employees are hired for less than 40 hours of work per week (exclusive of lunch period).
- 3) Temporary employees are hired for a short period of time, usually less than three months.

F. INTERIM EXEMPT STAFF POSITIONS

1) General Provisions

To provide continuity of administrative and/or program services in the Presbytery, interim staff may be elected to fill vacant approved positions, to serve until the position is filled (or abolished).

This is applicable to all positions whether filled by full-time, part-time, ordained or non-ordained personnel.

2) Position/Person Description

A position description shall clearly identify the kind of accomplishments and administrative/programmatic leadership desired during the interim period. The accountability of the position shall be clearly defined and be consistent with the accountability provisions of the Book of Order.

G. CONSULTANT/CONTRACT STAFF

Consultative/contractual staffing is a staffing style that involves temporary employees for short-term periods.

- The specific tasks and financial requirements for consultative/contractual arrangements shall be reviewed and negotiated at least annually.
- Consultative/contractual positions may be established for up to five years from the date the position is approved. Standard procedures for annual performance reviews will apply.
- Consultative/contractual positions shall be evaluated at the end of five years, using existing personnel practices, to determine whether the arrangement shall continue.

Unexpended funds for previously negotiated and approved staff positions that become available due to mid-year resignation or vacancy may be utilized for consultative/contractual services in order to maintain the vitality of ongoing programs.

III. EMPLOYEE RELATIONS

A. Non-Clergy Employees

The work conditions, wages, and benefits the Presbytery offers to non-clergy employees are competitive with those offered by other employers in this area and industry. Non-clergy employees concerned about work conditions or compensation are strongly encouraged to voice these concerns openly and directly to their supervisor and the Presbytery Council.

B. Clergy

Work conditions, wages, and benefits of clergy and pastoral leadership positions elected or approved by action of POW shall be according to the Constitution of the Presbyterian Church (U.S.A.) and the policies of POW.

C. Supervisor Communication

Experience has shown that when employees deal openly and directly with the supervisor, the work environment can be excellent, communications can be clear, and attitudes can be positive. The Presbytery amply demonstrates its commitment to employees by responding effectively to employee concerns.

D. Equal employment opportunity

1) Does Not Discriminate

In order to provide equal employment opportunities to all individuals, employment decisions will be based on merit, qualifications, and abilities. The Presbytery does not discriminate in employment opportunities or practices on the basis of race, color, religion, sex, national origin, age, disability, or any other characteristic protected by law.

2) Reasonable Accommodations

Reasonable Accommodations will be made for qualified individuals with known disabilities unless doing so would result in an undue hardship on the mission of the Presbytery. This clause governs all aspects of employment, including selection, job assignment, compensation, discipline, termination, and access to benefits and training.

3) No Reprisal

Any employee with questions or concerns about any type of discrimination in the workplace are encouraged to bring these issues to the attention of their immediate supervisor first and then to the Presbytery Council. Employees can raise concerns and make reports without fear of reprisal. Anyone found to be engaging in any type of unlawful discrimination will be subject to disciplinary action, up to and including termination of employment.

E. ETHICS AND CONDUCT

1) Principles of Fairness, Integrity, Excellence, and Trust

The successful mission and reputation of the Presbytery is built upon the principles of fairness, integrity, and excellence practiced by the employees. Scrupulous regard for the highest standards of conduct and personal integrity garners and preserves trust.

2) Compliance

The Presbytery will comply with all applicable laws and regulations and expects its directors, officers, and employees to conduct themselves in accordance with the letter, spirit, and intent of all relevant laws and to refrain from any illegal, dishonest, or unethical conduct. Disregarding or failing to comply with this standard of ethics of conduct could lead to disciplinary actions, up to and including possible termination of employment.

F. DISABILITY ACCOMMODATION

1) Americans with Disabilities Act

The Presbytery is committed to complying fully with the Americans with Disabilities Act (ADA) and ensuring equal opportunity in employment for qualified persons with disabilities. Hiring procedures have been reviewed and provide persons with disabilities meaningful employment opportunities. The Presbytery is also committed to not discriminating against any qualified employees or applicants because they are related to or associated with a person with a disability. The POW will follow any state or local law that provides individuals with disabilities greater protection than the ADA.

2) Accommodation

Upon request, job applications are available in alternative, accessible formats, as is assistance in completing the application. Pre-employment inquiries are made only regarding an applicant's ability to perform the duties of the position. Reasonable accommodation is available to all disabled employees, where their disability affects the performance of job functions. All employment decisions are based on the merits of the situation in accordance with defined criteria, not the disability of the individual.

3) Equal Compensation

Qualified individuals with disabilities are entitled to equal pay and other forms of compensation (or changes in compensation) as well as in job assignments, classifications, organizational structures, position descriptions, progression, and seniority lists. Leave of all types will be available to all employees on an equal basis.

