

Personnel Policies & Practices Albany Presbytery

Revised and Restated - January 25, 2020



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.), the State of New York, and all other applicable laws. 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 to give their best performance for the work for which they are hired. Upon recommendation by the Personnel Committee these policies and practices are subject to review and revision by the Presbytery.

Purpose of Handbook

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. While this Handbook is not intended to be a book of rules and regulations, it does include some important guidelines that you should know and understand. We ask that you read this guide carefully, become familiar with our policies, and refer to it whenever questions arise. Please note that no handbook can anticipate every situation or concern. For that reason, they are subject to amendment, modification, interpretation, or termination without notice at the discretion of the Presbytery. This Handbook supersedes all other previously issued handbooks or manuals.

Employment-at-Will

Employees are not hired for any definite or specific period of time. 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.

For this reason, the contents of this Employee Handbook are presented as informational and for guidance only. The Plans, policies, and procedures described in this Handbook are not intended to create an employment contract or a guarantee or promise of employment or continuing employment.

Employee Classifications

Program Staff – Program staff are employees who exercise leadership in the mission and program of the Presbytery, i.e. the Administrator, the Stated Clerk, the Chaplain and the Communications Manager. 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.

Regular Full-time Employees – Employees hired by the Presbytery to work a regular schedule of 40 hours or more per week shall be considered regular full-time employees. Regular full-time employees may be exempt or non-exempt and are eligible for all employment benefits offered by the Presbytery.

Regular Part-time Employees – Employees hired by the Presbytery to work a regular schedule of less than 40 hours per week shall be considered regular part-time employees. Regular part-time employees may be exempt or non-exempt and may be eligible for certain employment benefits offered by the Presbytery.

Temporary Employees - Employees who are scheduled to work on a specific need of the Presbytery. Temporary employees are non-exempt, and are not eligible for any benefits unless specifically authorized in writing.

Exempt - Employees whose positions meet specific tests established by the Fair Labor Standards Act (FLSA) and applicable state law and who are exempt from minimum wage and overtime pay requirements. Exempt employees are expected to work the hours required to meet their work responsibilities.

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 if the employees are ready, willing and able to work, nor for any other reasons prohibited by federal or state law.

Non-Exempt - Employees whose positions do not meet FLSA and state exemption tests and who are paid a multiple of their regular rate of pay for overtime hours worked.

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 guidelines of the Presbytery, including its EEO policy, as appropriate.

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 of employment.

Personnel Data Changes - It is the responsibility of each employee to promptly notify the administrator 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 the 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/Fraternization- To ensure that workplace decisions are based on merit, care will be exercised in the employment and assignment of persons who are close relatives of people in the Presbytery's employ.

Employees may not be assigned to a position where a direct close is in a position to supervise or influence the employee's salary, promotion or other terms and conditions of their employment.

Close relatives are defined as spouses, domestic partners, parents, parents-in-law, grandparents, children, children-in-law, siblings, siblings-in-law, uncles, aunts, nephews, nieces, step relatives, cousins, and domestic partner relatives.

If employees begin a dating relationship or become close relatives or members of the same household and if one party is in a supervisory position, that person is required to promptly inform management of the relationship.

We reserve the right to apply this policy to situations where there is a conflict, or the potential for conflict, because of the relationship between employees, even where there is no direct reporting relationship or authority involved.

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.

The Presbytery is committed to equal opportunity and non-discrimination in employment for all qualified persons without regard to 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 characteristics//information/predisposition or "carrier" status, domestic violence victim status, ancestry, ethnic group identification, ethnic background, traits historically associated with race, color, creed, reproductive health decision making, or any other category protected by applicable federal, state, or local law.

These guiding principles of equal employment opportunity and non-discrimination apply to all employment policies and procedures, including 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 encouraged to apply for positions within the Presbytery according to their individual aspirations and qualifications.

