

# Personnel Handbook

**WESTMINSTER PRESBYTERIAN CHURCH**  
**1100 Shasta Ave**  
**San Jose, CA 95126**



**Effective July 1, 2021**

# **WESTMINSTER PRESBYTERIAN CHURCH**

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# WESTMINSTER PRESBYTERIAN CHURCH

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## ABOUT THIS HANDBOOK

This Personnel Handbook, effective July 1, 2021, is intended to acquaint you with Westminster Presbyterian and to provide you with information about some of the working conditions, benefits, and policies affecting your employment. You should read and understand the provisions of the Handbook. This Handbook is not an employment contract and should not be construed as one.

## RIGHT TO REVISE

This Personnel Handbook contains the employment policies and practices of Westminster Presbyterian Church, San Jose in effect at the time of publication. All previously issued handbooks and any inconsistent policy statements, or memoranda are superseded.

Of course, no handbook can anticipate every circumstance or question about a policy. Westminster reserves the right to revise, modify, delete, or add to all policies, procedures, work rules, or benefits stated in this handbook or in any other document, except for the policy of at-will employment. However, any such changes must be in writing and must be recommended by the Personnel Committee and approved by Session.

Any written changes to this handbook will be distributed to all employees so that employees will be aware of the new policies or procedures. No oral statements or representations can in any way alter the provisions of this handbook.

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**STANDARDS OF ETHICAL CONDUCT (PCUSA)**

**Policy 101**

**Date: 7/1/21**

***LIFE TOGETHER IN THE COMMUNITY OF FAITH***

As an employee or volunteer of Westminster Presbyterian Church, San Jose (PCUSA), I commit myself to the following standards of ethical conduct.

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

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

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

- Honor relationships within the workplace and observe appropriate boundaries,
- Be judicious in the exercise of the power and privileges of my position,
- Seek to avoid conflicts of interest that might compromise the effectiveness of my work,
- Refrain from exploiting relationships within the workplace for personal gain or gratification, including sexual harassment and misconduct as defined by Presbyterian Church (U.S.A.) policy,
- Respect the privacy of individuals and not divulge information obtained in confidence without express permission unless an individual is a danger to self or others,
- Recognize the limits of my own gifts and training, and refer persons and tasks to others as appropriate,
- Claim only those qualifications attained, give appropriate credit for all sources used in papers, music, and presentations, and observe copyrights,
- Observe limits set by Session for honoraria,
- Deal honorably with the record of my predecessor and, upon leaving a position, speak and act in ways that support the work of my successor,
- Be a faithful steward of and fully account for funds and property entrusted to me,
- Accept the appropriate guidance of those to whom I am accountable,
- Participate in continuing education and seek the counsel of mentors and professional advisors,
- Show respect, provide encouragement for colleagues, and cooperate with persons of other faith traditions.

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**EQUAL EMPLOYMENT OPPORTUNITY**

**Policy No: 201**

**Date: 07/1/21**

Westminster Presbyterian Church ("Westminster") will recruit, hire, train and promote all persons in all jobs without regard to race, color, national origin, sex, age, marital status, veteran status, or physical condition not related to the job. Westminster complies with California and federal law regarding reasonable accommodation for handicapped and disabled employees.

Individuals will not be punished for filing a complaint that claims an EEO violation. Westminster will investigate all reports diligently and take appropriate disciplinary action against the offender(s) based on the circumstances. Employees can report perceived discrimination to their supervisor, the Head of Staff, the Chair of Personnel or the Clerk of Session. Reasonable *steps* will be taken to protect the reporting individual from any form of retaliation.

**AT-WILL EMPLOYMENT**

**Policy No: 202**

**Date: 07/1/21**

An employee is free to terminate his or her employment with Westminster at any time, with or without a reason, and Westminster has the right to terminate an employee's employment at any time, with or without a reason. Although Westminster may choose to terminate employment for cause, cause is not required. This is called "at-will" employment.

No one other than the Session can enter into an agreement for employment for a specified period or make any agreement or representations contrary to this policy. Further, any such agreement must be in writing and signed by the Clerk of Session. Westminster's policy of at-will employment may be changed only in writing approved by Session and signed by the Clerk of Session.

## Section 2: Employment

### EMPLOYMENT STATUS: EXEMPT or NON-EXEMPT

Policy No: 203

Date: 07/1/21

Employees at Westminster are classified under the Fair Labor Standards Act into two groups for purposes of wages and overtime: EXEMPT and NON-EXEMPT. Your offer letter will include which category you are in, and it will be entered into your personnel file. Exempt employees are not covered by the Fair Labor Standards Act and do not receive overtime pay. See California labor law for further details.