IV. JOB POSTING AND EMPLOYEE REFERRALS

The Presbytery encourages employees to identify friends or acquaintances who are interested in employment opportunities and refer qualified outside applicants for posted jobs. Employees should obtain permission from the individual before making a referral.

V. GOAL REVIEW

Supervisors and employees will discuss job performance and goals on an informal, regular basis. A formal written performance evaluation will be conducted at the end of an employee's initial period of hire. Additional formal performance evaluations are conducted yearly to provide both supervisors and employees the opportunity to discuss job tasks, identify and correct weaknesses, encourage and recognize strengths, and discuss positive, purposeful approaches for meeting goals.

Personnel Committee will conduct all employee annual performance reviews and report to the Council.

Presbytery Council considers any merit-based pay adjustment recommended by the Personnel Committee of Council.

VI NEPOTISM

To affirm and facilitate equal opportunity for all employees and employment candidates, care will be exercised in the employment and assignment of persons who are direct relatives of people in the Presbytery's employ. Such people should not be automatically denied employment or fair treatment in the full spirit of these policies. However, individuals shall not be hired by or through the involvement of direct relatives, and they shall not be assigned to a position where a direct relative is in a position to influence the employee's salary, promotion or other aspects of personnel practice.

VII HARASSMENT

It is the practice of the Presbytery to maintain a workplace free of any form of harassment or intimidation from any Presbytery employee, including supervisors, or from non-employee work contacts. Any form of harassment is unacceptable behavior within the workplace and is subject to appropriate disciplinary action.

Harassment includes, but is not limited to, unwelcome and unsolicited sexual advances, requests for sexual favors, discriminatory tormenting based on gender and other undesired verbal, visual, or physical conduct of a sexual nature up to and including termination.

Any Presbytery employee who believes in good faith that there has been a violation of this practice should report the violation as soon as possible to the general presbyter or to the

moderator of the personnel committee. The general presbyter shall immediately also notify the moderator of the personnel committee. The moderator shall alert committee members of the complaint and shall call a meeting of the committee as soon as possible. If the matter cannot be resolved between the parties involved, the general presbyter with the personnel committee will investigate the allegations promptly, objectively and confidentially.

The Presbytery will take no adverse action against any employee who in good faith complains of harassment and will protect such employee against reprisal from other employees to the extent possible. Where it is determined that harassment did in fact occur, disciplinary action, including dismissal when appropriate, will be taken.

VIII. SEXUAL MISCONDUCT

All employees of the Presbytery are subject to both the General Sexual Misconduct Policy and the Sexual Misconduct Policy for Minors and Vulnerable Adults of the Presbytery.

IX. SUBSTANCE ABUSE

The use of illegal drugs by employees while in performance of official duties on behalf of the Presbytery of the Presbyterian Church (U.S.A.) is strictly prohibited. Individuals deemed to be under the influence of illegal substances while in the performance of official church duties will be counseled and instructed to refrain from such usage while performing church-related activities. Individuals who refuse to refrain from usage will be subject to disciplinary action in accordance with Presbytery practice.

Individuals who suffer from substance abuse problems are encouraged to seek professional help in dealing with their problems. This provision applies to all instances of substance abuse, for legal and illegal drugs. Persons who submit to drug treatment will not be subject to disciplinary action for substance abuse provided they refrain from the use of illegal substances. All information regarding individuals seeking substance abuse treatment will be treated with extreme confidentiality.

X. CONFLICT OF INTEREST

No employee shall accept any gift, gratuity, grant, service or any special favor from any person or persons, or from any businesses which provide or receive goods and services or which seek to provide or receive goods and services to or from the Presbytery. However, minor courtesies such as luncheons, dinners, or similar arrangements in connection with business discussions may be received.

In addition, if any employee is called upon to participate in a decision in which the interests of the Presbytery may conflict with his or her personal interests, the employee should abstain from participating in the decision. Employees shall avoid even the appearance of conflict of interest, special interest, or any other inappropriate conduct.

XI. CONFIDENTIALITY

In the course of employment by the Presbytery of Wyoming, staff may necessarily hear, receive, handle or process confidential information. According to the rules of the Presbyterian Church (U.S.A.), certain ecclesiastical files and records, as well as their contents, must be preserved as absolutely confidential. Such confidential information includes, but is not limited to, the following: information about pastors, information about personnel matters, information about congregations, information about ecclesiastical matters and other litigative matters. It is the practice of the Presbytery of Wyoming that nothing learned by a staff person with respect to such confidential information shall ever be revealed; no documents may be copied without the explicit permission of staff responsible

for the area of information; and access to files and records shall never be given to persons not authorized by the staff responsible. This confidentiality practice also applies to contents of reports not yet or never to be distributed to the Presbytery as a whole.

Breaches of confidentiality constitute grounds for immediate dismissal.

