

PERSONNEL POLICIES

OF THE

LOWER SUSQUEHANNA SYNOD

EVANGELICAL LUTHERAN CHURCH IN AMERICA

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**LOWER SUSQUEHANNA SYNOD
OF THE EVANGELICAL LUTHERAN CHURCH IN AMERICA**

PERSONNEL POLICIES

PREFACE:

This document is the official policy statement of the Lower Susquehanna Synod Council upon recommendation of its Personnel Committee. These personnel policies do not create, imply or express a promise of continued employment for any particular length of time by the Lower Susquehanna Synod (hereinafter referred to as “synod”).

PURPOSE:

The purpose of these personnel policies is to provide guidance to supervisors and employees in the work expectations of, and benefits provided to, synod employees. All staff are expected to be knowledgeable concerning the contents of these policies.

INTERPRETATION:

Questions regarding the interpretation of specific policy statements or their application in a specific instance should be directed to the personnel officer, who will supervise the administration of the policies within the synod office and will determine such interpretations, in consultation with the bishop as necessary. Such determinations are final.

REVIEW:

These policies will be subject to review at least biennially by the Personnel Committee of the Synod Council.

1.0 GENERAL

1.10 Authority

Adoption of these personnel policies by the Synod Council is under the general authority granted in the Constitution, Bylaws, and Continuing Resolutions of the Lower Susquehanna Synod of the Evangelical Lutheran Church in America.

S10.07.04.a. *Duties and responsibilities of the Synod Council in addition to those specified in this synod constitution shall include:*

- a. Determination of the salaries of the officers and executive staff of this synod and maintenance of a system of personnel practices applicable to all persons employed by this synod.*

1.20 Scope

These personnel policies will be applicable to all categories of employees listed in Section 3 herein. The Personnel Policies do not apply to independent contractors or adjunct staff.

1.30 Administration

- A) Personnel Officer: The personnel officer shall administer the personnel policies of the Synod Council.
- B) Director for Administration: The director for administration shall assist the personnel officer in duties noted in Section 1.30 A) and assume those duties in the absence of the personnel officer.
- C) Personnel Committee: This committee shall be composed of the vice president, at least three Synod Council members, and five committee members. This committee shall propose changes in these personnel policies as provided in Section 1.40 below, and also shall have responsibilities hereinafter assigned by the personnel policies.

1.40 Amendments

Amendments to these personnel policies shall be made by the Synod Council from time to time as required upon recommendation of the Personnel Committee.

1.50 Synod Council Authority

No rights or privileges shall accrue to any employee by reason of these personnel policies which in any way limit or restrict the authority of the Synod Council to make amendments, corrections, additions, or deletions to these personnel policies and the effective date thereof to all such employees.

1.60 Exceptions

Exceptions to these personnel policies may be granted by the personnel officer of this synod in consultation with the bishop of this synod when such exceptions are judged to be in the best interests of both the synod and the employee concerned.

2.0 **DEFINITION OF TERMS**

2.10 Appropriate Executive(s)

As used herein, the term “appropriate executive” shall mean an executive in Categories I or II authorized to supervise or direct the work of employees in Categories III through IV.

2.20 Employee

As used herein, the term “employee” shall apply to any person in the employ of the synod who performs administrative, advisory, editorial, secretarial, clerical, or maintenance service on an established salary or hourly basis within one of the employee classifications described in Section 3.0. Ordained ministers elected or

otherwise employed by the synod will be extended a call to specialized ministry by the Synod Council. An employee, irrespective of title, is an individual who meets the following criteria:

- A) Is remunerated on a regular basis for services to the synod; and
- B) Performs assigned tasks within one of the employee classifications under Section 3.0; and
- C) Is supervised and evaluated within the framework of the synod personnel policies; and
- D) Is within the area of concern of the Personnel Committee of the Synod Council.

2.30 Employer

As used herein, the term “employer” shall mean the Lower Susquehanna Synod of the Evangelical Lutheran Church in America.

2.40 Immediate Family

As used herein, the term “immediate family” shall mean spouse, parents, grandparents, siblings, grandchildren, and children related by blood or marriage, including adopted and foster children or those assigned by the courts to the employee, or any member of the family living in the same household with the employee.

2.50 Independent Contractor

As used herein, the term “independent contractor” regardless of title is an individual or organization which performs services for the synod but are not employees of the synod. Independent Contractors must meet the following criteria:

- A) Provides purchased labor or services; and
- B) Serves under written contract executed by a properly authorized executive of synod staff or by Synod Council resolution; and
- C) Is responsible for payment of taxes, permits, licenses, and other legal requirements for work; and
- D) Is not normally provided regular desk space nor secretarial help by the synod; and
- E) Does not come within the area of concern of the Personnel Committee of the Synod Council, and is not covered in the performance of work by these personnel policies; and
- F) Performs services for which the synod is not interested in controlling the means and methods of accomplishing the service, but only the results of the service.

Independent contractors are not employees and receive no paid benefits; are paid for units of work only, whether hours, weeks, or projects; and are not eligible to be covered for workers' compensation.

3.0 **POSITION CLASSIFICATION**

3.10 Category I - Executive (Officers and Assistants to the Bishop)

Elected, called or appointed to an approved executive position in the synod.

3.20 Category II - Executive (Directors, Field and Program)

Employed to perform specified areas of responsibility.

3.30 Category III - Supervisory or Administrative

Employed to perform supervisory or administrative duties under the direction of an executive.

3.40 Category IV - Support

- A) Full time - works 35 hours per week on a 5-day, 7-hour per day schedule.
- B) Part time - works on a pre-determined schedule as follows:
 - 1. Work week consists of no more than 34 hours;
 - 2. Salary and benefits are determined on a proportionate basis in relation to a full 35-hour schedule.