In addition, employees at Westminster are either full-time or part-time. Employees who are approved to work thirty (30) or more hours per work week are full-time. Employees who are approved to work less than 30 hours per week are part-time. For determining an employee's participation in holiday, vacation and sick leave, the following definitions apply:

- **Regular Full-Time** employee is one who would normally work 40 hours per week but may work a regularly scheduled 30 hours per week and qualify for proportionately reduced benefit.
- **Regular Part-Time** employee is hired to work at least 20 hours per week but less than 30 hours on a regularly scheduled basis.
- **Temporary Full-Time** employee is hired to work as an interim or short-term staff addition. Normally an employee or position in this category should not exceed or be projected to extend beyond six months. This includes employees hired only for the summer.
- **Temporary Part-Time** employee is hired to work regularly less than 30 hours per week who is hired as an interim or short-term staff addition. Normally an employee or position in this category should not extend or be projected to extend beyond six months.
- **Casual** employee is hired to work on an "irregular" schedule. Casual status allows the employee to work on a sporadic basis as required by department needs and as permitted by the employee's personal availability.

Pastoral Staff members are called by the congregation and are members of Presbytery. Pastoral Staff members are exempt employees. Except as specified otherwise in these policies, in a pastor's call, or in denominational rules, Pastoral Staff members shall be treated the same as other exempt employees for purposes of these policies.

## Section 2: Employment

### **WORK SCHEDULE, TIME SHEETS AND BREAKS**

**Policy No: 204**

**Date: 07/1/21**

Work week and working hours are as agreed between Head of Staff and each employee. These will vary for different positions. All employees are responsible for completing time sheets. Time sheets will be submitted on a semi-monthly basis. Your time sheet should be completed accurately and submitted to your supervisor for approval. Sick and vacation time for all employees must be taken in a minimum of two-hour increments

Non-exempt employees should report all time actually worked. Time sheets should also indicate all vacation, sick, or other time away from the office. If your position is classified as non-exempt, you are eligible for overtime pay. Overtime must be approved in advance by your supervisor.

Exempt employees should record only absences from work, not actual number of hours worked in a pay period. If your position is classified as exempt, you are not eligible for overtime.

An employee who works three hours or more is required to take a ten-minute break. An employee who works five hours or more is required to take a thirty-minute meal break. An employee who works seven hours or more is required to take two ten-minute breaks and a thirty-minute meal break.

Staff members who are expected to participate in or direct worship, Sunday School, or other functions on Sunday may elect to have a different day as a day off in lieu of Sunday. Time away from the church for visitation, meetings, youth trips, and so forth will be considered as time worked. If these occur on an employee's regularly scheduled day off, the employee's supervisor may grant equivalent time off during the following week. This time may not be accumulated, is not mandatory, must occur within 10 days of the work performed and must be documented by both the employee and the supervisor. Exceptions may be granted by the Head of Staff in writing. Employees who have scheduled ministerial events outside of normal office hours (meetings, rehearsals, and so forth) may, with their supervisor's prior approval, adjust their work schedule for that day.

## Section 2: Employment

### **ATTENDANCE**

**Policy No:205**

**Date: 07/1/21**

All employees are expected to arrive on time, ready to work, every scheduled workday.

An unexcused absence is failure to report for and remain at work as scheduled. This includes arriving late for work and leaving early without prior management approval. Additionally, absences that exceed the permitted number of hours under the vacation and sick plan may be considered unexcused absences.

If you are unable to arrive at work on time or must be absent for any portion of the day, you must contact your supervisor as soon as possible. If possible, you should speak directly with your supervisor. If that is not possible, then you must leave a message for your supervisor. Excessive absenteeism or tardiness will result in disciplinary action up to and including termination. Discipline for absences and tardiness will be administered in the following manner:

- 1st and 2nd Unexcused Absence – Documented Verbal Warning
- 3rd Unexcused Absence - Written Warning
- 4th Unexcused Absence - Probation
- 5 or more Unexcused Absences - Suspension or Termination

Nothing in this policy shall affect the at-will status of all employees, nor shall it restrict, constrain, or prohibit managers from applying discipline for other actions. For example, if an employee is late and, upon receiving a warning, responds disrespectfully, the employee may receive additional discipline for insubordination or a negative attitude, up to and including immediate termination. This organization will administer this policy in accordance with federal and state law.



## Section 2: Employment

### **PAYMENT OF WAGES**

**Policy No: 206**

**Date: 07/1/21**

Employees will be paid twice a month, with paydays on the 15th and the last day of the month. If either of such days falls on a weekend or a holiday, the payday will be the first prior workday. The only deductions made from an employee's paycheck are those required by state or federal law or authorized in writing by the employee. These deductions are:

- Federal income tax.
- California income tax.
- Federal Insurance Contributions Account (FICA).
- This is a Social Security tax, and the employer also pays a matching amount as required by law.
- Payment for health insurance.

### **OVERTIME**

**Policy No: 207**

**Date: 07/1/21**

Non-exempt employees are paid for overtime at one and a half times their regular hourly rate for time worked in excess of eight hours per day or 40 hours per week, or for the first eight hours of work on the seventh day of a work week.