Reasonable Accommodations for Disabled Employees - The Presbytery is committed to providing equal employment opportunities to qualified individuals with disabilities, individuals with qualifying pregnancy-related conditions, individuals with sincerely held religious beliefs or practices, and domestic violence victims. To that end, the Presbytery will provide reasonable accommodations to such individuals for any of the following reasons, unless doing so would result in an undue hardship to the Presbytery:

- for qualified individuals with disabilities and individuals with qualifying pregnancy-related conditions during the application/hiring process or to perform the essential functions of their positions;
- based upon an individual's sincerely held religious beliefs or practices; and
- for domestic violence victims who must be absent from work for a reasonable time to:
- seek medical attention for injuries caused by domestic violence, including for a child, so long as the employee is not the perpetrator of the domestic violence;
- obtain services from a domestic violence shelter, program, or rape crisis center as a result of domestic violence;
- obtain psychological counseling related to an incident or incidents of domestic violence, including for a child who is a victim, so long as the employee is not the perpetrator of the domestic violence;
- participate in safety planning and take other actions to increase safety from future domestic violence incidents; or
- obtain legal services, assist in the prosecution of the offense, or appear in court in relation to domestic violence incidents.

The Presbytery will work with you to develop any possible reasonable accommodations. The Presbytery retains the right to select which accommodations, if any, will be granted. Individuals may make requests for reasonable accommodation to their supervisor or chair of the Personnel Committee.

Pay Practices –

Overtime Pay - The Presbytery generally maintains a 40-hour workweek for regular full-time employees. Employees classified as a non-exempt (or hourly) employee will be paid overtime at the rate of one and one-half times their regular rate of pay 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 Personnel Committee. Working unauthorized overtime or the refusal or unavailability to work overtime is considered unacceptable work performance and may lead to corrective action.

Error in Pay - It is our policy and practice to compensate employees accurately and to do so in compliance with all applicable state and federal laws. To ensure that you are paid properly for all time worked and that no improper deductions are made, you must accurately record all time worked and review your paychecks promptly to identify and report all errors.

We make every effort to ensure that employees are paid correctly. Occasionally, however, mistakes and/or improper deductions may occur. 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 Personnel Committee. Any concerns regarding mistakes, improper deductions, or other pay-related issues will be promptly investigated. 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.

Questions about pay practices should be addressed to the Personnel Committee.

Employment Taxes and Voluntary Deductions - 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. All employees will have federal and New York State taxes, Social Security, and New York State statutory disability withheld from their paychecks. Ministers on the Presbytery staff will receive a SECA allowance equal to fifty percent of the current tax rate. Your pay stubs will reflect these and any other approved, voluntary benefit deductions or mandated garnishments.

Outside Employment - You, as an employee, may engage in outside employment or personal educational activities during non-working hours, provided they do not interfere with your job performance or constitute a conflict of interest.

Prior to accepting outside employment, you must notify your supervisor or manager in writing. The notice must contain the name of the potential Presbytery, the title and nature of the position, the number of working hours per week, and the time of scheduled work hours. In addition, employees may not use any sick, vacation or personal time or unpaid leave to work at another employer.

During a leave of absence, “non-working hours” would include the hours that you would have been scheduled to work.

Conflicts of Interest - We have a particular interest in preserving our reputation and the reputation of our employees for the utmost honesty and integrity and hold ourselves and our employees to the highest standards of lawful and ethical conduct. Therefore, employees are expected to refrain from engaging in any activity that may conflict with your status as a Presbytery employee. This includes the use of your position with the Presbytery for personal profit, advantage, or entering into transactions or relationships where it may appear that you have a conflict of interest. If you have questions related to the propriety of a transaction or activity, seek guidance from your supervisor or manager and, if necessary, seek prior written approval before engaging in the transaction.

Performance Feedback and Management

All Presbytery employees may receive feedback on their performance in a formal review or by more informal means. We encourage you to seek regular feedback from your supervisor. Performance feedback may be considered when determining your pay, but pay increases are not guaranteed based on any specific performance feedback.

If your performance does not meet the expectations established for your position, the Presbytery may take

corrective action to assist you in meeting those expectations. Corrective action may be in the form of a written or oral reprimand, notice(s) of inadequate job performance, suspension, a performance improvement plan, or any combination of the above. We are not required to take any disciplinary action before making an adverse employment decision, including discharge. We reserve our right to discipline and the manner and form of discipline at our sole discretion. If you fail to address performance deficiencies in a satisfactory manner, we may take additional corrective action or terminate your employment.

