

# PERSONNEL

## POLICY MANUAL

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of Eastern Michigan

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# PERSONNEL POLICY MANUAL

Episcopal Diocese of Eastern Michigan  
as adopted by the Diocesan Council

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# **1. WORKPLACE VALUES IN THE EPISCOPAL CHURCH**

Believing in the call to the Church to strive for justice and peace among all people, and to respect the dignity of every human being, The Episcopal Church seeks to promote professional employment environments that offer opportunity for development and advancement. The Church's commitment to this is summed up in the widely accepted "Golden Rule":

**"In everything, therefore, treat people the same way you want them to treat you...." (Matthew 7:12a)**

Following is a summary of the mutuality of the employer/employee relationship we seek to foster:

## **WHAT YOU CAN EXPECT FROM US**

- Fair pay and benefits
- Written employment policies
- A workplace in full compliance with the law
- A workplace free of harassment and violence
- Performance appraisals based on written job descriptions
- Training and development
- A safe workplace

## **WHAT WE EXPECT FROM YOU**

- Teamwork
- Performance to your fullest potential
- Observance of the law and these workplace values
- A commitment to quality
- Honesty, truthfulness and integrity
- Support of the mission of the organization

## **WHERE TO GO FOR HELP IN RESOLVING AN EMPLOYMENT ISSUE**

Should a workplace conflict arise, it is recommended that these steps be followed:

- Try to resolve the issue with the person directly involved
- If you feel you cannot do this, or if doing so does not bring resolution, contact your supervisor for help
- If the conflict is with your supervisor and cannot be resolved by speaking to him or her, you should seek the help of the person in authority above your supervisor

## 2. EMPLOYMENT POLICY AND PROCESS

All Employees will be screened according to Employment Process (See FORM H)

1. If at any time the Employer fails to enforce any policy set forth in this Employee Handbook, such failure shall not affect the Employer's ability to enforce such policy at a later date. If any provision of this Employee Personnel Policy Manual is inconsistent with applicable law, such provision shall be deemed modified to the minimum extent possible to bring it into compliance with such application law.

The policies in this document are only guidelines. This document is not a contract of employment.

### REVISIONS

The contents of this policy are subject to change at any time without notice by the Diocese.

#### 1. Organizations Affected

All congregations, Diocesan employees, and church-owned or affiliated institutions in the Diocese of Eastern Michigan.

#### 2. Definitions

##### EMPLOYEE

An individual who performs prescribed services for compensation.

Employment status based on actual hours worked for compensation purposes as follows:

- \* Full time - 29 to 40 hours per week
- \* Part time - at least 20 but less than 29 hours per week
- \* Casual - less than 20 hours per week
- \* Temporary - Further, some employees may be classified as "Temporary". A temporary employee is one who is scheduled to work, either on a full-time or part-time basis, but who has been hired with the understanding that his/her employment shall terminate upon completion of a specific assignment or project.

##### A) NON-EXEMPT EMPLOYEE

An employee who is not exempt from the overtime provisions of the Fair Labor Standards Act. Unless specifically "exempt," an employee is presumed to be "non-exempt."

##### B) CLERGY EMPLOYEE

An employee who has completed a course of study in preparation for the ministry and who has been ordained or received as a Deacon or Priest in The Episcopal Church or other clergy approved by the Bishop. This includes deacons, priests, and bishops serving the Church in any capacity.

##### CONTRACT WORKER

An individual who is contracted and paid according to a specific agreement (not employed) to produce certain results. Where the employer does not determine the hours, means, etc., a contract relationship is presumed. (For further guidance, consult the current year's edition of Worth, B.J., *Income Tax Guide for Ministers and Religious Workers* and IRS Publication 15-A, *Employees' Supplemental Tax Guide*). The Internal Revenue Service is the final arbiter to whether an employer-employee or contract worker relationship exists in each case).

## ***Exempt Employee Pay & Unacceptable Pay Deductions***

### **A. THE FAIR LABOR STANDARDS ACT, EXEMPTION FROM OVERTIME & THE “SALARY BASIS” REQUIREMENT**

The Fair Labor Standards Act (the “FLSA”) is a federal law that requires certain employees to be paid at least the federal minimum wage for all hours worked and overtime pay at time and one-half the regular rate of pay for all hours worked over 40 hours in a workweek.

The FLSA, however, provides an exemption from both minimum wage and overtime pay for employees employed as bona fide “executive,” “administrative,” “professional,” and “outside sales” employees and certain “computer” employees. To qualify for an exemption under the FLSA,<sup>1</sup> an employee generally must meet certain tests regarding his/her job duties and be paid on a salary basis<sup>2</sup> at not less than \$455 per week. Job titles do not determine exempt status. Status must be specified in job description.

### **B. “SALARY BASIS” UNDER THE FLSA**

To be paid on a “salary basis” under the FLSA means that an exempt employee regularly receives a predetermined amount of compensation each pay period on a weekly, bi-weekly, or monthly basis. In accordance with FLSA regulations, except in certain circumstances, an exempt employee who is required to be paid on a salary basis must receive his/her full salary for any workweek in which the employee performs any work, regardless of the number of days or hours worked and regardless of variations in the quantity or quality of the work performed. An exempt employee does not, however, need to be paid for any workweek in which they perform no work. If an employer makes impermissible deductions from an employee’s predetermined salary, that employee is not paid on a “salary basis” and the exemption from overtime pay may no longer apply.

### **C. PERMISSIBLE/IMPERMISSIBLE DEDUCTIONS FROM PAY UNDER THE FLSA**

Subject to the exceptions listed below, an exempt employee who is required to be paid on a salary basis must receive his/her full salary for any workweek in which he or she performs any work, regardless of the number of days or hours worked.

#### **1. Circumstances in Which the Employer May Make Deductions from Pay**

Deductions from an exempt employee’s pay are permissible under the FLSA in the following limited circumstances:

- When an exempt employee is absent from work for one or more full days for personal reasons, other than sickness or disability (if an exempt employee works any part of a day, the employee must be paid in full for such day).
- For absences of one or more full days due to sickness or disability if the deduction is made in accordance with a bona fide plan, policy, or practice of providing compensation for salary lost due to the sickness or disability (if an exempt employee works any part of a day, the employee must be paid in full for such day). For example, if an employer maintains a short-term disability plan providing salary replacement for 12 weeks starting on the fourth day of absence, the employer may make deductions from pay for the 3 days of absence before the employee qualifies for benefits under the plan; for the 12 weeks in which the employee receives salary replacement under the plan; and for absences after the employee has exhausted the 12 weeks of salary replacement benefits.

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<sup>1</sup> This policy is not intended to address or explain applicable state requirements governing the classification of exempt employees. Since state laws may impose different requirements for exemptions, an employee could be considered “exempt” under the FLSA but not under state law; or vice versa.

<sup>2</sup> These salary requirements do not apply to outside sales employees, teachers, and employees practicing law or medicine. Exempt computer employees must be paid either at least \$455 on a salary basis or on an hourly basis at a rate no less than \$27.63 per hour.

- To offset any amounts received by an exempt employee as jury or witness fees, or for military pay.
- For penalties imposed in good faith for infractions of safety rules of major significance. Such rules include those relating to the prevention of serious danger in the workplace or to other employees, such as rules prohibiting smoking in explosive plants, oil refineries, and coal mines.
- For unpaid disciplinary suspensions of one or more full days imposed in good faith for violation of workplace conduct rules. Such suspensions must be imposed pursuant to a written policy applicable to all employees. For example, an employer may suspend an exempt employee without pay for three days for violating a generally applicable written policy prohibiting sexual harassment. Similarly, an employer may suspend an exempt employee without pay for twelve days for violating a generally applicable written policy prohibiting workplace violence.
- Deductions made during the first and last week of employment if the exempt employee only worked a portion of such weeks.
- Deductions for weeks in which an exempt employee takes unpaid leave under the Family and Medical Leave Act.

## 2. **Impermissible Deductions**

In all other circumstances, it is impermissible to make deductions from the pay of exempt employees required to be paid on a salary basis. For example, an employer may not make deductions from an exempt employee's predetermined salary for absences occasioned by the employer or because of the operating requirements of the business. If the employee is ready, willing and able to work, deductions may not be made for time when work is not available. Other examples of impermissible deductions include deductions in pay resulting from absences due to jury duty, attendance as a witness and temporary military leave.

### **D. EMPLOYER POLICY**

It is the **Employer's** policy to comply with the salary basis requirement of the FLSA. The **Employer** prohibits all managers and supervisors from making any improper deduction from the salaries of exempt employees.

### **E. COMPLAINT PROCEDURE**

If the employee is exempt, and believes that an improper deduction has been made to their salary, the employee should immediately report this information to the **staff person who performs human resources functions**. The **Employer** will promptly investigate reports of improper deductions. If the **Employer** determines that an improper deduction was made, the affected employee(s) will be promptly reimbursed for such improper deduction.

## ***Equal Employment Opportunity***

The **Employer** is committed to and fully supports the principle of equal employment opportunity.

In accordance with General Convention Resolution D032: 76<sup>th</sup> General Convention, 2009, the **Employer** will not discriminate in lay employment on the basis of an individual's race, color, sex, national origin, age, familial status, disability, sexual orientation, general identity, or gender expression.

Classifications protected by General Convention Resolution D032 (or any other internal Church canons, resolutions, policy or practice (whether issued by General Convention or Diocesan Convention)) are not, and will not be, considered in any decision regarding recruitment, hiring, training, promotion, transfer, lay off, termination, classification, compensation, benefits or other employment action.

All employees are responsible for supporting the concept of equal employment opportunity and diversity and assisting the **Employer** in meeting its objectives.

***\*\*\*Nothing contained in this Policy is intended to create a legal right where none would have existed in the absence of this Policy or General Convention Resolution D032: 76<sup>th</sup> General Convention, 2009 (or any other internal Church canons, resolutions, policy or practice (whether issued by General Convention or Diocesan Convention)), nor does the Employer concede that it is covered by or subject to any federal, state or local laws.***

***\*\*\*Nothing contained in this Policy is intended to alter the Employer's right to make employment decisions with respect to clergy and other individuals who fall within the ministerial exemption under applicable law(s).***

#### LIVING WAGE

Resolved, that the Diocesan Council of the Episcopal Diocese of Eastern Michigan calls upon the congregations and affiliated organizations of the diocese to promote the enactment of a "living wage" plus family health benefits, in the cities and communities in which they live, as the minimum acceptable norm for all working people; and be it further

Resolved, that the above standard be likewise urged upon all congregations and affiliated organizations of this diocese as the minimum acceptable norm in the compensation of their employees.

(Adapted from Resolution 1997-D082, 72<sup>nd</sup> General Convention)

#### WORKER'S COMPENSATION

Section 411/2a of the Worker's Compensation Act of the State of Michigan as amended requires that any employer (including churches) who regularly employs three (3) or more employees at one time and any employer who regularly employs less than three (3) employees, if at least one (1) of them has been regularly employed by that same employer 35 or more hours per week for 13 consecutive weeks or longer during the preceding 52 weeks, shall carry Worker's Compensation Insurance.

Provisions of the law relate to the responsibility of employers for injury sustained on the job. All such injuries or other abnormal health conditions caused by or through employment must be reported at once to the employer and a written report filed. For compensation benefits, all cases must be referred to and treated by the designated physician of the insurance company.

All churches required to carry Worker's Compensation Insurance shall do so either through the Diocesan Plan or through another insurer.

#### OVERTIME COMPENSATION

The Fair Labor Standards Act (as amended 1977) provides that all hours worked in excess of 40 hours per week by any non-exempt employee must be compensated at one and one-half (1.5) of the employee's regular rate of pay. All overtime hours must be paid. Non-exempt employees may not take compensatory time off in lieu of overtime pay.

#### EMPLOYMENT "AT WILL"

Lay employment relationships with the **Employer** are based on a mutual covenant between the individual worker and the **Employer**. This is a voluntary relationship entered into and continued between the individual and the **Employer**. As a mutually voluntary relationship, the lay employment relationship is of an indefinite duration, but it may be terminated by either the **Employer** or by at-will employees, at any time with or without cause for any reason (except an unlawful reason) or no reason, at any time with or without prior notice. Additionally, the **Employer** reserves the right to modify lay employees' employment, including demotion (e.g., a change in title or a decrease in salary or number of hours worked), at any time with or without cause for any reason (except an unlawful reason) or no reason, at any time with or without prior notice. This relationship is defined as employment "at-will."

#### DATE OF HIRE

For a person employed by the Diocese of Eastern Michigan the Date of Hire is the Date on which that person was placed on the payroll of the Diocese of Eastern Michigan. For a person employed by a congregation or other church-owned or affiliated institution the Date of Hire is the date at which that person was placed on the payroll of the congregation or other institution. For a person returning to work for an employer after a termination of employment the new Date of Hire is the date on which that person is again placed on the payroll of that same employer. For a person returning to work after any leave of absence the Date of Hire is the original date on which that employee was placed on the payroll of the employer.

#### LETTER OF UNDERSTANDING

An agreement between an employee and the employer shall be written, stating, among other items, duties, compensation, benefits, professional development and renewal, and sabbatical plans, with timeliness and a system for periodic mutual review and revision. The agreement shall include only those specific items that are appropriate for lay or clergy positions.

#### MINIMAL PROVISIONS

**The provisions outlined in the Manual are intended to be the minimum general requirements. Compensation and benefits greater than these provisions are certainly not precluded thereby.**

#### POLICIES

The following Policies apply to all employees (among others) and are filed in the Appendix of this Manual.

- \*Positive Work Environment Policy. (Appendix A)
- \* Policy Concerning Safe Church (Section 9 & 10)

### *Special Accommodations*

#### *1. Reasonable Accommodation for Disability*

##### **OPTION A:**

The **Employer** is committed to complying with all applicable laws that prohibit discrimination in employment of qualified individuals with disabilities. Reasonable accommodation for employees with disabilities may be required. **Further, in accordance with General Convention Resolution A081: 76<sup>th</sup> General Convention, 2009, the Employer will make those reasonable accommodations necessary for the full participation of employees or volunteers with disabilities who attend conferences or meetings on behalf of the Employer.**

Employees are encouraged to inform the [staff member who performs human resources functions] of any physical or mental disability that may require a reasonable accommodation to allow the employee to perform the essential functions of their position, and to suggest reasonable accommodations. **Similarly, in accordance with General Convention Resolution A081: 76<sup>th</sup> General Convention, 2009, disabled employees or volunteers who attend conferences or meetings on behalf of the Church should contact the [staff member who performs human resources functions] if they need a reasonable accommodation in order to fully participate in such conferences or meetings.]** Medical documentation will be required to assist in this process. Any information obtained by the **Employer** that relates to employees' physical and mental disabilities will be treated as confidential medical information and will be maintained pursuant to Policy No. 1003. **Any medical information obtained that relates to volunteers will similarly be treated as confidential.**

#### *2. Reasonable Accommodation for Religion*

The **Employer** is committed to complying with all applicable laws that require employers to reasonably accommodate an employee or prospective employee whose sincerely held religious belief, practice and/or observance conflicts with a work requirement.

If you have a conflict with a work requirement due to a sincerely held religious belief, practice, and/or observance, you should promptly inform **your supervisor**. Each employee requesting a religious accommodation must cooperate with the



**Employer's** efforts to determine whether a reasonable accommodation can be granted. The **Employer** will review and individually assess each request for a religious accommodation, in accordance with applicable law.

### ***3. Right of Nursing Mothers to Express Breast Milk***

The Employer will provide [*OPTION 1*: reasonable paid break time]. The Employer will make reasonable efforts to provide a room or other location, in close proximity to the work area, where an employee can express milk [or breastfeed] in privacy.] The Employer will not discriminate in any way against an employee who expresses breast milk [or breastfeeds] in the work place in accordance with this policy.

### 3. COMPENSATION

#### 1. Determining Compensation

- a. Compensation as defined consists of such items as salaries, wages, housing and utility allowances. It does not include the standard benefits as set forth below, nor does it include reimbursement for travel and other reasonable and ordinary professional or business expenses.
- b. Minimum compensation standards for Supply Clergy will be found in the Appendix D section of this Manual.
- c. For retired clergy (under 65 years of age) only: the minimum half-time base Compensation amount is defined as the maximum amount which retired clergy can earn and still be eligible for pension benefits, as designated by the Church Pension Fund (For the year 2011, this amount is \$34,000), or, half of the actual full-time amount as calculated using the methodology in the Appendix, whichever is lower.

