

# Personnel Policies & Practices Albany Presbytery

March 25, 2015



The employment policies and practices of the Presbytery of Albany are designed to strengthen the effectiveness and job satisfaction of presbytery personnel. The Presbytery is committed to Equal Opportunity and Fair Employment practices in keeping with the standards of the Synod of the Northeast, the General Assembly of the Presbyterian Church (U.S.A.), and the State of New York. The policies which follow are meant to convey the employer's responsibilities in providing consistent, specific, and well-defined employment practices, and the responsibility of the employees and contractors to give their best performance for the work for which they are hired. Upon recommendation by the Personnel Committee, through the Council, these policies and practices are subject to review and revision by the Presbytery. Position descriptions for employed officers are appendices to these Personnel Policies and Practices. Such descriptions are also subject to review and revision in the same manner.

The contents of this Handbook are provided for employees' use as a reference guide and summary of practices, methods and benefits and are not to be construed as legal documents nor used for strict interpretation of the policies and/or procedures provided herein. These policies do not constitute a contract of employment. They are subject to amendment, modification, or termination without notice at the discretion of the Presbytery.

This Handbook is not an employment contract between the Presbytery and any Employee.

**Employment-at-Will** - Either the Presbytery or the Employee may terminate the employment relationship at any time, with or without cause, with or without notice. This at-will employment relationship exists regardless of any other written statements or policies contained in this document or any other Presbytery documents or verbal statements to the contrary.

**Program staff** – Employees who exercise leadership in the mission and program of the Presbytery, i.e. the Executive Staff Member, the Stated Clerk, and others. The Executive Staff Member shall be elected in accordance with G-3-0110 of the Form of Government and section III.A.4 of the Manual of Administrative Operations of Albany Presbytery. The Stated Clerk shall be elected in accordance with G.3-0104 of the Form of Government. One Program staff member shall be designated head of staff by the Council.

**Support staff** – Employees who provide administrative assistance, management, and support services to the leadership and the Presbytery. Support staff shall be hired by the Program Staff member designated by the Presbytery as head of staff, or his or her designee.

All support staff are under the direct supervision of the Program staff member designated in their position description. However, employees are also part of the office "team" and may be called upon to perform other functions. The assignment and coordination of all work of the Presbytery office is ultimately the responsibility of the head of staff, or designee.

**Full-time employees** – Employees hired by the Presbytery to work a regular schedule of 35 hours or more per week shall be considered Full-Time employees.

**Part-time staff** – Employees hired by the Presbytery to work a regular schedule of less than 35 hours per week shall be considered part-time employees.

**Recruitment and Selection** – All employees of the Presbytery shall be hired using the general practices of advertising, interviewing, testing of skill, background and credit checks within the EEO guidelines of the Presbytery.

**Immigration Compliance** – The Presbytery is committed to employing only United States citizens and aliens authorized to work in the United States and does not unlawfully discriminate on the basis of citizenship or national origin. In compliance with the Immigration Reform and Control Act of 1986, as amended, each new employee, as a condition of employment, must timely complete the appropriate documents, which includes completion of an Employment Eligibility Verification Form I-9 and requires current documentation establishing an employee's identity and employment eligibility. Employees who fail to complete this form and produce the necessary documentation in the manner and time required by law will be subject to immediate termination.

**Personnel Data Changes** – It is the responsibility of each employee to promptly notify the Presbytery of any changes in personnel data that may affect employee benefits and/or payroll arrangements. Information that should be kept current includes, but is not limited to, personal mailing addresses, telephone numbers, number and names of dependents, individuals to be contacted in the event of an emergency, and insurance beneficiaries.

**Falsification of Information** – The Presbytery relies upon the accuracy of information contained in employment applications, as well as the accuracy of other data presented throughout the hiring process and during employment. Any misrepresentations, falsifications or material omissions in any of this information or data may result in the Presbytery's exclusion of the individual from further consideration for employment or, if the person has been hired, termination of employment.