As always, we encourage you to seek regular feedback and assistance from your supervisor or manager to ensure you are meeting and exceeding performance expectations.

Salary Review - Salaries shall be established and reviewed periodically, taking into account changes in the cost of living and changes in job responsibilities and performance level. All salary increases are to be recommended by the Personnel Committee to the Presbytery. The Personnel Committee shall make its salary recommendations within a timeline which will enable the budgeting of adequate monies for future year budgets.

Pay Periods - Employees shall be paid on the 15th and the last working day of each month (or a day earlier if the pay date falls on a non-banking day) unless other specific pay periods have been agreed upon.

Attendance - The efficient management of the Presbytery is dependent upon each employee conscientiously working on an established weekly schedule, including designated office hours, that is set in conjunction with the Personnel Committee. Absences, illnesses, and tardiness must be reported to the administrator as soon as possible. If an employee is ill or out of the office, an email 'out of office' message should be used.

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 without a business need to do so. Employees who are in doubt about confidentiality or proprietary information should refer their questions to the chair of the Personnel Committee. 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.

Repeated or excessive absences or tardiness or a pattern of absences or tardiness are considered unacceptable job performance, regardless of whether the absences or tardiness is excused or unexcused. Failure to report to work for 3 consecutive scheduled work days without appropriate notification is considered job abandonment and will result in a voluntary resignation. You may be required to provide documentation to substantiate your absence or tardiness.

Computer Use/Internet Access - We recognize that computer and Internet use has many benefits, both for us and for our employees. The Internet and email make communication more efficient and effective. Unacceptable usage of the electronic resources, however, places the Presbytery and others at

risk. The following guidelines have been established for using the Internet and email in an appropriate, ethical, and professional manner:

- The Presbytery Internet and email access may not be used for transmitting, retrieving, or storing any communications of a discriminatory, or harassing nature or obscene materials. No messages with remarks in violation of our EEO policies may be transmitted.
- Employees may not disclose any Presbytery trade secret information to a party not authorized by the owner of the trade secret. Trade secrets may include information regarding the development of systems, processes, products, design, instrument, formulas, and technology.
- Employees obtaining access to other entity or individual materials must respect all copyrights and may not copy, retrieve, modify, or forward copyrighted materials, except with permission or as a single copy to reference only.
- Employees are responsible for the content of all text, audio, or images that are placed or sent over our Internet and email system.
- Email or other computer use is not guaranteed to be private or confidential. All electronic communications are Presbytery property. Therefore, we reserve the right to examine, monitor, and regulate email messages, directories and files, as well as Internet usage.
- Internal and external email messages are considered business records and may be subject to discovery in the event of litigation.

All Presbytery-supplied technology, including computer systems and Presbytery-related work records, belong to the Presbytery and not the employee. Any personal use of email must be limited to non-working time. Employees may not send large attachments or audio/video segments that negatively affect the Presbytery's computer systems.

Since all computer systems and software, as well as the email and Internet connection, are Presbytery-owned, Presbytery policies are in effect at all times. Employees who abuse the privilege of Presbytery-facilitated access to email or the Internet may be denied access to the Internet and, if appropriate, be subject to disciplinary action.

Social Media - We recognize that you may have personal accounts on social media and web-based email accounts such as Gmail. To assist you in making responsible decisions in relation to work, we have established the following guidelines for the appropriate use of Presbytery information/computer systems.

Any use of personal accounts must be limited to non-working time. By utilizing social media via our technology, you are providing us with access to your social media and agree that you have no reasonable expectation of privacy in the contents of your social media. In addition, we may review materials that may be on your social media, including passwords, text messages, tweets, email communications, PDF files, and pictures that are sent to or reviewed by you.

Employees should never represent themselves as a spokesperson for the Presbytery. Instead, employees should include a disclaimer such as, "The postings on this site are my own and do not necessarily reflect the views of the Presbytery."

When utilizing social media sites, you are expected to comply at all times with all Presbytery policies and practices, including but not limited to Workplace Harassment, Workplace Bullying, Confidentiality, Computer/Internet, Workplace Violence, and Code of Conduct and/or Ethics policies.