#### 2. Social Security and Medicare

In accordance with applicable law, the **Employer** will make mandatory deductions to lay employees' compensation for Social Security and Medicare, and will pay the **Employer's** portion of such taxes. "Ministers" who are "performing ministry" are generally treated as self-employed for purposes of Social Security and Medicare. Episcopal clergy should consult their tax advisor and discuss their Social Security and Medicare tax status with the **Employer**.

#### 3. Forms to be Completed When Hiring

When hiring or re-hiring ANY employee, lay or clergy:

A. The Employer **MUST** have the newly hired employee complete the following Federal and State forms:

1. **W-4** (Federal) pertaining to Federal Withholding Taxes to be withheld and forwarded by the employer. The completed form is to be retained in the annual payroll file. Clergy are to leave blank Line 5, enter any voluntary amount to be withheld on Line 6, write in the box of Line 7 "See \* below," sign and date the form, and write in below the bottom line of the form (with "Cat. No. 10220Q" right underneath it) "EXEMPT per Section 3401(1)(9) of Internal Revenue Code."

Note: An employer must forward a copy of the W-4 of any employee claiming to be exempt from withholding to the IRS with the next filing of Form 941 and also must report annually (see Section 4 below).

2. **MI W-4** (State) pertaining to state Withholding Tax to be withheld and forwarded by the employer. The completed form is to be retained in annual payroll file. Clergy employees are to leave blank the box for Line 6, check the box on line 8.b, and fill in "EXEMPT per Section 3401(1)(9) of Internal Revenue Code" for explanation; and mark any voluntary amount to be withheld on Line 7.

Note: the State does not require the annual resubmission of a copy of Form MI W-4 for employees who are exempt from Withholding Tax that is required of the Federal Form W-4 by the IRS. However, a new MI Form W-4 should be completed when the voluntary amount to be withheld, if any, is to be changed.

3. **IN-9** (Immigration and Naturalization Service) pertaining to employee's legal qualification to hold a job (whether citizen or resident alien). The completed form is to be retained in the Employee's Personnel file for INS inspection.

B. The following report **MUST** be made within 20 days of the employee's first day on the job or return to work:

For ALL (clergy and lay) employees: a copy of the MI W-4 must be sent to:

Michigan New Hire Operations Center  
PO Box 85010

Lansing, MI 48908-5010

The employer must add employer's name, address, and Federal Employer Identification Number (FEIN "tax exempt" number) to the form completed by the employee. This will satisfy requirements of the Michigan New Hire Reporting

Program. All exempt-from-withholding employees (e.g. clergy) must use this manner, and it is optional for others, so the employer should most easily plan to use it for all new and re-hires. This is also required for all employees who are returning to the payroll after a lapse of employment and are completing a new MI-W4 as a part of their return to work.

- C. The following report MUST be made within 15 days after the end of the month in which it was received:

For all employees claiming (1) more than 9 exemptions, (2) exempt from withholding (e.g. clergy), or (3) "no form" Michigan Income Tax filing: a copy of the MI W-4 must be submitted to:

Individual Taxes Division  
Michigan Dep't of Treasury  
Lansing, MI 48922

(see also *Michigan Income Tax Withholding Guide*, page 3)

- D. All employees and other persons covered by the "Prohibition Against Sexual Exploitation and Anti-Discrimination and Protection of Children and Youth" (see Section 9 & 10 of this manual) are to be provided with a copy of that Policy. It is recommended that a record of the education and training required by that Policy be also kept in the appropriate Personnel or other file.
- E. Benefit Enrollment  
Consult *Personnel Policy Manual*, Section 4, Benefits.

#### **4. Reporting to Internal Revenue Service**

All salaries and withholding are to be reported quarterly on Form 941.

All employees are to receive a Form W-2 (Statement of Earnings) by January 31 covering the previous year. All contract workers, etc. receiving \$600.00 or more are to receive a Form 1099 Misc. by January 31 covering the previous year.

Any allowances of whatever type (except housing/furnishings and utility allowances) are to be reported on Form 941 and W-2 UNLESS they were subject to and accounted to a qualified, specific expense reimbursement plan of the employer.

The IRS requires all employers to report premium values for employer-paid group life insurance in excess of \$50,000. The policy for up to \$50,000 offered by Church Pension Group to active clergy is to be included in calculating the total amount of this insurance. The IRS issues specific rates to be used to calculate the reportable premium on the insured amount in excess of \$50,000, according to the age of the employee. This rate schedule is NOT the same as the actual cost. The rate schedule and instructions may be obtained from the Diocesan Administrator.

Annual reporting of employees who claim exemption from Withholding Tax:

An employer must forward a copy of the W-4 of any employee claiming to be exempt from withholding to the IRS with the next filing of Form 941 (the quarterly withholding report) after the W-4 is submitted to the employer. Also, an exempt-from-withholding employee must submit a new W-4 by February 15 of each year thereafter, and the employer must submit a copy with the first quarter's Form 941 each year. An employee who is not claiming to be exempt from Withholding Tax is not required to submit a new W-4 to the employer each year, but only when the number of exemptions or filing status is being changed. Employers should have IRS Publication 15 "Circular E, Employer's Tax Guide" for questions about withholding.

#### **5. Whom to Contact for What**

Form W-2, W-4, 941	Internal Revenue Service 1-800-TAXFORM
Form MI W-4	Michigan Dep't of Treasury 1-800-FORM2ME
Form IN9	Diocesan Office (Katharine Rose) 1-877-752-6020
Sexual Misconduct Policy	Personnel Policy Manual/Dioc. office
Clergy Pension information -enrollment, claims, billing, questions	Church Pension Fund 1-800-223-6602
Lay Pension information -enrollment, claims, billing, questions	Church Life Insurance Co. 1-800-223-6602
Group Life Insurance, Health Insurance, and Disability Insurance -enrollment, claims, questions	Diocesan Office Molly Girard 924 N. Niagara St. Saginaw, MI 48602 989-752-6020/Toll Free 877-752-6020
-BILLING and INVOICE questions	Medical Trust 1-800-223-6602
Michigan Withholding Tax Questions	Mich. Dep't of Treasury Sales, Use, & Withholding Tax Div 517-373-3190
Federal Withholding Tax Questions	Internal Revenue Service 1-800-829-1040
General Questions, help with any of above	Dioc. Administrator 1-877-752-6020

## 4. BENEFITS

### *Official Plan Documents & Reservation of Rights*

Please note that the information provided to you in Section 4 (“Benefits”) of this manual is provided to you for informational purposes only and should not be viewed as investment, tax, legal or other advice. In the event of a conflict between the information contained in this Handbook and the official plan documents, the official plan documents will govern. The **Employer** retain[s] the right to amend, terminate or modify the terms of any benefit plans described in this manual at any time, without notice and for any reason.

#### 1. Pensions

##### LAY EMPLOYEE PENSIONS

All lay employees, who are working 1,000 or more regularly scheduled hours per year are to be enrolled in one of the two Church Pension Plans (Defined Contribution Plan or Defined Benefit Plan).

Requests for enrollment materials, billing, claims, and other inquiries should be directed to:

Church Pension Fund  
Attn: Lay Pension Administration  
445 Fifth Avenue  
NY, NY 10016  
Telephone: 1-800-223-6602  
[www.cpg.org](http://www.cpg.org)

##### CLERGY EMPLOYEE PENSIONS

Title I, Canon 7 of the General Convention Canons and Title 1, Canon 14 of the Canons of the Diocese of Eastern Michigan provide that each congregation or other ecclesiastical organization shall pay its required assessments for coverage of its clergy under the Church Pension Fund. Pension assessments must be paid for **ALL** active or retired clergy engaged in full-time, part-time, supply, or interim work that continues for at least 3 consecutive months and where they receive over \$200 per month, not including reimbursement of travel expenses.

##### BILLING AND PAYMENTS

Assessments are payable in advance with notices of payments due mailed to the Treasurer of the church unit on a quarterly basis during the first weeks of January, April, July, and October. Monthly billing is available upon request to the Church Pension Fund.

Annual interest at the rate of not less than 5% per year is required on late payments made after 90 days from the due date.

Overdue assessments can be paid, provided that only with the Church Pension Fund Trustees’ approval can they also be accepted from a church unit within two years as long as the covered clergy are living, under age 60, and not disabled. (NOTE: Should assessments be more than six months in arrears, status of the covered clergy will change from “fully covered” to “partially covered” or to “inactive.” The lump sum benefits are not payable and disability and survivor coverage is limited for clergy who are “partially covered” or “inactive.”

Enrollment, billing, claim, benefit, and other inquiries should be directed to:

The Church Pension Fund  
445 Fifth Avenue  
NY, NY 10016  
Telephone: 1-800-223-6602  
[www.cpg.org](http://www.cpg.org)

## **2. Group Life Insurance**

### **LAY EMPLOYEES**

All full-time and part-time employees under the age of 65 (working 1,000 or more regularly scheduled hours per year) are to be covered under the Diocesan group life policy in the amount of twice their annual salary, with a minimum of \$10,000 and a maximum of \$100,000. Benefits begin to reduce at age 65.

Coverage for part-time, and full-time (1,000 or more regularly scheduled hours per year) lay employees is effective the 1<sup>st</sup> of the month following date of hire. Part-time lay employees must be over age 21 and work a minimum of 6 months per calendar year.

Listed dependents are insured for \$2000 each. Amount of coverage will be computed annually.

Each Employing congregation is responsible for notifying the Diocesan Administrator in writing of any change in employment or dependent status.

Supplemental Life insurance is available for part or full time employees to purchase at their own expense. Coverage to insure themselves, spouse/domestic partners and children is available under the Supplemental Life insurance policy.

### **CLERGY EMPLOYEES**

All clergy employees under the age of 65 (working 1,000 or more regularly scheduled hours per year) are to be covered under the Diocesan group life policy in the amount of twice their annual salary (including housing and utilities) with a minimum of \$10,000 and a maximum of \$100,000. Benefits begin to reduce at age 65.

Coverage for part-time and full-time (1,000 or more regularly scheduled hours per year) clergy employees is effective the first day of the month following date of hire. In consideration of above policy it is strongly recommended that employees be started on the first day of the month.

Listed dependents are insured for \$2000 each during active employment.

Amount of coverage will be computed annually. Accidental death and dismemberment coverage is effective up to age 65 or retirement, whichever comes first.

Supplemental Life insurance is available for part or full time employees to purchase at their own expense. Coverage to insure themselves, spouse/domestic partners and children is available under the Supplemental Life insurance policy.

Waiver of benefits: Clergy employees eligible for any amount in excess of \$10,000 may voluntarily accept only \$10,000 upon written notification to the Diocesan Administrator (please call the Diocesan Office to receive form).

Each Employing congregation is responsible for notifying the Diocesan Administrator in writing of any change in employment or dependent status.

### **FOR ASSISTANCE**

Request for enrollment materials, claims, and other inquiries should be directed to  
Diocesan Office  
Molly Girard

924 N. Niagara St.  
Saginaw, MI 48602  
989-752-6020/Toll Free 877-752-6020

Invoice inquiries should be directed to:

Medical Trust  
445 Fifth Ave  
New York, NY 10016  
800-223-6602

### **3. Disability Insurance**

Partial and total disability benefits for both clergy and lay employees may be coordinated with other disability benefits such as Social Security, Church Pension Fund, etc.

Lay employees are to first use available sick days; after 90 days disability insurance benefits may be used.

Clergy employees are covered in the following way:

“If a prolonged illness is deemed to be eligible for short-term disability coverage, then the clergy employee shall be maintained on sick leave with full pay during the short-term disability policy’s coverage, including the 30-day waiting period. Short-term disability benefits are paid directly from the insurer to the employing church.”

“If a prolonged illness is not deemed to be eligible for short-term disability coverage, then the clergy employee shall be maintained with full pay during the first 13 consecutive weeks of illness.”

All employees working 1,000 or more regularly scheduled hours per year are to be enrolled in the Diocesan Disability Insurance Policy.

Coverage for part-time and full-time (1,000 or more regularly scheduled hours per year) lay employees is effective the first of the month following 30 days of employment.

Coverage for part-time and full-time clergy employees is effective as of the 1<sup>st</sup> of the month following date of hire. This coverage is provided by Church Pension Group. In consideration of the above policy it is strongly recommended that employees be started on the 1<sup>st</sup> day of the month.

If congregations choose to hire on a day other than the 1<sup>st</sup> of the month they must inform the new employee of the above policy.

Request for enrollment materials, claims, and other inquiries should be directed to

Diocesan Office  
Molly Girard  
924 N. Niagara St.  
Saginaw, MI 48602  
989-752-6020/Toll Free 877-752-6020

Invoice inquiries should be directed to:

Medical Trust  
445 Fifth Ave.  
New York, NY 10016  
800-223-6602

#### 4. Comprehensive Medical and Dental Insurance

##### MANDATORY and RECOMMENDED COVERAGE

Full-time clergy and other full-time employees (working 1,500 or more regularly scheduled hours per year) are to be enrolled in one of the medical insurance programs offered through the National Church Medical Trust. Employees may only opt out if they have comparable or better coverage than offered by Employer. However, should an employee opt to not take medical insurance coverage, it is suggested that the employer offer an investment such as an annuity or other such investment equivalent to the premium of a single person in the name of the employee. The employer may opt to provide benefits to part-time employees and allow the employee to pay half of the premium and the employer to pay the other half. Specific information on the agreement made must be included in the employee's letter of agreement. If this option is chosen it must be offered to all lay and clergy part-time employees or to none. All employees working 1,000 hours but less than 1,500 regularly scheduled hours per year are eligible to purchase medical coverage through this plan even if the employer chooses not to pay a portion the premium.

##### EFFECTIVE DATE OF COVERAGE

All coverage becomes effective on the 1st day of the month following date of hire.

##### PROGRAM OPTIONS

A. The Diocese of Eastern Michigan offers a choice of four medical plans and two dental plans.

##### BLUE CROSS

**Anthem BCBS CDHP – 20 HSA** (includes standard prescription coverage and vision, dental will also be provided through a separate medical trust plan to be purchased by employer)

- The employer is required to pay at least one-half of the deductible for this plan directly into a Health Savings Account that the employee has set up.
- The employee can make contributions to their Health Savings Account they set up. The employee's contribution is made pre-tax and should be taken out of their gross pay in whatever amounts or intervals the employee requests.

**Anthem BCBS CDHP – 15 HSA** (includes standard prescription coverage and vision, dental will also be provided through a separate medical trust plan to be purchased by employer)

- The employer is required to pay at least one-half of the deductible for this plan directly into a Health Savings Account that the employee has set up.
- The employee can make contributions to their Health Savings Account they set up. The employee's contribution is made pre-tax and should be taken out of their gross pay in whatever amounts or intervals the employee requests.

**Anthem BCBS Bluecard 90** (includes standard prescription coverage and vision, dental will also be provided through a separate medical trust plan to be purchased by employer). This is the minimum plan an employer must offer to their employee and the employees' family at no cost to the employee.

**Anthem BCBS Bluecard 100** (includes standard prescription coverage and vision, dental will also be provided through a separate medical trust plan to be purchased by employer)

##### Dental

Basic dental is to be provided to all full time employees and paid for by the employer. Employees can opt for a higher benefit plan "Dental and Orthodontia" but would be responsible for paying the difference in premium.

Request for enrollment materials, claims, and other inquiries should be directed to:

Diocesan Office  
Molly Girard  
924 N. Niagara St.



Invoice inquiries should be directed to:

Medical Trust  
445 Fifth Ave  
New York, NY 10016  
800-223-6602

## **5. Clergy's Surviving Spouse and Dependents – Medical and Dental Insurance**

**The following are eligible for coverage:**

- A surviving spouse (Surviving spouses who were not enrolled in the Medical Trust at the time of the employee's or retiree's death cannot enroll, unless they are beneficiaries of the Church Pension Fund or the employee meet the lay beneficiary rules. Surviving spouses and their dependents who leave the Medical Trust plan because they are eligible for medical coverage through their employer may return to a Medical Trust plan if they lose their non-Medical Trust coverage, if there has been no break in medical coverage.)
- A surviving domestic partner (where applicable)
- A surviving dependent child.

## **5. VACATIONS, LEAVES and HOLIDAYS**

### **1. Vacations**

#### ***Non-exempt Employees***

Non-exempt employees will receive at least 10 vacation days per year. The Employer, at its discretion may increase the number of vacation days based on years of service. The Employer should establish a policy regarding vacations, addressing issues such as scheduling vacations, whether vacation time is paid in termination, as well as situations such as vacations falling on holidays, etc. Vacation time must be taken in the calendar year it is earned. Part-time permanent employees are entitled to proportionate vacation leave.

