

PRESBYTERY OF HUDSON RIVER PERSONNEL MANUAL

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Sexual Misconduct Policy -
see current Committee on Ministry policy

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I. Theology of Call

At the heart of the reformed tradition is the affirmation that every Christian is called through baptism to a vocation of ministry - to glorify God and enjoy God through the joyful sharing of the gifts of the Spirit given to each of us at our birth. Though some are set apart for particular functions through the ordained offices of the church, all men and women bear God's image and are shaped and sent to be God's presence in the world - to be disciples of Jesus Christ in all that we say and all that we do. Any theology of employment begins with this affirmation, and with the call to create personnel systems, policies and structures that honor our common vocation of discipleship. The ministry that is shared by the staff of the Presbytery of Hudson River is both blessed by God's providential grace and called to offer accountable and joyful service in Christ's name.

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II. Overview/General Principles

1. The church exists to serve people in the name and spirit of its Lord, Jesus Christ. Such service is essential in the administrative affairs of the church as it is in its pastoral and other ministries. The church has responsibilities to its employees even as it does to its members, and the work of the church is more effectively and efficiently done when its employees have good working conditions and are provided with a working atmosphere in which they know where they stand, what they can count on and what they may expect under whatever circumstances may arise.
2. The Presbytery of Hudson River (also referred to as Presbytery throughout this Manual) is an equal opportunity employer and the personnel policies shall be implemented in accordance with the General Assembly Affirmative Action Church-wide Plan.
3. It is the policy of the Presbytery of Hudson River to maintain a working environment free from sexual or any other type of harassment of any employee or job applicant. Harassment in any manner or form is unacceptable.
4. The staff of the Presbytery of Hudson River shall function as a team, meeting together regularly, planning together and mutually supporting and respecting each other within the Christian context of the Presbytery's mission.
5. The Presbytery is an at will employer.

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A. Guidelines for the Protection of Personal Privacy

1. Each employee of the Presbytery shall be protected by the following broadly based privacy guidelines:
 - a. Individuals shall have access to information about themselves in record-keeping systems and to how such information is being used.
 - b. An individual shall be able to respond to or amend an inaccurate record in his/her personnel file in writing.
2. Unless required by law, no information regarding an employee shall be disclosed without his or her consent except to the General Presbyter or the Personnel Committee.
3. The Presbytery will normally seek to respect the privacy of its employees. Because the Presbytery provides computers for use by employees, the Presbytery reserves the right to have access to all mail and to log network use or monitor file server space utilization by employees and users.
4. The General Presbyter is responsible for assuring that these guidelines are observed.

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B. Guidelines for Personal Conduct

1. Employees shall treat one another justly and with dignity, respect and civility in their day to day work.
2. Employees shall not use their positions to exercise inappropriate power and authority.
3. Employees must not engage in physical, written or verbal harassment of staff or volunteers nor tolerate such harassment by others.
4. Employees must avoid developing intimate relationships that are inappropriate and be particularly careful to avoid sexual misconduct, including the possession or distribution of pornography in the workplace. Employees should avoid even the appearance of sexual misconduct.
5. Employees shall avoid situations in which their roles or position conflict or give the appearance of conflicting with their professional, personal or financial interests. Employees shall disclose to supervisors all relevant factors that could create a conflict and shall inform all parties when an actual or potential conflict of interest arises. Resolution of the issues must protect the person or entity receiving services.
6. Employees in the use of computers shall respect the privacy of other employees, respect copyright and license agreements, protect data from unauthorized use and limit their personal use. Employees shall not use computers for illegal purposes, harassment, partisan politics, pornography or for for-profit purposes.
7. Employees shall be mindful of their own spiritual, physical, mental and emotional health and be supportive of those things that contribute to the well-being of other employees.