Social Media is not the appropriate venue for voicing complaints about the Presbytery or particular colleagues that could be resolved more constructively through the appropriate channels consistent with the Presbytery's commitment to maintain a diverse and safe workplace.

Please do not post to any on-line forums using an official Presbytery email address or provide any Presbytery telephone number or extension. Please do not create a link from any personal blog, website, or other social networking site to a Presbytery website without first identifying yourself as an employee of the Presbytery. If you are unsure about whether a message/post may violate a law or Presbytery policy, speak to your supervisor or manager prior to making the post.

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 any Plan document. 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 any 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 documents, 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.

Health Insurance and Continuation of Benefits– The following employee benefits will be offered:

- 1) For ministers on the Presbytery staff who are also serving 20 hours a week or more in a church ministry, the presbytery will pay for fifty percent (50%) of the total costs of the Board of Pensions (BOP) Traditional Plan for health insurance and retirement contributions.
- 2) For ministers, ruling elders, or other 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 the

employee's salary to the employee's Board of Pensions 403(b)(9) retirement savings plan.

You, your spouse, or your dependents who are covered by the Presbytery-sponsored health plan may have a right to elect continuation coverage under federal or state law if they lose their group health coverage because of a reduction in hours of employment or due to termination of employment, other than for gross misconduct. If an employee, or a spouse or dependent of an employee, because eligible for continuation of coverage benefits, they will receive notice and applicable election forms from us informing them of their specific rights and obligations under the continuation of coverage provisions of the law.

Retirement - 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.

Worker's Compensation - The Presbytery provides worker's compensation to eligible employees due to illness or injury sustained in the course of their duties. If you become injured or ill due to a workplace condition, please report it immediately to the nearest available supervisor or manager. It is important to notify management promptly, so the affected individual(s) may receive necessary medical treatment and file an incident report. Medical expenses will be paid in accordance with Presbytery policy.

Short-Term Disability - If you become injured or ill while not at work, you may be eligible for short-term disability insurance benefits. In addition, you may be entitled to short-term disability benefits related to pregnancy. Please see the chair of the Personnel Committee or more information about our short-term disability benefits.

Time Away From Work

Office Holidays – The schedule for holidays will be set at the beginning of each year. Normally, the holidays will include those observed by the Synod of the Northeast. Regular full-time employees will be paid for approved holidays at their daily pay rate. No holiday pay will be paid to an employee who is on an unpaid status.

Paid Time Off- The Presbytery provides employees with paid time away from work for vacation and sick purposes. The Presbytery requires use of vacation and sick leave for Disability, Worker's Compensation, and any other time off, as permitted by law. All leaves shall be on a calendar year basis unless otherwise noted. Requests for paid time off will be approved or denied depending on staffing needs and other business considerations.

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, and another additional year after ten years of service. All staff are granted a 5th week of vacation after 15 years of service. A day of vacation is equal to 8 hours for a full-time employee and 4 hours for a part-time employee who works at least 20 hours per week.

Vacation schedules must be cleared in advance with the administrator. 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 Personnel Committee 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 for full-time employees. 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 separation of employment (either voluntary or involuntary), employees will not be paid for their unused sick leave. Documentation may be required to substantiate the need for sick leave.

c. Personal Leave - The Presbytery provides up to 5 days annually in the event of personal or family emergencies or for other personal business that cannot be cared for outside of working hours. Documentation may be required to substantiate the need to use personal leave. At the time of separation of employment, employees will not be paid for their unused personal leave.

d. Military Leave – Employees who serve in the United State military, including those who serve in the Army, Navy, Marine Corps, Air Force, Coast Guard, Reserves, Army or Air National Guard, and Commissioned Corps of the Public Health Service, will be granted a temporary unpaid leave of absence while engaged in 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, without loss of any rights, privileges, or benefits, provided you meet the requirements specified under federal or New York State law. All rights and privileges outlined in the Uniformed Services Employment and Reemployment Rights Act of 1994 are available to employees serving in the military.