#### ***Exempt employees***

Exempt employees will receive a minimum of four weeks of vacation per year. It is also recommended that vacation time for all exempt employees be negotiated and then specified in a written letter of agreement. Vacation time must be taken in the calendar year it is earned.

#### ***EXEMPT LAY AND CLERGY EMPLOYEES***

Exempt employees receive four weeks of vacation time per year.

An Exempt employee hired between January 1 and March 31 will receive three to four weeks that year; one to three weeks if hired between April 1 and September 30 (or four weeks if eligible for three weeks vacation for service as a Non-Exempt

employee for the same employer); and up to one week of vacation that year if hired between October 1 and

December 31. Vacation time for the first year should be negotiated and then specified in a written letter of agreement.

Exempt employees terminating employment are to take all vacation time earned prior to the date of termination. Exempt employees with one or more years of service accepting a new position are to negotiate their first year's vacation schedule and compensation with their new employer based on 1 weeks paid vacation for each 13 weeks worked with the vacation days taken as earned or accumulated to 4 weeks.

### **2. Sick Leave**

#### **LAY EMPLOYEES**

Full-time lay employees absent from work because of illness shall, during such illness, receive at least six (6) working days full pay in any calendar year. Employees having service of less than one (1) year shall, during such first year, accumulate at least one-half (1/2) day of full pay for each completed month of service.

Employees will be paid for sick days up to the amount accumulated, except that after 5 continuous days of sickness, employee may require medical documentation to be eligible for further pay.

Unused sick leave may be accumulated from year to year up to a total of sixty (60) days with full pay.

Full-time employees with five (5) or more full years of employment are eligible at the time of termination to payment of 50% of accumulated unused days of sick leave with such pay not to exceed compensation for more than thirty (30) working days.

Part-time permanent employees, excluding personnel employed on an hourly agreement, are entitled to proportionate sick-leave allowance.

## **CLERGY EMPLOYEES**

Clergy Employees are covered in the following way:

“If a prolonged illness is deemed to be eligible for short-term disability coverage, then the clergy employee shall be maintained on sick leave with full pay during the short-term disability policy’s coverage, including the 30-day waiting period. Short-term disability benefits are paid directly from the insurer to the employing church.” This short-term disability coverage is provided by the Church Pension Fund at no cost to the Employer.

“If a prolonged illness is not deemed to be eligible for short-term disability coverage, then the clergy employee shall be maintained with full pay during the first 13 consecutive weeks of illness.”

## **3. Family Leave Act**

This is a federal law that applies to any employer with 50 or more employees. The act provides for an unpaid leave from work for an employee in the event of that employee’s or family member’s medical problem or occurrence. If an employer has fewer than 50 employees, they are not bound by the Family Leave Act. An individual employer not covered by the Family Leave Act may use this policy, but it is not required by Michigan.

## **4. Military Leave**

Leave of absence without pay for military service (including service in Reserve or National Guard) will be given in accordance with prevailing Federal and State law.

## **5. Leave for Jury or Witness Duty**

Excused absence will be granted for jury or witness duty. Non-exempt employees will receive up to thirty (30) consecutive calendar days leave with part pay, the employing unit paying the difference between the jury or witness fee and the employee’s regular salary. Exempt employees will receive the difference between the jury or witness fee and the employee’s regular salary for the first thirty (30) consecutive days and for any further work weeks while serving on a jury in which the employee also performs any services for the employer. If the jury or witness duty assignment requires only part of the work day, it is expected that the employee will return to complete the balance of the normal regular work day. An employer may not discipline or discharge an employee who is summoned for or received jury duty.

## **6. Leave for Death in the Family**

Employees will be granted 3 to 4 days leave with pay due to a death in their family. If more time is needed, written request may be submitted to the Employer for his/her approval.

This is in addition to Personal/Sick days and the above days are not to be deducted from accumulated Personal/Sick days earned.

## 7. Leave for Personal Business

Three (3) days a year with pay is considered reasonable for emergency and necessary leaves of this sort, such absences to be deducted from sick leave allowance and approved, so far as they can be controlled, and when department conditions permit. Permanent part-time employees are entitled to proportionate leave for personal business.

## 8. Leave of Absence

Leaves of Absence without pay may be granted at the discretion of the Vestry, Bishop's Committee, or Standing Committee, whichever the case may be.

### *Administrative Leave*

All employees are eligible to apply for administrative leave as set forth in this policy (referred to in this policy as "Eligible Employees"). Administrative leave is **not** Family and Medical Leave Act ("FMLA") leave. **The Employer is not subject to the provisions of the FMLA. The Employer is not legally required to offer employees administrative leave.** The administrative leave provided for under this policy shall be used **in compelling, urgent, or unusual circumstances**, when the employee needs time off from work and no other paid or unpaid leave time is available.

To request administrative leave, an Eligible Employee must submit a written request to the supervisor at least **7 days** before the employee's leave commences or, in an emergency, as soon as practicable after the need for leave is known, stating, at a minimum, the reason(s) for the employee's request for administrative leave, the anticipated date on which the leave will commence, and the employee's anticipated return date. The **Employer** will inform the employee in writing whether it has approved the request. Only the supervisor may approve or deny such requests.

**The Employer will evaluate each request for administrative leave on a case-by-case basis. The Employer reserves the right to deny a request for administrative leave for any reason. If the Employer approves a request for administrative leave, the Employer shall, on a case-by-case basis, set the length of such leave and applicable terms and conditions (including, without limitation, whether such leave is paid or unpaid and whether benefits will be provided).**

## HOLIDAYS

The Employer shall establish paid holidays for its employees. As follows:

New Year's Day	Thanksgiving Day
Labor Day	Christmas Day
Memorial Day	Independence Day
Martin Luther King Day	

The Employer may also consider the following optional paid holidays.

Good Friday	Friday after Thanksgiving	New Year's Eve Day
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**\*\*Between Christmas and New Year's**

Should a holiday fall on a Saturday or Sunday, the day recognized by the State of Michigan will be substituted. Holiday benefits will be allowed if a holiday falls between two (2) paid vacation days or two (2) paid sick leave days.

If required to work on a holiday, a Non-Exempt employee is to be paid at the base rate for the holiday worked. If working on a holiday resulted in more than 40 hours of work within the week, time must be compensated in accordance with the Fair Labor Standards Act provision for overtime compensation.

Part-time employees are to receive proportionate holiday benefits.

**\*\* Except as required for financial matters.**

## **6. BUSINESS AND PROFESSIONAL EXPENSES**

### **1. Automobile and Travel Expense**

Employees required to operate a personal car in the course of their duties are to be reimbursed for miles driven in the course of their duties (at the Standard Rate specified from time to time by the Internal Revenue Service), plus parking fees and toll charges if similarly incurred, on the submission of reasonable evidence. This reimbursement is intended to cover all car expenses including gas, oil, insurance, depreciation, etc. Employees are to be reimbursed for any necessary travel expenses over and above their auto expense reimbursement on the submission of reasonable evidence.

### **2. Hospitality and Entertainment**

The employer that expects its employees to do entertaining in their homes or otherwise on its behalf should reimburse these costs on the submission of reasonable evidence.

### **3. Memberships**

When an employee is expected to join a service club or professional association in the interest of his/her work, the employer shall pay the annual dues and related expenses.

### **4. Qualified Reimbursement Plan**

Each employer shall adopt a written, qualified plan for the reimbursement of necessary and ordinary expenses of its employees. See the current year's edition of Worth, B.J., *Income Tax Guide for Ministers and Religious Workers* section on "Accountable Reimbursement Plan for Professional Expenses."

### **5. Reimbursement for Use of Private Automobile on Volunteer Diocesan Business**

The policy of the Diocese is to reimburse persons who use privately-owned cars on volunteer diocesan business upon request, if this expense is not reimbursed by their church or employer.

Reimbursement will be on a mileage basis at the standard mileage rate currently prescribed by the IRS for application to volunteer's use of an auto for a tax-exempt entity.

Reimbursement will be made by check at least every sixty days upon submission and approval of check requisition by Committee Chair or Diocesan Administrator. Reasonable evidence must be submitted along with check requisition.

## **PROVISION FOR MOVING EXPENSE PAYMENT, ANNUITIES AND PROFESSIONAL DEVELOPMENT**

### **MOVING EXPENSE PAYMENT**

A congregation hiring a full-time Exempt clergy employee shall pay the reasonable moving expenses of such employee.

### **TAX SHELTERED ANNUITY PLANS**

Employees may elect to enroll in a 403 (b) Tax Sheltered Annuity (TSA) of their choosing with the acceptance of the employing unit. Attention to the legal ceilings on contributions to a 403 (b) TSA must be observed.

### **PROFESSIONAL RENEWAL AND DEVELOPMENT**

After each term of 6 consecutive years of service in the same position, a priest is allowed a paid leave of absence of a minimum of three months and a maximum of six months shall be granted for extended professional renewal and

development. This leave should be taken before the end of the tenth year. A Plan and the cost of the leave to the employer will be agreed to before the commencement of the leave; and a written report thereon will be submitted to the employer and to the Bishop within sixty (60) days after completion of the leave. Substitute supply costs are to be covered by the employing unit. A future leave cannot be added when a previous leave has not been taken and the report thereon submitted.

Following the completion of this leave, should there be a termination of employment initiated by the employee within a period of time equal to twice the length of the leave, the employee will reimburse the employer for the agreed cost of the leave borne by the employer.

## 7. OFFICE POLICY AND PROCEDURE

### OPTION 1: All Employees Are Paid on the Same Day(s) with Same Frequency

All employees are paid [weekly/bi-weekly/once a month/twice a month] on [specify day of week or month]. If a regularly scheduled payday falls on a national, state, or **Employer**-observed holiday, the employee will be paid on the day preceding such holiday.

The employee's paycheck will include earnings for all work performed through the end of the previous payroll period.

### Example 1: No Standard Work Hours

The **Employer's** standard work hours vary by job position.

### Option 2: Non-Exempt Employees Record Time

In accordance with applicable laws, the **Employer** keeps daily time records of the hours worked (including, but not limited to, any time worked from home, time spent checking work e-mail, and work-related time spent on PDA/Treo/BlackBerry-like devices) by non-exempt employees. Each non-exempt employee is required to accurately record his/her time worked, breaks and any leave time in the form required by the **Employer** (e.g., on a time card, timesheet or similar timekeeping record). Each non-exempt employee and **their supervisor** will sign such employee's timekeeping record at the end of each pay period.

## *Attendance, Absenteeism & Tardiness*

### A. EXPECTATIONS

Absenteeism and tardiness interfere with the **Employer's** operations and place a burden on other employees. The **Employer** expects that every employee will be at his or her assigned workplace, ready to work at his or her starting time each day.

### B. REPORTING UNSCHEDULED ABSENCES OR TARDINESS

Except in cases of an emergency, if the employee will be absent or tardy for any reason, they must personally notify **their supervisor**.

If the employee's absence will extend beyond one (1) day, they must report each day of absence as set forth above. Upon prior approval of **their supervisor** and after providing the reason for the absence, the expected return date and such other information as required by the **Employer**, daily reporting of each absence will not be required.

If the employee becomes ill at work or must leave their assigned workplace unexpectedly before the end of the workday, they must inform **their supervisor** of their early departure prior to leaving.

**[If the employee does not report for work and fails to notify the Employer of their status, then after 5 consecutive days of absence, the Employer will assume that the employee has resigned and the Employer will remove them from the payroll.]**

### C. EFFECT OF ABSENCES/TARDINESS ON LEAVE TIME & PAY

All absences or tardiness will be charged to the appropriate leave category as specified in Section 5 of this Handbook.

#### **D. DOCUMENTATION TO SUPPORT ABSENCES**

The **Employer** may require documentation to support absences occasioned by illness or injury. The **Employer** reserves the right to require documentation to support absences in other instances.

#### **E. CONSEQUENCES**

If an employee fails to comply with this policy, is excessively absent or tardy, or develops a pattern of absences or tardiness (e.g., “calling in” every Friday before a holiday weekend), he or she may be subject to disciplinary action, up to and including immediate termination from employment.

### ***Outside Employment & Volunteer Activities***

The **Employer** respects the rights of employees to engage in activities outside of their employment. However, the employee may not engage in any employment or activity outside of the **Church** which:

- Conflicts with the employee’s:
  - Required hours of work; and/or
  - Obligations to and responsibilities for the **Employer**;
- Presents a conflict of interest with the **Employer**
- Adversely affects the employee’s work performance;
- Adversely affects the **Employer**’s ability to efficiently schedule employees;
- Embarrasses or discredits the **Employer**; and/or
- Conflicts with **Employer** policies.

### ***Information & Telecommunications***

The **Employer** is committed to having its “Information and/or Telecommunications Systems” (including, but not limited to, computers, networks, Internet access, **[Intranet access,]** e-mail accounts, telephones, voice mail, **Employer**-issued or owned cellular phones, PDA/Treo/BlackBerry-like devices and/or any other means of communication known or hereafter developed, used in a responsible, efficient, ethical, and legal manner, and to safeguarding its information assets. At the same time, the **Employer** is committed to making certain that, to the extent possible, confidential information shared in a pastoral or similar communication is kept confidential. In furtherance of these goals, the **Employer** has adopted this Information & Telecommunications Policy, which governs all employees’ use of the **Employer**’s Information and/or Telecommunication Systems.

Use of the **Employer**’s Information and/or Telecommunications Systems constitutes consent by the user to the terms and conditions of this policy. Any questions about this policy should be directed to the supervisor.

Violation of this policy may subject employees to civil and criminal liability and/or disciplinary action, including loss of the privilege to use the **Employer**’s Information and/or Telecommunications Systems and/or immediate termination from employment.

#### **A. CONFIDENTIAL AND/OR PROPRIETARY INFORMATION**

All data on the **Employer's** Information and/or Telecommunication Systems is classified as confidential and/or proprietary information.

## **B. UNAUTHORIZED USE, DESTRUCTION & MODIFICATION PROHIBITED**

Unauthorized use, destruction and/or modification of the **Employer's** Information and/or Telecommunications Systems are strictly prohibited.

## **C. DISCLAIMER OF LIABILITY FOR USE OF INTERNET**

Users accessing the Internet do so at their own risk. The **Employer** is not responsible for material viewed or downloaded from the Internet by employees.

## **D. PERSONAL USE OF INFORMATION AND/OR TELECOMMUNICATION SYSTEMS**

The **Employer's** Information and/or Telecommunications Systems are provided to employees for official **Employer** business. While these resources are to be used primarily for business, employees may use these resources for incidental personal use [during non-business hours] [, provided such use does not interfere with employee productivity and/or the Employer's operations and is consistent with the Employer's policies and all applicable laws].

In general, employees may not use the **Employer's** Information and/or Telecommunications Systems to conduct any business activities unrelated to the **Employer's** business.

## **E. NO EXPECTATION OF PRIVACY & MONITORING USAGE**

Employees do not have an expectation of privacy in anything they create, store, access, send, or receive on the Information and/or Telecommunications Systems. The **Employer** has the right, but not the duty, to monitor any and all of the aspects of its Information and/or Telecommunications Systems to the extent such monitoring is not inconsistent with applicable laws. Employees shall be responsible for their activities on the **Employer's** Information and/or Telecommunications Systems.

## **F. BLOCKING OF INAPPROPRIATE CONTENT**

The **Employer** reserves the right to use software to identify any Internet site(s) that it, in its sole discretion, deems is (are) inappropriate, illegal, sexually explicit, or violates applicable equal employment opportunity principles and any **Employer** policies against harassment and other discrimination. Such sites may be blocked from access by the **Employer's** networks.

## **G. PROHIBITED ACTIVITIES**

Material that is fraudulent, harassing, embarrassing, profane, obscene, sexually explicit, intimidating, defamatory or otherwise unlawful, inappropriate, offensive (including offensive material concerning race, color, religion and protected activity, age, sex, sexual orientation, military status, national origin, disability, marital status, genetic predisposition or carrier status or any other classification protected by federal, state, or local law), or in violation of the **Employer's** equal employment opportunity policy and its policies against illegal harassment and other discrimination may not be downloaded from the Internet or displayed or stored on the **Employer's** Information and/or Telecommunications Systems.