**Nepotism** – To affirm and facilitate equal opportunity for all employees and employment candidates and in an attempt to avoid any actual or perceived conflicts of interest, care will be exercised in the employment and assignment of persons who are direct relatives of people in the Presbytery's employ. Employees should not be assigned to a position where a direct relative is in a position to supervise or influence the employee's salary, promotion or other terms and conditions of their employment.

**Performance Review** – All Presbytery employees shall have a performance review annually, according to a calendar set by the Personnel Committee. The person or persons responsible for such reviews shall be identified in each position description. Reviews shall be conducted according to the guidelines developed by the Personnel Committee as given to the employee at the time of employment or a subsequent review.

**Salary Review** – Salaries and stipends shall be established and reviewed annually, taking into account changes in the cost of living and changes in job responsibilities and performance. All salary and stipend adjustments and increases are to be recommended by the Personnel Committee and approved by the Presbytery Council prior to Presbytery action. The Personnel Committee shall make its salary recommendations within a time-line which will

enable the budgeting of adequate monies for future year budgets.

**Pay Periods** – Employees shall be paid on the 15<sup>th</sup> and the last working day of each month, unless other specific pay periods have been agreed upon.

**Benefits Disclaimer** – The descriptions of certain employee benefits contained in these policies (e.g., retirement and health insurance benefits) only summarize the provisions of a formal benefit Plan documents and do not attempt to cover all of the details contained in the Plan documents. The operation of the Plan, including events making an employee eligible or ineligible for benefits, the amount of benefits to which employees (or their beneficiaries) may be entitled, and actions they (or their beneficiaries) must take to request and support a claim for benefits will be governed solely by the terms of the official Plan document. To the extent that any of the information contained in these policies, a summary plan description (“SPD”) or any information provided orally is inconsistent with the official Plan document, the provisions set forth in the Plan document will govern in all cases.

Eligibility for benefits should not be interpreted as an implied or express contract or guarantee of employment. Nothing in this policy should be interpreted (a) to give to any employee the right to be retained in the employ of the Presbytery; (b) to affect the right of the Presbytery to discipline or discharge any employee at any time; (c) to give the Presbytery the right to require any employee to remain in its employ; or (d) to affect any employee's right to terminate employment at any time.

Although the Plan intends to provide for the payment of benefits on a tax-preferred basis, neither the Plan Administrator nor the Presbytery guarantees that any amounts paid to or for the benefit of a participant under the Plan will be excludable from the participant's gross income for federal, state, or local income tax purposes.

The Presbytery reserves the right to amend, modify, suspend or terminate the Plan(s), in whole or in part. Any such action would be taken in writing and maintained with the records of the Plan(s). Plan amendment, modification, suspension or termination may be made for any reason, and at any time, and may, in certain circumstances, result in the reduction of or elimination of benefits or other features of the Plan to the extent permitted by law. The Presbytery’s rights include the right to obtain coverage and/or administrative services from additional or different insurance carriers, HMOs, third-party administrators, etc., at any time, and the right to revise the amount of employee contributions. Employees will be notified of any material modification to the Plan.

**Benefits** – The following employee benefits will be offered as of January 1, 2015:

- 1) Teaching Elders on the Presbytery staff who are serving 20 hours a week or more in a validated ministry will be enrolled the Board of Pensions (BOP) Traditional Plan. For staff members covered by the BOP Traditional Plan, the full cost of the benefits provided under that plan will be paid by the Presbytery.
- 2) For full-time program staff who are Teaching Elders in a validated ministry, the Presbytery will contribute \$1000 on a one-to-one matching basis to the Board of Pensions 403(b) retirement savings account. After June 30, 2017, the Presbytery will not make matching contributions to 403(b) accounts.
- 3) For full-time program staff who are Teaching Elders in a validated ministry, the Presbytery will pay one-half the cost of family dental coverage in the Board of Pensions Traditional Plan. After June 30, 2017, staff members enrolled in the BOP Traditional Plan may opt for optional benefits (dental, vision, etc.) at their own expense.