e. Jury Duty - If you are summoned to report for jury duty, you must notify and submit a copy of the original summons for jury duty to the Personnel Committee. We reserve the right to request employees seek to be excused from or request postponement of jury service if the absence from work would create a hardship to us. You will receive \$40 per day for the first three days of jury duty. We expect you to report to work on any day, or portion thereof, that is not actually spent in the performance of jury service. Exempt employees will be paid in accordance with the Fair Labor Standards Act (FLSA) requirements.

f. Funeral/Bereavement Leave - Employees may be granted up to 5 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;

g. Marriage Leave - The Presbytery provides up to 3 days of paid leave annually in the event of marriage of an employee who has been with the Presbytery for one year or longer;

h. Unpaid Leave of Absence - Full-time, regular employees may request a personal leave of absence without pay. You must submit your request in writing and state the date the leave is to begin, the date of return to work, and the reasons for the leave. You will receive either written approval or written denial of

the request. If approved, you must use your leave of absence for the approved reason or purpose. Paid time off, seniority, and other benefits are not earned during an unpaid leave of absence. Any paid holidays that fall within the leave of absence are not paid.

i. Victims of Crime Leave - Employees who are victims of a crime shall be granted unpaid leave in order to appear in court as a witness, to consult with a district attorney, or to obtain an order of protection in relation to their status as a crime victim.

j. Leave of Absence for Volunteer Emergency Responders - During a declared state of emergency, employees may be eligible for a leave of absence while engaged in the actual performance of his or her duties as a volunteer firefighter or an enrolled member of a volunteer ambulance service, unless the employee's absence would impose an undue hardship on the conduct of the Employer's operations.

k. Maternity/Parental Leave – The following Maternity/Parental Leave Guidelines adopted by the Presbytery on January 25, 2020, 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.

l. Paid Family Leave

General Provisions - The Presbytery will provide eligible employees with paid family leave in accordance with the terms of this policy.

Eligibility - To qualify for paid family leave under this policy, employees must have worked for the Presbytery:

- full-time (regularly working 20 or more hours per week) for 26 weeks in a row; or
- part-time (regularly working less than 20 hours per week) for at least 175 days.

Covered Leave - Eligible employees may take PFL for one of the following reasons:

- To provide care for a family member with a serious health condition;
- To bond with a child in the first year following a child's birth, adoption, or foster placement;
- To attend to a qualifying exigency based on a family member's call to active military service.

Serious Health Conditions: A “serious health condition” is an illness, injury, impairment or physical or mental condition that involves:

- inpatient care in a hospital, hospice, or residential health care facility; or
- continuing treatment or continuing supervision by a health care provider.

Serious health condition also includes transplantation preparation and recovery from surgery related to organ or tissue donation.

“Providing care” includes necessary physical care, assistance with essential daily living matters, assistance in treatment, and personal attendant services. It also includes emotional support, visitation, transportation, and/or arranging for changes in care.

PFL may not be taken for care involving the family member’s routine examinations, cosmetic treatments, or minor illnesses.

For purposes of this section, “family member” means a child, parent, parent-in-law, grandparent, grandchild, spouse, or domestic partner. PFL may not be taken for an employee’s own serious medical condition.

Birth, Adoption, or Foster Placement: In the case of the birth of a child, PFL may be taken within 52 weeks of the date of the child’s birth.

In the case of leave for adoption or foster care placement, an employee can take PFL even prior to the adoption/placement to complete tasks in connection to the adoption/placement (e.g., court appearances or distant travel necessary to complete an adoption). However, an employee is not entitled to benefits under the PFL in connection with their own prenatal conditions.

Military Service: A “qualifying exigency” may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.

Related Employees: Two or more eligible employees may not use PFL to care for the same family member at the same time.

Employee Status and Benefits During PFL - PFL will be implemented in phases:

Date	Weeks of Leave	Percent of Pay Recovered (of employee's average weekly wage or the State average weekly wage (whichever is less))
Jan. 1, 2019	10	55%
Jan. 1, 2020	10	60%

Jan. 1, 2021	12	67%
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Employees returning from leave are entitled to return to their same or comparable position without loss of benefits they would have accrued otherwise.

During PFL, the Presbytery will continue its share of employee’s health insurance premiums as if the employee were not on leave. However, if an employee on PFL is more than 30 days late in paying his/her share of health insurance premiums, the Presbytery may terminate coverage.