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III. Employment

1. The Personnel Committee (also referred to as Committee in this manual), in consultation with the General Presbyter and with approval by Stewardship Ministries, may hire full or part-time lay employees for the Presbytery. The Committee, in consultation with the General Presbyter, may also recommend the calling of ordained staff, with this recommendation subject to the approval of the Presbytery.
2. Vacancies for Presbytery positions shall ordinarily be made known by the General Presbyter to the churches of Presbytery as well as public advertising.
3. If any Presbytery position involves an employee who is shared with another employer e.g. another Presbytery, the employment terms and conditions for that employee will be worked out on an individual basis
4. Employment shall be made on the basis of competence to fill the needs of the office, as determined by the General Presbyter and other staff with whom the employee would relate, without regard to age, race, gender, marital status, ethnic origin, disability, sexual orientation or religious affiliation in accordance with Federal and State law.
5. There shall be a probationary period of three months for all newly called staff, except officers and staff elected by the Presbytery, during which the qualifications and abilities to perform the position will be evaluated. At the completion of the probationary period, the employee will be evaluated. Failure to demonstrate qualifications or unsatisfactory performance may result in termination of employment.
6. The General Presbyter and each employee, new and current, shall jointly negotiate and keep current a job description of the employee's specific duties and responsibilities, a copy of which shall be filed with the Chairperson of the Personnel Committee and the General Presbyter.
7. The General Presbyter shall provide a copy of the current Personnel Manual to each employee.
8. A member of the Personnel Committee, along with the General Presbyter, will meet with new staff members to welcome them to the Presbytery.
9. Full-time employment is defined as 35 hours per week for non-exempt employees and 50 hours per week for exempt employees.
10. Part-time employment for non-exempt employees is defined as at least 14 but less than 35 hours per week. For exempt employees, it is at least 20 hours but less than 50 hours per week.
11. Exempt professional staff are salaried persons who are not entitled to receive overtime pay. Non-exempt employees are hourly-rated workers who receive overtime pay when work hours exceed 40 hours in a given week in accordance with the Fair Labor Standards Act (FLSA). Hourly employees may take additional time off in lieu of overtime.
12. Each member of the Presbytery staff shall receive an annual review of performance by the immediate supervisor and the Personnel Committee. The

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General Presbyter, other Presbyters and Stated Clerk shall be reviewed by the Personnel Committee in a similar manner. In conducting the annual performance review, the Committee will seek input from others in the Presbytery who work with the staff member.

13. As needed, temporary employees will be hired as determined by the General Presbyter and Personnel Committee, as will the terms of their call.
14. The terms of call for exempt staff will be documented in an Employment Covenant between the Presbytery and the individual staff member. These covenants will be updated as the terms of call change.
15. All employees hired after December 31, 2007 will be required to undergo a Criminal Background Check in accordance with the Presbytery's Background Check Policy and sign the Presbytery's Sexual Misconduct Policy.

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IV. Office Procedures

1. Adequate time-keeping records are to be kept as required by law and reviewed on a regular basis by the Office Manager/Administrative Assistant or Manager of Stewardship and Finance so that employees are paid promptly and accurately for time worked. The laws covering minimum wages and hours are to be posted in a conspicuous place.
2. If a non-exempt employee attends a meeting at the request of the manager, such time at the meeting shall be considered as time worked.
3. Reasons for unforeseen absences and lateness should be reported to the office by 8:30 AM the same day.
4. Employees shall dress neatly and in good taste, consistent with job assignments.
5. The mail, telephone services, equipment and facilities of the Presbytery Office are for the work of the Presbytery. Use by employees is to be limited to business purposes. Brief, local telephone calls or e mails for personal matters are permitted.
6. Any solicitations within the Presbytery Office by employees for any reason must have the advance approval of the General Presbyter. All participation by the employees in such programs will be completely voluntary.
7. Temporary and voluntary help may be utilized so far as office space and working conditions permit, with approval of and under the supervision of the General Presbyter.
8. Occasional short visits by friends and family are permitted as long as the normal function of the office is not adversely impacted. Extended visits, whether due to an emergency or other circumstances, require approval of the General Presbyter.