3.50 Category V - Adjunct

Employed to serve in special ministry, i.e. interim consultant pastor; director for spiritual formation.

An individual's position classification may be changed upon the recommendation of the personnel officer and the director for administration with the approval of the bishop as a result of a change in their position description which incorporates the addition or reduction in the level of responsibility.

4.0 **SERVICE TIME**

4.10 Computation

Service time for all categories except Category I is not computed until the satisfactory completion of 90 days of employment. Computation begins with the date on which the employee began work for the synod.

- A) Continuous Service - the employee has been employed continuously in full-time service with the synod;

- B) Continuous Part-time Service - the employee has been employed continuously on a regular, part-time basis. Service time is computed from the date first employed using a pro-ration formula.
- C) Interrupted Service - employees who have been on leave without pay from regular status, either full-time or part-time, may retain their creditable service time and accrued benefits, if not used, from the period of employment, but may not accrue service time during such leave.

4.20 Service Time Records

Service time records are maintained by the director for administration under the direction of the personnel officer and are communicated quarterly to the employee in writing by the director for administration under the direction of the personnel officer.

4.30 Rights of Employees

Normally no rights shall accrue to an employee by virtue of service time except as specifically stated in these policies.

4.40 Anniversaries

That five-year anniversaries and multiples thereof be recognized with an appropriate gift.

5.0 **RECRUITMENT AND EMPLOYMENT**

5.10 Inclusiveness in Employment

This synod is committed to both the spirit and the applicable legal requirements of equal employment opportunity. It is the policy of this synod, except as provided in its constitution or by the requirements of the position, to engage employees without discrimination with respect to race, color, age, religion, sex, national origin, veteran status, handicap/disability, or status in any other group protected by federal/state/local law.

5.20 Election or Employment Procedures

Officers (Category I) are elected by the synod in assembly: Assistants to the Bishop (Category I) are called or employed by the Synod Council upon recommendation of the bishop. All other employees shall be interviewed by the personnel officer and the director for administration and employed upon approval of the bishop.

5.30 Employee Information Form

A uniform employee information form for all personnel shall be completed by each employee and placed in their personnel file.

5.40 Personnel Records

Individual files are maintained for each employee containing the employee's information form, leave records, copies of calls, evaluations, and other pertinent documents. These files are maintained in locked files under full security. Employees have the right upon written request to the personnel officer or the director for administration to review their individual files at a time mutually agreeable. Files may not be removed from the office and nothing may be removed from the files.

5.50 Introductory Period

All employees except Category I executives will participate in an introductory and training period. Generally, this will be a three-month period; however, this period may be adjusted according to the position requirements. During this period of training and introduction, there will be a written evaluation. If this introductory period does not end in termination, full benefits will be paid from the first day of employment.

5.60 Employment of Relatives

No person will be employed to work under the supervision of a relative.

A) Relative is defined as children, parents, spouse, brothers, sisters, in-laws, grandparents, grandchildren, aunts, and uncles, nieces and nephews.

B) Relative also refers to close relationships not bound by marriage or blood, such as significant-other relationships.

If two current employees marry, or develop a significant-other relationship, Section 5.60 will apply.

5.70 Termination of Call and Appointment

In the case of ordained employees, their employment and their call shall be understood to terminate at the same time.

5.80 Promotion

Any qualified employee may apply for promotion to a vacant position with the approval of the personnel officer.

6.0 **COMPENSATION**

6.10 Purpose

The purpose of the compensation program is to provide adequate pay for the services rendered and to ensure equity in basic compensation regardless of sex, race, clergy, or lay status. Tax treatment of salary, number of dependents, or other compensation will not be a factor in the determination of compensation.

6.20 Salary Ranges

The Synod Council shall establish annual salary ranges applicable to all categories of employees. The Personnel Committee shall review the salary and wage rate ranges periodically, but at least biennially, and shall recommend revisions and exceptions to the Synod Council.

6.30 Salary Approval

A) Category I - Officers

The Personnel Committee annually shall make a salary recommendation for the bishop to the Synod Council at the appropriate time.

B) Category I - Assistants to the Bishop

The bishop annually shall make a salary recommendation for each employee in this category to the Synod Council at the appropriate time after consultation with and review by the Personnel Committee.

C) Categories II - Executive through Category IV - Support Staff

The personnel officer, in consultation with the bishop, annually shall set the salaries and wages for each employee in these categories.

D) Category V - Adjunct

The personnel officer in consultation with the bishop, annually shall set the salaries and wage rates for each employee in this category.

6.40 Overtime Pay

A) Eligibility

Overtime, when properly authorized by the appropriate executive, shall be paid to all employees in Category IV and to those employees in Category III not specifically exempt under the Federal Wage-Hour Act. Employees in Categories I and II are exempt and not eligible for overtime pay or equivalent time off.

B) Location

Overtime work may be authorized to be performed in any location, including the employee's home, by the director for administration.

C) Payment

The written authorization for overtime, signed by the director for administration and approved by the personnel officer, is transmitted to the treasurer's office for payment.

D) Overtime rate

Employees shall be compensated for time worked in excess of the regularly established hours per week (35) as follows: 36 through 40 hours, regular hourly wage; 41 hours or more, one and one-half (1 ½) times the hourly wage rate. The hourly rate for salaried employees is computed by dividing the annual salary by 1820 (35 x 52).

Under limited circumstances, a non-exempt employee may be granted time off in lieu of overtime pay. This time off is permitted as an alternative to overtime pay only if the time off is taken during the same pay period in which the overtime is earned, and both the supervisor and the employee agree to the arrangement. One and one-half hours of time off will be allowed for every hour of overtime worked over forty hours.

Sick leave, personal leave and vacation time will not be considered time worked. Holidays will be considered time worked if occurring during the work week, but for not more than 7.5 hours.

