

Personnel Policies & Practices Albany Presbytery



The employment policies and practices of the Presbytery of Albany are designed to strengthen the effectiveness and job satisfaction of presbytery personnel. The Presbytery is committed to Equal Opportunity and Fair Employment practices in keeping with the standards of the Synod of the Northeast, the General Assembly of the Presbyterian Church (U.S.A.), and the State of New York.

The policies which follow are meant to convey the employer's responsibilities in providing consistent, specific, and well-defined employment practices, and the responsibility of the employees and contractors to give their best performance for the work for which they are hired. Upon recommendation by the Personnel Committee, through the Council, these policies and practices are subject to review and revision by the Presbytery.

Position descriptions for employed officers are appendices to these Personnel Policies and Practices (see attached Appendix A & B). Such descriptions are also subject to review and revision in the same manner. The attached AA-EEO guidelines are an integral part of this document.

The contents of this Handbook are provided for employees' use as a reference guide and summary of practices, methods and benefits and are not to be construed as legal documents nor used for strict interpretation of the policies and/or procedures provided herein.

These policies do not constitute a contract of employment. They are subject to amendment, modification, or termination without notice at the discretion of the Presbytery.

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

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

Program Staff – Those people who are employed by the Presbytery to exercise leadership in the mission and program of the Presbytery, i.e. the General Presbyter, the Stated Clerk, and others. The General Presbyter shall be elected in accordance with G-9.0701 of the Form of Government and provisions of Chapter VIII. The Stated Clerk shall be elected in accordance with G-9.0203b of the Form of Government.

Support Staff – Those people who are employed by the Presbytery to provide administrative assistance, management, and support services to the leadership and the Presbytery. Support staff shall be hired by the General Presbyter, or his or her designee.

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

Seasonal Staff – Those staff hired to work at the Hebron Center less than 3 months in a year (i.e. summer camp). All Hebron staff are under the direct supervision of the Hebron Center Director, who will enter into contracts with individuals in consultation with the Hebron Board. Ordinarily, seasonal staff are exempt employees, and receive a stipend.

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

Nepotism – To affirm and facilitate equal opportunity for all employees and employment candidates, care will be exercised in the employment and assignment of persons who are direct relatives of people in the Presbytery's employ. Such people should not be assigned to a position where a direct relative is in a position to influence the employee's salary, promotion or other aspects of personnel practices.

Probationary Period – The first 3 months of an individual’s employment shall be considered a probationary period. If performance standards are met by the end of this period, employment will be continued. A position description, a copy of these Policies and Practices, and a copy of the Guidelines for Review shall be given to each person upon employment. The employment-at-will policy will remain in effect during this probationary period and all other employment periods.

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

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

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

Benefits – Full dues will be paid by the Presbytery for employees who are eligible to be members of the Pension and Benefits Plan of the Presbyterian Church (U.S.A.) by virtue of their employment with the Presbytery. For employees who are not members of the Pensions and Benefits Plan of the Presbyterian Church (U.S.A.) an amount equal to 25% percentage of salary will be used by the Presbytery to provide for insurance, pension, or other investment vehicles as negotiated, subject to governmental tax regulations.

Other standard benefits for employees who are not Ministers of Word and Sacrament include these statutory benefits: social security, NYS disability, workers' compensation, and unemployment insurance.

Employees who are Ministers of Word and Sacrament will ordinarily have terms of call set and approved by the Presbytery through the Personnel Committee and the Council.

Benefit Explanation Chart

	Exempt	Non-Exempt
Full-Time (35 hrs or more)	* Either Full participation in Benefits Plan of BOP or Annuity up to 25%	* Either Full participation in Benefits Plan of BOP or Annuity up to 25%
Part-Time (20-34 hrs)	* Either Full participation in Benefits Plan of BOP or Annuity up to 25%	* Either Full participation in Benefits Plan of BOP or Annuity up to 25%
Part-Time (19 hrs/wk or less)	**Statutory benefits	Statutory Benefits
Seasonal (up to 3 months a year)	Statutory Benefits	

* at the discretion of Albany Presbytery’s Personnel Committee

** participation in Benefits Plan of BOP or Annuity up to 25% of salary or over and above salary may be granted at the discretion of Albany Presbytery’s Personnel Committee

Work Week – The work week for the Presbytery Office will be Monday through Friday. The hours will be set by the General Presbyter. There shall be ½ hour for lunch. Support employees work on an hourly basis. The work week for full-time Program staff is based on an average of 48-52 hours. Full-time Program Staff are expected to take 1 full day of Sabbath per week.