Non-exempt employees who must work more than 12 hours in one day (a day begins at midnight) or more than eight hours on the seventh working day in a work week (each work week begins on Monday), are paid at two times their regular hourly rate for the excess hours. Days or hours when an employee is paid but does not work, such as vacations, holidays, or sick leave, do not count as time worked for computing overtime.

To work overtime, an employee must obtain permission from his or her supervisor.

## **Section 2: Employment**

### **JOB RELATED INJURY OR ILLNESS**

**Policy No: 208**

**Date: 07/1/21**

Westminster Presbyterian carries workers' compensation insurance on all employees for on-the-job accidents. We will comply with applicable workers' compensation laws and regulations and will provide information to the workers' compensation carrier, who will make benefit payments to injured or ill employees as provided by applicable workers' compensation laws. As laws change frequently, it is always best to check the California Division of Worker's Compensation website to avoid a denial of your claim.

If a work-related injury or illness appears to be life-threatening, call 911 immediately. For non-life-threatening injuries, first aid supplies are available at various locations around the church. Professional medical treatment for a non-emergency work-related incident requires written authorization by the pastor or chair of Personnel. Otherwise, any employee who sustains an injury or illness that is job-related should report this to his or her supervisor in writing as soon as possible, no later more than 30 days as stated in state law. Within 24 hours of this report, the supervisor will report it to the Personnel Committee and should supply the employee with details about the worker's compensation process and form DWC-1 available on the California Workers Compensation website.

All job-related accidents, regardless of their cause or severity, must be reported immediately to the church office. Accidents that are not reported promptly may result in the claim being denied.

Employees have an obligation to return to work as soon after an injury or illness as their medical condition permits. A list of approved medical care facilities may be obtained from the church office. Employees who need medical treatment while on company travel should proceed to the nearest medical facility and upon return report it to the pastor.

# WESTMINSTER PRESBYTERIAN CHURCH

## Section 3: Holidays & Leaves

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### HOLIDAYS

Policy : 301

Date: 07/1/21

Westminster provides the following 10 paid holidays each year:

- *New Year's Day*
- *Easter Monday*
- *Memorial Day (last Monday in May)*
- *Labor Day (first Monday in September)*
- *Thanksgiving Day*
- *Thanksgiving Friday*
- *Christmas Day*
- *3 Floating holidays*

Full-time and part-time employees receive scheduled paid holidays as soon as they are employed. No minimum length of service is required. Part-time employees receive all paid holidays at the pay rate for that employee per day. If a paid holiday occurs during an employee's vacation or regular scheduled day off, such day will be treated as a paid holiday rather than as a vacation day or a day off. For hourly non-exempt employees, you will be paid for the holiday calculated as follows: the number of hours you are approved to work in one week divided by five (5).

An employee may elect to use a Floating Holiday at any time during the year. However, such days off must be scheduled in advance, may not occur consecutively or added to vacation time, and the timing approved by the Head of Staff. Holidays, including floating holidays, do not accumulate and may not be carried over from year-to-year. You will not be paid for any unused holidays at the time your employment with Westminster Presbyterian ends.

## Section 3: Holidays & Leaves

### VACATION TIME

**Policy No: 302**

**Date: 07/1/21**

Vacation must be scheduled in advance and approved by the Head of Staff. The minimum vacation increment shall be 1 day. Earned annual leave increases indicated below take effect on your work anniversary.

ACCUMULATED SERVICE	EARNED ANNUAL LEAVE
<i>First 5 years</i>	<i>0.42 workdays per pay period (2 weeks per year)</i>
<i>Next 5 years</i>	<i>0.63 workdays per pay period (3 weeks per year)</i>
<i>After 10 years</i>	<i>0.83 workdays per pay period (4 weeks per year)</i>

At the end of the calendar year, unused vacation time is carried over to the next year. However, accrual is capped at 1.5 times the employee's annual accrual rate. Once the cap is reached, vacation no longer accrues until some of the earned vacation is taken.

When employment with Westminster ends, an employee will be paid for all unused vacation accrued.

### SICK LEAVE

**Policy No: 303**

**Date: 07/1/21**

Leave for illness is 5 days per year, earned at the rate of .21 hours per paycheck. Part-time employees receive the same number of sick days at the pay rate for that employee per day.

When the need for sick leave is foreseeable, , the request should be made as soon as practicable ..

Sick Leave may only be used for illness for yourself or a family member.. Under California law, sick leave accrues from year-to-year but is capped by Westminster at 6 days. The amount of available sick leave shall be provided in writing on every payday. When employment with Westminster ends, you will not be paid for unused sick leave.

## Section 3: Holidays & Leaves

## **FAMILY AND MEDICAL LEAVE POLICY**

**Policy : 304**

**Date: 07/1/21**

As an employer of under 50 employees, Westminster is not required to comply with the federal Family and Medical Leave Act of 1993 (FMLA). However, in California as an employer of 5 or more employees, the Family Rights Act of 1993 (CFRA) does apply. In recognition of the needs of families Westminster has created this policy.