E) Rate Compensation

The base hourly rate for salaried employees is computed by dividing the annual salary by 1820 hours (35 x 52).

F) Meetings and Assemblies

Eligible employees are required to work at synod assemblies or out-of-town meetings, unless excused in writing by the personnel officer after consultation with the director for administration.

1. Overtime shall be compensated as prescribed in 6.40 D above, including work performed on Saturday, Sunday, or holidays.
2. The normal schedule of working hours may be revised by the personnel officer to fit the needs of the assembly or meeting.
3. In compliance with the Fair Labor Standards Act, travel time during normal working hours shall be counted as working time, but travel time outside of normal working hours shall not be counted unless on authorized synod business.

6.50 Records

Leave records will be maintained by the director for administration under the direction of the personnel officer and reported as required. Overtime records will be maintained in the treasurer's office and reported as required.

6.60 Normal Pay Periods

Normal pay periods for all employees shall be every two weeks. If a normal pay falls on a non-working day, checks shall be issued on the working day last preceding it and dated accordingly.

6.70 Housing Allowance

An ordained employee may request that a portion of his/her annual salary be designated as housing allowance, in keeping with Internal Revenue Service regulations providing:

- A) The employee assumes full responsibility for compliance with the IRS definition of “costs to provide a home;” and
- B) Requests for housing allowance must be forwarded to the bishop for approval by Synod Council and recorded in the minutes prior to the period for which the allowance is claimed.

6.80 Fees for Service

Employees will not accept or expect additional payment for the performance of normal duties and responsibilities.

6.90 Garnishments and Wage Assignments

Legal wage assignments will be honored and the employee notified. Employee may seek relief from the court.

7.0 **REIMBURSABLE EXPENSES**

7.10 General Policy

Reimbursement of work-related expenses of authorized employees will be allowed, providing the employee utilizes the least expensive and/or the most cost effective means available within the requirements of a pre-set itinerary.

A) Air

Actual lowest fare.

B) Rail and Bus

Exception to least expensive rule permits Pullman roomette accommodations if overnight travel is necessary.

C) Personal Automobile

Mileage rate set by Synod Council; parking fees and tolls allowed.

1. Travel expense between office and out-of-office location is reimbursable;
2. Travel between home and office is not allowed to be reimbursed;
3. Travel expense between employee's home and out-of-office work location is allowed providing the travel is at the beginning or end of a work day or on a day off.

D) Rental Automobiles

Full charges are allowable for least expensive auto, providing that public transport will not meet employee's itinerary requirements at less expense.

E) Other

Taxi, airport and similar fares are allowed in full if no less expensive alternative will meet needs of itinerary.

7.20 Hotel-Motel

Single occupancy accommodations in a first-class hotel or motel at the lowest available rate. If a family member shares accommodations, the non-reimbursable cost to the employee is the difference between single and double occupancy.

7.30 Meals

Reimbursement is allowed for the actual cost of the meals consumed by the employee, plus a suitable tip. Reasonable food costs and tips for guests may be reimbursed, providing the provision of a meal furthers the goals of the synod.

7.40 Telephone

Reimbursement will be allowed for business calls while traveling and for toll charges incurred on behalf of the synod on the home telephone of the employee. When on an extended itinerary of a week or longer, a reasonable number of calls to the employee's home per week, plus emergency calls, are allowed.

7.50 Procedure for Reimbursement

Employee will provide the treasurer's office with a detailed and documented list of allowable expenses monthly, or as requested.

7.60 Credit Cards

If issued to the employee, credit cards may be employed for expenses as approved earlier for reimbursement in Section 7. Credit cards also may be used for office-related purchases. Credit cards may not be used for personal purchases.

8.0 WORKING HOURS AND HOLIDAYS

8.10 Working Hours

Normal office hours are 8:30 a.m. to 4:00 p.m., Monday through Friday.

- A) Employees in Categories I and II shall organize their time schedules as necessary for effective performance of their duties.
- B) For employees in Categories III and IV, reduced hours or work at home may be approved by the director for administration in consultation with the personnel officer, providing that the work of the office as a whole is not hindered.

8.20 Work Week

The work week extends from 12:01 a.m. on Monday to 12:00 midnight on Sunday.

8.30 Office Closing

- A) Weather, disaster emergencies, or building closings that require the official closing of the office will be declared and communicated by the personnel officer through a network of staff callers.
- B) In cases when the synod office is open for business, even though weather conditions may be unfavorable, an employee who finds it necessary to remain at home in order to care for a child because school is closed and alternate child care arrangements cannot be made, will utilize accrued vacation leave or personal days to cover their absence.

8.40 Holidays

- A) The office will be closed for the following 10 holidays:
 - New Year's Day (January 1)
 - Martin Luther King Day (third Monday in January)
 - Good Friday
 - Memorial Day
 - Independence Day (July 4)
 - Labor Day (first Monday in September)
 - Thanksgiving Day (fourth Thursday in November)
 - Friday after Thanksgiving
 - Day before Christmas
 - Christmas Day

If the holidays listed above fall on a non-working day, the synod office will be closed on the day preceding (if a Saturday), or the day following (if a Sunday).

- B) Each employee is granted two (2) non-accumulating personal days off per year to be used at their discretion.

9.0 EMPLOYEE BENEFITS

9.10 Resettlement Expenses

The synod shall pay actual moving expenses of a Category I or Category II employee when such employee is required to move. Expenses also will be allowed for:

- A) Expenses related to one round trip for the employee and one family member for the purpose of finding a home;
- B) Actual reasonable travel expenses of employee and immediate family from their previous home to their new home.

9.20 Social Security

The employer shall make contributions required of employer under the Social Security Act for its lay employees. The policy of this synod in dealing with ordained synod employees shall be consistent with the policy enacted by the synod assembly for ordained ministers.