Overtime – For non-exempt employees subject to overtime provisions, up to 40 hours of work in a regularly scheduled work week is paid at the regular wage rate. Work after 40 hours is to be paid at a rate of time-and-a-half of the regular wage rate.

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

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

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

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

b. Sick Leave - All employees are entitled to annual sick leave of up to two weeks, non-cumulative. At the time of termination of employment (either voluntary or involuntary), an employee shall have no claim for pay in lieu of used sick leave. Sick leave cannot be accumulated from year to year.

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

d. Nursing Mothers Leave - Employees may use appropriate time, each day to express breast milk for a nursing child for up to 3 years following birth. Upon advance notice from the employee, the Presbytery shall establish a location for such use.

e. Voting Leave - If an employee does not have four consecutive non-work hours before or after normal working hours when the polls are open, upon advance notice of at least 2 days but no more than 10 days, an employee may take up to 2 paid hours of leave to vote.

f. Study Leave - Program employees may participate in the Presbytery's Educational Leave Program which provides continuing education, scholastic leave and sabbatical leave. Arrangements should be cleared with the Presbytery Council.

Support employees are eligible for up to two weeks (10 working days) triennially for service/study opportunities with provision for financial assistance to be provided pro-rated at up to \$40/day. Plans and arrangements for participation are to be approved each year by the Personnel Committee, the General Presbyter, and when appropriate the Council.

g. Other Paid Leave - Paid leave may be provided to employees under the following circumstances after consultation with the General Presbyter:

- a. Jury duty (less the amount of jury pay).
- b. Up to 3 days annually in the event of death in immediate family, including spouse, parent, in-law, child, grandchild, brother, sister or grandparent;
- c. Up to 3 days annually in the event of marriage of an employee who has been with the Presbytery for one year or longer;
- d. Up to 3 days annually in the event of personal or family emergencies or for other personal business that cannot be cared for outside of working hours;
- e. Ordinarily support staff will use compensatory time for medical appointments.
- f. Maternity/paternity leaves will be negotiated within the guidelines adopted by the Presbytery.

If particular circumstances necessitate other leave with full, partial, or no pay, this may be negotiated with the General Presbyter and the Personnel Committee.

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

The kinds of expenses covered will normally include:

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

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

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

Separation Practices – It is the policy of the Presbytery, that employment relationships are at-will and may be terminated at any time with or without cause by the employee or the Presbytery, except as otherwise required by state law. All decisions regarding termination of employment will be made without discrimination on the basis of race, color, national origin, gender, age, marital status, sexual orientation, creed, disability or religious affiliation (except where a category is determined to be a bona fide occupational qualification).

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

Dismissal of Support Staff – During the probationary period, a support employee may be discharged by the General Presbyter after consultation with the Personnel Committee with due notice. With respect to a regular support employee, however, discharge will be considered a last resort when all reasonable correctional improvement measures have failed, including adequate warning notices.

Employees may be dismissed by the General Presbyter after consultation with the Personnel Committee for the following reasons: conduct inconsistent with the Policies and Practices of the Presbytery, incompetence, frequent absences from work, repeated lateness, inattentiveness to duty, or disruption of good working relationship. In case of dismissal, the employee shall be given two weeks' notice by the General Presbyter after consultation with the Personnel Committee, and earned vacation time with no severance pay.

Dismissal of Program Staff – Dismissal of Program Staff shall be only after full review procedures including written notice giving specific reasons for termination and such other procedures as are required by the Synod or General Assembly.

Voluntary Resignations – Employees who resign will receive pay for time worked plus accrued and unused vacation leave. Employees will be paid the cash equivalent of their unused earned vacation at the date of separation. No severance allowance will be provided. At the discretion of the General Presbyter, the period of written notice may be waived.

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

Retirement – Employees who retire should give one month's notice of their intention to retire. The retirement age for all staff is 70 unless otherwise determined by the Presbytery upon recommendation from the Personnel Committee through the Council. Upon reaching the retirement age, an employee may be re-employed for one year at a time with the annual review determining re-employment.

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

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

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

CONTRACTORS

The Presbytery may vote to enter into contracts with individuals upon recommendation by a search committee convened by the General Presbyter and the Personnel Committee, and after using the general practices of advertising, interviewing, testing of skills, and checking references within the AA-EEO guidelines of Albany Presbytery.