## **H. VIRUS DETECTION**

If an employee suspects that a virus has been introduced into the **Employer's** Information and/or Telecommunications Systems, he/she must notify the **IT director** immediately.



## **I. SECURITY & PASSWORDS**

Any attempt to circumvent the **Employer's** security procedures is prohibited. Individual passwords and access codes must be kept strictly confidential.

## **J. PROTECTION OF THE EMPLOYER'S REPUTATION**

The **Employer** prohibits the use of any of the **Employer's** Information and/or Telecommunications Systems or the dissemination of information in a manner bringing disrepute, damage, or ill will against the **Employer**.

## **K. USE OF INFORMATION AND/OR TELECOMMUNICATIONS SYSTEMS WHILE DRIVING**

Users of the **Employer's** Information and/or Telecommunications Systems must comply with all laws regarding the use of such devices while driving.

## **L. ADDITIONAL PROVISIONS APPLICABLE TO EMPLOYER-ISSUED CELLULAR PHONES AND EMPLOYER-PROVIDED CELLULAR PHONE SERVICE**

Cellular phones purchased by the **Employer** and issued to employees are the property of the **Employer**.

Individuals assigned cellular phones are responsible for safeguarding them from damage and misuse. Employees must report any damage, loss, unauthorized use or malfunction of a **Employer**-issued cellular phone to the **IT director** without delay.

The **Employer** reserves absolute discretion and control over whether, and if so upon what terms (e.g. minute allotment, personal use, cost to employees, etc.), to issue cellular phones or other electronic devices and/or to provide cellular phone or other electronic service to employees.

### ***Use of Personal Cellular Phones & Other Personal Electronic Telecommunications Devices During Work Hours***

The **Employer** recognizes that employees may occasionally need to use personal cellular phones or other personal electronic telecommunications devices during work hours for non-business-related matters. In all cases, such incidental communications must not interfere with employee productivity and/or the **Employer's** operations.

Violations of this policy may result in disciplinary action, up to and including immediate termination from employment.

### ***Gifts***

The **Employer** recognizes and encourages productive working relationships between its employees, and between its employees and non-employees. All relationships are expected to be based on integrity, respect, and mutual confidence.

**OPTION 1: Gift giving and acceptance is generally permitted, except when there is an appearance of impropriety or the gift results from use of pastoral or other relationship of trust**

To maintain a professional atmosphere free of the appearance of bias and favoritism, the **Employer** prohibits gift giving and acceptance among its employees, and between its employees and non-employees, if such gifts would likely create the appearance of impropriety.

If there is any question about whether the giving or acceptance of a gift is appropriate, the employee should direct his/her question to their supervisor.

## 8. TERMINATION PROCESS AND COMPENSATION

### *Ending the Employment Relationship*

As specified under the policy “**employment at-will**”, if the employee is employed “at-will,” they may resign at any time for any reason (or for no reason), with or without notice, and the **Employer** may terminate them at any time for any legal reason (or for no reason) with or without notice.

In general, the **Employer** will strive to give to the employee its reason for ending the employment relationship to help ensure the **Employer** has acted in a fair, dignified and just manner. The **Employer** will not routinely end all employment relationships upon the change of the [rector/bishop/list other person in charge]. Further, in accordance with resolutions of the General Convention, when an employment relationship ends:

- Whenever possible, if the **Employer** or the employee seek to end the employment relationship, the party seeking to end the relationship is encouraged (but not required) to provide adequate notice to the other party of such termination;
- Whenever possible, if the **Employer** seeks to terminate the employee’s employment for performance-related reasons, the **Employer** shall provide them with a brief written statement stating the performance-related employment reasons for such termination;
- Whenever possible, both the **Employer** and the employee shall give the other party appropriate assistance for continuing ministry;
- The **Employer** and the employee shall respect the dignity of all parties and, whenever possible, should mutually agree upon the manner in which the affected community will mark the end of the employment relationship; and
- Upon the end of the employment relationship for any reason, the **Employer** shall pay the employee his/her final compensation **on the next regularly-scheduled payday**.

*Nothing contained in this document, including the above guidelines, is intended to, nor should be read to alter or modify, the at-will employment relationship (as explained in more detail in the **policy regarding employment at will** of this document), which the **Employer** maintains with **all employees except clergy as otherwise provided for by internal church constitutions, canons, resolutions, policy or practice (whether issued by General Convention or Diocesan Convention)**]. While the above guidelines of General Convention are to be followed whenever possible, such guidelines are not intended to alter the employment at-will doctrine under the law.*

#### 1. In case of the dissolution of the pastoral relationship of a Rector and Vestry

- A. If such dissolution and its terms are agreed to by both the Vestry and the Rector, the terms are subject to review and concurrence by the Bishop before being implemented.
- B. If such dissolution and its terms are not agreed to by both the Vestry and the Rector, any dissolution will be undertaken according to the stipulations of the Bishop acting in accordance with Title III, Canon 6 of the Canons of the Diocese of Eastern Michigan and Title III, Canon 21 of the Canons of the General Convention.

- C. Clergy insured for group life and medical will receive employer-paid group coverage for life and medical insurance until the termination date and for any additional “termination” pay period.

**2. For all other employees the following will provide the minimum provisions for termination compensation:**

- A. At the time of a termination, a termination date is to be established, in writing, upon which the employee is no longer expected to perform his/her regular duties. At the employer’s option an employee may be excused, in writing, from performance of his/her regular duties at an earlier date.
- B. Any employee earning over \$5,200 a year whose service is terminated not by the employee’s choice shall be entitled to termination pay unless:
  - a. The employee is discharged for violation of Diocesan personnel policies or other improper behavior, or
  - b. The employee exhausts medical leave and does not return to work.
- C. Termination pay minimum amount is determined as follows:
  - a. For all employees, accrued and unused vacation time in the calendar year up to the date of termination is payable to the employee.
  - b. For employees with at least one year of service, ½ month of pay for every year of service up to six months’ pay is included in termination pay. The minimum amount is one month of pay.
  - c. The basis for determination of termination pay is gross compensation, including housing.
- D. Terminated employees currently insured for group life and medical will receive employer-paid group coverage for life and medical insurance until the termination date and for any additional termination pay period. If extended medical insurance is necessary, please contact the plan administrator for possible options.
- E. Pension premiums will not be paid by the employer after the termination date. Employees who have a vested interest may elect their benefit options as specified in the benefit agreement.

**3. Unemployment**

**Option 3: No Employees Covered By Unemployment Laws**

In accordance with applicable law, **Church** employees are not covered by unemployment laws and, therefore, employees are not eligible for unemployment benefits.

## 9. RETIRED EMPLOYEES

### 1. Clergy Retired Employees

#### WORK AFTER RETIREMENT

If clergy return to full-time employment in the Church after they retire, their pension is suspended. If their work is of a special nature, a committee of the CPF Trustees must determine if they are active or retired, and a judgment will be made on the nature and extent of their work, as well as the compensation that they receive. Whenever their work will exceed three months, the CPF must be advised.

#### GROUP LIFE INSURANCE ELIGIBILITY AND AMOUNT

Upon date of retirement, clergy enrolled in group life insurance may, at the discretion of the insurer, convert their group life policy or a portion thereof to an individual policy at a rate applicable to age, with the premium to be paid by the individual.

#### MEDICAL INSURANCE

A. Retired clergy employees may be eligible for Medicare Supplement Insurance through the Medical Trust.

##### ELIGIBILITY

Retired clergy must meet the following requirements to be eligible for the Medicare supplement insurance through the Church Pension Group:

- Must be enrolled in Medicare Part A and Part B
- Must be a beneficiary of the Church Pension Group (meaning at least 5 years credited service)

##### BENEFITS

Medical insurance benefits supplement Medicare A and B. Refer to Church Pension Group-Medical Benefit Trust booklet for specific benefits. **Retiring clergy should apply at the Social Security Office for Medicare benefits at least three (3) months prior to their retirement date if age eligibility is met or the date when they become eligible for Medicare benefits, whichever happens first.**

##### PREMIUM PAYMENTS

Full, Partial, or no premium payments for the supplemental (Medigap) insurance offered by the Church Pension Group will be made by the retiree on the basis of the following:

- Number of years of credited service with the Church Pension Fund
- Choice of Supplement Plan (Comprehensive, Plus or Premium)
- Spousal coverage

##### PREMIUM ASSISTANCE

If a retiree is in need of assistance in paying a portion of the premium for the CPG plan, they will have the opportunity each January to apply for an assistance grant from the Episcopal Diocese of Eastern Michigan. Grants will be awarded based on:

- Total expense to the retiree for Medicare Supplement Plan spent in the previous year
- Amount of grant money available that year from the DeMille Fund

##### DENTAL INSURANCE

Stand alone dental coverage is available for eligible post 65 retirees. It can be purchased as a separate policy with the medical trust.

- B. Retired Clergy Employees not eligible for Medicare Supplement insurance (less than 5 years of credited service)

#### ELIGIBILITY

Clergy employees with 10 years of service (paid into the Church Pension Fund) and canonically resident in the Diocese of Eastern Michigan, but not eligible for Medicare supplement insurance due to early retirement, upon application to the Diocesan Office at the time of retirement, may enroll in the Diocesan Group for medical and dental benefits in their own name. Premiums to be paid by the retired employee.

## 2. Clergy's Surviving Spouse and Dependents

#### MEDICAL INSURANCE

A surviving spouse or Dependents may be eligible to enroll in the Medicare Supplement Plan through the Church Pension Group if:

- Surviving Spouse is eligible for Medicare
- Dependent is eligible for Medicare

#### BENEFITS

Same benefits as were in force under the deceased spouse.

#### PREMIUM ASSISTANCE

If a retiree is in need of assistance in paying the premium for the CPG plan, they will have the opportunity each January to apply for an assistance grant from the Episcopal Diocese of Eastern Michigan. Grants will be awarded based on:

- Total expense to the retiree for Medicare Supplement Plan spent in the previous year
- Amount of grant money available that year from the DeMille Fund

### Lay Retired Employees

#### GROUP HEALTH INSURANCE

##### ELIGIBILITY, BENEFITS, AND PREMIUMS

Church and Agency lay employees who have been employed for 5 years or more, working at the church at time of retirement and are currently enrolled in one of the group medical insurance plans offered by the Diocese may, at the time of retirement, continue group coverage with the full premium billed and paid by the employee monthly in advance of effective date of coverage. Call Diocesan Office for premium information. The Church or Agency may from time to time determine to pay part or none of the premium for its retired employees at its discretion.

Retired lay employees of the Diocese of Eastern Michigan with five or more years of full-time (30 hours or more) service are eligible to participate in the Medicare Supplement plan offered by the Church Pension group. Premiums to be paid by retired employee.

### ***Post-Retirement Employment***

If the employee is a lay employee previously retired from service with the Episcopal Church, or any entity affiliated with it, and they are presently receiving pension benefits from the Episcopal Church Lay Employees' Retirement Plan, their pension benefits may be affected by employment with the **Church**.

If the employee is receiving pension benefits from these plans, they should contact the Church Pension Fund to determine whether their retirement benefits will be suspended as a result of employment with the **Church**.

## 10. PROHIBITION AGAINST SEXUAL EXPLOITATION AND DISCRIMINATION (INCLUDING HARASSMENT)

### A. GENERAL

#### 1. INTRODUCTION

This policy addresses the prohibition against the Sexual Exploitation, Prohibited Discrimination and Harassment of Adults. ***ALL PERSONNEL, WHETHER SUPERVISORY OR NON-SUPERVISORY, ARE PROHIBITED FROM ENGAGING IN THE CONDUCT PROHIBITED BY THIS POLICY.***

All Supervisors and Decision-makers are expected to act promptly and appropriately to prevent violations of this policy including retaliation against those who make a good faith complaint or those who participate honestly and in good faith in either an investigation of a complaint.

*Nothing contained in this Policy is intended to create a legal right where none would have existed in the absence of this Policy or General Convention Resolution D032: 76<sup>th</sup> General Convention, 2009 (or any other internal Church canons, resolutions, policy or practice (whether issued by General Convention or Diocesan Convention)), nor does the Diocese/Church/Employer concede that it is covered by or subject to any federal, state or local laws.*

*Nothing contained in this Policy is intended to alter the Employer's right to make employment decisions with respect to clergy and other individuals who fall within the ministerial exemption under applicable law(s).*

#### 2. DEFINITIONS

##### Church Personnel

- a. All clergy whether stipendiary, non-stipendiary, or otherwise who are engaged in ministry or service to the church.
- b. All paid personnel whether employed in areas of ministry or other kinds of services by the diocese, its congregations, schools or other agencies.
- c. Those who contract their services to the diocese, its congregations, schools, or other agencies.
- d. Volunteers, including any person who enters into or offers himself/herself for a church-related service, or who actually assists with or performs a service, whether or not they have been selected or assigned to do so. Volunteers include members of advisory boards, Vestries, Bishop's Committees, boards of directors, etc.

**Church-Prohibited Discrimination** - Discrimination and harassment of lay employees on the basis of Church-Protected Classifications.

**Church-Prohibited Harassment** - Harassment on the basis of Church-Protected Classifications.

**Church-Protected Classifications** - An individual's race, color, sex, national origin, age, familial status, disability, sexual orientation, gender identity, or gender expression. This includes any classifications protected by internal Episcopal Church canons, resolutions, policy or practice (whether issued by General Convention or Diocesan Convention).

**Employer** - The entity or individual responsible for employment decisions and supervision of employees.

**Lay Employee** - Any non-ordained individual employee.

**Pastoral Relationship** -

- a. A relationship between any clergy person and any person:
  - who attends a congregation or other ministry setting in which the clergy person serves;

- who seeks ministry from the clergy person
- b. A relationship between any person and clergy person or any duly-appointed lay person, whether employee or volunteer, who is authorized to provide and does provide to such person:
- counseling;
  - pastoral care;
  - spiritual direction or spiritual guidance;
  - ministration of any Sacrament (other than the distribution of the Bread and Wine by a lay person at a public service of Holy Communion);
  - life/leadership/peer coaching;
  - learning of such person's confession, in the course of the duly-authorized ministry;
- c. A relationship between any of the following ministers licensed under Canon III.4: Pastoral Leaders, Worship Leaders, Evangelists, Eucharistic Visitors, and Catechists and those persons they serve in the course of these ministries.

**Persons Who Have Pastoral Relationships** - (a) All clergy whether stipendiary, non-stipendiary, or otherwise and (b) All persons who have Pastoral Relationships.

**Sexual Exploitation** - The development or attempted development of a sexual relationship between a person in any ministerial position, lay or ordained, and an individual with whom he/she has a Pastoral Relationship.

#### **Supervisors and Decision-Makers -**

1. All persons who have the express authority to hire, select, supervise, discipline, promote, demote, terminate, set compensation or other terms and conditions of employment for one or more individuals employed by the Employer;
2. All persons who have the express authority to recruit, duly appoint, select, license, discipline, supervise, terminate, or set terms and conditions of volunteer service;
3. All members of decision-making bodies who have the authority to approve the creation of ministries, programs, Church activities, or policies.
4. Standing Committees, Diocesan Councils/Executive Boards, Vestries, Boards of Directors for Schools, Bishop's Committees, etc.

## **B. PROHIBITION AGAINST SEXUAL EXPLOITATION OF ADULTS**

The Employer does not tolerate Sexual Exploitation in any form. Sexual Exploitation includes, but is not limited to, the following actions:

- Verbal: such as sexual innuendo, indecent proposals, sharing sexual stories, jokes or fantasies, or making inappropriate comments about someone's appearance.
- Behaviors: such as inappropriate touching, sending or posting communications with sexual content (e.g., correspondence, e-mail, text messages, instant messages, photographs, attachments, phone conversations, voice mail, etc.)
- Sexualizing or attempting to sexualize a Pastoral Relationship or relationship between a clergy or lay person and anyone to whom he/she provides ministry (e.g., requesting dates, giving unwanted attention, etc.).

## **SAFEGUARDS FOR PREVENTING SEXUAL EXPLOITATION OF ADULTS**

### **1. Screening and Selection**

All Employees will be screened according to the Employment Process and Policy (Personnel Policy Manual, Policy 2). All persons involved in licensed ministries will be screened/selected as outlined in the policy “Licensing of Lay Liturgical Ministers (Policies & Procedures Manual, Policy 4.1). All non-licensed lay volunteers will be screened and selected as outlined in Screening and Selection of Non-Licensed Volunteers in Pastoral Relationships (Personnel Policy Manual, Policy 14).