XII. FULLY ACCOUNTABLE REIMBURSEMENT PROCEDURE FOR STAFF BUSINESS EXPENSES

- A. Staff persons employed by the Presbytery of Wyoming shall be reimbursed for business and professional expenses incurred if the following conditions are met:
- the expenses are reasonable and do not exceed budgeted amounts;
 - the staff person documents the amount, time, place, and purpose of the expense; and
 - the staff person provides an accounting of such expenses no more than 60 days after the expense is paid or incurred.
- B. Reimbursable business and professional expenses include local transportation, travel (including lodging and meals), hospitality, books, subscriptions, educational costs and professional dues.
- C. The Presbytery reimburses mileage at the standard rate allowed by the Internal Revenue Service.

XIII. RECRUITMENT AND SELECTION

EXEMPT STAFF

The general presbyter position is filled by action of the Presbytery, which shall elect a special search committee. The Presbytery elects the general presbyter. The stated clerk and treasurer are nominated by the Presbytery Council and elected by the Presbytery.

NON-EXEMPT STAFF

The Presbytery Council will fill non-exempt positions in keeping with the affirmative action program of the Presbytery.

XIV. POSITIONS

POSITION AND PERSON DESCRIPTIONS

A position and person description, subject to periodic review, shall be provided for each position.

VALIDATION OF POSITION

All new and vacant exempt positions shall be validated by Presbytery.

EVALUATION OF POSITIONS

The Presbytery Council, in accordance with the guidelines established by the Presbytery, shall evaluate all positions.

MODIFICATION OF WORK WITHIN A POSITION DESCRIPTION

In order to enable employees to make use of their skills and to increase their potential abilities, position descriptions or titles may be modified by mutual agreement between the Presbytery Council and the staff person. Any such modification shall be reported to both Council and Presbytery at their first meeting following such change.

XV. TENURE

A. EXEMPT STAFF

The stated clerk, treasurer and general presbyter are **normally** elected for five-year terms. Upon completion of a comprehensive review and upon recommendation of the Presbytery Council, exempt staff may be elected to serve additional terms. Following election to an exempt position, there shall be an initial six-month review and evaluation and, thereafter, annual reviews.

Re-election of stated clerk and treasurer will be proposed at the Presbytery meeting prior to the end of term; re-election of the general presbyter will be proposed at least two Presbytery meetings prior to the end of term. If Presbytery fails to deal with the proposal at that time, terms will be extended as follows: three months for the stated clerk and treasurer, and six months for the general presbyter.

B. NON-EXEMPT STAFF

Non-exempt staff shall serve for an indefinite period. There shall be an annual performance review and evaluation conducted by the Personnel Committee and reported to the Presbytery Council.

The first three months of employment of non-exempt personnel is an introductory period, giving the employee and his/her supervisor an opportunity to evaluate interest and qualifications for the position under actual working conditions. Prior to regular employment a performance appraisal is prepared and discussed with the employee by his/her supervisor and in consultation with the general presbyter. When all requirements for regular employment are completed satisfactorily, regular employment shall begin with the next pay period.

XVI. CLERGY TERMS OF CALL AND APPOINTMENT

All exempt clergy staff shall be provided with a written "call" as provided by the General Assembly. In compliance with the *Book of Order (G-14.0506)*, the call of a minister shall be submitted to the minister's Presbytery for approval.

In accordance with the *Book of Order (G-14.0500)*, changes in terms of call for an ordained staff member must be approved by his/her Presbytery.

XVII. SALARY ADMINISTRATION

The Presbytery is committed to paying wages that reflect the requirements and responsibilities of each position that are comparable to the pay received by similarly situated employees in other organizations in the area. Employees should bring their pay-related questions or concerns to the attention of the Personnel Committee of the Presbytery Council or the General Presbyter.

A. PRINCIPLES/GUIDELINES

- 1) The system of compensation in the Presbytery of Wyoming and its related organizations or institutions shall be in accord with the biblical, theological, and ethical standards of the Presbyterian Church (U.S.A.).
- 2) Effective, competent staffing throughout the Presbytery is essential to the fulfillment of its mission, and adequate compensation is necessary for the attainment and maintenance of such staff.
- 3) The system of compensation should be fair to all and should be compatible with the Presbyterian system of government.
- 4) Compensation for a position should be based on the nature, purpose, scope and responsibility of the position; the experience, knowledge, and skills required; the challenge of the work to be done and its impact on the effectiveness with which the Presbytery achieves its mission.
- 5) Salary changes should be based on annual performance reviews, with consideration given to changes in living costs and changes in responsibilities of positions. Increases related to good performance provide opportunity for increased financial recognition to employees. However, cost of living adjustments should not be confused with increases based on performance.