- 4) For staff who work at least 20 hours per week and who are not enrolled in the BOP Traditional Plan, the Presbytery will make an allocation equivalent to 10% of salary to the Board of Pensions 403(b)(9) retirement savings plan.
- 5) Staff who are not enrolled in the BOP Traditional Plan will receive an additional amount equivalent to 15% of salary which may be used on a tax-free basis for group health insurance, dental insurance, vision insurance, and health care and child care reimbursement accounts offered by the Presbytery in accordance with federal tax law. These staff may receive some or all of this 15% of salary as taxable salary.
- 6) Teaching Elders in a validated ministry will receive a SECA allowance equal to 7.65% of effective salary. For all lay employees, the Presbytery will pay the employer's share of FICA taxes. Other statutory benefits for all lay employees include NYS Disability, Worker's Compensation, and Unemployment Insurance.
- 7) All employees may make income tax-deferred contributions from salary to the BOP 403(b)(9) retirement savings account, up to the maximum amounts permitted by law. Contributions by clergy are not subject to SECA. Contributions by other employees are subject to FICA.

**Overtime and Other Pay Practices** – It is the policy of the Presbytery to compensate employees in compliance with the federal Fair Labor Standards Act (FLSA) and applicable state law, including but not limited to the prevailing wage provisions of the New York State Labor Law, where applicable. The Presbytery generally maintains a 40-hour workweek for regular full-time employees. Employees classified as a non-exempt (or hourly) employee will receive overtime for all hours worked in excess of 40 hours per workweek, as required by law. As a matter of policy, however, for any employee to work overtime, authorization must be obtained in advance from the employee's immediate supervisor.

Employees classified as an exempt (or salaried) will be paid on a salary basis. This means that salary is a predetermined amount that does not vary based on the quantity or quality of work performed in a given pay period. Certain deductions, however, may be withheld from the salary of exempt employees. These include (but are not limited to) deductions for:

- social security,
- federal, state and local taxes,
- participation in Presbytery-sponsored benefit and retirement plans,
- absences from work for one or more full days for personal reasons, other than sickness or disability, where an employee has exhausted his or her paid personal or vacation leave benefits,
- absences from work for one or more full days because of sickness or disability (including work-related accidents), taken either before an employee has become eligible for sick leave benefits or after an employee has exhausted their paid sick leave benefits,
- unpaid disciplinary suspensions of one or more full days imposed on exempt employees in good faith for infractions of workplace conduct rules, including violations of the Presbytery's policies on falsification of information, equal employment opportunity, workplace harassment and discrimination, drugs and alcohol in the workplace, and the employee conduct and work rules contained in this Handbook, and
- full or partial days not worked during the initial or terminal week of employment.

Deductions from exempt employees' salary may not be made for absences from work caused by the Presbytery or by the Presbytery's operating requirements (for example, if the Presbytery closes its facilities on a scheduled work day), if the employees are ready, willing and able to work, nor for any other reasons prohibited by federal or state

law.

Questions about payment of overtime, about deductions from salary as an exempt employee, or about any other issues regarding rate of pay should be addressed to the head of staff or the Personnel Committee. Employees who believe that the Presbytery has improperly failed to pay them for overtime or who believe that their salary has been subject to improper deductions should immediately report the concern to the head of staff or the Personnel Committee. Every report will be fully investigated and if a violation is found, corrective action will be taken, including but not necessarily limited to full reimbursement of inappropriately withheld amounts.

It is against Presbytery policy to retaliate against any employee who makes a complaint in good faith pursuant to this policy. Any form of retaliation that occurs in violation of this policy may result in disciplinary action, up to and including discharge.

**Office Holidays** – The schedule for office holidays will be posted at the beginning of each year. Normally, the holidays will include those observed by the Synod of the Northeast.

**Leaves:** All leaves shall be on a calendar year basis unless otherwise noted:

- a. **Vacation Leave** – Program staff are eligible for 1 month of vacation each year. Support staff are eligible for 2 weeks of vacation in the first year of service (pro-rated in the first year to fit the calendar year). Support employees are granted an additional week of vacation after 5 years of service, another after ten years of service. All staff are granted a 5<sup>th</sup> week of vacation after 15 years of service.