9.30 Workers' Compensation

As required by state law, the synod will provide workers' compensation insurance coverage for all employees at no cost to the employee.

9.40 Employer-Paid Pension, Disability, Death Benefits, Medical/Dental/Health Insurance

Full-time employees and regular part-time employees working more than 20 hours per week six or more months per year will be enrolled in these programs of the Board of Pensions of the ELCA at synod expense. Full information about the ELCA plan is provided in a booklet obtainable from the ELCA.

- A) No payments will be made to an employee in lieu of above coverage as stated in Section 9.40.
- B) The synod contributes the maximum 12% of each employee's annual salary to each employee's pension plan.
- C) The synod will provide, solely at its expense, full coverage in the ELCA Medical and Dental Benefits plan for the member/employee.

The synod will provide, solely at its expense, full coverage for dependents (spouse and children) who are not covered by a spouse's employer-provided group plan.

The members/employee may elect to waiver coverage under the ELCA Medical/Dental Benefits Plan for themselves and their dependents who are covered by a spouse's employer-provided group plan.

9.50 Optional Pension Plan and Benefits

Employee may enter into a written agreement with the synod to reduce employee's before-tax compensation with the difference to be credited to the employee's pension account.

9.60 Other Employees

Employees working less than the eligibility requirements of the ELCA Board of Pensions may have medical/dental/pension benefits negotiated with them by the personnel officer and the bishop of the synod.

No payment will be made to an employee in lieu of above coverage.

10.0 **ABSENCE FROM WORK**

10.10 General

All leave must be approved by the director for administration and reported on a leave form to the personnel office. Records shall be maintained by the director for administration under the direction of the personnel officer.

10.20 Vacation leave

Vacation leave is granted with full salary to full-time employees as follows:

A) Categories I and II - Executive

1. One full month (30 working days) per calendar year of service;
2. Available at any time during the year;
3. Vacation leave will be calculated on a prorata basis for executives with less than one full year of service;
4. Executives are not eligible for bonus leave;
5. Vacation leave up to ten (10) working days may be carried over from one calendar year to the next;
6. Vacation schedules are cleared with the personnel officer.

B) Categories III and IV - Supervisory/Administrative/Support

1. One day per full month of paid employment (full-time employees);
2. Bonus vacation leave is based upon years of full-time service in regular employment status and becomes available at the end of the month in which the anniversary occurs. Leave is calculated at the rate of one (1) additional day per full year of employment to a maximum of fifteen (15) additional days;

3. Vacation leave schedule is approved by the director for administration and the personnel officer normally at least two weeks prior to the leave on the proper form.
4. A maximum of 22 working days may be accumulated and carried over into succeeding calendar years. The number of vacation days taken in any calendar year may not exceed 30 working days.
5. Part-time employees receive pro-rata vacation leave.

C) Category V - Adjunct

Vacation schedule will be written into employment agreements.

D) Unused Vacation

At time of separation an employee will receive payment at the regular pay rate for earned, unused vacation days not to exceed a maximum of thirty (30) days. This provision does not apply to employees terminated for the reasons described below in 12.10 C 2 through 6.

10.30 Medical Leave

A) Policy

Medical or “sick” leave applies to the employee or to the employee’s immediate family members. An employee shall not have the privilege of using medical/sick leave for any purpose other than illness of or preventive medical care. Sick leave is not to be interpreted as a benefit accruing to the employee. (Explanation: Payment is not received for unused sick leave.)

B) Categories I and II - Executives

Time off with full salary is allowed for medical reasons, including pregnancy, for an aggregate of 3 months in any 12-month period. Leave with half-rate salary for up to 3 additional months may be approved by the personnel officer in consultation with the bishop. Medical leave may be cumulative.

C) Categories III and IV - Supervisory, Administrative and Support Staff

Time off with full salary is allowed for medical reasons, including pregnancy, at the rate of one working day for each full month of employment. When medical leave credits are exhausted, leave at half pay may be approved by the personnel officer in consultation with the bishop. Medical leave with full or half pay may not exceed six months for a single episode of illness.

1. Regular part-time employees are eligible for one hour of medical leave for each 10 hours worked in a week;

2. Medical leave for full-time employees may accumulate from year to year, but may not exceed 90 days; pro-rata for part-time employees;
3. With the permission of the bishop, any employee may borrow from presumptive medical leave for a period of up to 3 months after existing leave is exhausted;
4. Medical leave taken in advance, if not earned at termination of employment, must be repaid to the synod in unused vacation time and/or termination pay.

D) Reporting

Absence from work due to illness shall be reported to the personnel officer and/or the director for administration before noon on the first day of illness and shall be reported on the appropriate form, promptly upon the employee's return to work.

E) Certification

An employee absent for three or more days for medical reasons may be required by the personnel officer to furnish a physician's certificate stating that the employee is physically able to resume normal duties, or, if the duties must be restricted, indicating the extent to which the duties may be resumed.

F) Workers' Compensation

Workers' compensation benefits will be provided and medical leave pay will be adjusted to make up the difference between the statutory disability benefit and normal pay.

G) Disability Leave

The ELCA disability benefits plan will pay monthly $\frac{2}{3}$ of $\frac{1}{12}$ of an employee's annual defined compensation, minus payments by any other governmental disability benefits program, as determined by the ELCA, beginning with the third consecutive month of documented disability.

1. The synod will pay full salary to the disabled employee after all earned medical and vacation leave is exhausted and until the ELCA disability payments begin;
2. Thereafter, the synod will participate in monthly payment of disability pay to the limit of $\frac{1}{3}$ of $\frac{1}{12}$ of annual defined compensation to supplement the ELCA payments for a maximum of 12 months, starting simultaneously with ELCA disability payments;
3. The synod will continue to contribute to the medical, dental, and survivor's benefits plan on behalf of the employee for the same period of time as synod payments are made to 10.30 G) 1.