6) Employees recruited locally should be paid within salary ranges related to the average salaries paid by employers locally for comparable positions requiring similar skills and experience. Employees recruited regionally or nationally should be paid within salary ranges related to the average salaries regionally or nationally paid by employers for comparable positions, modified to reflect the local cost of living.

7) It is important that the compensation system be accompanied by a vigorous program of economic justice to insure that all employees are paid fairly and represented at all levels of employment, including women, racial/ethnic persons, persons with disabilities, and persons over fifty years of age.

8) Since the church recognizes the value of all varieties of service, and since it seeks to temper the values and rewards of the secular world, the salary range for the highest level position within each governing body should be no more than approximately four times the salary range of the lowest level position.

9) For non-exempt positions the minimum and maximum salary range should be established in relation to salaries for each type of position as paid in the community, keeping in mind that the church should be leading the community in demonstrating its concern for fair wages.

XIII HONORARIA

No honoraria are to be received for services considered part of a person's position description

XIX COMPENSATORY TIME

According to the Fair Labor Standards Act, non-exempt staff may not receive compensatory time in lieu of overtime. When non-exempt staff are expected to work outside normal business hours, work schedules may be adjusted so that an employee does not work more than 40 hours within the week.

XX. TERMINATION PRACTICES FOR EXEMPT STAFF

A. PRINCIPLES

1. The Presbytery Council shall prepare a written report citing specific reasons for the staff member's departure; and confirming the date of separation, any and all financial obligations existing between the Presbytery and the individual; and any other matters pertinent to the personnel record. Copies of the report will be available to Presbytery Council and the stated clerk.

2. The separation process shall be considered incomplete until the hiring body acts upon it.

3. Immediate discharge for cause shall be made on the basis of substantial evidence. However, the discharge process shall not be completed without providing the staff person with the opportunity to be heard by the body that will make the final decision regarding his/her discharge.

4. The record of events, facts, and discussions regarding the proposed discharge of a staff person shall be treated with strict confidentiality.

5. Staff may appeal separation decisions to the synod in accordance with the appeal process outlined in the *Book of Order (D-13.000)*. Separation shall be operative without discrimination based on race, color, sex, national origin, age and ordination status.

B. REASONS FOR SEPARATION/TERMINATION

1). Voluntary Resignation

Voluntary choice of separation freely made by the employee (resignation) may take place after one month's written notice to the general presbyter and/or the Presbytery Council, with copies to the Presbytery Council.

When the general presbyter resigns, the written notice shall be sent to the Presbytery Council, with copies to the moderator of the Presbytery and stated clerk.

Staff will be paid cash equivalent to unused earned vacation at the official date of separation. No severance allowance will be provided.

2). Reduction of Force

Separation because of the discontinuation of a project, retrenchment in budget, or for other circumstances in which the employee bears no fault, is at the discretion of the Presbytery. The Presbytery shall provide written notice of termination after consultation with the Presbytery Council. Notice will be given as early as possible for relocation and/or other employment.

When the staff member continues employment until the effective date of separation, severance pay shall be paid according to the following schedule. If the employee voluntarily terminates employment prior to the effective date of separation, severance pay will be at the discretion of the Presbytery Council.

<u>Years of Service</u>	<u>Weeks of Severance Allowance</u>
Less than 1	2
1-but less than 3	6
3-but less than 5	8
5 years and over	8 – plus 2 weeks’ salary for each year over 5 years, to a maximum of 12 weeks

3). Failure to Re-Elect

In the event Presbytery fails to re-elect the general presbyter for subsequent terms, a severance allowance is authorized in accordance with the schedule listed under **Reduction of Force**.

4). Suspension

A staff member may be suspended, with or without pay, at the discretion of the Presbytery Council, pending investigation of alleged wrongdoing or misconduct. Investigation of allegations will be undertaken promptly by the Presbytery. The person suspended shall have the right to appear before the Presbytery Council or representatives thereof, with or without advocate, in order to provide the Presbytery with facts and to defend his/her position.

5). Separation for Cause

Separation for cause shall include but not be limited to:

- Unsatisfactory performance,
- Neglect in the care and use of Presbytery property/funds,
- Significant and/or repeated violations of Presbytery policies and procedures,
- Repeated unexcused absences and/or repeated tardiness, and/or
- Any other just cause.

A staff member whose performance fails to meet position expectations and is unsatisfactory shall be counseled initially by the immediate supervisor, general presbyter, or Presbytery Council. Every attempt shall be made to correct deficiencies in performance and establish effective work patterns. A written summary of this action, together with specifics for improvement (including a timeline for follow-up, not to exceed three months) will be given to the staff member. A copy of the report will be placed in the employee’s personnel file, and copies forwarded to the Presbytery Council.

If unsatisfactory performance continues, the Presbytery Council will present specific instructions to the employee in writing, citing corrections to be made and establishing a deadline for improvement (not to exceed three months from date of notice). A formal report of this action will be placed in the employee’s personnel file, and copies of the report will be given to the employee and to Presbytery council.