Vacation schedules must be cleared with the employee's supervisor. Additional vacation time may be negotiated at the time of the annual review. Vacation time must be used in the year it is earned and will not carry over into the next year. Deviations from this policy must be negotiated in advance with the supervisor on a case by case basis. Employees will be paid the cash equivalent of their unused, earned vacation at the date of separation.

- b. **Sick Leave**—Sick leave is accumulated 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 prorated basis. A maximum of 60 days of unused sick leave may be accumulated. 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. At the time of termination of employment (either voluntary or involuntary), an employee shall have no claim for pay in lieu of unused sick leave.

- c. **Military Leave** – All employees will be granted unpaid leave for military service, training, or related obligations in accordance with applicable law. Employees on unpaid military leave may substitute their accrued paid leave time for unpaid leave. At the conclusion of the leave, upon satisfaction of certain conditions, an employee generally has the right to return to the same position held before leave, or a position with like seniority, status, and pay that the employee is qualified to perform. All rights and privileges outlined in the Uniformed Services Employment and Reemployment Rights Act of 1994 are available to employees serving in the military. Up to 10 days of unpaid leave are

available to employees whose spouses are on leave from the U.S. Armed Forces, National Guard or Reserves, while deployed during a period of war.

- d. Nursing Mothers Leave** - Employees may use appropriate time each day to express breast milk for a nursing child for up to 3 years following birth. Upon advance notice from the employee, the Presbytery shall establish a location for such use, in accordance with applicable law.
- e. Voting Leave** - If an employee does not have four consecutive non-work hours before or after normal working hours when the polls are open, upon advance notice of at least 2 days but no more than 10 days, an employee may take up to 2 paid hours of leave to vote.
- f. Maternity/Parental Leave** – The following Maternity/Parental Leave Guidelines adopted by the Presbytery on March 25, 2015, as recommendations to the congregations will function as policy for Presbytery employees:

Leave for birth mothers: Birth mothers are eligible for pregnancy-related medical leave of ten weeks at full pay and benefits. The final two weeks may be taken as full-time leave or as four weeks of half-time work, half-time leave. Two additional weeks medical leave at full pay and benefits will be granted for a complicated delivery, or as certified as necessary by a physician. The beginning date of pregnancy-related medical leave may be determined by the birth mother.

Leave for all new parents: All new parents are eligible for two weeks of parental leave (for birth mothers, in addition to pregnancy-related medical leave) at full pay and benefits.

- g. Other Paid Leave** - Paid leave may be provided to employees under the following circumstances after consultation with the head of staff:
  - 1) Jury duty (less the amount of jury pay).
  - 2) Up to 3 days annually in the event of death in immediate family, including spouse, partner, parent, in-law, child, grandchild, brother, sister or grandparent, or other person as approved by the supervisor;
  - 3) Up to 3 days annually in the event of marriage of an employee who has been with the Presbytery for one year or longer;
  - 4) Up to 3 days annually in the event of personal or family emergencies or for other personal business that cannot be cared for outside of working hours;
  - 5) Maternity/paternity leaves will be negotiated within the guidelines adopted by the Presbytery.
- h. Study Leave** - Program employees may participate in the Presbytery's Educational Leave Program which provides continuing education, scholastic leave and sabbatical leave. Support staff are eligible for up to two weeks (10 working days) triennially for service/study opportunities with provision for financial assistance to be provided pro-rated at up to \$40/day. Plans and arrangements for participation must be approved by the employee's supervisor. Educational leave for Program staff must be approved each year by the Personnel Committee and (when appropriate) the Council.

If particular circumstances necessitate other leave with full, partial, or no pay, this must be negotiated with the head of staff and the Personnel Committee and approved by the Council.

**Program Expenses** - All employees are entitled to compensation for expenses incurred in the performance of their duties. The Personnel Committee will ensure that each employee is aware of what expenses may be covered, depending on the nature of his or her work, and changes may be negotiated during the annual review.