Contracts with stipends will be offered for up to a year, and may be renewed upon the completion of an annual review and recommendation by the Personnel Committee. Contractors shall be paid monthly, on the last working day of each month, unless a different arrangement is negotiated. Termination of Contracts – Ordinarily, 30 days' written notice by the contractor or Personnel Committee of intention to terminate the contract will be sufficient, but other terms may apply when provided for in individual contracts.

EQUAL EMPLOYMENT OPPORTUNITY

It is the policy of the Presbytery to engage in employment policies and practices that promote equality of opportunity in all aspects of employment. All entities will be guided by the *Book of Order*, the policies of the General Assembly, *the Church-wide Plan for Equal Employment Opportunity and Affirmative Action*, and applicable federal and state laws, regulations and executive orders related to equal opportunity in employment.

All employment policies and practices including recruiting, selection, benefits, compensation, performance appraisal, promotion, transfers, discipline, termination, training and separation will be administered without discrimination based on gender, marital status, pregnancy, race, color, ethnicity, national origin, age, sexual orientation, gender identity or expression, veteran/military status, religious affiliation (except where a category is determined to be a bona fide occupational qualification), or other legally protected characteristic.

To implement the affirmative action policy, the Presbytery of Albany will:

1. Include EEO commitment in all advertisements, position descriptions, employee orientations, position contracts or calls, and disseminate and post all EEO-AA policies and bulletins for all persons employed by the Presbytery.
2. Promote the full realization of EEO by distributing copies of EEO-AA policy guidelines to judicatory minority and women's task forces and caucuses, as well as by seeking to recruit qualified or qualifiable persons who should receive special consideration under these guidelines.
3. Inform suppliers of goods and services of preference to patronize those committed to EEO.
4. Encourage Trustees of Presbytery and its churches to give preference in investments to businesses that are committed to EEO.

Responsibility: The General Presbyter shall be responsible to administer the personnel policies as adopted by the Presbytery to ensure non-discrimination in all phases of employment.

The annual job review of the General Presbyter will include an evaluation of the fulfillment of affirmative action-equal employment opportunity policies.

The Presbytery Personnel Committee will provide guidelines for annual performance review of employees of the Presbytery.

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

Harassment based on an individual's gender, marital status, pregnancy, race, color, ethnicity, national origin, age, sexual orientation, gender identity or expression, veteran/military status, religious affiliation (except where a category is determined to be a bona fide occupational qualification), or other legally protected characteristic is prohibited.

For purposes of this policy, harassment is defined as:

- a) any type of behavior which is based on gender, marital status, pregnancy, race, color, ethnicity, national origin, age, sexual orientation, gender identity or expression, veteran/military status, religious affiliation (except where a category is determined to be a bona fide occupational qualification), or other legally protected characteristic that
- b) is so severe or pervasive that it interferes with an individual's work performance or creates and intimidating, hostile or offensive working environment.

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

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

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

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

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

Employees who wish to make a complaint of harassment may report their complaint directly to the General Presbyter. The Presbytery will take no adverse action against any employee who in good faith lodges an allegation of harassment and will protect such employee from reprisal from other employees. Any supervisor or manager who receive a complaint of harassment or who believes in good faith that harassment has occurred is required to report it to the General Presbyter. If the complaint is against his/her supervisor, it must be reported directly to the General Presbyter. If the complaint is against the General Presbyter, it must be reported to the Personnel Committee.

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

EMPLOYEE HANDBOOK DISCLAIMER

I have received a copy of the Albany Presbytery's Personnel Policies & Practices 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 anytime at the will of either party, with or without cause. In addition, I understand that this Employee Handbook states Albany Presbytery's policies and practices in effect on the date of publication. I understand that this Handbook does not create or constitute a contract of any kind between any employee and the Albany Presbytery. I also understand that these policies and procedures are continually evaluated and may be amended, modified, or discontinued at any time without notice by Albany Presbytery.

Sign and date to acknowledge receipt and review of this Personnel Policies and Practices document and return it to the General Presbyter at 1915 Fifth Avenue, Troy, NY 12180 or info@albanypresbytery.org.

Print Name: _____

Signature: _____

Date: _____

Revised: October 15, 2009

Revised: March 5, 2010

NOTHING MORE FOLLOWS