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A. Presbytery Office Hours

1. From September through June the Presbytery Office will be open Monday through Friday from 9:00 AM - 4:30 PM. During July and August the office hours will be Monday through Friday from 9:00 AM- 3:00 PM. The office will be closed on the holidays specified in section VD of this manual and on the weather closing days of the public school district in which the office is located.
2. The office is to be adequately staffed at all times. Therefore, lunch hours must be staggered to ensure ample office coverage. Employees are entitled to a daily non-paid lunch period of up to one hour that may be taken at a time that does not compromise the adequate staffing requirement of this paragraph.
3. Within the required work hours for staff, flexible arrangements may be established for individuals as long as they do not undermine the orderly operation of the Presbytery Office. Such arrangements must be approved by the Office Manager/Administrative Assistant.

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V. Compensation

A. Salaries

1. The salaries to be paid office and professional employees (including contract employees) shall be determined by the Personnel Committee and approved by Stewardship Ministries at a rate consistent with the pay rate for comparable positions in the Presbytery and the surrounding area. This rate will be reviewed by the Committee at least once per year. The Presbytery COLA for the applicable year will be used as a guideline (but not a mandate) for salary increments for the year. This normally will be the only factor used in determining salary increments and will be applied equally for all staff, but in no event will any variation in salary increment percentages disadvantage lower paid staff.
2. Full time exempt employees will be paid on the basis of 50 hours per week. Full time non-exempt employees will be paid on the basis of 35 hours per week.
3. All employees will be paid on an hourly basis at a rate no lower than the legally required minimum.

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B. Overtime

1. Non-exempt employees authorized or requested to work beyond 40 hours in a work week will be compensated at a rate of time and a half for each hour of work beyond these limits.
2. Employees receiving pay for hours of work greater than 35 hours in a week may elect to receive their compensation for this time in the form of compensatory time off, with the scheduling of this time off subject to the approval of the employee's supervisor.
3. Accrued compensatory time must be taken within the calendar year.
4. Employees requested to work beyond the normal office hours should be given advance notice whenever possible by the General Presbyter or a designee.

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C. Benefits

1. Eligible employees (those working at least 20 hours per week) will normally be covered, upon employment, by the Benefits Plan of the Presbyterian Church (USA) as required by the Board of Pensions. If an otherwise eligible employee is appropriately not covered by all or a portion of the Benefits Plan of the Presbyterian Church (USA), this employee will receive a payment from the Presbytery equal to and in lieu of the cost of this coverage.
2. The benefits arrangements described in this section will be administered by the Manager of Stewardship and Finance under the general direction of the General Presbyter and Personnel Committee.
3. The provisions of the Benefits Plan of the Presbyterian Church (USA), or such alternative arrangements as may apply, will be communicated to employees so that they will have a complete and clear understanding of the effect of these provisions on them.
4. The full cost of the benefits arrangements described in this section will be paid by the Presbytery.
5. In addition to coverages provided by the Benefits Plan of the Presbyterian Church(USA), eligible employees will be permitted to establish tax free health care and/or child care reimbursement accounts in accordance with federal tax law. The maximum amount the employee can contribute to such an account will be the amount established by applicable tax law.

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D. Paid Holidays

1. The following holidays will be observed during which the Presbytery office shall be closed and for which full-time employees will be paid as a regular work day. Part-time employees scheduled to work on the day a holiday occurs will be paid their scheduled hours.

New Years Day
Martin Luther King's Birthday
Good Friday
Memorial Day
Independence Day
Labor Day
Columbus Day
Thanksgiving Day
The day after Thanksgiving
Christmas Eve Day
Christmas Day

2. In addition to the above scheduled holidays, employees are entitled to two additional "floating days" that can be taken at full pay. The scheduling of these days, however, is subject to the approval of the employee's supervisor.
3. If a holiday occurs on a weekend, it will be taken on a weekday.
4. The dates for observance of the named holidays will be determined by the General Presbyter or a designee and communicated to the staff and others prior to January 1 each year.

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E. Vacation Leave

1. Vacation with pay is provided for all exempt and non-exempt employees. Vacation time shall be used within the calendar year earned. However, with the approval of his or her supervisor, the employee may carry over up to five days of earned vacation to a subsequent calendar year. Any accumulated, unused days in excess of five will be forfeited.
2. While every attempt will be made to schedule vacation time as requested, each employee's vacation time is subject to the approval of the supervisor.
3. Full time and part time exempt lay employees are entitled to 22 days of vacation per year. Ordained employees are entitled 31 days of vacation per year.
4. Full time, non-exempt employees are entitled to an annual paid vacation computed at the beginning of each calendar year and varying in length in accordance with their years of service with the Presbytery, as shown in the following table.