Employees with one year of service may be granted an unpaid family care leave of up to 16 weeks in any twenty-four (24) month period. Family care leave shall include:

- Birth, adoption, or placement of a foster child,
- Care of a spouse, child or parent who has a serious health condition, or
- In connection with an employee's own serious health condition.

A serious health condition means an illness, injury, impairment, or physical or mental condition that involves:

- Any period of incapacity or treatment in connection with or after inpatient care in a medical facility,
- Any period of incapacity requiring absence from work, school, or other regular daily activities of more than three calendar days and involving continuing treatment by a health care provider,
- Any period of incapacity due to pregnancy or for prenatal care, or
- Continuing treatment by a health care provider for a chronic or long-term condition that would likely result in a period of incapacity of more than three calendar days. Unless complications arise or if left untreated, the common cold, the flu, upset stomachs, headaches, or orthodontic problems will not generally be considered serious health conditions. Routine physical, eye, or dental examinations are not considered treatments indicative of a serious health condition.

Family care leave will not be granted when the employee's spouse is currently on a family care leave. Employees on a family care leave of up to four (4) months will be returned to their same or equivalent position.

If eligible, non-installed clergy group health, dental and life insurance will remain in effect during the leave. However, the employee is responsible for paying the monthly premium. Failure to make the premium payments may result in the cancellation of your coverage. Additionally, if you fail to return to work at the end of the leave, Westminster Presbyterian has the right to recoup the premiums paid for maintaining health coverage.

Employees must initiate the request for a family care leave with their supervisor who will present the request to the Head of Staff and Session for final approval.

## GUIDELINES FOR FAMILY LEAVE

Leave may be taken, if medically necessary, on an intermittent or reduced schedule basis for the serious health condition of the employee or an immediate family member. Intermittent or reduced leave may be taken for the birth or adoption of a child only if approved by the Session.

Westminster Presbyterian requires the employee first to use his or her paid sick leave, floating holidays, or vacation time for any part of the Family Leave period. Therefore, all available paid sick leave, floating holidays, and vacation time must be used and will be designated as Family Leave before any remaining Family Leave time can be taken on an unpaid basis.

If you become eligible for Family Leave, you must follow these guidelines:

1. Provide 30 days advance notice when the leave is foreseeable. When the need is not foreseeable, you must provide notice to the Head of Staff within two business days of when you become aware of the need for leave. Notice may be provided by your spouse, family member, or other representative if you are unable to do so personally.
2. Attempt to schedule planned medical treatment or intermittent leave to avoid undue work disruption. You may be required to schedule planned medical treatment outside of general business hours if your physician is available.
3. If taking leave to care for a spouse, child, or parent, you must provide a medical certification within 15 calendar days of the request for leave.
4. If you take leave for your own serious health condition, you are required to provide a fitness-for-duty report from your doctor before returning to work.
5. While on Family Leave, you are required to report periodically to your supervisor on your status and your plans to return to work. Westminster will take steps to maintain all medical information confidentially in accordance with the Americans with Disabilities Act.

## RETURNING TO WORK

When you return to work after Family Leave, you will be restored to your original position or to an equivalent position with equivalent pay, benefits, and other terms and conditions of employment.

## DISABILITY PLANS AND FAMILY LEAVE

Situations may arise in which both this organization's short-term and/or long-term disability plan and the Family Leave policy apply. While the purpose of Family Leave is to provide unpaid, job-protected leave, the purpose of short-term and long-term disability benefits is to help supplement lost income during long periods of incapacity.

Any leave granted under the disability policies shall run concurrently with any Family Leave granted by Westminster. When an employee is eligible for Family Leave only, all available paid

sick leave, floating holidays, and vacation time must be used and will be designated as Family Leave time before any remaining leave can be taken on an unpaid basis.

When Westminster's Family Leave has been exhausted, employment may be terminated. If employment is not immediately terminated, this organization may designate all future absences as unexcused absences. Additionally, when Family Leave has begun, and all sick and vacation time has been used, any non-qualifying absences may be considered unexcused absences.

If you have any questions regarding how Family Leave is applied, please contact your supervisor.

## Section 3: Holidays & Leaves

### LEAVE OF ABSENCE

Policy : 305

Date: 07/1/21

Westminster Presbyterian recognizes times when an employee needs to be absent from work and the time off is not covered by annual, sick, or family and medical leave. When, for personal, medical (not qualifying for Family/Medical Leave\*), or other reasons, an employee seeks additional time off, s/he may request a general leave of absence from the Head of Staff who will refer it to the Personnel Committee. The Personnel Committee will recommend (or not) a general leave of absence which must be approved by the Session.