If unsatisfactory performance continues beyond the deadline for improvement, the Presbytery Council shall give one month’s notice of termination or, alternatively, one month’s salary in lieu of notice. No severance pay will be allowed, but cash equivalent to

the employee's unused vacation will be paid.

XXI. TERMINATION PRACTICES FOR NON-EXEMPT STAFF

A. PRINCIPLES

- 1) The general presbyter shall prepare a written report citing specific reasons for employee's departure; and confirming the date of separation, any and all financial obligations existing between the Presbytery and the individual; and any other matters pertinent to the personnel record. A copy of the report will be presented to the Presbytery Council.
- 2) Immediate discharge for cause shall be made on the basis of substantial evidence. However, the discharge process shall not be completed without providing the staff person with the opportunity to be heard by the body that will make the final decision regarding his/her discharge.
- 3) The record of events, facts, and discussions regarding the proposed discharge of a staff person shall be treated with strict confidentiality.
- 4) Separation shall be operative without discrimination based on race, color, sex, national origin and age.

B. REASONS FOR SEPARATION/TERMINATION

1) Resignation

Voluntary separation (resignation) may take place after written notice to the general presbyter with copy to the Presbytery Council. Staff will be paid cash equivalent to unused earned vacation at the official date of separation. No severance allowance will be provided.

2) Reduction of Force

Separation because of the discontinuation of a project, retrenchment in budget, or for other circumstances in which the employee bears no fault, is at the discretion of the Presbytery. The Presbytery Council shall provide a minimum of thirty days' written notice of termination. Alternatively, the committee may provide thirty days' pay in lieu of notice. A severance allowance will be given in relation to the length of continued service as follows:

<u>Years of Service</u>	<u>Weeks of Severance Allowance</u>
Less than 1	2
1 but less than 2	6
3 but less than 5	8
5 years and over	8 – plus 2 weeks' salary for each year over 5 years, to a maximum of 12 weeks

3) Separation for Cause

Separation for cause shall include but not be limited to:

- Unsatisfactory performance,
- Neglect in the care and use of Presbytery property/funds,
- Significant and/or repeated violations of Presbytery policies and procedures,
- Repeated unexcused absences and/or repeated tardiness, and/or any other just cause.

A staff member whose performance fails to meet position expectations and is unsatisfactory shall be counseled initially by the immediate supervisor or general presbyter. Every attempt shall be made to correct deficiencies in performance and establish effective work patterns. A written summary of this action, together with specifics for improvement (including a timeline for follow-up, not to exceed one month) will be given to the employee. A copy of the report will be placed in the employee's personnel file, and a copy forwarded to the Presbytery Council.

If unsatisfactory performance continues, the general presbyter may recommend termination for cause. If the Presbytery Council concurs, written notice will be given indicating reasons for termination.

The general presbyter, alternatively, may present specific instructions to the employee in writing, citing corrections to be made and establishing a deadline for improvement (not to exceed one month from date of notice). A formal report of this action will be placed in the employee's personnel file, and copies of the report will be given to the employee and to Presbytery council.

If unsatisfactory performance continues beyond the deadline for improvement, the general presbyter and/or Presbytery Council shall give two weeks' notice of termination or two weeks' salary in lieu of notice. No severance pay will be allowed, but cash equivalent to the employee's unused vacation will be paid.

XXII. GRIEVANCE PROCESS

For the purpose of this practice, a complaint or grievance is an alleged violation of an approved personnel practice, the alleged violation of an applicable state or federal law, or alleged irregularities in the implementation of discipline.

In order to deal promptly and fairly with all complaints or grievances, the following steps are to be taken.

A. PRELIMINARY COMPLAINT PROCEDURE

Prior to filing a formal written grievance, several preliminary steps are to be taken. The complaining party must first discuss his/her problem with his/her immediate supervisor. The supervisor will make every effort to resolve the difficulty.

B. FORMAL GRIEVANCE PROCEDURE

If informal efforts to resolve a grievance have failed, a formal grievance may be filed by submitting a written statement to the moderator of the Presbytery Council, with a copy to the general presbyter and the person's supervisor. Formal grievances must be filed within forty-five (45) days of the alleged grievance.

1. The moderator of the Presbytery Council shall call a Personnel committee meeting to review the grievance with all parties concerned. The committee shall make a determination of the grievance within 45 days.
2. If the complainant is dissatisfied with the decision of the Presbytery Council, he/she may file an appeal with the Presbytery council within fifteen (15) days of the committee's determination. The Presbytery Council, in consultation with all parties concerned, shall make a final determination within 90 days. The Presbytery council shall supply all parties concerned with its decision in writing.