Intermittent Leave - An employee does not need to use this leave in one block. Leave may be taken intermittently in full-day increments.

Employee Responsibilities - Notice to Employer: Employees must provide the Presbytery at least 30 days’ advance notice of the need to take PFL, unless the need is unforeseeable. When the need is unforeseeable and 30 days’ notice is not possible, the employee must provide notice as soon as practicable. The employee’s notice must make the employer aware of the qualifying event and the anticipated time and length of the leave. The employee must also identify the type of PFL requested in the notice.

Notice to Insurer: Employees must submit a claim to the Presbytery’s disability insurance plan, along with any required documentation. The insurer will notify the employee and the Presbytery of its decision regarding PFL benefits within 18 days of an application.

Documentation Requirements: Employees must provide sufficient information for the insurer to determine if the leave may qualify for PFL protection and the anticipated timing and duration of the leave. Employees also must inform the insurer and Employer if the requested leave is for a reason for which leave was previously taken or certified. Employees may be required to provide a certification and periodic recertification supporting the need for leave.

Waiver: Paid Family Leave is funded by deductions from employees’ pay. An employee may choose to waive family leave benefits and therefore not be subject to the paycheck deduction when:

1. the employee regularly works 20 hours or more per week but the employee will not work 26 consecutive weeks; or
2. the employee regularly works less than 20 hours per week and the employee will not work 175 days in a 52 consecutive week period.

Please note, if you become ineligible for waiver or your waiver is revoked, you will be required to pay the employee deduction retroactively.

Discrimination and Retaliation - The Presbytery will not discriminate or retaliate against an employee who takes or requests PFL. Individuals who have discrimination or retaliation concerns should contact Human Resources.

Program Expenses for Employees

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 .

The kinds of expenses covered will normally include:

- lodging and travel to and from meetings at which the staff person's presence is required. Mileage 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 shall be determined in consultation with the Personnel Committee. Mileage reimbursement will be in accordance with the per mile reimbursement rate established annually by the IRS. All program expenses must be approved by the Personnel Committee in advance of incurring them.

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.

Separation Allowance - Upon involuntary termination other than for cause, a separation allowance may be given in relation to the length of continuous service with the Presbytery as follows: less than 1 year of service, no separation allowance; 1 to 5 years of service, 2 weeks' separation allowance; 5 years and over, 4 weeks' separation 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 – Unless otherwise specified by contract or the Standing Rules of the Presbytery, the Presbytery requests employees give thirty days' notice of intention to terminate their employment. Employees who resign with 30 days' notice and serve those 30 days will receive pay for time worked plus accrued and unused vacation leave and two weeks of separation allowance. No separation allowance or vacation cashout will be provided if less than 30 days' notice is provided or if the employee fails to serve the full 30 day notice period.

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 Personnel Committee. With notice, staff may have access to their file at the discretion of the Personnel Committee, in the presence of a Personnel Committee representative. The Personnel Committee shall have access to these files, which may include normal resume information, date hired, performance reviews, changes in salary and responsibilities, leaves of absence, vacation schedules, special conditions, and any other pertinent information. In addition, emergency contacts shall be kept in a separate file accessible to other staff in case of emergency or other appropriate circumstances.

Grievance Procedure - Employee concerns regarding employment policies and practices, working conditions, dismissal, or anything else related to the Presbytery., should be made to the Personnel Committee. The Personnel Committee shall have the responsibility of determining the merits of the grievance and proposing an equitable resolution.

Workplace Harassment and Discrimination Policy

Albany Presbytery is firmly committed to maintaining an environment that is free from all forms of workplace discrimination, harassment, and retaliation. The Presbytery prohibits harassment, discrimination, and retaliation by or against employees, interns, representatives, vendors, contractors, and all other persons doing business with or for the Presbytery.

Discrimination is the treatment of an individual based on that individual's protected trait. Protected traits include sex, race, ancestry, ethnic group identification, ethnic background, traits historically associated with race, color, religion, national origin, citizenship, age, creed, disability, veteran status, marital status, familial status, military status, domestic violence victim status, sexual orientation or gender identity and expression, reproductive health decision making, predisposing genetic characteristics/genetic information or carrier status, or any other category protected by applicable federal, state, or local law. Differences in treatment are not discrimination under this policy where those differences are permitted or required by law.