### **2. Background and Training Requirements**

Form I outlines the training requirements for Supervisors and Decision-makers, Employees and Volunteers. Before any person engages in Pastoral Relationships he/she is required to complete the training on the prevention of Sexual Exploitation of Adults as outlined on Form I. If that is not possible, this policy must be reviewed and discussed with him/her before he/she engages in any Pastoral Relationship. The rest of the education and training must be completed within three (3) months of beginning to have Pastoral Relationships.

Within three (3) months of becoming a Supervisor or Decision-Maker, individuals must complete training on the prevention of Sexual Exploitation of Adults as outlined on Form I.

Recertification in such training must be completed every five years for all those engaged in Pastoral Relationships, including clergy.

Criminal Record checks and Sexual Offender Registry checks will be conducted every five (5) years on persons who have pastoral relationships.

### **3. Guidelines for the Prevention of Sexual Exploitation of Adults**

When creating safe boundaries for persons who have Pastoral Relationships, it is important to establish what types of interactions are appropriate and inappropriate. Stating which behaviors are appropriate and inappropriate allows church personnel to comfortably show positive affection in ministry, and yet identify individuals who are not maintaining safe boundaries with other adults.

These guidelines are:

- based, in large part, on avoiding behaviors known to be used by those who have engaged in sexual exploitation of adults
- intended to assist church personnel and congregants in monitoring and supervising behaviors and interactions of persons who have pastoral relationships to help maintain appropriate boundaries at all times
- intended to be used to make decisions about interactions of persons who have pastoral relationships with those with whom they have a Pastoral Relationship
- to be carefully followed by all who are involved in Pastoral Relationships.

Some appropriate interactions, as long as they are welcomed by the recipient, are listed below:

- brief hugs
- pats on the shoulder or back
- kisses on the cheek
- handshakes
- holding hands during prayer

Some inappropriate interactions in Pastoral Relationships and other ministries with adults include:

- inappropriate or lengthy embraces



- kisses on the mouth
- touching sexual areas of the body
- showing affection while in isolated areas such as bedrooms, closets, staff-only areas or other private rooms
- any form of unwanted affection
- comments or compliments (spoken, written, or electronic) that relate to a person's body or appearance that are at all suggestive. Examples would be, "You should wear that outfit more often," or "You look really hot in those jeans."
- giving gifts or money to favored individuals
- repeated and/or private meetings with individual adults, especially meetings that occur away from church property and during non-business hours
- repeated electronic communications, such as email or texts, especially those that contain personal disclosures or solicitations of an intimate relationship
- seeking excessive private time with a specific adult
- changing clothing when in the company of a specific adult
- providing a specific adult with personal access such as one's personal e-mail address or cell phone number if that is not the norm

Whenever possible, Pastoral Relationships should:

- occur in settings where casual monitoring by others is convenient (for example along well-traveled hallways or in areas where other church personnel work nearby)
- occur in open, visible spaces or in closed spaces that have windows that remain unobstructed by closed blinds, furniture, plants, or other adornments
- convey safety and comfort without the use of couches, loveseats, beds, futons or other furniture that would encourage close seating between the persons in the Pastoral Relationship.

## **C. CHURCH-PROHIBITED DISCRIMINATION (INCLUDING HARASSMENT)**

In accordance with General Convention Resolution D032: 76<sup>th</sup> General Convention, 2009, the Employer prohibits discrimination, including harassment, of lay employees by anyone (including supervisors and decision-makers, co-workers, consultants, vendors and other non-employees) based on the individual's race, color, sex, national origin, age, familial status, disability, sexual orientation, gender identity, or gender expression. The behavior of individuals engaging in Church-Prohibited Discrimination, or Supervisors and Decision-makers who knowingly allow Church-Prohibited Discrimination to continue, will not be tolerated.

The Employer prohibits all forms of Church-Prohibited Discrimination. Harassment is a form of discrimination. This policy is intended to cover all forms of Church-Prohibited Harassment including sexual harassment.

### **EXAMPLE OF PROHIBITED BEHAVIOR**

Church Prohibited Harassment includes unwelcome or inappropriate verbal, physical or other communication or conduct that denigrates or shows hostility or aversion to a person and/or group. Depending upon circumstances, Church-Prohibited Harassment may include (but is not limited to): jokes, epithets, slurs, negative stereotyping; threatening, intimidating or hostile acts; or written or graphic material including e-mail that denigrates or shows hostility or aversion toward an individual or group on the basis of Church-Protected Classifications. By way of example, the following is a description of sexual harassment.

#### **Sexual Harassment**

Sexual harassment is prohibited by this policy. Sexual harassment includes unwelcome sexual advances and requests for sexual favors. Other unwelcome conduct which may constitute sexual harassment includes, but is not limited to, the following:

**a. Verbal:**

- repeated sexual innuendos, sexual epithets, derogatory slurs, off-color jokes (for example, jokes that include sexual language, innuendo, references, scenarios, etc.);
- propositions, threats, or suggestive or insulting sounds (for example, comments about body, sexuality, etc., including insults and innuendo) even if the comment is about someone else;
- inappropriate e-mail (for example, e-mail that includes sexual jokes or other references of a sexual nature about any person, gossip or speculation about a person's sexuality, sexual practices, sexual health, pregnancy, virility, etc.). This includes e-mail that was sent accidentally, for example by hitting the "forward" button instead of "reply," or forgetting that a particular individual or worker is on one of the employee's group lists.

**b. Visual/Non-Verbal:**

- derogatory posters, cartoons or drawings (for example, cartoons and calendars that include nudity, sex acts, provocative poses, innuendo, sexual language, etc.);
- suggestive objects or pictures (for example, photographs that include nudity, sex acts, provocative poses; wallpaper, screensavers, or other electronic displays of a sexual nature);
- graphic commentaries; leering; or obscene gestures (for example, vulgar gestures, gestures simulating sexual acts, "shooting the finger," kissing the air toward someone or licking the lips in a sexually suggestive or provocative manner).

**c. Physical:**

Unwanted physical contacts (including touching, interference with an individual's normal work movement, unwelcome displays of romantic or sexual affection, aggressive physical contact or assault); and

**d. Other:**

Making or threatening reprisals to an individual who opposes, objects to or complains about sexual harassment; possession of inappropriate material of a sexual nature in the workplace or its display, duplication, or transmission.

The verbal and physical conduct specified in sub-sections a-d above may constitute harassment when:

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

## **D. RETALIATION PROHIBITED**

The Employer will not take any action in retaliation against any individual employed by the Employer who, in good faith and with a genuine belief that he/she has been the subject of Church-Prohibited Discrimination, brings or voices a complaint pursuant to this Policy or otherwise opposes Church-Prohibited Discrimination. In addition, the Employer will not tolerate any retaliatory acts by other individuals.

Retaliation is a serious violation of Employer policy and may be a violation of the law. If the employee believes they have been subjected to retaliation in violation of this Policy, they should report their claim immediately in the manner specified in Section D below. Individuals will be subject to disciplinary action, up to and including immediate termination from employment, if they are found to have retaliated against an individual because such individual (1) in good faith and with a

genuine belief that he/she has been subjected to Church-Prohibited Discrimination, made an honest complaint about such conduct, (2) participated honestly and in good faith in any investigation into a complaint of Church-Prohibited Discrimination, and/or (3) in good faith opposed acts of Church-Prohibited Discrimination in the workplace.

## **E. POLICY ADMINISTRATION**

### **1. Reporting, Investigation and Corrective Action**

It is imperative that any persons (employees, volunteers, vendors, customers, visitors, church members, etc.) take immediate action if they believe they or someone else has been subjected to inappropriate behavior that may be a violation of this policy. Prompt reporting enables the Employer or offending individual to stop the behavior before it becomes severe or pervasive.

If any Church Personnel or Persons engaged in a Pastoral Relationships believes they or someone else has been subjected to actions that may be a violation of this policy or inappropriate behavior, they may make their concerns known taking at least one of the following actions:

- Directly address the individual whose conduct is objectionable. This action is not required but may be taken voluntarily IF the individual is comfortable doing so. It is possible that clear communication may resolve an issue immediately as well as build greater understanding between individuals.
- Notify their supervisor or respective ministry leader.
- Notify another Supervisor or Decision-maker associated with the respective church or diocese, including the Bishop, Canon to the Ordinary or the Diocesan Administrator.

Notification can occur either verbally (telephone, in-person meeting) or in writing (letter, email, fax, online via church/diocesan website or filing a “Critical Notice of Concern – Form A”).

If the concern is not resolved, then the issue should be reported via one of the other channels listed above.

All reports of suspected policy violations will be taken seriously. Supervisors and Decision-makers are required to immediately and impartially investigate all formal and informal complaints as well as any suspected or known policy violations even if the complainant asks to keep the complaint confidential or does not wish to file a formal complaint. If necessary, intermediate measures may be taken to protect the parties pending the completion of the investigation. The complainant will be given notice, in a timely fashion, of the outcome of the investigation of any formal or informal complaint.

The confidentiality of the individuals and the allegations should be protected to the extent possible; however, no individual can be promised or guaranteed strict or absolute confidentiality. For example, information may have to be disclosed to those officials and/or employees with a need to know in order to carry out the purpose and intent of this Policy.

Corrective action will be taken against any individual found to have violated this policy. Such action may include counseling and/or appropriate disciplinary measures, up to and including termination.

Employees and volunteers who knowingly bring false charges of Sexual Exploitation or Church-Prohibited Discrimination against another individual shall be subject to disciplinary action, up to and including immediate termination from employment.

### **2. Record-keeping**

Criminal records and Sexual Offender Registry Check results will be maintained by the Diocese. Training Records will be maintained by the Diocese.

### 3. Questions

Contact the Diocesan Administrator for any questions regarding this policy.

## 11. PROTECTION OF CHILDREN AND YOUTH

Positive relationships among people are at the foundation of Christian ministry and as such are central to the life of the church. Defining healthy and safe relationships through policies and codes of conduct is not meant, in any way, to undermine the strength and importance of personal interaction in our ministries. Rather, it is to assist in more clearly defining behaviors and practices that allow the church to more fully demonstrate its love and compassion for Children and Youth in sincere and genuine relationships. Relationships in ministry should, ideally, always be experienced as caring and without intention to do harm or allow harm to occur.

The Employer is committed to preventing abuse and neglect among Children and Youth involved in church activities and services. Toward that end, all volunteers who regularly work with Children and Youth and all employees are required to comply with the Diocesan policies for the Protection of Children and Youth. Occasional Volunteers must be supervised to ensure compliance with the Diocesan policies.

### 1. General Definitions

**Abuse** – To treat a Child or Youth with cruelty or violence. For purposes of this policy “abuse” includes, but is not limited to, the following:

- Physical abuse is non-accidental injury, which is intentionally inflicted upon an individual.
- Sexual abuse by an adult is any contact or activity of a sexual nature that occurs between a child or Youth and an adult. This includes any activity, which is meant to arouse or gratify the sexual desires of the adult, Child or Youth.
- Sexual abuse perpetrated by another Child or Youth is any contact or activity of a sexual nature that occurs between a Child or Youth and another Child or Youth when there is no consent, when consent is not possible, or when one of them has power over the other. This includes any activity, which is meant to arouse or gratify the sexual desires of any of the Children or Youth.
- Emotional abuse is an abusive action that would result in mental or emotional injury to any Child, Youth or adult that results in an observable and material impairment in the individual growth, development or psychological functioning, or that impedes an adult’s ability to function.
- Neglect is the failure to provide for a Child or Youth’s basic needs or the failure to protect a Child or Youth from harm.
- Economic exploitation is the deliberate misplacement, exploitation, or wrongful temporary or permanent use of a Child or Youth’s belongings or money.

**Candidate** - Church Personnel who are being considered to work with, or continue to work, regularly with Children and/or Youth.

**Child (Children)** - Anyone under the age of 12 years.

**Church Personnel** - Volunteers who regularly work with Children and Youth and all church employees.

**Employer** - The entity or individual responsible for the employment decisions and supervision of employees.

**Occasional Volunteer** – those who do not work regularly with Children/Youth but who may come into contact with Children/Youth from time to time

**Youth** - Anyone who is at least 12 years old, but not yet 18 years old.

## **2. Guidelines for Appropriate Affection**

The Diocese of Eastern Michigan is committed to creating and promoting a positive, nurturing environment for our Children's and Youth ministries that protect our Children and Youth from abuse and our church personnel from misunderstandings. When creating safe boundaries for Children and Youth, it is important to establish what types of affection are appropriate and inappropriate; otherwise that decision is left to each individual. Examples of behavior thought generally appropriate or inappropriate allows church personnel to comfortably show positive affection in ministry, and yet identify individuals who are not maintaining safe boundaries with Children and Youth.

The guidelines are based, in large part, on avoiding behaviors known to be used by child molesters to “groom” Children, Youth and their parents for future abuse. The following guidelines are to be carefully followed by church personnel working around or with Children and Youth.

- a. Love and affection are part of church life and ministry. There are many ways to demonstrate affection while maintaining positive and safe boundaries with Children and Youth. Some positive and appropriate forms of affection are listed below:
  - Side hugs
  - Pats on the shoulder, back or head
  - Handshakes
  - “High fives” and hand slapping
  - Verbal praise
  - Touching hands, faces, shoulders and arms of Children or Youth
  - Arms around shoulders
  - Holding hands while walking with small children
  - Sitting beside small children
  - Kneeling or bending down for hugs with small children
  - Holding hands during prayer
- b. The following forms of affection are considered inappropriate with Children and Youth in ministry setting because many of them are the behaviors that child molesters use to “groom” Children or Youth for later molestation or can be, in and of themselves, sexual abuse. Examples include:
  - Inappropriate or lengthy embraces including full frontal hugs
  - Kisses on the mouth
  - Holding children over three (3) years old on the lap
  - Touching bottoms, chest or genital areas other than for appropriate diapering or toileting of infants and toddlers.
  - Showing affection in isolated areas such as bedrooms, closets, unused classrooms, employee workrooms, stairwells, staff only areas or other private rooms or automobiles.
  - Occupying a bed with a Child or Youth
  - Touching knees or legs of Children or Youth
  - Wrestling with Children or Youth
  - Tickling Children or Youth
  - Piggyback rides
  - Any type of massage given by a Child or Youth to an adult
  - Any type of massage given by an adult to a Child or Youth
  - Any form of unwanted affection

- Comments or compliments (spoken, written or electronic) that relate to physique or body development. Examples would be, “You sure are developing,” or “You look really hot in those jeans.”
- Snapping bras or giving “wedgies” or similar touch of underwear whether or not it is covered by other clothing
- Giving gifts or money to individual Children or Youth except for group awards or Christmas or birthday acknowledgments, etc.

In addition to the behaviors listed above, some behaviors and interactions are potentially harmful to Children or Youth in and of themselves. Examples include providing alcohol or drugs to Children or Youth or actually having sexual contact with a Child or Youth.

### **3. Monitoring and Supervision of Programs**

The monitoring and supervision of programs and activities involving Children or Youth is important for safeguarding Children and Youth and involves two (2) key aspects:

- Establishing structural guidelines or standards for the programs and activities for Children and Youth. These include such things as identifying who approves new programs, how many adults need to be present, etc. Structural guidelines and standards are covered in this and the follow section, General Conduct for the Protection of Children and Youth.
- Having supervisory personnel and others monitor and supervise the behavior of adults, Youth and other children with Children and Youth so that inappropriate behaviors and interactions can be detected and stopped.

a. Structural guidelines must include, but are not limited to, the following:

- Every program for Children and Youth must have established ratios for adults and Children. Compliance with the established ratio is required at all time, including activities that occur off church premises.
- Church Personnel and Occasional Volunteers are prohibited from being alone with a Child or Youth or multiple Children or Youth where other adults cannot easily observe them.
- Church Personnel over the age of 21 must directly supervise Church Personnel under the age of 18 and be physically present during all activities.
- Church Personnel are not permitted to develop new activities for Children and Youth without approval from the rector or canonical equivalent. The rector will consider whether the plan for a new activity includes adequate adult supervision.
- When supervising or assisting private activities such as dressing, showering or diapering infants or Children, Church Personnel will remain in an area observable by other adults or work in pairs.

b. General Conduct for the Protection of Children and Youth

#### **1. General**

The following guidelines are intended to assist Church Personnel in monitoring and supervising behaviors and interactions with Children and Youth to identify and stop those that may be inherently harmful to Children or Youth, which are the type used by child molesters to “groom” Children, Youth and their parents, or which may create the conditions where abuse can occur more easily. They are also used to make decisions about interactions with Children and Youth in church sponsored and affiliated programs. They are not designed to or intended to address interactions within families. When exceptions to these guidelines must be made, they will be reported to the supervisor of the Church Personnel making the exception as soon as possible.