C. RIGHT OF ADVOCACY

It is understood that the complaining party may arrange to have an advocate with him or her at all steps in the formal process.

D. WRITTEN RECORDS

A written record of all decisions arrived at in all meetings shall be kept.

Letters of decision from the Presbytery Council or the Presbytery ~~council~~ shall contain provision for the complaining party to indicate his or her acceptance or rejection of the decision.

XXIII. RETIREMENT

The benefits plan of the Presbyterian Church (U.S.A.) is designed to make retirement at age sixty-five (65) possible with full benefits in relation to accrued pension credits. Those who work beyond age sixty-five (65) will continue to accrue additional pension credits. (See the provisions of the benefits plan for further information.)

Subject to normal performance standards, employees who desire to work beyond age sixty-five (65) may do so.

XXIV. CONTINUING EDUCATION OPPORTUNITIES

A. CAREER DEVELOPMENT

All employees will be given an annual opportunity to review and determine their short and long term goals and objectives. Such an opportunity will include at least the following:

1. A sharing of the employee's career goals and objectives, and his or her career goals and objectives as an employee of the Presbytery.
2. Sharing of the Presbytery's goals and objectives within the context of the total mission of the Presbyterian Church (U.S.A.).
3. Review and analysis of the employee's skills and knowledge in light of his or her current work assignment, and the Presbytery and employee's goals and objectives.
4. Analysis of the employee's potential career opportunities within the structure of the Presbyterian Church (U.S.A.) and the Presbytery of Wyoming.
5. Agreement by the employee and the Presbytery concerning short and long term goals and objectives.
6. Development of a projected program to help the employee develop new skills and knowledge, or refresh old skills and knowledge, which will be helpful in achieving the agreed upon objectives.

B. ANNUAL CONTINUING EDUCATION FOR EXEMPT STAFF

The purpose of continuing education is to strengthen the exempt staff in their work. It should have two results:

1. Skills development of the person, theologically and academically.
2. Added benefit to the Presbytery through increased knowledge, skills, motivation, and enthusiasm for ministry.

C. GUIDELINES OF CONTINUING EDUCATION FOR EXEMPT STAFF

Paid leave for continuing education will be granted, according to terms of employment/call and the following guidelines:

1. The Council shall approve an application detailing study plans prior to leave being taken. The Council also will receive a follow-up report upon return from study leave.
2. The Presbytery strongly encourages staff members to take study leave each year. To accommodate scheduling and/or plans for specific programs of study, up to six (6) weeks of leave may be accumulated, subject to prior approval of the Council.
3. Unused continuing education, for which a plan of accumulation has not been approved, will not be carried over from one year to the next. When staff members leave the employ of the Presbytery, whether by voluntary or involuntary separation, no compensation will be allowed for unused study leave.

D. CONTINUING EDUCATION FOR NON-EXEMPT EMPLOYEES

The general presbyter may approve up to two weeks of continuing education annually for non-exempt employees, providing that educational plans benefit the Presbytery and enhance the employee's professional development.

XXV. BENEFITS - FULL-TIME EMPLOYEES

A. SOCIAL SECURITY

Personnel are covered by the Federal Old Age and Survivors Benefits Act (social security). The employee's share of the tax is withheld from the wages of non-ordained staff. Ministers are considered self-employed for purposes of social security and taxes are neither withheld nor paid for them.

B. PENSION AND BENEFITS PLAN

A pension and medical plan is provided by the Presbyterian Church (U.S.A.) that includes provisions for retirement pensions, major medical benefits, disability income, death benefits and optional coverage for dental and death benefits and for retirement savings. The terms of the plan are contained in handbook "The Terms of the Benefits Plan of the Presbyterian Church (U.S.A.)."

C. MINISTER PARTICIPATION

All ministers of the Presbyterian Church (U.S.A.), who meet the terms for eligibility, are required to participate in the pension and benefits plan.

D. LAY EMPLOYEE PARTICIPATION

All lay employees who work at least 30 hours per week are eligible to participate in the pension and benefits plan. If an employing organization elects to cover one employee in an employment classification (exempt or non-exempt employees), it must cover all eligible employees in that classification who work at least 30 hours per week.

Information regarding status and eligibility of lay employees, exempt and non-exempt, for participation in the pension and benefits plan, will be provided to applicants during the interview, prior to employment.

E. ALTERNATE PENSION AND BENEFIT PLAN

All full-time and regular part-time exempt and non-exempt lay employees working a minimum of 20 hours per week are eligible to have paid by the Presbytery for their benefit a percentage amount based on the base salary for the purpose of providing medical and dental insurance and/or an annuity.