Number of Years	Number of Days Vacation
1	10
2	11
3	12
4	15
5	16
6	17
7	18
8	19
9	20
10	21
11 and over	22

5. Vacation entitlement is accrued on a calendar year basis and earned as of January 1 each year. An employee's entitlement during the first calendar year of employment will be pro-rated based upon the number of completed months of service during the first calendar year divided by 12. The employee's entitlement during the last year of employment is not prorated; the full entitlement for the year is earned as of January 1 of the year employment terminates. These rules apply to both exempt and non-exempt employees.
6. Part-time non-exempt employees will be entitled to a pro-rata portion of the above schedule based upon their number of work hours in relation to 35. Part time exempt employees will be entitled to a portion of the 22 days vacation as determined by the General Presbyter and approved by the Personnel Committee for each employee.
7. Upon termination of employment, an employee will be entitled to a cash payment for the value of any earned but unused vacation days as of the employee's termination date. This provision applies to any carried over vacation as well, subject to the five day maximum in paragraph 7.

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F. Sick and Related Leave

1. Sick leave is accumulated (for full time employees) at a rate of one day for each month of completed service up to a maximum of 10 days per calendar year. Part-time employees will accumulate sick leave on a pro-rated basis in accordance with the method described in section V. E. A maximum of 60 days of unused sick leave may be accumulated. Accumulated sick pay will be accrued and payable as of the beginning of any given calendar year.
2. Paid sick leave shall normally be used for the personal health-related business of the individual employee. Should sick leave be exhausted, earned vacation may be used for that purpose. In addition, up to one half of an employee's accumulated sick leave may be used to give care to an employee's family members (spouse or partner, children, parents and parents-in-law).
3. Employees who are, according to certification of a physician, temporarily disabled and who are not covered by another disability plan, shall receive full salary and benefits for a period of such disability, not to exceed 90 days, at which time application may be made for disability benefits from the Board of Pensions Plan. If the employee is covered by another disability plan, the salary payment will be reduced by the amount of payment under this plan. This policy shall apply to all medically certified disabilities including pregnancy and pregnancy related disability.
4. Accumulated sick leave is meant to cover illness-related situations. Employees receive no compensation for unused accumulated sick leave at the time of retirement or separation employment.
5. For death of an immediate family member up to three days to attend the funeral or make funeral arrangements. Immediate family members are defined as employee's spouse or partner, parents, step-parents, siblings, children, step- children, grandparent, father-in-law, mother-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law or grandchild. Employees may take one day off to attend the funeral of a close, non-family member. This time off will be considered by the supervisor on a case-by-case basis. There may be exceptions to this policy on a case-by-case basis.
6. Subject to scheduling of the employee's supervisor, the employee will be entitled to up to five days of paid leave per calendar year to provide medical care for a sick child, spouse or parent.

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G. Family Leave

1. A period of paid leave following the birth or adoption of a child shall be granted the employee as follows: first and second month's leave with full pay; third month's leave with 50% pay.
2. Such maternity or paternity leave is exclusive of any accumulated vacation or sick leave. Accumulated vacation leave may be used. Accumulated sick leave may not be used, unless it is for a period of medical disability as determined by a physician.
3. Benefit coverage and service credit will continue during the entire leave, with the cost of benefits paid by the Presbytery.
4. Under normal circumstances, time off under the provisions of this policy should be requested at least one month in advance.
5. Should the employee choose to take unpaid leave in addition to the time granted by this benefit, the employee's employment within the Presbytery will be guaranteed up to a cumulative period of six months.
6. This policy is effective for pregnancy and adoption commencing at least six months after the date of employment.