The kinds of expenses covered will normally include:

- lodging and travel to and from meetings at which the staff person's presence is required. Travel shall be reimbursed at the current IRS rate.
- other necessary expenses, such as conference costs, books or meals for program staff as may be negotiated with the Personnel Committee.

The employee's primary office location will be determined by the Council, and travel to and from that location will be considered commuting, and not reimbursable.

**Presbytery Offices** – The Presbytery shall maintain a well-equipped office with adequate support staff at a convenient location determined by the Presbytery Council in consultation with the Board of Trustees. The Office shall include a master calendar and the necessary files and records for the Presbytery, its administrative staff, Council, committees, and other organizations. General review of the office or offices shall be by the Presbytery Council through its Personnel Committee.

**Separation Practices** – It is the policy of the Presbytery, that employment relationships are at-will and may be terminated at any time with or without cause by the employee or the Presbytery (except as otherwise required by state law).

All decisions regarding termination of employment will be made without discrimination on the basis of race, color, national origin, gender, age, marital status, sexual orientation, creed, disability or religious affiliation (except where a category is determined to be a bona fide occupational qualification).

Upon separation other than for cause, a severance allowance will be given in relation to the length of continuous service with the Presbytery as follows: less than 1 year of service, no severance allowance; 1 to 5 years of service, 2 weeks' severance allowance; 5 years and over, 4 weeks' severance allowance. These separation practices are not binding with respect to employees hired under programs funded wholly or in part by government grants or contracts or other contracts.

**Voluntary Resignations** – Employees who resign will receive pay for time worked plus accrued and unused vacation leave. Unless otherwise specified by contract or the Standing Rules of the Presbytery, employees are asked to give thirty days' notice of intention to terminate their employment.

Employees will be paid the cash equivalent of their unused earned vacation at the date of separation. No severance allowance will be provided. At the discretion of the head of staff, the period of written notice may be waived.

**Death in Service** – In the event of the death of a member of the Program or Support staff, the salary of that person will be continued to the spouse/dependent for one month from the date of death.

**Employee Records** – A confidential file for each Staff member shall be maintained by the head of staff. The file for the head of staff shall be held by another executive staff member. With notice, staff may have access to their file at the discretion of the Personnel Committee, in the presence of the staff person holding the files or his/her

designee. The Personnel Committee shall have access to these files, which shall include normal resume information, date hired, annual reviews and changes in salary and responsibilities, leaves of absence, vacation schedules, special conditions, or circumstances that may prevail. In addition, emergency contact and pertinent medical information shall be kept in a separate file accessible to other staff in case of emergency or other appropriate circumstances.

**Grievance Procedures** – Employee complaints concerning employment policies and practices, working conditions, dismissal, etc., should first be made to the head of staff. If not resolved or if the grievance involves the head of staff, grievances shall be taken to the Personnel Committee by the head of staff or the concerned party, and a hearing provided if so requested. The Personnel Committee shall have the responsibility of determining the merits of the grievance and proposing an equitable resolution.

**Equal Employment Opportunity** -- Equal employment opportunity and non-discrimination are fundamental principles of the Albany Presbytery. All entities will be regulated by the *Book of Order*, the policies of the General Assembly, and applicable federal and state laws, regulations and executive orders related to equal opportunity in employment.

Employment is based upon personnel requirements and individual capabilities and qualifications, without discrimination based on actual or perceived race, ethnicity, color, religion (except where a category is determined to be a bona fide occupational qualification), sex, age, national origin, citizenship, marital status, pregnancy, medical condition, disability, criminal record, sexual orientation, gender identity or expression, military/veteran status, genetic predisposition or “carrier” status, victims of domestic violence, or any other protected characteristic as established by law.

These guiding principles of equal employment opportunity and non-discrimination apply to all policies and procedures relating to recruitment and hiring, placement, promotion, layoff, recall, transfer, leaves of absence, training, compensation, benefits, separation of employment and all other terms and conditions of employment. Qualified members of all groups are urged to apply for positions within the Presbytery according to their individual aspirations and qualifications.