The Personnel Committee of Westminster is under no obligation to recommend a general leave of absence to Session but may do so with or without pay at its sole discretion based on all the relevant circumstances. A general leave of absence does not guarantee that Westminster will hold the position open, as it may be necessary or beneficial to fill the position. In addition, the following guidelines apply:

1. Wherever practicable, a written request for the leave of absence should be made to the Head of Staff and Personnel Committee at least 30 days before the leave is sought. The request should include a detailed explanation of the need for the leave and the length of leave sought.
2. An employee must utilize all accrued annual, sick, and other leave before a general leave of absence will be granted.
3. This policy is not intended to cover any leaves that qualify under Westminster's Family Leave policy. Such leaves are governed by Westminster's policy 304.
4. An initial general leave of absence cannot exceed 90 days. However, a leave may be extended for periods of 30 days or less upon submission of a new request and further approval of the Head of Staff, Personnel Committee and Session.
5. Before beginning a general leave of absence, an eligible employee must make specific arrangements to continue Westminster's benefit programs such as pension and health benefits. Westminster has no obligation to provide holiday pay, vacation benefits, or bonuses during an approved general leave of absence.
6. A general leave of absence does not affect an employee's continuity of employment. The original date of employment remains in effect.
7. If an employee does not return to work at the end of an approved leave, this will be considered a voluntary termination of employment by the employee.



# Section 3: Holidays & Leaves

## OTHER LEAVES

**Policy: 306**

**Date: 07/1/21**

### CONTINUING EDUCATION

For employees with continuing education allowances, paid continuing education leave is generally up to of five (5) workdays per year. Such leave must be approved in advance with the employee’s supervisor. If additional time is needed beyond the 5-day limit, the employee must obtain prior approval from the Pastor, the Personnel Committee and Session, who may then grant an unpaid leave of absence for this purpose. Upon completion, documentation must be presented to Session.

Employees who do not have a continuing education allowance must have prior approval by their immediate supervisor and the chair of Personnel. Reimbursement for continuing education and associated travel requires submission of documentation in a timely fashion.

Continuing education leave does not accrue from year-to-year and any unused continuing education leave is forfeited at year-end. Employees whose employment with Westminster Presbyterian ends are not paid for accrued unused continuing education leave.

### JURY DUTY AND COURT SUBPOENAS

If you have jury duty or are subpoenaed to appear in court, you will be excused from work for that purpose. It is your responsibility to notify your supervisor immediately and you will be expected to work normal hours except for the time your presence is required by the court. While serving, you will be paid the difference between jury duty pay and your regular pay.

Appearing in court for an employee’s own case is considered personal business and will be the employee’s responsibility. Normally, leave days must be used for this purpose.

### BEREAVEMENT LEAVE

In the event of a death in your family, Westminster offers the following annual paid time off:

RELATIONSHIP	PAID TIME
<i>Spouse, child, parent, or other family member living in your household</i>	<i>Up to five (5) days</i>
<i>Other family members (siblings, in-laws, grandparents, aunts/uncles)</i>	<i>Up to three (3) days</i>

Pay will not be granted for any day in which the employee is otherwise compensated (such as a paid holiday) or for any day the employee otherwise would not have been at work.

#### VOLUNTEER MISSION WORK

Westminster Presbyterian supports participation in volunteer mission efforts that benefit both the employee and the mission project. If participation in a mission project does not compromise the work of the office, a program staff employee may have up to five (5) days leave with pay per calendar year to participate in an organized mission trip. Either Westminster Presbyterian or the home church of which the employee is an active member must sponsor the mission trip.

Mission leave does not accrue from year- to-year and any unused mission leave is forfeited at year-end. Employees whose employment with Westminster Presbyterian ends will not be paid for accrued unused mission leave.

#### MILITARY LEAVE

A leave of absence, without pay, will be granted to an employee who is drafted or called up to serve in the armed services. The armed services include employees in the U.S. Armed Forces, Public Health Services, National Guard, and Reservists. Employees are requested to notify their supervisors as far in advance as possible of their need to take leave. Leaves and reinstatement upon return from a military leave will be granted in accordance with state and federal law.

#### TIME OFF FOR VOTING

Westminster will allow up to 2 hours of paid time off for an employee who is not able to cast their vote outside of work hours.

#### OTHER LEAVES

Westminster will comply with California state laws regarding any additional leaves that may apply.

# **WESTMINSTER PRESBYTERIAN CHURCH**

## **Section 4: Benefits**

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### **HEALTH INSURANCE**

**Policy: 401**

**Date: 07/1/21**

Only full-time employees may elect to receive health insurance coverage. The cost of this program is determined annually by Synod of the Pacific and is shared by the employee and Westminster Presbyterian in an amount determined by the Personnel Committee. Eligibility criteria, schedules of benefit coverage, costs, deductibles, and other material terms are subject to frequent changes. Refer to the individual health plan documents and policies for accurate details. To the extent permitted by law, benefits may be modified, added to, or terminated at any time.

### **WORKERS' COMPENSATION**

**Policy: 402**

**Date: 07/1/21**

Westminster pays for workers' compensation coverage (for injury on the job) as required by state law. See Policy 208

### **UNEMPLOYMENT AND STATE DISABILITY INSURANCE**

**Policy: 403**

**Date: 07/1/21**

The Federal Unemployment Tax Act (FUTA) of 1935 excludes from the definition of covered employment all "service performed in the employ of a religious, charitable, educational, or other organization described in Section 501(3) of the IRS Code. Therefore, Westminster does not participate in Unemployment or State Disability Insurance programs.