- a. All Church Personnel who work with Children and Youth must agree to comply with the Diocesan Policy for Appropriate Affection.

- b. No person will be allowed to volunteer to regularly work in a parish context with Children or Youth until the person has been known to the clergy and congregation for at least six (6) months.
- c. Programs for infants and Children under six (6) years old will have procedures to ensure that Children they are released only to their parents or legal guardians or those designated by them.
- d. Church Personnel are prohibited from the use, possession, distribution, or being under the influence of alcohol, illegal drugs, or the misuse of legal drugs while participating in or assisting with programs or activities for Children and Youth specifically.
- e. Parents or guardians must complete written permission forms before Church Personnel transport Children and Youth for a church sponsored activity or for any purpose on more than an occasional basis.
- f. Church Personnel will respond to Children and Youth with respect, consideration and equal treatment, regardless of sex, race, religion, sexual orientation, culture or socio-economic status. Church Personnel will portray a positive role model for Children and Youth by maintaining an attitude of respect, patience, and maturity. They will avoid even the appearance of favoritism.
- g. One to one counseling with Children and Youth will be done in an open or public or other place where private conversations are possible but occur in full view of others.
- h. Church Personnel are prohibited from dating or becoming romantically involved with a Child or Youth.
- i. Church Personnel are prohibited from having sexual contact with a Child or Youth.
- j. Church Personnel are prohibited from possessing any sexually oriented materials (magazines, card, videos, films, clothing etc.) on church property or in the presence of Children and Youth except as expressly permitted as part of a pre-authorized educational program.
- k. Church Personnel are prohibited from using the Internet to view or download any sexually oriented materials on church property or in the presence of Children and Youth.
- l. Church Personnel are prohibited from discussing their own romantic and /or activities, including dreams and fantasies, or discussing their use of sexually oriented or explicit materials such as pornography, videos or materials on or from the Internet, with Children or Youth.
- m. Church Personnel are prohibited from sleeping in the same beds or sleeping bags, tents, hotel rooms, or other rooms with Children or Youth unless the adult is an immediate family member of all Children or Youth in the bed, sleeping bag, tent, hotel room or other room. It is acceptable to have multiple adults sleep with all the Children or Youth participating in one open space such as a church basement or camp lodge.
- n. Church Personnel are prohibited from dressing, undressing, bathing, or showering in the presence of Children or Youth.
- o. Church Personnel are prohibited from using physical punishment in any way for behavior management of Children and Youth. No form of physical discipline is acceptable. This prohibition includes spanking, slapping, pinching, hitting or any other physical force. Physical force may only be used to stop a behavior that may cause immediate harm to the individual or to a Child, Youth or others.
- p. Church Personnel are prohibited from using harsh language, degrading punishment, or mechanical restraint such as rope or tape for behavior management.
- q. Church Personnel are prohibited from participating in or allowing others to conduct any hazing activities relating to Children's or Youth ministry or camp activities.

## 2. Code of Conduct for Protection of Children and Youth

- Church personnel agree to do their best to prevent abuse and neglect among Children and Youth involved in church activities and services.
- Church personnel agree to not physically, sexually or emotionally abuse or neglect a child or Youth.
- Church personnel agree to comply with the Guidelines for Appropriate Affection with Children and Youth.
- In the event that church personnel observe any inappropriate behaviors or possible policy violations with Children or Youth, church personnel agree to immediately report their observations as herein provided.
- All church personnel acknowledge their obligation and responsibility to protect Children and Youth and agree to report known or suspected abuse of Children or Youth to appropriate church leaders and state authorities in accordance with these policies.
- Church personnel understand that the church will not tolerate abuse of Children and Youth and agree to comply in spirit and in action with this position.

## 4. Screening and Selection

Church Personnel who regularly work with or around Children or Youth, those who supervise overnight activities with Children and Youth, all camp personnel, and those working only occasionally with Children or Youth without another adult present (this must occur only in an open setting) shall be screened and selected utilizing at least the following:

- Employees will be screened according to the Employment Process and Policy (Policy 2).
- Church Personnel who are volunteers will be screened and selected as outlined below:
  - a) Personal Knowledge
    - Candidates shall be known to the leadership of the congregation for at least six (6) months prior to engaging in ministries involving Children and Youth.
    - The respective ministry leader and the responsible Clergy should have a discussion to determine if the candidate is appropriate for the particular ministry, including ensuring compliance with this policy.

### b) Background Screening

The Diocese prohibits direct supervision of children or youth within the congregations, agencies, and organizations of the Diocese by anyone with a civil or criminal record of child sexual abuse or who is currently under investigation for sexual abuse or who has admitted prior sexual abuse or has been known to have a paraphilic diagnosis (e.g., pedophilia, exhibitionism, voyeurism, etc.) as defined by the American Psychiatric Association in the DSMIV™ or its updates.

Criminal Records checks and Sexual Offender Registry checks will be conducted every five (5) years on persons who have pastoral relationships.

The governing body of wardens of individual congregations, or its designee, shall be responsible for requesting completion of screening procedures and any related costs.

For Diocesan sponsored youth activities the Diocesan Youth Coordinator in consultation with the Diocesan Administrator shall be responsible for screening procedures. The Diocese shall incur all costs associated with this screening.



Background screening must include the following:

- Criminal Records Check must be conducted in any state where the Candidate has resided during the past seven (7) years, and other states, if any, as determined by the church. This check can only search for convictions; may not consider arrests that did not result in a conviction.
  - Candidates must complete the Criminal History Check Form (Form G) to conduct the Criminal Records Check.
  - After the form has been completed, contact the Diocesan Office to initiate the check.
- Sexual Offender Registry Check in any U.S state where the Candidate has resided during the past (7) years is required.
- DHS (Department of Human Services) Central Registry Clearance
- Driving or Motor Vehicle records check if the person will be driving Children or Youth. Congregations are responsible for conducting this check.
- Camp requirements - background checks for camp employees and volunteers must be completed to be in compliance with state regulations. All volunteers and staff serving at our camp must have a completed and clear Criminal Check, Sexual Offenders Registry Check and Central Registry Clearance through the Department of Human Services before they participate in camp activities. The camp director is responsible to fill out the clearance request form, have signed by all volunteer and staff member and forward it to the Diocesan Administrator with photo IDs of all members. The Department of Human Services will return the results to the Diocesan Administrator if the clearances are clear. If they don't send a result on someone, that person is responsible to obtain the result themselves directly from DHS and forward it to the Diocesan Administrator. If there is a record of an allegation of substantiated abuse the Diocesan Administrator will work with the member to further investigate the situation and the final decision of whether that member works at the camp will be decided by the Bishop.

c) Candidates must sign the Code of Conduct (Form C).

d) Prior Criminal Convictions Procedure

The Bishop and the Diocesan Administrator will make recommendations as to whether people with criminal convictions can serve in ministry with children and youth based on the following guidelines:

People with any of the following in their criminal history should not engage in ministry with Children or Youth:

- A felony conviction,
- A single or multiple misdemeanor convictions involving violence, sexual activity, drugs, dishonesty, or malicious acts, or
- A pending criminal case involving the above crimes. In this situation, the person should not be permitted to engage in ministry with Children or Youth until the pending case is brought to conclusion. Then a determination can be made based on the standards set out in this policy.

In determining a Candidate's suitability to work with Children and Youth, a person's past criminal record may be relevant even if he or she has transformed his or her life. Adults engaged in ministry with Children and Youth are asked to staff or run a particular program or ministry and be an example of how to live out the baptismal covenant in a world which often does not live out that covenant. In choosing adults to work with Children and

Youth it is appropriate to consider a person's criminal record with respect to the type of role model this person will be.

Individuals who are not permitted to engage in ministry with Children and Youth due to their criminal history are welcome to worship in our parishes, receive ministry through our parishes and engage in ministry that does not involve Children and Youth, with the appropriate safe church precautions in place.

All information gathered about the Candidate through Personal Knowledge and Background Screening will be carefully reviewed and evaluated to make a determination, in consultation with the Bishop, as necessary, of whether or not the person is appropriate to engage in ministries with Children or Youth.

Health screenings for potential employees are only permitted after an offer of employment is made. Genetic testing is not permitted.

## **5. Training and Recertification Requirements**

Church Personnel must complete training on the issues and prevention of child/youth abuse (Safeguarding God's Children) as outlined on Form I prior to working with Children/Youth. If that is not possible, this policy must be reviewed and discussed with him/her before he/she engages in any Child/Youth ministry. In that case, the rest of the training must be completed within three (3) months of beginning such activity. Training is not required, but is recommended, for Occasional Volunteers who work under the supervision of Church Personnel.

Recertification in such training must be completed every five years. Individual congregations are responsible for ensuring that recertification occurs.

## **6. Reporting**

All incidents of suspected child sexual abuse are to be reported immediately to the County Child Protective Services Offices. It is diocesan policy to cooperate fully with law enforcement officials in investigating all such allegations. By law, clergy are mandated to report child abuse.

If the individual is a mandated child abuse reporter (i.e., their job position or credentials/license requires them to report child abuse and/or neglect), they must make all such reports as required by law. A list of mandated reporter requirements can be found at [www.Michigan.gov/dhs](http://www.Michigan.gov/dhs).

A summary of current child abuse statutes and reporting requirements will be available in the office of the Diocese of Eastern Michigan, and the office of each congregation.

## **7. Record-keeping**

Criminal Records and Sexual Offender Registry Check results will be maintained by the Diocese.

Training Records will be maintained by the Diocese.

## **8. Disciplinary Action**

Failure to comply with this policy may subject the employee to disciplinary action, up to and including immediate termination from employment. Non-employee Church Personnel may be removed from all activities involving Children/Youth.

## **9. Questions**

Questions regarding this policy should be directed to the Diocesan Administrator.

## **12. ALCOHOL AND DRUG ABUSE POLICY AND PROCEDURES**

It is the Diocese of Eastern Michigan's desire to provide a drug-free, healthful, and safe workplace. To promote this goal, employees are required to report to work and remain at work in an appropriate mental, emotional and physical condition to perform all of their assigned duties and responsibilities.

### **The following are the elements of the Diocesan Policy**

1. A Pastoral Approach. Alcoholism and other forms of drug dependency are illnesses, which are treatable and should be approached not with punitive action but rather in a pastoral manner and be focused on recovery.
2. Education and Communication. Educational programs to inform clergy and laity regarding alcoholism and drug dependency can and should occur at a variety of diocesan venues, including: clergy conferences, lay training workshops, parish programs (and those held at the Diocesan Center). Diocesan publications can help create awareness of the problems involved, prevention techniques and treatment options.
3. Job Protection. Job protection for those afflicted with chemical dependency and employed by the Church should be a primary concern where possible. The person who undergoes treatment should be afforded job security, both during and after treatment, while protecting the well-being of the congregation and/or Diocese and work place.
4. Refusal of Treatment. Job protection for employees (item 3) does not apply to chemically or alcohol dependent persons refusing treatment or other help. Job suspension, and, if need be, termination, allows the chemically or alcohol dependent person to experience the consequences of his or her actions. Implementing this policy for clergy refusing treatment is the joint responsibility of the Bishop and others she/he chooses to participate in this process.
5. Intervention and Treatment. When the disease of alcoholism or other chemical dependency is recognized and later confirmed by the competent professionals, intervention begins. Intervention involves a direct, consistent and loving confrontation by persons who are significant to the chemically dependent person with that person. Intervention requires careful preparation with a trained professional and must be done systematically and non-judgmentally. The goal of intervention is to break the cycle of substance abuse, denial and shielding by others and motivate the substance abuser to choose immediate treatment.

### **Procedure for Intervention and Treatment:**

- Observation of behavior and keeping a note of incidents may lead you to believe that there is a problem. Signs may be evident but do not automatically assume that the problem is alcohol/drug related but if problems persist, it should be further looked into.
- Where a supervisor/manager identifies a work performance or behavior indicator of a possible alcohol and drug related problems, he/she should raise this with the staff member and make them aware of the availability of support services.
- The manager should only deal with work-related issues and not try to diagnose the person's problem.
- He/she should keep factual and accurate written records of incidents and interaction with the employee. These records should be stored in a confidential file. The file will be anonymous until or unless suspicion is confirmed.
- The Diocese of Eastern Michigan will endeavor to ensure that any employee who seeks help will be treated with discretion and in confidence.
- If work-related problems persist, the staff member may be referred to local support services specializing in substance abuse (including but not limited to rehabilitation and support groups) with their agreement. Employees may seek help from other sources if they prefer.
- The decision to seek help, agree to referral and /or accept professional intervention will be the responsibility of the individual staff member and refusal to do so will not influence any present or future promotion or disciplinary procedures that are unrelated to the situation at hand (see item 7 below for clarification).

- Employee will be given the same sick leave and the same protection and employment rights as other employees with ill-health problems. Time off will be given for treatment or other specialist help or aftercare provided appropriate certification is submitted.
- Where however, an employee's work performance or behavior remains unsatisfactory despite availability of services, Disciplinary action will begin in consultation with the Diocesan Chancellor. The employee will be entitled to representation at their own cost and due process.

It is incorrect to assume that nothing can be done until a chemically dependent person "hits bottom". Failure to intervene only allows the disease to worsen, thereby shortening life, damaging relationships and making treatment more difficult.

The Bishop, together with appropriate individuals, may assist with consultation and referral for intervention planning.

5. Treatment Options. In approaching the treatment of chemical dependency all of the following may be considered: medical treatment (detoxification), psychotherapy, outpatient or inpatient treatment in private or public facilities, Alcoholics and Narcotics Anonymous, a change of job, or, if necessary, in the case of Diocesan or Church employees, suspension from a position. In making a decision on treatment please refer to the Diocesan Health Insurance Policy to review which services would be covered. For family members, participation in treatment, after care, Al-Anon or Alateen is highly recommended.
6. Treatment Aftercare. Terms such as "recovered alcoholic" or "recovering addict" refer to anyone who has acknowledged his or her chemical dependency, received treatment and stopped all use of the substance(s) involved. It is clear that there can be no cure for chemical dependency, only recovery through abstinence and treatment. For most recovering substance abusers aftercare through regular participation in groups such as Alcoholics Anonymous and by support from family, friends, employers and the Church is essential.

### **Diocesan Staff Policy**

While on the Diocese's premises and/or while conducting business-related activities off the Diocese's premises, no employee may use, possess, distribute, sell, or be under the influence of illegal drugs or alcohol (except communion wine) and except as stated in Section headed "Alcohol" regarding social activities, engage in the unlawful manufacture, distribution, circulation, possession, use of *illegal drugs or abuse of prescription medication or alcohol*. Violations of this policy may lead to disciplinary action, up to and including immediate termination of employment, and/or required participation in a substance abuse rehabilitation or treatment program. Such violations may also have legal consequences.

#### **Alcohol:**

From time to time, alcoholic beverages may be served at church or Diocesan social activities. In these cases:

1. Moderate use of these beverages is acceptable, immoderate use is not.
2. Applicable Federal, State and local laws shall be obeyed.
3. Alcoholic and non-alcoholic beverages should be clearly labeled.
4. Non-alcoholic beverages must always be available and served in equally attractive and visible ways as alcoholic beverages.
5. Food should always be served at events where alcoholic beverages will be served.
6. The availability of alcoholic beverages shall not be publicized as an attraction to the event.

7. These guidelines also shall apply when alcoholic beverages are served on church premises at functions where employees are not present.

### **Employee Policy and Treatment**

Employees with drug or alcohol problems that have not resulted in, and are not the immediate subject of, disciplinary action may request approval to take unpaid time off to participate in a rehabilitation or treatment program. Leave may be granted at the sole discretion of the Bishop. The Diocese recognizes that addictions prevent persons from being all that they can be and result in personal and institutional stress for those around the addicted person. In addition to those policies governing “leave” and the legally prescribed benefits to which each employee is entitled, those with addictions may receive the additional support of the Diocese, to the degree that the Bishop believes that the provision of this help and support is appropriate. The Bishop may, at his/her sole discretion, provide supportive services to persons with addictions, including but not limited to, referral and support for addiction intervention, counseling, outpatient services, in-patient service and hospitalization, and ongoing support services. This may include support for families and employees directly affected by the behavior of the addicted person. The provision of these services may be limited by budgetary constraints and is at the sole discretion of the Bishop.