**Workplace Harassment and Discrimination Policy**– Albany Presbytery is firmly committed to maintaining an environment that is free from all forms of sexual and other workplace harassment and discrimination. The Presbytery prohibits harassment and discrimination and will not tolerate any form of harassment or discrimination that interferes with an individual’s work or performance or creates an intimidating, hostile, or offensive working environment. It is the responsibility of all employees to assist the Presbytery in providing a working environment that is free from harassment and discrimination of all times by not engaging in harassing or discriminatory behavior and by promptly reporting incidents of such behavior.

Harassment based on an individual’s gender, marital status, pregnancy, race, color, ethnicity, national origin, age, sexual orientation, gender identity or expression, veteran/military status, religious affiliation, or other legally protected characteristic is prohibited.

For purposes of this policy, harassment is defined as any type of behavior which is based on gender, marital status, pregnancy, race, color, ethnicity, national origin, age, sexual orientation, gender identity or expression, veteran/military status, religious affiliation, or other legally protected characteristic that is so severe or pervasive that it interferes with an individual’s work performance or creates an intimidating, hostile or offensive working environment.

Harassment when directed at an individual because of his/her gender, marital status, pregnancy, race, color, ethnicity, national origin, age, disability, religion, sexual orientation, gender identity or expression, personal appearance, veteran status, or any other legally protected characteristic may include, but is not limited to: unwanted physical contact; use of epithets, inappropriate jokes, comments or innuendos; obscene or harassing telephone calls, e-mails, letters, notes or other forms of communications; and any conduct that may create a hostile working environment.

**Sexual Harassment** – Whether between people of different sexes or the same sex, sexual harassment is defined to include, but is not limited to unwelcome sexual advances, requests for sexual favors, and other behavior of a sexual nature when:

- a) submission to such conduct is made implicitly or explicitly a term or condition of an individual's employment;
- b) submission to or rejection of such conduct by an individual is used as the basis for personnel decisions; or
- c) such conduct has the purpose or effect of unreasonably interfering with an individual's work or creates an intimidating, hostile or offensive working environment.

Sexual harassment may include, but is not limited to; unwelcome sexual advances; demands/threats for sexual favors or actions; posting, distributing or displaying sexual pictures or objects; suggestive gestures, sounds or stares; unwelcome physical contact; sending/forwarding inappropriate e-mails of a sexual or offensive nature; inappropriate jokes, comments or innuendos of a sexual nature; obscene or harassing telephone calls, e-mails, letters, notes or other forms of communication; and any conduct of a sexual nature that may create a hostile working environment.

Retaliation against an individual who complains of discriminatory harassment under this policy is strictly prohibited. Intentionally making a false accusation of harassment is also prohibited.

Employees who wish to make a complaint of harassment may report their complaint directly to the head of staff or the Personnel Committee if the head of staff is involved. The Presbytery will not permit retaliation of any kind against anyone who complains honestly and in good faith about harassment or discrimination or furnishes information or participates in any manner in any investigation of a harassment or discrimination complaint. Such retaliation is unlawful and will not be tolerated. Any individual found to have engaged in retaliation will be subject to disciplinary action, up to and including unpaid suspension and termination of employment.

Any supervisor or manager who receive a complaint of harassment or who believes in good faith that harassment has occurred is required to report it to the head of staff. If the complaint is against his/her supervisor, it must be reported directly to the head of staff. If the complaint is against the head of staff, it must be reported to the Personnel Committee.

In determining whether the alleged conduct constitutes unlawful harassment, the nature of the conduct and context in which the alleged incident occurred will be investigated and documented in writing. Every complaint will be taken seriously and investigated promptly. Offenders may be disciplined up to and including termination.

**Reasonable Accommodations for Disabled Employees** -- When requested to do so, and as required by law, the

Presbytery will make reasonable accommodations for qualified individuals with known disabilities, unless doing so would result in an undue hardship to the Presbytery. This policy governs all aspects of employment, including but not limited to recruitment, selection, job assignment, compensation, discipline, termination, and access to benefits and training. Qualified individuals with disabilities may make requests for reasonable accommodation to their supervisor or the head of staff.