## Section 4: Benefits

### **SOCIAL SECURITY AND MEDICARE TAXES**

**Policy: 404**

**Date: 07/1/21**

Unless an employee is an ordained pastor, Westminster is required by law to withhold social security taxes (FICA, including Medicare) from your pay. Westminster contributes one-half the tax while the employee contributes the other half. The federal government determines the percentage of tax withheld from pay.

### **EXPENSE REIMBURSEMENT**

**Policy: 405**

**Date: 07/1/21**

Westminster will reimburse an employee in a timely fashion for all reasonable job-related expenses incurred by the employee, provided that:

- Expenses over \$150 have been specifically approved in advance by the employee's supervisor or relevant committee chair in the case of non-Pastors, or by Session, in the case of members of the Pastoral Staff, and
- the employee provides appropriate documentation of the expenses as required.

Reimbursement for approved automobile expenses shall be at the current standard mileage rate adopted by the Internal Revenue Service. Pastoral Staff members will not be entitled to reimbursement for automobile expenses beyond their stipulated car allowance without the specific prior approval of Session.

### **INSTALLED CLERGY BENEFITS**

**Policy: 406**

**Date: 07/1/21**

Benefits for called installed clergy at Westminster are included in their Terms of Call and are consistent the denominational and presbytery policies. These benefits include pension, health insurance, study leave, sabbatical, and car allowance.

**PERFORMANCE REVIEW**

**Policy: 501**

**Date: 07/1/21**

Church employees' job performance and salary will be evaluated annually by the Head of Staff with assistance of the Personnel Committee. Session Committee Chairs will assist the Head of Staff and Personnel Committee as requested. A good performance evaluation does not guarantee a pay increase, nor is a good performance evaluation a promise of continued employment.

The Personnel Committee shall initiate the annual performance of each Pastoral Staff member. The review for the Head of Staff shall be conducted by a Session Committee. The Chairperson of the Personnel Committee shall chair this review committee.

**DISCIPLINE AND DISCHARGE**

**Policy: 502**

**Date: 07/1/21**

**DISCIPLINE AND DISCHARGE**

The purpose of this policy is to state Westminster's position on administering equitable and consistent discipline for unsatisfactory conduct in the workplace. Westminster may use progressive discipline at its discretion.

It is not possible to list all forms of behavior that are considered unacceptable in the workplace. The following are examples of some of the infractions of rules of conduct that may result in disciplinary action, up to and including termination of employment:

- Theft or misappropriation of the property or funds of Westminster or of a co-worker
- Falsification of records
- Possession, use or distribution of alcohol or illegal drugs in the workplace, while working or while operating church-owned vehicles or equipment
- Possession or distribution of pornographic or obscene materials or communications in the workplace, while working or while utilizing equipment belonging to the church
- Fighting or threatening violence in the workplace

- Insubordination or other disrespectful conduct
- Sexual harassment or abuse, or other discriminatory, harassing, or retaliatory behavior
- Possession of dangerous materials - such as explosives or firearms in the workplace

Westminster reserves the exclusive right to evaluate employee performance and conduct and to take disciplinary action. Westminster has the sole discretion to determine whether disciplinary action is to be taken in each instance and to decide what type of discipline is appropriate. Each disciplinary action will be handled on a case-by-case basis, consistent with guidelines in the current PCUSA Book of Discipline. Appropriate action will be based on all the facts and circumstances. Disciplinary action may consist of any of the following:

- Oral warning and documentation
- Written warning with a copy to the employee's personnel file, or
- Suspension – with or without pay.

## **GRIEVANCES**

**Policy: 503**

**Date: 07/1/21**

It is Westminster's desire to resolve grievances at the lowest level possible. Should an employee have a grievance against another employee, a supervisor, vendor or a church member, they are encouraged to report that grievance to their immediate supervisor, unless the nature of the grievance involves that person. In any case, a grievance may be reported to the Senior Pastor, or Chair of the Personnel Committee.

To the extent possible, grievances will be held in confidence. If a grievance cannot be resolved, it will be referred to Session. The decision of Session will be final, except that grievances by the Pastoral Staff which cannot be resolved by Session will be referred to the Presbytery Committee on Ministry. Actions taken will be reported back to the person first reporting the grievance.