### **Smoking and Tobacco Use Policy**

#### **Option 1: All Premises Completely Tobacco-Free**

The **Employer** is committed to providing a tobacco-free and smoke-free environment to protect the health and comfort of all its employees and all people who use the **Employer** facilities and/or services. Therefore, smoking and the use of tobacco products are not permitted at any time on any premises owned by, leased by, operated by, borrowed by, used by, or otherwise under the **Employer**’s jurisdiction (including but not limited to vehicles, parish halls, office space, **Employer** offices, camps and conference centers, seminaries, schools, or any other location at which employees perform services).

The Bishop and the employee’s supervisor may provide recovery support to the smoker to assist in the breaking of this addiction.

## 13. VIOLENCE AND POSSESSION OF WEAPONS IN THE WORKPLACE

### *Violence in the Workplace*

The **Employer** is committed to providing a safe environment for employees, as well as the **Employer** community as a whole.

#### **A. PROHIBITED CONDUCT**

The **Employer** does not tolerate any violence in the workplace or any violence engaged in by employees at any function or event attended by an employee as a representative of the **Employer** or as a representative of any other Episcopal or professional organization.

As used in this policy “violence” means any physical assault, threatening or intimidating behavior (verbal and/or non-verbal) or verbal abuse occurring in the workplace. As used in this policy, “workplace” means:

1. Any location where work for the **Employer** is performed;
2. Any time on the **Employer** premises;
3. Any **Employer** function or sponsored event; and
4. Any time in **Employer** vehicles (whether owned, leased or rented).

#### **B. REPORTING PROCEDURES & INVESTIGATIONS**

In order to provide a safe work environment, the **Employer** requires all employees to immediately report any incident of violence or threatened violence in the workplace, whether or not physical injury has occurred (e.g., verbal abuse, menacing, etc.) of which they are aware. This includes all violence and threatened violence directly witnessed or received, as well as any violence and threats an employee is aware another person has witnessed or received.

Employees should make such reports to their **supervisor or any member of management**.

All reports will be investigated promptly and information will be kept confidential to the extent possible.

#### **C. CONSEQUENCES**

As required by law or as the **Employer** deems appropriate, the **Employer** shall report incidents of violence, threatened violence, and other policy violations to the appropriate law enforcement authorities. The **Employer** will fully cooperate with law enforcement authorities in any investigation and/or prosecution of such cases.

Disciplinary action, up to and including immediate termination of employment, may be taken against employees who violate this policy. Disciplinary action, up to and including immediate termination of employment, may also be taken against employees who knowingly and purposely report false or unfounded allegations; however, no individual will be subject to retaliation, intimidation, or disciplinary action as a result of making a good faith report under this policy.

### *Possession of Weapons*

The **Employer** is committed to providing a safe environment for employees, as well as the **Employer** community as a whole. This policy applies to all employees, **except [specify employees who perform security functions] may carry weapons, provided such weapons are carried and used only in accordance with applicable law and [Diocesan/Church/Employer] policies and procedures established for such positions.]**

## **A. PROHIBITED CONDUCT**

The **Employer** prohibits the possession of weapons at the workplace and prohibits employees from bringing weapons to any function or event attended by an employee as a representative of the **Employer** or as a representative of any other Episcopal or professional organization. As used in this policy “workplace” means:

1. Any location where work for the **Employer** is performed;
2. Any time on the **Employer** premises;
3. Any **Employer** function or sponsored event; and
4. Any time in **Employer** vehicles (whether owned, leased or rented).

For purposes of this policy, a “weapon” is defined as any firearm or other weapon not normally found in a work environment that can cause physical injury or death.

## **B. REPORTING PROCEDURES & INVESTIGATIONS**

Employees are required to immediately report any allegations involving the possession of weapons to their supervisor.

All reports will be investigated promptly and information will be kept confidential, except where there is a need to know in order to facilitate a solution to the problem.

## **C. CONSEQUENCES**

Disciplinary action, up to and including immediate termination of employment, will be taken against employees who violate this policy. Disciplinary action, up to and including immediate termination of employment, may also be taken against employees who knowingly and purposely report false or unfounded allegations; however, no individual will be subject to retaliation, intimidation or disciplinary action as a result of making a good faith report under this policy.

As required by law or as the **Employer** deems appropriate, the **Employer** shall report alleged and/or confirmed cases of the possession of a weapon and/or other policy violations to the appropriate law enforcement authorities. The **Employer** will fully cooperate with law enforcement authorities in any investigation and/or prosecution of such cases.

## 14. SCREENING AND SELECTION OF NON-LICENSED VOLUNTEERS IN PASTORAL RELATIONSHIPS

### GENERAL

This policy applies to the selection of lay volunteers who desire participation in a ministry involving the formation of Pastoral Relationships in which licensing is not required. The screening and selection of lay volunteers in roles involving pastoral ministries requiring licensing is addressed in Policy 4.1 - Licensing of Lay Liturgical Ministers.

All new activities that include Pastoral Relationships must have the approval of the rector or canonical equivalent before they start. The rector will consider whether the plan for a new activity includes adequate monitoring and supervision.

It is critical that this policy be followed in order to protect parishioners and volunteers and ensure compliance with Policy 10 - Prohibition Against Sexual Exploitation and Discrimination (including Harassment).

### DEFINITIONS

**Pastoral Relationships** - For purposes of this policy, a Pastoral Relationship is one between any duly-appointed lay volunteer, who is authorized to provide and does provide to such person:

- counseling;
- pastoral care;
- spiritual direction or spiritual guidance;
- life/leadership/peer coaching.

### Supervisors and Decision-Makers -

5. All persons who have the express authority to hire, select, supervise, discipline, promote, demote, terminate, set compensation or other terms and conditions of employment for one or more individuals employed by the Employer;
6. All persons who have the express authority to recruit, duly appoint, select, license, discipline, supervise, terminate, or set terms and conditions of volunteer service;
7. All members of decision-making bodies who have the authority to approve the creation of ministries, programs, Church activities, or policies.
8. Standing Committees, Diocesan Councils/Executive Boards, Vestries, Boards of Directors for Schools, Bishop's Committees and the like.

### SCREENING AND SELECTION

Non-licensed lay volunteers who have Pastoral Relationships shall be screened before engaging in such Pastoral Relationships using the following process and tools:

- a. Personal Knowledge
  - i. Candidates shall be known to the leadership of the congregation for at least six (6) months prior to engaging in Pastoral Relationships.
  - ii. The respective ministry leader and the responsible Clergy should have a discussion to determine if the candidate is appropriate for the particular ministry, including ensuring compliance with Section 10 – Prohibition Against Sexual Exploitation and Discrimination (including Harassment).
- b. Background Screening
  - i. Candidates must complete the Criminal History Check Form (Form G) to conduct the Criminal Records Check. This form must also be completed if reference checks are to be conducted.
  - ii. A Criminal Records Check is required for people who will be working with vulnerable adults in the home of the vulnerable adult. This check must be made for any U.S. state where the applicant resided during the past seven (7) years, and other states, if any, as determined by the diocese.
  - iii. A Sexual Offender Registry Check in any U.S. state where the applicant has resided during the past seven (7) years is required.



- c. All information gathered about the candidate through Personal Knowledge and Background Screening will be carefully reviewed and evaluated to make a determination, in consultation with others as necessary, of whether or not the person is appropriate to engage in Pastoral Relationships.
- d. **Transfers within the Diocese of Eastern Michigan.** Persons who have Pastoral Relationships who transfer within the Diocese of Eastern Michigan who are candidates for Pastoral Relationships in the new location must undergo the same screening and selection process specified above, including obtaining an updated Criminal Records Check and Sexual Offender Registry Check if it has been more than twelve (12) months since the last check.

## **TRAINING AND RECERTIFICATION REQUIREMENTS**

### **a. Lay Persons Who Have Pastoral Relationships**

Before any person engages in Pastoral Relationships he/she is required to complete training on the prevention of sexual exploitation of adults as outlined on Form I. If that is not possible, this policy must be reviewed and discussed with him/her before he/she engages in any Pastoral Relationship. The rest of the education and training must be completed within three (3) months of beginning to have Pastoral Relationships.

Recertification in such training must be completed every five years.

Criminal records checks and sexual offender registry checks will be conducted every five (5) years on persons who have Pastoral Relationships. Local congregations are responsible for ensuring that this occurs by contacting the Diocesan Office.

### **b. Supervisors and Decision-Makers of Lay Persons Who Have Pastoral Relationships**

Within three (3) months of becoming a Supervisor or Decision-Maker of Lay Persons who have Pastoral Relationships, individuals must complete training on the prevention of Sexual Exploitation of Adults (Safeguarding God's People) as outlined on Form I.

Recertification in such training must be completed every five years, including clergy.

## **APPENDIX A**

### **POSITIVE WORK ENVIRONMENT**

As Christians we commit ourselves to respect the dignity of every human being. This is particularly important regarding how we work together (both paid employees and volunteers). It is important that we fully comply with Federal and state norms for a healthy working environment. In order to state our norms and define departures from those norms, the following is adopted as our policy on sexual harassment:

It is a violation of Federal and state law for any employee to harass another employee on the basis of sex. Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitutes sexual harassment when:

- (1) submission to such conduct is made, either explicitly or implicitly, a term or condition of an individual's employment.
- (2) submission to or rejection of such conduct by an individual is used as a basis for employment decisions affecting such individual, or
- (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

Therefore, it is our policy to prohibit sexual harassment. An employee who believes that he/she or another employee has been subjected to sexual harassment is required to contact either his/her supervisor or the President and/or Vice-President of the Standing Committee or their designees. Their telephone numbers are available at the Diocesan Office (1-877-752-6020). The persons listed above include a woman and a man.

The Church recognizes that the question of whether or not a particular action or incident constitutes sexual harassment affecting the employment of an individual requires a determination based on all the facts in the matter. We recognize, therefore, that false accusations can have serious consequences for innocent women and men. The Church will evaluate its response to an allegation of sexual harassment based on the facts it gathers during its investigation of a complaint. The investigation of all complaints will be undertaken promptly and will be handled with discretion.

Adopted by the Standing Committee, March, 1995

## APPENDIX B

### CONFIDENTIALITY

All employees are responsible for safeguarding the confidentiality of information regarding the **Employer**, its operations, its employees, [its **parishioners**,] and any other individuals and organizations who use the **Employer**'s services, or are otherwise part of the **Employer**'s community.

For purposes of this policy, "confidential information" is any information designated by the **Employer**, orally or in writing, as confidential and any information that the **Employer**, in its sole and absolute discretion, determines a reasonable person would be expected to keep confidential. For example, "confidential information" may include, but is not limited to:

- Records and non-public information concerning [parishioners/individuals and organizations] that use the **Employer**'s premises and/or services (e.g., health and counseling information);
- Information concerning the **Employer**'s operations (e.g., financial information and strategic plans);
- Information concerning the **Employer**'s employees;
- Information concerning any pending or contemplated internal or external investigation, audit or proceeding; and
- Any other information not generally known to the public which, if misused or disclosed, could reasonably be expected to adversely affect the **Employer** or a member of the **Employer** community.

A **Church** employee is expected to hold confidential information in a fiduciary capacity for the benefit of the **Employer**. Accordingly, during or after his/her employment with the **Employer**, the employee shall not use confidential information except in connection with their job responsibilities and are prohibited from disclosing confidential information to any person or entity outside the **Church** except for authorized business reasons or as may be required by law. Further, the employee should take care to safeguard confidential information within the **Church** and not disclose such information to another employee and other **Church** officials, except on a "need to know" basis.

Employees who are unsure whether information must be kept confidential shall refrain from disclosing such information. Employees who have questions about confidentiality or privacy should contact **their supervisor**.

Unless the employee receives prior authorization from the supervisor, **they** are not permitted to remove from **Employer** premises any confidential information.

Employees who violate this policy may be subject to legal action, as well as disciplinary action, up to and including immediate termination from employment.

Upon separation of employment for any reason, the employee will be required to return to the **Employer** all originals and copies (in any format including but not limited to electronic format) of any confidential information.

Nothing contained in this policy is intended to prohibit any required reporting under applicable federal, state and/or local laws. See also Policy Nos. 202 ("Sexual Harassment"), 203 ("Sexual Exploitation"), 204 ("Anti-Discrimination/Anti-Harassment"), 207 ("Protection of Children & Youth"), 211 ("Anti-Fraud, Dishonest Activity & Whistleblowing"), 701 ("Accidents, Injuries & Illnesses"), 703 ("Drug-Free Workplace").

## APPENDIX C

### RECORDKEEPING AND PERSONNEL FILES

#### ***Updating Emergency Contact & Personal Information***

For the employee's well-being, they should provide the **Employer** with the name, relationship, phone number and address of an emergency contact. It is their responsibility to make certain that the emergency contact and personal information are current.

#### ***Personnel File***

Personnel records are highly confidential. The **Employer** maintains a personnel file for each employee. The **Employer** maintains employees' medical records in a separate, confidential medical file *if necessary, adjust reference to refer to your organization's medical records policy*. Employee personnel (and medical record) files are the **Employer's** property.

Unless otherwise required by law, the employee may only review their personnel file while an employee. **Unless required by law, the Employer will not permit employees access to information confidentially submitted during the hiring process (e.g., references, interview notes, etc.).** To review their personnel file, contact their supervisor. **The Employer will determine the terms and conditions upon which the employee may review their personnel file (including, without limitation, any required notice, the location where they may review the file, and whether they may copy portions of the file).**

**The Employer will not disclose information from the employee's personnel file to anyone outside of the Church [unless the employee or their supervisor has authorized the release,] [the release is to an authorized governmental agency,] [or the release is required by law].**

Recordkeeping and retention practices are provided in the Business Methods for Church Affairs, published by the National Church.

## **APPENDIX D**

### **MINIMUM COMPENSATION FOR SUPPLY CLERGY**

Please visit the Diocesan Website [www.eastmich.org](http://www.eastmich.org) to find the current Clergy Supply Rates.

## **Annual IRS Mileage Allowance**

The IRS standard mileage rate for the year 2015 is 54 cents per mile.

## APPENDIX E

### CHURCH PENSION FUND MATTERS

#### ASSESSABLE COMPENSATION

Compensation, for pension purposes, consists of cash salary, utilities and housing, as described below:

CASH SALARY: - the amount of money paid to the employee, including bonuses and any part of the Social Security tax which may be reimbursed, but excluding allowances for travel and occasional fees.

UTILITIES: - the allowances paid to the employee to cover the cost of their utility bills (such as electricity, fuel, etc.); or an approximation of the annual amount of utility bills, if paid by the church unit.

HOUSING: - if the employee is provided rent-free living quarters, housing is figured at 30% of the combined total of their cash salary plus utilities, OR If the employee receives a housing or rental allowance, housing would be the greater of the actual allowance or 30% of the combined salary and utility allowance.

#### ASSESSMENT RATE BREAKDOWN AND POOLING

The Church Pension Fund's Trustees have set the assessment rate at 18% of annual compensation. The assessment paid by a church unit is combined with that paid by other church units and with personal assessments submitted by clergy maintaining full coverage. These funds are pooled and invested for the benefit of all clergy and their families and are not held in the name of any individual.

This "pooled" assessment rate (18%), consists of several elements. As of April 1, 1984, a rate of 13.00% is required to cover the cost of each year's future service benefits, including Resettlement Benefits, for the present group of active clergy. Of the 13.00%, about 8.75% goes toward age-retirement pensions, 1.65% for disability benefits, and the balance of 2.60% for survivor benefits, including Lump Sum Death Benefits. About 15% of the assessment rate is utilized for expenses incurred in operating the Fund, and the balance of 3.85% is held for contingencies, including unfunded liabilities that might emerge in future years.

#### RETROACTIVE COMPENSATION CHANGE LIMITATIONS

Retroactive changes in a clergy employee's compensation may not be made for periods dating back more than two calendar years without the Trustees' approval, and only if unusual circumstances are found to exist.