F. FLEXIBLE SPENDING PLAN

All employees are eligible to elect to participate in a Flexible Spending Plan (Section 125 Plan) to cover deductible and/or medical or dental expenses not covered by the Pension and Benefits Plan of the Presbyterian Church (U.S.A.) or alternate plan. Each calendar year, employees must indicate in writing their desire to participate and the dollar amount to be set aside. Reimbursements from the employee's Flexible Spending Plan account are made upon presentation of a voucher, together with receipts, for the included expense. No unexpended moneys are returned to the employee. Unspent moneys may be carried over to the following year in accordance with IRS regulations.

G. VACATION

A vacation with pay is provided for all regular employees for refreshment, relaxation, health, and work effectiveness. Vacations are not cumulative and must be used within the calendar year, except when special provision has been made by the Presbytery Council. Vacations are computed on January 1 of each year for service during the ensuing calendar year. Leave must be taken in half-day increments.

It is expected that vacation will be taken at a time convenient to the work of the Presbytery and the employee. Family commitments may call for unique scheduling and every effort will be made to make necessary adjustments.

Normally, the dates of vacation must be approved at least a month in advance by the supervisor(s) and the general presbyter. During the remainder of the calendar year in which an employee begins work, vacation will be prorated on the following ratio:

Exempt

Full-time exempt employees are entitled to 2½ days per month vacation per year, accumulative up to 30 calendar days annually (22 working days). All teaching elder employees shall have vacation and continuing education allowance minimums corresponding to the Presbytery of Wyoming minimum for installed teaching elders as established by Committee on Ministry.

Non-Exempt

Full-time non-exempt employees are entitled to annual paid vacation. Vacation will be credited after six months of employment. At that time, five (5) days will be credited and after one (1) year, another five days, so that a total of ten (10) working days will be earned annually until the completion of five (5) years continuous employment. The annual paid vacation entitled to non-exempt employees is according to the following schedule:

Service up to 1 year	5 working days
Service from 1 - 5 years	10 working days

Service from 6 - 11 years	15 working days
Service from 11 - over	20 working days

Part-time non-exempt employees who work more than 20 hours per week are entitled to 8 vacation days per year.

Refer to termination policies regarding earned vacation, as applicable.

H. HOLIDAYS

Presbytery recognizes the following holidays. Saturday holidays will be observed on Friday, and Sunday holidays will be observed on Monday. There are 15 paid holidays:

- New Year's Eve Day
- New Year's Day
- Martin Luther King Day
- Presidents' Day
- Good Friday
- Memorial Day
- Juneteenth National Independence Day
- Independence Day
- Labor Day
- Columbus Day/Indigenous Peoples Day
- Veterans Day
- Thanksgiving Day
- Day after Thanksgiving
- Christmas Eve Day
- Christmas Day

If a holiday falls within a vacation period, an extra day of vacation is granted.

I. SICK LEAVE

Regular full-time non-exempt employees accrue 12 working days sick leave per year, with unused days cumulative to 60 working days. Sick leave entitlement during the first year of employment will be pro-rated according to the length of employment. Absences that occur after the allowed 12 working days sick leave shall be without pay. Leave must be taken in half-day increments.

Exempt employees accrue 12 working days sick leave per year, credited at the beginning of each calendar year. The first year of employment, exempt employees receive sick leave credits according to the number of months remaining in the calendar year. Leave must be taken in half-day increments.

The maximum accumulation of 60 days of sick leave applies to all full-time employees. Sick days may be used for personal injury or illness or for illness or injury in the immediate family. "Immediate" is defined in the section entitled "Bereavement Leave." At time of termination of employment (either voluntary or involuntary) an employee shall have no claim for pay in lieu of unused sick leave. When medical leave is anticipated, advance notification should be given.

Regular part-time non-exempt employees accumulate 5 working days sick leave per year up to 60 days.

J. WORKER'S COMPENSATION INSURANCE

All employees in all locations are covered by the worker's compensation law of the state of Wyoming. This provides coverage for on-the-job illness and injury. State-set premiums are paid by the Presbytery for coverage, as required by law.

K. PARENTAL LEAVE

Parental leave shall be in accord with the policies of the POW Committee on Ministry Manual as may be updated from time to time.

L. LEAVES OF ABSENCE WITH PAY

Leaves of absence, with pay or partial pay, are provided under the following circumstances with approval by the general presbyter:

- a) Regular training period of the U.S. armed forces (maximum of two weeks). Since most such service includes military pay, the pay liability of the Presbytery will be to make up the difference, if any, between the employment salary and the military salary.
- b) For jury duty (under normal circumstances, jury pay is to be returned to the employer).
- c) For marriage of an employee who has been with the Presbytery for one (1) year or longer, up to 3 days.
- d) For personal and family emergencies, up to 3 days annually.
- e) Bereavement leave: in the event of death in the immediate family (spouse, child, sibling, parent, parent-in-law, grandparent or relative in the same household), three (3) consecutive days will be given with pay. If an employee must travel, generally out of state, to attend the funeral of spouse, children, or parents, up to five (5) consecutive days will be allowed as leave with pay. In the event of the death of another relative, up to three (3) consecutive days with pay will be given.