10.40 Emergency and Compassionate Leave

A) Emergency Leave

Emergency situations which prevent the employee's presence at the office (sudden family illness, hazardous travel conditions, etc.) shall be approved by the director for administration or the personnel officer for leave with pay.

B) Compassionate Leave

1. Employees may be granted a maximum of 5 working days of leave with pay (per occurrence) in the event of the death of an immediate family member, as defined in Section 2.40;
2. With the approval of the director for administration and notice to the personnel officer, an employee may take time off with pay to attend the funeral of a non-relative on a work day, if an obligation is felt. Time will be limited to the funeral and will, in no event, exceed 1 day.

10.50 Jury Duty

An employee required to serve on a jury shall be entitled to leave with pay, less the compensation received for such service.

10.60 Leave Without Pay

Leave without pay shall apply only after other appropriate compensative days have been exhausted. Such leave may be granted for a period of up to 1 year to an employee for personal reasons only with the permission of the personnel officer and the bishop. Service credits and other benefits do not accrue during an absence of one month or longer.

10.70 Military Leave

An employee who is an active member of a military reserve unit shall receive up to two weeks paid leave in a calendar year to carry out required duties.

- A) Full pay, less the amount of compensation paid by the military, will be provided;
- B) The employee will provide the personnel officer with a certified copy of the order to active duty and a pay statement from the military disbursement office;
- C) Time off in excess of two weeks will be without pay and benefits will not accrue;
- D) In a military emergency, the employee will be entitled to leave in accordance with federal regulations.

10.80 Parenting Leave

Up to six consecutive weeks of paid maternity leave is available to a new mother (upon completion of medical leave), and up to six weeks of paid paternity leave is available to a new father, following the birth of a child. As much advance notice as possible is needed.

11.0 **STAFF DEVELOPMENT**

11.10 Performance Evaluation

A uniform performance appraisal process will be used annually for each employee by the appropriate executive.

- A) A satisfactory or better evaluation, based on an annual performance plan, is required for the employee to receive an annual increase in pay.
- B) Employees with a less-than-satisfactory evaluation will be expected to develop goals and objectives for improvement. Failure to meet these goals and objectives will place the employee at risk of involuntary termination.

11.20 Continuing Education

Continuing education is an individual plan directed toward the strengthening and enhancement of each employee's knowledge, skills, and abilities related to the present job responsibilities.

A) Plan

The consideration of an employee's plan for continuing education is a part of the annual performance evaluation process. Both the employee's needs and the synod's needs will be considered.

B) Employee/Synod Agreement

1. Category I and II employees and the Synod contribute an amount toward eligible expenses according to current ELCA guidelines. Such amount shall accumulate until the balance reaches \$4,000, after which no additional contributions shall be made until the continuing education monies are being used. Synod commits to the annual provision of two weeks paid educational leave, which may be accumulated up to six weeks.
2. Categories III and IV are entitled to up to five working days with full pay within each year. Synod will support eligible expenses to a maximum of \$200 for each year without requiring any contributions by the employee. These entitlements may be accumulated for a maximum of three years.
3. Category V employees may have continuing education provisions written in their employment agreements.

C) Application

The employee shall apply to the personnel officer in writing at least 1 month before beginning educational leave time and shall receive approval in writing prior to beginning the educational leave. The application shall include:

1. A detailed description of the proposed program, with dates and places;
2. An itemized estimate of costs, exclusive of food, clothing, and personal items;
3. A statement of expected gains and how they will be used to the benefit of the synod.

D) Report

A written report, including an evaluation, will be presented to the personnel officer within a month of completion of leave. The report will describe the application of the results to increased performance by the employee for the benefit of the synod.

E. Departure from Employment

Upon departure from employment should any money remain in the employee's account, the employee shall receive only those amounts which the employee has contributed to the continuing education fund. The Synod contributions will return to the Synod's general fund.

11.30 Sabbatical Leave

To provide an opportunity for each Category I and Category II employee to participate periodically and individually in an extended period of personal enrichment or of study or of skill development, research, or experimentation, in the area of the employee's responsibility to the synod.

A) Guidelines

Three months of leave with full pay following each period of seven years of service.

B) Application

Application shall be made to the bishop at least six months prior to the beginning date of the leave and the written approval of the bishop must be received before beginning of leave. (In the case of the bishop, application for a sabbatical leave and reporting upon return from a sabbatical leave shall be made to the Synod Council.) The application shall include:

1. A detailed plan, including dates, places, and a description of the proposed program;
2. An itemized estimate of costs, exclusive of food, clothing, and personal items;
3. A statement delineating the expected product or gains of the leave and the proposed investment of such product in the employee's area of responsibility to the synod;

4. A commitment by the employee to return to service on the executive staff for at least one year following the termination of the leave.

C) Cost Sharing

The net cost of the leave program to the employee, exclusive of food, clothing, and personal items, and in addition to full pay, shall be shared by the employee and the synod on a 50/50% basis; however, the synod's share shall not exceed \$2000 for each seven-year period.

D) Report

Upon returning from such leave, the employee shall, within one month, present to the bishop of synod a written report on the leave experience which will include:

1. An evaluation of the program;
2. Expectations met;
3. Gains and products;
4. Plans for application to products to fulfill responsibility to synod;
5. Tentative plans for follow-up;
6. Suggestions on the possibilities and implications for others.

12.0 **TERMINATION**

Executive (excluding the bishop), field and program, supervisory, administrative, or support staff employees may be involuntarily terminated (including asked to resign) by the bishop under 12.10 and 12.20 below.