#### MULTIPLE COMPENSATION SOURCE CALCULATIONS

If a clergy employee receives compensation from more than one church unit and one source provides housing, each source would be assessed for a share of the housing as shown below

	CASH				TOTAL
ANNUAL	SALARY	UTILITIES	HOUSING	ASSESSMENT	COMPENSATION
Source A	\$16,200	\$2,000	\$5,400	\$23,400	\$4,212
Source B	2,000		600	2,600	468
Source C	900		270	1,170	211
	\$18,900	\$2,000	\$6,270	\$27,170	\$4,891

## FORM A

### Critical Notice of Concern

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Individual(s) of Concern \_\_\_\_\_

Date of occurrence \_\_\_\_\_

Time of occurrence \_\_\_\_\_

**Type of Concern:**

\_\_\_\_\_ Inappropriate behavior with a child or youth

\_\_\_\_\_ Policy violation with a child or youth

\_\_\_\_\_ Possible risk of abuse

\_\_\_\_\_ Other concern: \_\_\_\_\_

Describe the situation: What happened, where it happened, when it happened, who was involved, who was present, who was notified? If reported to the State, what was their recommendation about investigating?

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To your knowledge has this situation ever occurred previously? \_\_\_\_\_

Explain:

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What action was taken? How was the situation handled, who was involved, who was questioned, were police called?

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Submitted by: \_\_\_\_\_ Telephone number: \_\_\_\_\_

Location and address: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Reviewed by: \_\_\_\_\_

# Episcopal Diocese of Eastern Michigan

## FORM B

### APPLICATION

*Instructions: Please complete all of the questions accurately and fully. Attach additional sheets if needed.*

**Today's Date:** \_\_\_\_\_

**Name:** \_\_\_\_\_

**Street Address:** \_\_\_\_\_ **City:** \_\_\_\_\_ **State:** MI **Zip:** \_\_\_\_\_

**Driver License:** State \_\_\_\_\_ Number: \_\_\_\_\_

**How long at current address:** \_\_\_\_\_ **Email Address:** \_\_\_\_\_

**Phone:** Home (\_\_\_\_) \_\_\_\_\_ Work (\_\_\_\_) \_\_\_\_\_ Other (\_\_\_\_) \_\_\_\_\_

**Note:** *If you are chosen for a paid position, you will be required to show documents verifying your employment eligibility and identity to complete the IN Form I-9 as required by the Immigration Reform and Control Act.*

Please list your addresses in the past five years:

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-----  
-----  
-----  
-----

For what position are you applying? -----

How did you hear about the position? -----

What interests you about the position for which you are currently applying?

-----  
-----  
-----

What has prepared you for the position you are currently applying?

-----  
-----  
-----

What do you feel are your greatest gifts and strengths as a person?

-----  
-----  
-----



## Educational History

Please complete for your prior employers, covering the past ten years.

Dates of employment (from most recent)	Company name & address (City, State, Zip)	Immediate supervisor name & phone number	Position held	Reason for leaving
Started ___/___/___ Ended ___/___/___				
Started ___/___/___ Ended ___/___/___				
Started ___/___/___ Ended ___/___/___				

## Volunteer experience

Organization	Duties	Dates	Contact	Phone

## Educational History

Name of School	Address (City, State, Zip)	Type of School	Name of Program or Degree	Program completed?

## References (Non-family)

Reference Name	Address (City, State, Zip)	Daytime Phone	How long have you known this person?	Relationship to You

Have you ever been convicted of a felony?

( Y / N )\_\_\_\_\_ If yes, attach documentation

Have you ever been convicted of physically, sexually or emotionally abusing a child or an adult?

( Y / N )\_\_\_\_\_ If yes, attach documentation

## Acknowledgment, Release and Signature

To the best of my knowledge, the information contained in my application is complete and accurate. I understand that providing false information is grounds for not hiring me or not choosing me for a volunteer position and also for discharge if I have already been hired or chosen.

I authorize any person or organization, whether identified or not on this application to provide any information regarding my previous employment, education, credit history, driving record, criminal confiscation record, sexual offender registry or other data about my qualifications for my employment or volunteering. I also authorize (\_\_\_\_\_) to request and receive such information.

If hired or chosen, I agree to be bound by the Diocese of Eastern Michigan policies and procedures, including but not limited to its Policy and Procedure Concerning Sexual Misconduct and the included Code of Conduct of the Protection of Children and Youth. I understand that these may be changed, withdrawn, added to or interpreted at any time by the Diocese of Eastern Michigan or by (\_\_\_\_\_) at their sole discretion and without any prior notice to me.

I understand that my employment or volunteer service is considered “at-will” and may be terminated, or any offer or acceptance of employment or volunteer service withdrawn at any time, with or without cause and with or without prior notice at the option of (\_\_\_\_\_) or myself.

Nothing contained in this application or in any pre-employment or pre-volunteering communication is intended to or creates a contract between myself and (\_\_\_\_\_) for either, employment or volunteer service or the providing of any benefit.

I have read and understood the above provisions.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

Reviewed by: \_\_\_\_\_

Date: \_\_\_\_\_

## Form C

### Code of Conduct

This Code of Conduct has been adopted by The Diocese of Eastern Michigan to help the church create safe environments for children and youth and for those who minister to them. All Church Personnel (as defined in Section 11 –Protection of Children and Youth Personnel Requirements are asked to carefully consider each statement in this before agreeing to adhere to the statements and continue in service to the church.

***Read and initial each item to signify your agreement to comply with the statement.***

\_\_\_\_\_ I agree to do my best to prevent abuse and neglect among children and youth involved in church activities and services.

\_\_\_\_\_ I agree not to physically, sexually or emotionally abuse or neglect a child or youth.

\_\_\_\_\_ I agree to comply with the policies for general conduct with children and youth defined in Policy and Procedure concerning Sexual Misconduct.

\_\_\_\_\_ I agree to comply with the Guidelines for Appropriate Affection with children and youth.

\_\_\_\_\_ In the event that I observe any inappropriate behaviors or possible policy violations with children or youth, I agree to immediately report my observations.

\_\_\_\_\_ I acknowledge my obligation and responsibility to protect children and youth and agree to report known or suspected abuse of children or youth to appropriate church leaders and state authorities in accordance with the Policy and Procedure Concerning Sexual Misconduct.

\_\_\_\_\_ I understand that the church will not tolerate abuse of children and youth and I agree to comply in spirit and in action with this position.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

## **FORM D**

### **SEXUAL MISCONDUCT POLICY ACKNOWLEDGMENT FOR CLERGY, LAY EMPLOYEES AND OTHERS COVERED BY THE SEXUAL MISCONDUCT POLICY**

*The Governing Board (e.g. Vestry, Convocation Council, or Standing Committee, hereinafter referred to as Employer) is responsible for fostering a setting free from sexual misconduct and for enforcing this policy. The Employer shall appoint the Priest in Charge and the Sr. Warden (when no priest is present then it would be the Sr. and Jr. Warden) “to answer questions and disseminate information about the prevention of sexual misconduct and this policy, to seek enforcement of this policy and procedure, and to receive initial complaints concerning alleged violations of this policy. In the event that both of the above appointed individuals are of the same gender, the employer will also appoint one person (preferably a vestry member) of the opposite gender that will be willing and available to assist in the above responsibilities.*

# FORM E

## Interview Format

### Interview

It is best if two people conduct the interview together using a standard set of questions. The applicant's responses should be recorded on a form designed to record such responses (not word-for-word). Any gaps or issues arising from responses on the written application should be questioned.

### Before the interview:

- Review the application for any gaps in information or other matters you might want to follow up on. If there is any detrimental information, you can ask questions about it during the interview.
- Have a clear written job description or at least be able to give a clear verbal description of the position/ministry including all the responsibilities and time commitments required for that ministry.
- Have a standard list of questions to be asked of all applicants. (See Form F)

### During the interview:

- Explain the nature of the position. You can give the applicant a copy of the job description. Be sure to include the responsibilities, time commitment and supervision structure for the position. (For example, church school teachers may be supervised by the parish director of religious education.) Ask whether the applicant has any questions about the position.
- Explain the steps that the church takes to enhance the safety of children and youth. This includes the screening process, safe church training and policies
- Explain the next steps in the selection process—public record check and reference checks.
- Make some notes as the interview proceeds so that you will remember the applicant's responses. Do not write down so much information that you get distracted from listening carefully to the applicant's responses to your questions. The responses may lead to more questions regarding a particular matter.

### Sample interview questions (paid or volunteer positions):

1. Why do you feel called to this ministry, or what interests you about this ministry?
2. What experience has prepared you for this ministry?
3. What is your greatest achievement at work or in a volunteer position?
4. What do you consider to be your greatest challenge?
5. Have you ever worked or volunteered where you have disagreed with something you were told to do?  
How did you handle that?
6. Can you explain how you handle interruptions and changes in plans?
7. Have you ever worked/volunteered somewhere where there was conflict?  
How was the conflict handled and how did you feel about that?
8. What types of hobbies or interests do you have outside of work?
9. What other volunteer positions do you hold?
10. Present a hypothetical situation that could arise in the ministry and ask the applicant how she or he would respond in such a situation.
11. Ask any other questions needed to ascertain whether this person is qualified and able to meet all of the specific requirements of the job description.
12. Have you ever been fired from a job?
13. Has your driver's license ever been suspended or revoked?
14. Are you a registered sex offender?
15. Have you ever been convicted of a felony?

### For Paid Positions Only:

Are you authorized to work in the United States? (Ask this of all candidates for paid positions. You do not want to appear to treat applicants who may seem to be from a foreign country differently from other applicants.) You will then need to obtain the required documents as indicated in the INS I-9 form should you decide to hire the applicant.

**Questions not to ask:**

DO NOT ask questions regarding an applicant's:

1. Age or date of birth

Note: If a parish does not want to employ minors, it can ascertain the age of the applicant before the interview by including the following language on the standard application. *"Are you over 18 years of age? Yes \_\_\_ No \_\_\_ (If not, employment is subject to verification that you are of minimum legal age and that you are able to supply any required work permit.)"*

[From "What Every Church Employer in Connecticut Should Know: A Seminar on Proper Employment Practices, page 15.]

2. Citizenship, place of birth, national origin and ancestry

Note: If you decide to hire a person for a paid position, you will need to obtain documentation requested by INS I-9.

3. Marital status, pregnancy, number of children, or child care

4. Arrest records

Note: It **IS** permissible to ask about felony convictions and misdemeanor convictions within the past five years or from which the person has been released from incarceration within the past five years which are NOT a first offense for drunkenness, simple assault, speeding, a minor traffic violation, affray or disturbing the peace.

5. Personal financial status, which includes funds in bank accounts or sources of income such as welfare

Note: It is appropriate to conduct a credit report for applicants who will be handling and responsible for money. All steps to comply with the Fair Credit Reporting Act must be complied with in such cases. These requirements are set out in the section regarding public record checks, below.

6. Height and weight

7. Disability, handicap, and physical and mental health

8. Smoking

In the course of the interview an applicant may volunteer information regarding an impermissible area of questioning. For example, in response to a question about experience an applicant may share that she has three children and two of them have asthma. **DO NOT RECORD THIS INFORMATION ON THE RECORDING FORM. YOU MAY NOT TAKE THIS INFORMATION INTO ACCOUNT WHEN DETERMINING WHETHER THIS PERSON IS SUITABLE FOR THE POSITION.**

# FORM F

## Adverse Action Notice

Date

Dear Applicant,

This letter is being sent to you in compliance with the Fair Credit Reporting Act, 15 U.S.C. Section 1681 (m)(a) to inform you that you have been denied a position with our organization based on information received from the consumer reporting agency – Criminal Background search listed below during a pre-employment background investigation:

Michigan State Police Criminal Check and /or Sexual Offenders Registry. Available online.

Please know that the Michigan State Police did not make any decision regarding your employment and cannot explain to you why the decision was made. Pursuant to the Fair Credit Reporting Act, you have the following rights:

- You may obtain a copy of your report by contacting the Michigan State Police and going online.
- You may dispute any inaccurate or incomplete information contained in the report directly with the State Police Department.

Sincerely,

Employer name

# Episcopal Diocese of Eastern Michigan

## FORM G

### CRIMINAL HISTORY CHECK FORM

1. Name (including previous married, maiden or assumed names):

\_\_\_\_\_

*first* *middle* *last*

2. All other names used: \_\_\_\_\_

3. Residence addresses (for past seven years):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Phone \_\_\_\_\_ Email \_\_\_\_\_

4. Date of birth: \_\_\_\_\_

5. Place of birth: \_\_\_\_\_

6. Sex: \_\_\_\_\_

7. Social Security Number: \_\_\_\_\_

8. Driver's License Number: \_\_\_\_\_ State: \_\_\_\_\_

9. Have you ever been convicted of a felony or a misdemeanor? **No** \_\_\_\_\_ **Yes** \_\_\_\_\_  
*If yes please explain (include dates and locations)*

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

10. Name of Organization requesting background check: \_\_\_\_\_

Address of Organization: \_\_\_\_\_ in \_\_\_\_\_  
*organization community*

I give The Diocese of Eastern Michigan permission to verify my criminal history with any organization with responsibility for maintaining criminal records. I release the above parties from all liability resulting from this disclosure. I declare that the contents of this form have been examined by me and are true to the best of my information, knowledge and belief.

\_\_\_\_\_

*signature* *date\**

\*This release is effective for one (1) year from the above date.

**Please complete and return this form to:**  
**Diocesan Administrator**  
**Diocese of Eastern Michigan**  
**924 N. Niagara St.**  
**Saginaw, MI 48602**

\_\_\_\_\_  
*Date Background Check Completed*

\_\_\_\_\_  
*Check Processed by:*

\_\_\_\_\_  
*Accepted & Reviewed by*



**FORM H**  
**Lay Employee New Hire Checklist**

NAME \_\_\_\_\_

START DATE \_\_\_\_\_

**HIRING PROCESS**

\_\_\_\_\_ Complete a Standard Application (Form B in PPM)  
\_\_\_\_\_ Conduct a face-to-face interview  
\_\_\_\_\_ Contact References  
\_\_\_\_\_ Complete a criminal background check (contact Diocesan Office)  
\_\_\_\_\_ Complete a check of Sex Offender's Registry (contact Diocesan Office)  
\_\_\_\_\_ Adverse Action Notice, if necessary (Form F)

**TRAINING REQUIRED (Contact Diocesan Office for Training)**

\_\_\_\_\_ Preventing Sexual Exploitation-Congregations  
\_\_\_\_\_ Preventing Sexual Harassment for Workers

**HANDOUTS**

\_\_\_\_\_ Personnel Policy Manual  
\_\_\_\_\_ Policy Manual  
\_\_\_\_\_ Congregation Data Form – directory  
\_\_\_\_\_ Code of Conduct (requires employee signature)  
\_\_\_\_\_ Reimbursable Plan (requires employee signature)  
\_\_\_\_\_ Other employer policies

**PAYROLL**

\_\_\_\_\_ Complete I-9  
\_\_\_\_\_ Complete Federal & Michigan W-4's (report new hires to State of MI)

**BENEFITS**

\_\_\_\_\_ Medical/Dental Insurance  
\_\_\_\_\_ Group Life Insurance  
\_\_\_\_\_ Disability  
\_\_\_\_\_ Pension

Contact the Diocesan Administrator for assistance: Phone 877-752-6020 or email [mollyg@eastmich.org](mailto:mollyg@eastmich.org)

## Form I

### Safeguarding/Background Check Chart

MODULE	CLERGY	VESTRY	PAID LAY STAFF	PASTORAL *1	CAMP	MINISTRY W/ CHILDREN/YOUTH *2	MINISTRY W/O CHILDREN/YOUTH*3	MINISTRY INVOLVING MONEY *4
<b>Safeguarding God's Children</b>								
Meet Sam	X				X	X		
It Happened to Me	X				X	X		
Keeping Your Church Safe	X					X		
Your Policies	X				X	X		
Keeping Your Camp Safe					X			
Mandated Reporter Training	X							
<b>Safeguarding God's People</b>								
Preventing Sexual Exploit - Congregations	X	X	X	X			X	
Preventing Sexual Exploit - Ministries	X	X		X			X	
Preventing Sexual Harassment - Workers			X	Recommended				
Preventing Sexual Harassment - Managers	X	X					X	
<b>Background Checks</b>								
Criminal	X		X	X	X	X		X
Sex Offender Registry	X		X	X	X	X		X
DHS Clearance	X				X	X		
Oxford Background Check	X							

\*1 Eucharistic Visitor, Pastoral & Worship Leader, Catechist, Evangelist

\*2 Youth Group Leader, Nursery Worker, Sunday School teachers

\*3 Literacy, Community and Diocesan Ministries

\*4 Additional requirements for those in Ministry w/money

**CRIMINAL CHECKS RENEWED EVERY 5 YEARS FOR CLERGY, PEOPLE IN PASTORAL RELATIONSHIPS, AND W/CHILDREN, YOUTH**