Harassment is abuse; intimidation; threats; coercion; assault; inferior terms, conditions, or privileges of employment; and/or other unwelcome conduct or actions related to an individual's protected trait. Harassment includes verbal, visual, or physical conduct directed at an individual because of his/her protected trait, including: 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 other unwelcome conduct.

Sexual Harassment is harassment that is sexual in nature or based on an individual's sex. Sexual harassment includes unwelcome conduct that is either of a sexual nature, or that is directed at an individual because of that individual's sex.

Conduct that may violate this policy includes, but is not limited to:

- Sexual or discriminatory displays or publications anywhere in the workplace, such as displaying pictures, posters, calendars, graffiti, objects, promotional material, reading materials or other materials that are sexually demeaning or pornographic. This includes such sexual displays on workplace computers or cell phones and sharing such displays while in the workplace.
- Sexually oriented gestures, noises, remarks or jokes, or comments about a person's sexuality or sexual experience, which create a hostile work environment.
- Physical acts of a sexual nature, such as touching, pinching, patting, kissing, hugging, grabbing, brushing against or poking another employee's body, rape, sexual battery, molestation or attempts to commit these assaults.
- Unwanted sexual advances or propositions, such as requests for sexual favors accompanied by implied or overt threats concerning the target's job performance evaluation, a promotion, or other job benefits or detriments, or pressure for unwelcome sexual activities.
- Hostile actions taken against an individual because of that individual's sex, such as bullying, yelling, name-calling, interfering with, destroying, or damaging a person's workstation, tools or equipment, sabotaging an individual's work, or otherwise interfering with the individual's ability to perform the job.
- Using submission to or rejection of such conduct as the basis for employment decisions affecting an individual's employment.

Sexual harassment may include conduct by or towards men or women. It may include same-sex or opposite-sex harassment. Harassers can be supervisors, coworkers, or other people in the workplace, such as vendors, contractors, clients/customers, or visitors. Additionally, victims can be supervisors, employees, or other individuals providing services in the workplace.

Retaliation is any adverse action or credible threat of an adverse action taken by an Employer or any individual doing work for or on behalf of the employer, in response to a complaint or report of discrimination, harassment, or retaliation, participating/assisting in an investigation or hearing in response to a report of discrimination, harassment, or retaliation, opposing sexual harassment, or engaging in lawfully protected activities. Adverse action need not be job-related or occur in the workplace to constitute prohibited retaliation (e.g., threats of physical violence outside of work hours).

The Presbytery prohibits retaliation against any individual engaging in the above activities in good faith, even if the alleged discrimination or harassment does not turn out to rise to the level of a violation of law. The retaliation provision is not intended to prohibit employment action in connection with a person making intentionally false complaints of discrimination or harassment, providing false information during an investigation, or refusing to participate in an investigation.

Discrimination, Harassment, and Retaliation of any kind are considered a form of employee misconduct. Individuals who engage in Discrimination, Harassment, and/or Retaliation and employees who knowingly allow Discrimination, Harassment, and/or Retaliation to continue will be subject to discipline, up to and including termination of employment.

In addition to being a violation of Presbytery policy, sexual harassment and certain other types of discrimination, harassment, and retaliation are prohibited by federal, state, and (in some cases) local laws. Title VII of the Civil Rights Act of 1964 and the New York Human Rights Law prohibit discrimination based on sex and other protected traits. An individual may file a complaint with the New York State Division of Human Rights, (www.dhr.ny.gov) the U.S. Equal Employment Opportunity Commission (“EEOC”) (www.eeoc.gov), a city or county equal employment opportunity office (where applicable), or, in some cases, in federal or state court. Additionally, unlawful harassing conduct may constitute criminal activity, which may be reported to law enforcement. Damages may include lost wages, lost benefits, damages for emotional distress, and attorney fees.

This policy prohibits not only behavior that constitutes unlawful harassment, but also other inappropriate or unprofessional behavior that may reasonably be considered offensive or otherwise inappropriate.