## Section 5: Conduct & Grievances

### HARASSMENT

**Policy: 504**

**Date: 07/1/21**

Verbal, physical, visual, and sexual harassment of co-workers, co-employees and members of the public is absolutely forbidden. Harassment can take many forms. Employees must be sensitive to the feelings of others and must not act in a way that might be considered harassment by someone else. Westminster has instituted the following three-step procedure for reporting and investigating allegations of unlawful harassment, including sexual harassment:

1. **REPORTING:** An employee who believes that he or she has been the victim of harassment has a duty to report it immediately to his or her supervisor or the Head of Staff, and the Chair of the Personnel Committee. If all of these individuals are the same gender, the employee may report to any current member of Session who must report it to the Head of Staff and the Chair of Personnel. This provision is so that both genders are available for an individual to report to. In all reported cases, Westminster will take reasonable steps to protect the reporting employee from retaliatory, harassing, or abusive behavior in relation to such reporting.
2. **INVESTIGATION:** The chair of the Personnel Committee will direct the investigation of complaints. All employees are expected to cooperate with an investigation of any type of harassment. Confidentiality will be maintained to the extent permitted under such circumstances.
3. **CORRECTIVE ACTION:** After the investigation has been completed, the business administrator will decide regarding the resolution of the case. If warranted, appropriate disciplinary action, up to and including dismissal, will be taken.

Harassment includes but is not limited to:

- Verbal jokes and insults which are racial, sexual, or ethnic in content,
- verbal abuse or physical conduct of a derogatory or offensive nature,
- Visual images such as insulting cartoons, or suggestive or lewd pictures or photographs.
- Sexually suggestive or unwelcome physical touching, or obscene gestures,
- the display or communication of pornographic material,
- unwelcome sexual advances or deprecating sexual remarks, or
- job-related requests for sexual favors.

Sexual harassment creates an environment demeaning to an employee. It does not refer to occasional compliments or other conduct that is socially acceptable and does not have the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment.

This policy remains in effect unless superseded by a policy mandated by the Presbytery of San Jose.

## Section 5: Conduct & Grievances

### MEDIATION/ARBITRATION

**Policy: 505**

**Date: 07/1/21**

This arbitration policy is intended to provide a fair, quick, and cost-effective method for resolving any claims or disputes that may arise between Westminster and its employees.

Pursuant to this policy, any claims or disputes that Westminster Presbyterian has against you or that you may have against Westminster Presbyterian or any of its officers, directors, employees, or agents in their capacity as such, must be submitted to Christian conciliation through mediation and, if necessary, legally binding arbitration in accordance with the Rules of Procedure for Christian Conciliation of the Institute for Christian Conciliation, <https://www.instituteforchristianconciliation.com/> rather than through court litigation, whether or not such claims arise out of your employment. The claims covered include, but are not limited to, (i) allegations of conduct deemed unlawful in the workplace by any state or federal statute, including but not limited to harassment, discrimination, failure to pay wages, failure to grant Family and Medical Leave, or retaliation; (ii) allegations of breach of contract, interference with contract, wrongful discharge, constructive discharge, negligent retention and/or supervision and any other employment-related tort; (iii) termination of employment; (iv) workers' compensation; and (v) claims for violation of any other federal, state or local law or ordinance.

This policy in no way reduces the substantive legal rights that you may have. The only difference is that any disputes or claims will be resolved by a Christian conciliator, rather than by a judge or jury. Mediation and, if necessary, arbitration will be with a Christian conciliator chosen by the parties and governed by the Rules of Procedure for Christian Conciliation of the Institute for Christian Conciliation. If the parties are unable to reach agreement on the selection of a conciliator, each will each select one conciliator who will then together select a third conciliator. The fees of the conciliator shall be divided evenly between the parties. All of a party's other costs and fees, including attorneys' fees, will be the responsibility of that party. Claims, disputes, or other matters in question submitted to arbitration shall be resolved pursuant to biblical principles and federal, state, and local law, whichever is applicable. The conciliation process shall take place at a mutually agreed upon location.

This policy does not change the *at will* status of any employee. Continuing employment with Westminster constitutes consideration for and acceptance of this policy and a waiver of any right to a court trial. This policy does not waive the ministerial exceptions or any other exceptions to any state or federal legislation, including, but not limited to Title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act and the Americans with Disabilities Act.



## **Section 5: Conduct & Grievances**

### **SEPARATION FROM EMPLOYMENT**

**Policy: 506**

**Date: 07/1/21**

Separation from employment may be through voluntary resignation or through involuntary termination by discharge, position elimination or reduction in force. Resignation is a voluntary act initiated by the employee to terminate employment with Westminster. Although advance notice of resignation is not required, Westminster requests at least two weeks written notice from non-exempt employees and 30 days written notice from exempt employees. The notice should be provided to the employee's immediate supervisor or to the Head of Staff. However, if the Personnel Committee deems it in Westminster's best interest that the employee be immediately released, the employee may be dismissed immediately.

Prior to departure, the Senior Pastor and/or Personnel Committee Chair will meet with the individual in an exit interview. On the final day of employment, all building keys, supplies, or other church property in the staff member's possession will be turned in to the Head of Staff. The employee will be asked to sign an exit form which states that the employee has received his or her final paycheck and has returned all Church property.