12.10 Termination for Unsatisfactory Work Performance

Except for the reasons stated in Section 12.10 C below, the decision to terminate an employee for unsatisfactory work performance shall be made following this procedure:

- A) A properly documented evaluation form, evaluating some important aspect of the employee's performance as unsatisfactory, will be discussed with the employee by the appropriate executive and goals for change set.
- B) If a subsequent evaluation shows continuing unsatisfactory performance, written notice of termination may be given, following consultation with the bishop of synod and in the case of an executive, the Personnel Committee.
- C) An employee may be terminated immediately in the event of a serious infraction such as:
 1. Poor work performance demonstrating gross negligence;
 2. Insubordination;
 3. Theft;
 4. Violation of the law;
 5. Behavior inconsistent with the moral, ethical, or spiritual qualities listed in the job description;

6. Harassment because of gender, sex, ethnic origin, religion, age, and physical or mental illness or handicap.

In the event an employee is subject to termination, the employee will receive prompt payment of salary and wages due and subsequent payment of unused vacation pay. Unused vacation pay will not be provided to employees who are terminated (including asked to resign) for the reasons set forth in 12.10 C 2 thru 6.

12.20 Termination Without Prejudice

Termination of call, election, or employment may also be effected by the bishop in the manner described in A and B below. (If an ordained employee is to be terminated, the call and employment will terminate at the same time.)

A) Executives (except the bishop)

Three months written notice is normal, however, at the option of the bishop, payment of up to three months salary may be substituted for notice.

B) Supervisory, Administrative, Field and Program, and Support Staff

Two weeks notice or two weeks pay.

12.30 Resignation

Executives who voluntarily resign are expected to give at least two months notice; other employees who voluntarily resign are expected to give two weeks notice, in writing to the bishop. Payment will be made for time worked and for unused vacation days, not to exceed a maximum of thirty (30) days.

12.40 Separation by Death

Full pay for time worked and for unused vacation pay will be paid to spouse and/or estate.

12.50 Vacation Pay

An employee separating from the synod for any reason will receive pay for all unused vacation days up to a maximum of thirty (30) days. No payment will be made for any other unpaid leave and no benefits will be continued except for disability payments legally obtained under an approved disability or other pension plan. Unused vacation pay will not be provided to employees who are terminated (including asked to resign) for the reasons set forth in 12.10 C 2 through 6.

13.0 **TRANSITIONAL SEPARATION**

13.10 Purpose

These severance benefits are to be understood as providing support during the transition time prior to another call or employment. Severance benefits are not

extended beyond such time when the individual begins work under call or finds other employment. Responsibility for notification of a call or other employment rests with the severance benefits recipient.

13.20 Eligible Persons

The persons eligible for these benefits are bishops and executive staff members (as defined above in Sections 3.10 and 3.20) of the 65 synods of the Evangelical Lutheran Church in America who were either:

- A) Elected bishop of a synod of the Evangelical Lutheran Church in America, or
- B) Selected as synod executive staff and whose office or employment by the synod was involuntarily terminated due to action of the synod by non-election of the incumbent synodical bishop, budget restraints, change of position functions, or resignation upon request of a newly elected bishop.

Disability is not covered under these provisions, since disability is covered under the provisions of the Disability Benefits Plan of the Board of Pensions.

Persons planning retirement, and therefore voluntarily declining election or appointment, are not eligible for these benefits.

Eligible persons will be hereinafter referred to as severance benefits recipients.

13.30 Benefits

The severance benefits shall:

- A) Be effective for the severance benefits recipient who has served at least one full term as bishop or, normally, in the case of other executive synodical staff, who has served a term concurrent with the bishop's term of service.
- B) Begin upon vacating the synodical office or position and following the period covered by earned vacation which was unused at the time of the termination.
- C) Be paid on the benefits recipient's regular pay periods.
- D) Be three months of benefits.

13.40 Amount of Benefits

Benefits recipients will receive:

- A) Current monthly compensation (salary, housing and FICA reimbursement, if applicable).
- B) Participation in the ELCA Board of Pensions Plan - pension at the designated rate, Survivor Benefits Plan, Major Medical/Dental Plan, and Disability Plan for the months of severance benefits.

Following the expiration of the severance benefits, benefits recipients may retain their participation in the Survivor Benefits Plan, Major Medical/Dental Plan, and Disability Plan at their own expense, according to the provisions of the right to continue benefits under those plans. The benefits recipient's termination of call/employment will be deemed to occur on the date severance benefits cease.

13.50 Disposition

In case of a difference of opinion in interpretation of this Severance Benefits Policy, the Synod Council will make the final disposition.

14.0 **GRIEVANCE**

14.10 Conditions

An employee who feels that any of the following conditions exist may follow the procedure for grievance.

- A) Unfair or undocumented evaluation or discipline;
- B) Rights and privileges delineated in these policies denied without cause;
- C) Restriction of the ability to perform required act.

Complaints or concerns about harassment or discrimination because of race, color, age, religion, sex, national origin, veteran status, handicap/disability, or status in any other group protected by federal/state/local law should not be brought under the Grievance policy. Instead, complaints or concerns about harassment or discrimination should be brought under this synod's HARASSMENT AND DISCRIMINATION IN THE WORKPLACE POLICY, Section 15.0.

14.20 Procedure

- A) Discuss the matter with appropriate executive;
- B) If settlement is not reached, the employee may take the dispute to the personnel officer, who will make a written disposition of the grievance within ten days;
- C) At the prompt request of the bishop, the matter may be referred to the Personnel Committee, which will meet with the employee within ten days and render a decision within ten additional days;
- D) If the employee is still unsatisfied, he or she may appeal in writing to the Synod Council. The request must be received by Synod Council no less than one working week prior to the next meeting of council or its Executive Committee;

- E) Synod Council may, in its discretion, approve or deny the grievance, request additional facts, or conduct a hearing. The decision(s) of the Synod Council with respect to the processing or resolution of a grievance is (are) final.