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H. Study Leave Policy

1. Exempt staff may be granted up to two weeks annual study leave within the following guidelines:
 - Study leave is not additional vacation, but may be taken in conjunction with vacation.
 - Study leave is not automatic, but is directly related to career goals and objectives as well as to the development of skills that are useful to the Presbytery. Therefore, the Personnel Committee grants study leave only when clearly identified targets have been agreed upon for the particular study leave being requested.
 - Satisfactory provision must be made to cover the employee's work during his/her absence.
 - Study leave may accumulate for a period of up to three years, with the approval of the Personnel Committee. The resulting unexpended study leave funds are to be placed in escrow so they can be used to underwrite the study leave at the end of the three-year period.

2. Non-exempt staff do not have a regular provision for study leave. However, under special circumstances, when it can be demonstrated to be for the good of the Presbytery, as well as for the employee, The General Presbyter may seek to obtain funds for study leaves, in-service training programs or evening classes.

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I. Sabbatical Leave Policy

1. Purpose

The purpose of a Sabbatical Leave within the Presbytery is to allow time away from normal job responsibilities for personal and professional growth, spiritual renewal and a revitalization of vision and hope. The Leave should offer a time of refreshment for the benefit of both the participant in the leave and the Presbytery.

2. Definition

A Sabbatical Leave is a break and change from the everyday routine and therefore would include a balance of reflection and prayer, rest, study and travel. A church-related Sabbatical Leave is ordinarily not the same as in a corporate or scholastic setting. Therefore, it is not to be a time for advanced degree work (D. Min. or Ph.D.) It is not to be considered a vacation, nor should it be used for career advancement nor career assessment. It is NOT intended to be used as a chance to escape job related difficulties, nor is it a substitute for annual study leave.

3. Eligibility

Eligibility for a Sabbatical Leave within the Presbytery would require the completion of at least seven consecutive years of employment. There must be at least seven years between sabbatical leaves. This policy applies to part time and full time ordained staff.

4. Specific Requirements

- The length of a Sabbatical Leave within the Presbytery will be a maximum of four months in any one year (or two months in each of two consecutive years). Annual study leave may not be taken contiguous with a sabbatical. Ordinarily vacation would not be taken in conjunction with sabbatical leave.
- Adequate opportunities for planning the substance of the Sabbatical Leave and for the sharing of its results are vital to its success and should not be overlooked. Prior to the beginning of the leave, there should be at least one year notice to the General Presbyter and Personnel Committee outlining the purpose of the sabbatical. Nine months prior to the leave, a written proposal detailing its purpose and content including plans for coverage should be submitted to the General Presbyter and Personnel Committee. At least six months prior to the leave all approvals shall be secured.
- During the period of the Sabbatical Leave, full salary and benefits will be provided by the Presbytery. Payments under the terms of call for travel expenses and other administrative expense shall be suspended during the period of the Sabbatical Leave.
- Upon returning from Sabbatical Leave, the staff member must remain in his or her position for at least one year or otherwise forfeit the salary

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attributable to the period of the leave.

- There will be detailed re-entry plans which will allow the Presbytery and staff member to share their different journeys and enhance the value of the leave for both parties.
- In all cases, the staff member will be restored to his/her former position and status and shall receive a salary at the level he/she would have had had he/she not taken the Sabbatical Leave.

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J. Other Leave

1. Exempt and non-exempt staff are entitled to paid leave under the following circumstances:
 - a. For a regular training period of the United States Armed Forces (up to two weeks annually).
 - b. For jury duty (up to two weeks annually). If an employee is required to serve on a jury for a period longer than two weeks, the employee will be entitled to full pay for this period net of any jury pay.
 - c. An employee called for short-term military duty or jury duty will receive the difference between military or jury pay and his/her regular pay.
 - d. For marriage of an employee who has been with the Presbytery for one year or longer up to three days.
 - e. Other leave of absence time for specific personal circumstances as agreed to by the General Presbyter and Personnel Committee.