M. LEAVES OF ABSENCE WITHOUT PAY

Leaves of absence without pay are provided under the following conditions with the approval of the general presbyter in consultation with the Presbytery Council.

Medical

Medical leaves of absence without pay are provided typically for injuries due to auto accident, surgery and recovery, pregnancy (maternity), serious illness, etc. These leaves are subject to approval of the general presbyter in consultation with the Presbytery Council. Medical leaves of absence are extended normally to employees who have completed one (1) year continuous service.

Maternity/Adoption

Parental leave shall be in accord with the policies of the POW Committee on Ministry Manual as may be updated from time to time

Paternity

Parental leave shall be in accord with the policies of the POW Committee on Ministry Manual as may be updated from time to time

Military

For military service of an employee who has been with the Presbytery for three (3) months upon return, every effort will be made to place the employee in a position with like seniority and status and salary.

Other

For any other reasons determined adequate by the general presbyter and the Presbytery Council.

XXVI. BENEFITS - PART-TIME EMPLOYEES

Part-time employees are employed less than 40 hours per week. If they are not temporary and if they work at least 20 hours per week, they are eligible for the following:

1. Holiday pay, if the holiday falls on one of the regularly scheduled working days; payment is in the number of hours normally worked that day.
2. Jury duty pay.
3. Vacation and sick pay in proportion to hours worked each week and as described in personnel policies.
4. Worker's compensation.
5. Severance allowance in proportion to hours worked each week.
6. Social security participation.

7. Benefits plan as described in personnel policies.

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

XXVII. AFFIRMATIVE ACTION/EQUAL EMPLOYMENT OPPORTUNITY

In determining its own witness to the world and its service to humanity, the Church of Jesus Christ is bound by the Gospel mandate to “announce good news to the poor, to proclaim release for prisoners and recovery of sight for the blind, to let the broken victims go free, to proclaim the year of the Lord’s favor.” Thus it sounds the note of liberation, reconciliation and healing, and calls all persons to the more abundant life in Christ.

In the modern world such a mission has many implications, one of which is the removal of discriminatory practices that deny individuals the opportunity to achieve their highest employment potential. Therefore, it is the practice of the Presbytery of Wyoming to:

- Provide equal opportunity in employment and upward mobility for all qualified and qualifyable persons;
- Prohibit discrimination in employment because of race, religious affiliation, color, national origin, sex, age, marital status or disability; and,
- Promote the full realization of equal employment opportunity through a positive and continuing program of affirmative action.

Affirmative action is the execution of a set of specific and result-oriented procedures designed to eliminate both conscious and unconscious discriminatory employment practices in order to ensure equal employment opportunity. Affirmative action goes beyond the prohibition of discrimination, to ensure that recruiting, training, hiring, and promotion practices are non-discriminatory.

In accordance with the Presbyterian Church (U.S.A.) plan for AA/EEO, the Presbytery of Wyoming will:

1. Recruit, hire, call, train, and promote all persons in all positions without regard to race, color, national origin, sex, age, marital status, or disability.
2. Periodically conduct analysis of all personnel policies and actions to ensure equal employment opportunity for exempt and non-exempt personnel.
3. Provide equal opportunities in training during employment for all staff personnel.
4. Ensure that all other personnel actions will be administered on a non-discriminatory basis.
5. Develop uniform and comprehensive guidelines and procedures for the recruiting, screening, interviewing, and employment of exempt and non-exempt personnel.

The AA/EEO practice will implement *Book of Order* provisions G-11.0103(d), G-11.0502(f), G-12.0102(d), G-13.201(b), G-14.502] and the “Churchwide Plan for EEO.” No person shall be employed in any position requiring ordination unless the Presbytery is assured that at least one qualified or qualifyable person in an equal employment opportunity category (racial/ethnic, woman, and other) has been interviewed and heard in person. This **policy** will also apply to persons employed in staff positions.

XXVIII IMPLEMENTATION

The Presbytery Council, through the Presbytery will implement this policy and these related practices by:

1. Inclusion in the personnel manual and distributing it to all employees.
2. Interpret and review this section to all employees as they are employed.
3. Monitor the employment practices of Presbytery staff and the development of position descriptions, and provide reports to the Presbytery on implementation.

XXIX: REVISIONS TO THE PERSONNEL MANUAL

Presbytery may revise, amend or replace personnel policies and practices upon the advice and

recommendation of the Presbytery Council without concurrence or additional consideration of employees. Copies of the personnel manual shall be available from the Presbytery and shall be placed with members of staff, the stated clerk, Presbytery moderator, and Presbytery Council.

NOTE: Dates at the bottom of page indicates date of original adoption or date of revision of material on that particular page whichever is most recent.