15.0 HARASSMENT AND DISCRIMINATION IN THE WORKPLACE

15.10 Policy on Harassment and Discriminatory Behavior

It is the policy of the synod to maintain a work environment free of all forms of unlawful discriminatory behavior, including all forms of harassment directed toward individuals because of race, color, age, religion, sex, national origin, veteran status, handicap/disability, or status in any other group protected by federal/state/local law. Therefore, the use of disparaging terms, derogatory remarks, and displays of insensitive treatment, directly or indirectly related to individuals because of race, color, age, religion, sex, national origin, veteran status, handicap/disability, or status in any other group protected by federal/state/local law will not be tolerated.

This policy pertains to every aspect of an individual's work relationship with the synod, including recruitment, selection, compensation, benefits, training and development, continuing education, social and recreational programs, promotion, transfer, demotion, relocation, corrective action, termination, and all other terms and conditions of employment. When any synod employee commits acts of discrimination, it seriously dilutes efforts in the area of mission response.

15.20 Policy on Sexual Harassment

It is also the policy of the synod to maintain a work place free of any form of sexual harassment or sexual intimidation. Any form of sexual harassment within the work place is unacceptable behavior and is subject to appropriate disciplinary action.

15.30 Definition of Sexual Harassment

Sexual harassment includes, but is not limited to: unwelcome and unsolicited sexual advances, requests for sexual favors, discriminatory tormenting based on gender and other undesired verbal, visual, or physical conduct of a sexual nature. In particular, sexual harassment occurs if there is:

- A) Submission to any kind of sexual harassment as an explicit or implicit term or condition of employment;
- B) Submission to, or rejection of, sexually harassing behavior if used as a basis for employment or other personnel decisions affecting the recipient of the behavior;
- C) Purpose or effect of unreasonably interfering with the recipient's work performance or creating an intimidating, hostile, or offensive work environment.

15.40 Reporting Harassment and Other Discriminatory Behavior and No Retaliation

An employee who believes there has been a violation of this Harassment and Discrimination in the Workplace Policy has the right and responsibility to report the perceived violation as soon as possible, either to the personnel officer, or to the bishop in the event the personnel officer is alleged to have engaged in or tolerated harassment, or to a member of Synod Council in the event the bishop is alleged to have engaged in or tolerated harassment. Allegations of harassment will be investigated promptly, objectively, and confidentially. A complainant has the right to invite a co-worker to be present at proceedings regarding the complaint. (All harassment and discrimination complaints should be reported immediately to the personnel officer or bishop as described above so as to avoid the situation where a complaint either intentionally or unintentionally does not get beyond an executive or immediate supervisor. Any executive or supervisor who receives a complaint about harassment or discrimination should report the complaint to the personnel officer or bishop as described above.)

This synod will take no adverse action against an employee who, in good faith, complains of harassment and/or discrimination and will, to the extent possible, protect such employee against reprisal from other employees. Disciplinary action, including dismissal, when appropriate, will be taken where it is determined that harassment did occur, or where an executive has failed to report violations of this policy or employee complaints of harassment to the personnel officer. Anyone who retaliates against a person who has made a good faith complaint or participates in an investigation under this policy is subject to discipline up to and including termination of employment.

This synod recognizes that the question of whether a particular action or course of conduct constitutes harassment requires a factual determination. This synod recognizes also that false accusations of harassment can cause serious harm to innocent persons. Therefore, a thorough investigation will be conducted in each case. Anyone who makes a serious and false accusation about an employee knowing that the allegation is false will be subject to appropriate disciplinary action.

15.50 Appeals

If the complainant is not satisfied with the investigation made and/or action taken by the personnel officer or the bishop, the complainant should follow the appeal procedure described in Section 14.20 C, D, and E in the policy.

16.0 **ETHICS POLICY**

16.10 Employee Operational Ethics Policy

The Employee Operational Ethics Policy applies to all employees of this synod in matters relating to the performance of their duties and responsibilities.

All funds and property received and administered by this synod are entrusted to this synod by God through the faithful financial support of Lower Susquehanna Synod members and friends. The highest degree of stewardship and fiduciary responsibility is expected of all employees, including the receiving, reporting, and use of funds, property, and time. Employees are responsible for complying with laws, regulations, and synod and churchwide policies and procedures.

16.20 Standards of Ethical Conduct

- A. *Duty of Loyalty.* Each employee is responsible for acting in the best interests of this synod. These responsibilities are set forth below.
- B. *Conflicts of interest.* All employees shall avoid conflicts of interest, potential conflicts of interest, and situations that give the appearance of conflicts of interest.
1. Conflict of interest means any situation in which the employee may be influenced or appear to be influenced in decision-making or business dealings by any motive or desire for personal advantage other than the success and well-being of this synod. Personal advantage means a financial interest or some other personal interest, whether present or potential, whether direct or indirect. This standard applies to both actual and contemplated transactions. When in doubt, the employee is to assume there might be a conflict.
 2. All present and potential conflicts of interest issues must be disclosed. If the conflict is known in advance of any meeting, business transaction, contract, or other activity at which issues may be discussed or on which the issues may have a bearing on the employee's approach, whether directly or indirectly, it shall be disclosed ahead of time. If the conflict is not known in advance, it shall be disclosed when the actual or potential conflict becomes apparent. Disclosure is to be made in writing to the personnel officer.
 3. When issues relate to a meeting, disclosure is appropriate to the person in charge of the meeting and, at the discretion of the person in charge, to the full meeting. The employee shall leave the meeting room to avoid all discussion, voting, and deliberation of the issue. Following full disclosure of the present or potential conflict, the board, program committee, or advisory committee may decide that no conflict of interest exists and invite the participation of the employee. All such actions shall be recorded in any minutes or records kept.
 4. All employees are likewise to disclose, in writing, matters and relationships that have the potential for giving rise to the appearance of a conflict in business dealings with this synod. Examples include, but are not limited to, financial interests and/or leadership roles with vendors and other organizations doing business with this synod. The director for administration in consultation with the personnel officer will evaluate disclosures and determine the appropriate action to be taken. Business dealings with friends and family are particularly sensitive and are to be disclosed and carefully evaluated because of the potential for inferences of tangible or intangible personal advantage and the appearance of impropriety.
 5. To avoid appearances of impropriety, any gifts, gratuities, and hospitality to an employee-such as free travel, hotel or residential