**Employee Conduct and Discipline** -- To assure orderly operations and provide the best possible work environment, Albany Presbytery expects employees to follow rules of conduct that will protect the interests and safety of all employees and the Presbytery. It is not possible to list all the forms of behavior that are considered unacceptable in the workplace, but the following are examples of infractions of rules of conduct that may result in disciplinary action, up to and including unpaid suspension and termination of employment:

- Acts of dishonesty or theft
- Working under the influence of alcohol or illegal drugs
- Possession, distribution, sale, transfer, or use of alcohol or illegal drugs in the workplace, while on duty, or while operating employer-owned vehicles or equipment
- Fighting or threatening violence in the workplace
- Damage to Presbytery-owned property, waste of materials or unauthorized or improper use of property or machinery
- Insubordination or refusal to perform duties as directed
- Violation of safety or health rules
- Sexual or other types of prohibited harassment and discrimination
- Possession of dangerous or unauthorized materials, such as explosives or firearms, in the workplace
- Excessive or unauthorized absences and/or tardiness
- Violation of an established Presbytery policy or procedure
- Unsatisfactory performance or conduct

This is not an exhaustive list. It is intended merely to provide guidance with respect to some of the terms of misconduct that may result in disciplinary action, ranging from verbal or written warnings, up to and including termination. Neither the above list nor the Presbytery's use of progressive discipline as it sees fit alters the at-will nature of an employee's employment status.

**Drugs and Alcohol in the Workplace** -- The Presbytery is committed to protecting the health, safety and welfare of our employees and to promoting quality and efficiency in the workplace by providing a work environment that is free of substance abuse. In so doing, we recognize that employees have a right to privacy and do not intend to regulate purely private employee conduct away from the job. At the same time, employees must recognize that conduct off the job can have an effect on the job and that off-duty activity cannot be permitted to undermine safe work practices or the attainment of the highest performance standards.

Under no circumstances may an employee report to work, perform assigned duties or engage in Presbytery business while under the influence of alcohol or illegal drugs, except that this policy does not prohibit the responsible consumption of alcohol at Presbytery-approved functions. Employees are also prohibited from using, selling, purchasing, manufacturing, possessing or distributing illegal drugs or controlled substances while on Presbytery property or while conducting Presbytery business or using a Presbytery vehicle. Any employee who violates these rules will be subject to immediate disciplinary action, up to and including unpaid suspension and termination of employment. Further, employees should be aware that the Presbytery may also inform the police or drug enforcement agencies if there is suspicion that illegal drugs or controlled substances are being sold, bought,

possessed, used, manufactured or distributed on Presbytery premises or during Presbytery business.

This policy does not necessarily prohibit employees from working while under the influence of prescription drugs, provided such drugs are being used as prescribed by a licensed physician and do not prevent the employee from performing the essential functions of the job or present a direct threat to the health or safety of the employee or others in the workplace. Further, if an employee is aware that his or her use of an over-the-counter or properly prescribed medication is likely to alter his or her senses or impair his or her ability to perform on the job, the employee should promptly report those facts to his or her supervisor. Failure to do so may result in disciplinary action.

Supervisors or managers who suspect that an employee is under the influence of alcohol or drugs, or is selling, buying, manufacturing, distributing, possession or using illegal drugs or controlled substances while on Presbytery property or while conducting Presbytery business should immediately contact the head of staff.

**Attendance And Punctuality**– The efficient management of the Presbytery is dependent upon each employee conscientiously reporting to work on time on all scheduled days. Absenteeism and tardiness place a burden on other employees and on the Presbytery. Therefore, all employees are required to report to work regularly and on time.

Excessive lateness and absenteeism will be subject to disciplinary action up to and including termination. In the rare instance when an employee cannot avoid being late to work or is unable to work as scheduled, he or she should notify their supervisor as soon as possible in advance of the anticipated tardiness or absence. Failure to notify management of an anticipated absence or lateness may be grounds for disciplinary action up to and including termination, and may result in a loss of compensation for the period of the absence. Reasonable accommodations will also be made by the Presbytery for employees with disabilities, as required by law, subject to the right of the Presbytery to require a doctor's note for disabilities or illnesses requiring time off from work.