Discrimination, Harassment, or Retaliation may not occur in the performance of the Presbytery’s business, at an Presbytery-sponsored event, or on Presbytery property. Discrimination, Harassment, and Retaliation is also prohibited in off-duty conduct between individuals who work together on Employer business.

Addressing Discrimination, Harassment, and Retaliation. All Employees and nonemployees (e.g., vendors, contractors) aware of possible violations of this policy must promptly report that information to the Presbytery as noted below.

To allow for prompt investigation and resolution, individuals must report possible policy violations as noted below:

1. Discuss concerns with the individual engaging in the objectionable conduct. Individuals are encouraged (but not required) to first attempt to resolve the situation independently by notifying the party engaged in the objectionable conduct that his/her actions are unwelcome and asking it to stop.

2. Report objectionable behavior to the Presbytery. If the individual does not feel comfortable discussing his or her concerns with the individual engaged in the objectionable conduct or has already done so and the Discrimination, Harassment, and/or Retaliation persists, the individual must promptly notify Chair of the Committee on Ministers and Congregations (“COMAC”), whose contact information can be found at <https://albanypresbytery.org/committees-and-groups/teaching-elders-congregations/>. A reporting form is available from the Stated Clerk for those seeking to report a potential violation of this policy. If the individual does not feel comfortable discussing his or her concerns with that contact, if that contact is unavailable, or if the individual has already discussed his or her concerns with that contact and the Discrimination, Harassment, and/or Retaliation persists, the individual must promptly contact the chair of COMAC or the chair of Personnel.

Investigating Discrimination, Harassment, and Retaliation Reports. The Presbytery takes reports about Discrimination, Harassment, and Retaliation very seriously and will ensure a prompt investigation of such reports (whether verbal or written). Individuals will generally be required to provide names of witnesses, substantiating documentation (notes, emails, etc.), and any other relevant information to facilitate the investigation. Employees are required to participate fully in investigations under this procedure and to provide truthful and complete information. The Presbytery will notify the individual who reported of the final determination and shall similarly notify the individual(s) about whom the report was made (where feasible). Additionally, the Presbytery will implement any corrective actions to be taken in response to the investigation findings.

Statement on Confidentiality. Information gathered during any investigation into alleged instances of Discrimination, Harassment, or Retaliation will be handled discreetly. In some instances, however, it may be necessary to disclose information in order to conduct a thorough investigation. The Presbytery will take steps to ensure that confidentiality is maintained, where practicable.

All individuals are expected to comply with this policy, to take appropriate measures to ensure that prohibited conduct does not occur and to report any suspected policy violations. An individual’s obligations under this policy include reporting any violations witnessed by the employee, regardless of whether the employee was the victim or target of the offending conduct. The Presbytery will take

appropriate disciplinary action against any employee who violates this policy and appropriate corrective action in connection with any non-employee who violates this policy. Based upon the seriousness of the offense, disciplinary action may include verbal or written counseling, suspension, or termination of employment.

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 or the possession, distribution, sale, transfer, or use of alcohol or drugs in violation of our Drugs and Alcohol in the Workplace policy;
- 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
- Prohibited harassment, discrimination, or retaliation
- 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 corrective 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 unauthorized substance use. 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-related business, or operate Presbytery equipment while under the influence of alcohol or unauthorized drugs (including excessive quantities of prescription or over-the-counter drugs). 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, controlled substances, or unauthorized drugs while on Presbytery property or while conducting Presbytery-related 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 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 must promptly report those facts to his or her supervisor. Failure to do so may result in disciplinary action.

Presbytery staff who suspect that another staff member is under the influence of alcohol or drugs, or is selling, buying, manufacturing, distributing, possessing or using illegal drugs or controlled substances in violation of this policy must immediately notify the chair of the Personnel Committee.

Whistleblower 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 concerns of fraudulent, abusive or other improper conduct. Employees may file reports with the Personnel Committee or the Coordination Committee through the Presbytery's 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 Personnel Committee or the Coordination Committee through the Presbytery's moderator.

Approved by the Presbytery of Albany, January 25, 2020

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, interpreted, 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 Administrator.

Print Name: _____

Signature: _____

Date: _____