Employees will be paid through their last day of employment and will be provided with information regarding any conversion or continuation rights the employee may have with respect to his or her insured benefits. The decision on whether to grant an employee severance pay is a matter of discretion for the Personnel Committee, although generally severance pay will only be considered in instances of termination by position elimination or reduction in force.

**SAFE WORKPLACE**

**Policy: 601**

**Date: 07/1/21**

It is the policy and practice of Westminster Presbyterian to do everything reasonably possible to safeguard the health and welfare of employees while at work performing their job duties, and to assure the safety of all those who have occasion to visit Westminster's facilities. Westminster Presbyterian fully intends to comply with published workplace safety standards of Federal, State, and local agencies.

Employees are expected to support Westminster's objective to provide a safe and healthful work environment. Employees are expected to perform their work within those standards to assure the health and safety of themselves and others, and to advise supervisors of any concerns they may have with respect to skills, training or equipment related to a task they are expected to perform. Employees are encouraged to offer suggestions and report safety problems. All employee-initiated safety related suggestions shall be answered, either verbally or in writing, by the Facilities Committee. Employees shall be kept advised of changes relating to the Safety Policy.

Overall responsibility for safety of the facility rests with the Stewardship Committee. It is the supervisor's responsibility to report all injuries and accidents to the Stewardship Committee and to complete the annual **Report of Work Injury and Accident Investigation**. The Head of Staff is responsible for timely record keeping of required governmental forms and reports, including the Employee's Claim for Workers' Compensation Benefits, State of California Employer's Report of Occupational Injury and Illness, and CAL/OSHA 200 Log.

## **Section 6: SAFETY & COMMUNICATION**

### **SAFETY TRAININGS**

**Policy: 602**

**Date: 07/1/21**

Employees and volunteers must comply with all trainings required by Westminster's policy on Safe Church Practices. In addition, employees and volunteers must complete any additional trainings required by the Session, the Presbytery or the state of California.

As required by California law (effective January 1, 2020), Westminster requires all supervisory employees complete at least two hours of classroom or other effective training and education regarding sexual harassment, and all nonsupervisory employees complete at least one hour of training in California within six months of beginning such a position. This training shall be provided every two years.

The California Department of Fair Employment and Housing has developed free online training courses that it states will satisfy the requirements of this law. Their [Sexual Harassment Prevention Training](#) webpage provides valuable information on this topic.

### **ADVERSE WEATHER & OTHER DISASTERS**

**Policy: 603**

**Date: 07/1/21**

It is Westminster's policy to be open during normal hours of operation. In the event of adverse conditions, the Head of Staff may make the decision to close the church office. Reasonable efforts will be made to contact employees to notify them of any office closings.

If the church office remains open, employees are not expected to endanger themselves when traveling to or from work in adverse conditions. Common sense must be exercised. In all cases where an employee feels unable to safely make the commute to work, he or she should contact their supervisor to report this condition before the beginning of their scheduled work hours. If adverse conditions occur during the business day (potential flooding, fire, earthquake, etc), the Head of Staff may make the decision to close church offices. In addition, an employee may request permission from his or her supervisor to leave early.

If an employee is unable to make it to work due to weather conditions or other disasters, or if an employee leaves work early with the permission of his or her supervisor, and the church office opens, or remains open for normal business, the employee will be required to use annual or other applicable leave. If the church office closes, employees will not be required to use annual leave.

## **Section 6: SAFETY & COMMUNICATION**

### **SPEAKING TO THE MEDIA**

**Policy: 604**

**Date: 07/1/21**

All media requests for information must be referred to the Head of Staff or the Clerk of Session. Employees are not permitted to speak to the media as official or unofficial spokespersons unless the Head of Staff has granted prior permission in writing.

### **ONLINE COMMUNICATION AND SOCIAL MEDIA**

**Policy: 605**

**Date: 07/1/21**

At Westminster we believe in telling the world about who we are and what we do. An easy and lasting way to do this is by using the internet and social media. Since content placed on the Internet can be easily misunderstood (and is often permanent), we have adopted social media guidelines. If you are creating any form of online content, please keep the following in mind:

- Read, understand, and follow Westminster's code of conduct.
- Respect all audiences, even those you disagree with. When it comes to posting online emotions can run high, so remember the "Golden Rule" and do unto others as you would have them do unto you.
- If you talk about our organization online, you must disclose your affiliation with us. If you are not an authorized spokesperson, you must state your opinions are yours and not those of the organization.
- Be very selective of what information you post about yourself. Seemingly small personal details including information on photos from a cell phone may make you vulnerable to identity theft. Do not post personal details about other employees, volunteers, or members of the congregation.
- Never discuss confidential information or legal issues. Do not post illegal music or movie shares, images, literature, etc. If you did not create it, include permission from (and credit to) the artist or owner. Link to the source where possible.
- Be sure your personal social media (FB, Twitter, LinkedIn, Snapchat, Pinterest, etc.) reflect Westminster's social media guidelines. Even personal emails can place Westminster's ministry at risk.
- If you are not sure about what you are posting, remain silent or talk with your supervisor before posting.