**Confidentiality**– It is the responsibility of all Presbytery employees to safeguard sensitive Presbytery information. The Presbytery's economic well-being and reputation are dependent upon protecting and maintaining the secrecy of confidential and proprietary information and materials. None of this information should be repeated or shared with anyone. Employees who are in doubt about confidentiality or proprietary information should refer their questions to the head of staff. Any improper transfer of material or disclosure of confidential information, even though it is not apparent that an employee has personally gained by such action, constitutes unacceptable conduct. Any employee who participates in such a practice will be subject to disciplinary action, up to and including possible discharge and legal action.

**Whistle-blower Policy**—Albany Presbytery complies with applicable laws and government standards by requiring all employees to report suspected fraud or abuse and ensuring that all reports are handled appropriately and employees filing such reports in good faith are not subject to retaliation. It is the responsibility of all employees to report observed or suspected fraud, abuse or other improper activity relating to the operation of the presbytery. For purposes of this policy:

**Fraud** means any type of intentional deception or misrepresentation made by a person with the knowledge that the deception could result in some unauthorized benefit to himself or herself or to the presbytery or another person.

**Abuse** means practices that are inconsistent with sound fiscal, business or medical practices and result in

an unnecessary cost to the presbytery.

Employees who do not comply with this policy are subject to disciplinary action. Depending on the facts and circumstances of each case, the presbytery may reprimand, suspend or dismiss any employee who fails to comply with this policy.

Employees have several options for reporting fraudulent, abusive or other improper conduct. Employees may file reports with the Head of Staff, the Personnel Committee or the Council through its moderator. Depending on the severity of the issue, organizational structure and lines may be ignored.

All reports must be received in writing. Employees may file reports anonymously by mailing a letter, either through interoffice mail or through the US Postal Service, to the attention of any of the above. E-mail messages are also acceptable. Every effort will be made to protect the reporter's identity; however, all individuals should be advised that anonymity cannot be assured if an external investigation or criminal proceedings related to the report occur. Harassment or retaliation against the reporter by anyone affiliated with the Albany Presbytery will not be tolerated.

No individual who files a report under this policy in good faith may be subject to retaliation in any form. Retaliation is also prohibited against an employee for refusing to carry out any activity that is the subject of a report made under this policy in good faith. No employee may threaten to retaliate against another employee for filing a report. Prohibited retaliation includes, but is not limited to, terminating, suspending, demoting, failing to consider for promotion, harassing or reducing the compensation of an employee due to the employee's intended or actual filing of a report under this policy. Retaliation is prohibited even if it is determined that the allegedly improper conduct was proper or did not occur, provided that the report was made in good faith. Albany Presbytery reserves the right to take disciplinary action against any employee who maliciously files a report he or she knows to be untrue.

Any actual or threatened retaliation should be reported by the affected employee or any other employee to the Head of Staff, the Personnel Committee or the Council through its moderator.

Approved by the Presbytery of Albany, March 25, 2015

**EMPLOYEE HANDBOOK DISCLAIMER**

I have received a copy of the Albany Presbytery’s Personnel Policies Handbook and have read and understand its contents, specifically including the statements describing the purpose and effect of the Handbook. I understand that the Albany Presbytery is an “at-will” employer and as such employment with the Albany Presbytery is not for a fixed term or definite period and may be terminated at any time at the will of either party, with or without cause. In addition, I understand that this Employee Handbook states Albany Presbytery’s policies and practices in effect on the date of publication. I understand that this Handbook does not create or constitute a contract of any kind between any employee and the Albany Presbytery. I also understand that these policies and procedures are continually evaluated and may be amended, modified, or discontinued at any time without notice by Albany Presbytery.

Sign and date to acknowledge receipt and review of this document and return it to the head of staff.

Print Name: \_\_\_\_\_

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

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