rooms-typically will not be accepted by any employee from any person or organization that sells, delivers, or receives any goods, materials, or services to or from this synod. Occasional gifts with value under \$50 (such as flowers or food) are exempt from this rule. Gifts that primarily benefit this synod and not an individual, such as gifts of hospitality given to this synod by hotels, conventions, and conferences in relation to official synod business, are exempt from this rule. Employees also may participate in reasonable, normal relationship-building activities, such as meals, sporting events, and other such activities. All gifts and such participation are to be reported, in advance if possible, to the director for administration or the personnel officer.

- C. *Confidentiality.* Employees shall not disclose information about this synod that is not known outside of this synod or is not known by public means.
- D. *Duty of Care.* The duty of care and obligation of good stewardship requires all employees to act first in the best interests of this synod. All employees shall exercise reasonable efforts to inform themselves of the mission and ministry of this synod and the ELCA
- E. *Transactions and Reporting.* Each employee has a duty to prepare, process, maintain and report complete, accurate, and timely records pertaining to their role, including, but not limited to, journal entries, expense reports, disbursement requests, and payroll transactions. This also includes safeguarding all physical, financial, informational, and other synod assets. In addition, no undisclosed or unrecorded fund or asset will be established, and no artificial or false entries will be made in the financial or other records of this synod. The use of this synod's funds for any unauthorized or unlawful purpose is prohibited.
- F. *Duty to Report and No Retaliation for Making a Report.* Employees have a duty to report all breaches of this policy or suspected breaches of this policy or the appearance or the possibility of breaches of this policy, including misconduct, fraudulent transactions, errors related to overpayments, or any other impropriety, whether by themselves or by others to the director for administration, the personnel officer, the bishop, or another officer of this synod. Reports also may be made anonymously. Anyone, including any executive or supervisor, who receives a report under this policy should notify either the director for administration, the personnel officer, the bishop or another officer of this synod. Verbal reports should be put in writing. Anyone making a report should take care to be factual and objective. There will be no retaliation for good faith reports or participation in an investigation. Anyone who retaliates against a person who has made a good faith report under this policy is subject to discipline up to and including termination of employment. The Audit Committee of this synod should be notified and consulted regarding reports and investigations under this policy.
- G. *Violations.* Violation or noncompliance may result in discipline, including possible termination.

17.0 WHISTLEBLOWER POLICY REGARDING REPORTING QUESTIONABLE OR IMPROPER ACCOUNTING OR AUDITING MATTERS AND/OR VIOLATIONS OF THE PERSONNEL POLICIES OF SYNOD

17.10 General

The Lower Susquehanna Synod of the Evangelical Lutheran Church in America requires directors, officers, employees, and committee members to observe high standards of business and personal ethics in the conduct of their duties and responsibilities. As employees and representatives of this synod we are required to practice honesty and integrity in fulfilling our responsibilities and to comply with all applicable laws and regulations. Complaints or concerns about harassment or discrimination because of race, color, age, religion, sex, national origin, veteran status, handicap/disability, or status in any other group protected by federal/state/local law should not be brought under this Whistleblower policy. Instead, complaints or concerns about harassment or discrimination should be brought under the synod's HARRASSMENT AND DISCRIMINATION IN THE WORKPLACE POLICY, Section 15.0 of this policy.

17.20 Reporting Responsibility

Each director, officer, employee, or committee member has an obligation to report questionable or improper accounting or auditing matters as well as violations or suspected violations of the personnel policies of this synod. The bishop and personnel officer of this synod shall be responsible for investigating reports and making appropriate recommendations to the Personnel Committee or Audit Committee depending upon the nature of the concern and to the Executive Committee of the Synod Council.

17.30 No Retaliation

This Whistleblower Policy is intended to encourage and enable directors, officers, employees, or committee members to raise concerns which may need investigation and appropriate action. With this goal in mind, no director, officer, employee, or committee member who in good faith reports a violation shall suffer harassment, retaliation, or adverse employment consequences. Moreover, a director, officer, employee, or committee member who retaliates against someone who has reported a violation in good faith is subject to discipline up to and including termination of employment or removal from volunteer position.

17.40 Reporting Violations

Reports of questionable or improper accounting or auditing matters as well as violations or suspected violations of the personnel policies of this synod should be made to the bishop or personnel officer either verbally or in writing. Verbal reports should be reduced to writing as soon as possible after being received. Reports may be made anonymously.

Anyone, including any executive or supervisor, who receives a report under this policy should notify either the personnel officer or the bishop. If the report relates to accounting and auditing matters of this synod, the personnel officer or the bishop should consult with the Audit Committee of this synod. If the report relates to violations of the personnel policies of this synod, the personnel officer or the bishop should consult with the Personnel Committee of Synod Council.

17.50 Acting in Good Faith

Anyone reporting a violation or suspected violation must be acting in good faith and have reasonable grounds for believing the information disclosed indicates improper accounting or auditing practice or a violation of the personnel policies of this synod. Anyone who makes a serious and false allegation about an employee knowing that the allegation is false will be subject to appropriate disciplinary action.

17.60 Confidentiality

Reports of violations will be kept confidential to the extent possible, consistent with the need to conduct an adequate investigation.

17.70 Handling of Reported Violations

All reports will be promptly investigated and appropriate corrective action will be taken if warranted by the investigation.