2. Leaves of absence, with reduced pay, or without pay, may be authorized by the General Presbyter and Personnel Committee under the following circumstances:
 - a. For extended military service of an employee. Upon return every effort will be made to place the employee in the position vacated.
 - b. For other personal reasons for an extended leave such as maternity or paternity needs, family responsibilities, etc. Such extended leaves may be granted at the discretion of the General Presbyter and Personnel Committee. During such period of extended leave beyond four weeks, contributions to the Benefits Plan of the Presbyterian Church (USA) or alternative arrangements will not be made by the Presbytery.

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VI. Grievance and Complaint Procedures

1. Managers and employees are encouraged to address problems in a climate of openness and mutual trust. It is expected that the employee will first consult with the immediate manager. If the difference is not resolved, then the employee may pursue the complaint with the General Presbyter within thirty calendar days of the action giving rise to the complaint. If this effort fails, the formal grievance procedure defined below may be followed.
 - a. All employees shall have the right to an appeal to the Personnel Committee on matters affecting their employment and duties.
 - b. The grievance must be made in writing within a fourteen-day period of the General Presbyter's decision that is being disputed within this grievance procedure. The action should be described and remedy sought shall be identified. The grievance must be submitted to the Chairperson of the Personnel Committee.
 - c. Only the employee and the parties to the complaint may be present at the meeting of the Personnel Committee when his/her complaint is presented. The Personnel Committee has fourteen days to provide a response.
 - d. In the event the grievance is not satisfactorily resolved, it may be appealed to the Stewardship Ministries within fourteen days of receipt of the response from the Personnel Committee. The employee filing the grievance shall be offered the opportunity to present his/her grievance to Stewardship Ministries. The decision of Stewardship Ministries is final.
 - e. Any airing of a grievance outside of the above mentioned procedures is considered a violation of staff ethics.

2. Any employee or applicant who believes she/he has been the subject of sexual harassment should immediately, or at a later time (without limit) as determined appropriate by the employee bring the alleged harassment to the attention of the General Presbyter or the Chairperson of the Personnel Committee in accordance with the Presbytery's Policy on Sexual Misconduct.

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VII. Separation Procedures

1. If employment is terminated at the initiative of the Presbytery the employee shall normally be given 10 working days notice of such termination, in writing by the General Presbyter. In lieu of such notice the employee may be paid an equal amount of separation pay at the sole discretion of the Personnel Committee, based upon the recommendation of the General Presbyter.
2. The Committee shall decide whether or not to sustain the decision in the case of an appeal. When the decision is sustained, the termination shall go forward as intended. The General Presbyter or the employee may appeal the decision to Stewardship Ministries for the final judgement of the issue, in which case the intended date of termination shall be suspended until Stewardship Ministries' judgement has been made.
3. If employment is terminated at the initiative of the employee, at least 10 working days notice is normally requested to be given the General Presbyter.
4. Causes for dismissal may include but are not limited to:
 - a. unsatisfactory performance
 - b. insubordination, including refusal to do any work which the employee is capable of doing and which falls within the purview of the job description.
 - c. negligence in the care and use of the Presbytery's property and funds.
 - d. excessive un-excused absences.
 - e. failure to observe personnel policies
 - f. behavior that is embarrassing to the Presbytery.
 - g. sexual or other harassment of a Presbytery employee.
 - h. breach of confidentiality
 - I. breach of the rules for personal conduct.
5. Terminated employees are entitled to accrued, but unused, vacation as of their termination date. Other benefits entitlements as of their termination date are those established by applicable law.
6. At the discretion of the General Presbyter, prior to the employee's termination date, an exit interview may be conducted by the General Presbyter and/or the Chairperson of the Personnel Committee. The purpose of such an interview would be to improve the Presbytery's personnel/staff policies and/or procedures.

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VIII. Interpreting and Amending the Personnel Manual

1. The Personnel Committee is the authority for interpreting and amending the Personnel Manual subject to the authority of Stewardship Ministries and the Presbytery.
2. The Personnel Manual shall become effective upon adoption and amendment approval.
3. When any personnel/staff issues arise that are not addressed by this Manual, the Personnel Committee will seek guidance from the appropriate guidelines available from the Synod of the Northeast, either in writing or orally.
4. Any policy, program or practice described in this Manual can be changed by a 3/4's vote of the Presbytery.