

# PERSONNEL

For who is greater, the one who is at the table or the one who serves? Is it not the one at the table? But I am among you as one who serves.

Luke 22:27

As he walked by the Sea of Galilee, he saw two brothers, Simon, who is called Peter, and Andrew his brother, casting a net into the sea-for they were fishermen. And he said to them, "Follow me, and I will make you fish for people." Immediately they left their nets and followed him. As he went from there, he saw two other brothers, James son of Zebedee and his brother John, in the boat with their father Zebedee, mending their nets, and he called them. Immediately they left the boat and their father, and followed him.

Matthew 4:18-22

## Background

The area of employment law has become increasingly important in recent years, as challenges to personnel decisions, more government regulation, and overall fears about liability exposure have expanded the awareness of employers that they need to be careful when making decisions involving hiring, supervision and termination of personnel. Church organizations are not totally immune from this flurry of activity in the employment arena. While many government regulations exempt religious organizations (*i.e.*, much of the federal Americans With Disabilities Act does not apply to churches; most state unemployment compensation statutes exempt churches; and Title VII does not cover clergy), there are other government regulations that do not exempt religious organizations (for example, many state worker's compensation laws do not exempt churches; some state disabilities and discrimination laws do not exempt churches; etc.).

Increasingly, disgruntled employees and former employees of religious organizations - as well as disgruntled clergy - are filing lawsuits in an effort to have the courts address their often bitter feelings toward their employer, church or denomination. **The courts especially try to avoid dealing with disputes between persons serving in ministerial positions and churches, because it is impossible to address these lawsuits without becoming entangled in the church's polity and ecclesiastical affairs. Part of the protection of the First Amendment of the U.S. Constitution and many state constitutions is to prevent the courts from meddling in a church's internal polity.** The courts are generally very respectful of that important protection and will not deal with clergy claims and lawsuits.

Nonetheless, many local churches, annual conferences, and other church entities are becoming increasingly interested in developing personnel policies that give guidance about how to handle particular types of common personnel problems. The Church's Social Principles provide an overall basis for fair and just treatment of employees. In addition, many annual conferences have developed and continue to refine policies for addressing sexual abuse, misconduct and harassment. Local churches have been mandated by the 1996 and 2000 General Conferences to develop such policies as well. Sample policies are included in this section to assist local churches and annual conferences in policy development.

The Church's disciplinary process is addressed in the publication, "Administrative and Judicial Procedure Handbook," available from the GCFA legal department, 847.425.6534.

## Advantages and Disadvantage of Personnel Policies

There are several important advantages to having personnel policies on certain key issues:

- **Strong statement of acceptable and unacceptable conduct:** Policies send a strong message to staff and others about conduct that is acceptable and unacceptable in a work setting; the existence of a policy makes it more difficult for a staff person to say that s/he did not understand this type of behavior would not be condoned (examples: policy on the use of alcohol during work hours or while traveling on church business; policy on reimbursement or non-reimbursement of certain business expenses; policy on use of the internet and e-mail; policy on sexual abuse and harassment).
- **Uniform statement of information:** Written policies provide a uniform method of providing staff with information that they need to know about such things as benefits (health insurance, pension, etc.), continuing education, vacation, and the like - and ensuring that the same information is given to all employees (example: if the vacation policy is that all staff receive two weeks of vacation, it is important that all staff know this).
- **Consistency:** Policies can help ensure that certain situations are handled in a consistent manner (examples: holidays; work schedule; reimbursement of business expenses) - and that all staff are treated equally.
- **Protection from liability exposure:** Policies can help protect a church or church organization from liability exposure.

There is one major disadvantage to personnel policies:

- If an organization adopts a policy and then does not follow it - or follows it only with respect to certain staff - there is an increased risk of liability exposure to the organization.

## **Common Personnel Policies**

Each local church, annual conference or other church entity, in close consultation with legal counsel, needs to decide for itself whether to adopt personnel policies, who should be covered by each policy (lay/clergy; full/part-time staff), and which types of policies should be included in a set of policies. Subjects that are commonly included in personnel policies are the following:

- **Hiring policies** (recruitment; job posting; immigration; references; hiring of relatives; promotions; statement of “at-will” employment; etc.)
- **Salary administration** (pay periods; overtime; time card procedures; wage assignments; performance reviews; etc.)
- **Operations** (work schedule; etc.)
- **Benefits** (health insurance; disability; life insurance; pension; bereavement leave; worker’s compensation; social security; unemployment compensation, if applicable; vacation; holidays; maternity and paternity leave; sick leave; jury duty; personal days; policy on HIV/AIDS; attendance records; leave of absence; family and medical leave; continuing education; etc.)
- **Accountable reimbursement policy** (information appears in Tax section)
- **Retirement issues**
- **Termination and resignation issues**
- **Conduct issues** (race and gender issues; sexual abuse, misconduct and harassment; violence; code of ethics; internet/e-mail use; confidentiality; etc.)

## Personnel Records

Local churches, annual conference and other church entities should work with their attorneys to have a clear understanding about the importance of keeping good personnel records - and what to keep and what not to keep in those records. For example, if a local church lay staff person is tardy in arriving to work 3 out of 5 days each week, week after week, month after month, and the local church has warned the staff person several times that repeated tardiness will not be tolerated, the tardiness - and the warnings to the staff person - should be documented in the person's personnel file. If the situation becomes intolerable and the local church decides to terminate the person, then the documentation in the file will serve as an important record of **what** transpired, **when** it transpired, and **how** it was handled. If the terminated staff person tries to challenge the decision, the detailed records will provide an important defense for the local church in support of its decision.

The *Discipline* directs GCFA and the General Board of Higher Education & Ministry to provide to the annual conferences guidelines for keeping clergy personnel records and guidelines for keeping clergy supervisory records. Both sets of guidelines are found at the end of this section.

### 1. Access to Personnel Records and Confidentiality

There are state and federal laws that provide access to or protect confidentiality of certain personnel records. Annual conferences and local churches should review these legal requirements with legal counsel. Medical information is particularly sensitive. It should be gathered only when there is a legitimate business reason to do so and then gathered, retained and disclosed in strict compliance with applicable state and federal laws. A written consent to release medical information, signed and dated by the employee specifying the information to be released, must be obtained by the employer before any release of medical information. Any medical information should be kept in a separate file, not the employee's personnel file and access should be strictly limited only to those with the clear need to know. A sample confidentiality of employee records policy is included in the sample policies found later in this section.

### 2. Record Retention

The types of personnel records that must be retained by federal law include but are not limited to:

RECORD TYPE

Payroll records

Personnel records used in hiring, termination and promotion

Records relevant to legal action or discrimination complaint

Time sheets

Family Medical Leave Act records

Immigration Reform and Control Act records

An employer should consider three separate types of files on an employee in its human resources office: 1) the official personnel file; 2) confidential file (interview evaluation, reference checks, EEO/affirmative action data, credit checks, and information regarding legal actions or internal complaints); and 3) medical information. As a general rule, it is best for an employer not to maintain files with any employee medical information. The law in this area is in flux. If, however, a medical information file is maintained (due to AwDA or FMLA needs), the employer should ensure this is a separate and confidential file.

An additional note is in order about medical information. The privacy of medical information has become a major public policy issue in the United States. Congress recognized the need for national patient record privacy when they enacted the Health Insurance Portability and Accountability Act of 1996 (HIPAA). In December 2000, the U.S. Department of Health and Human Services released the nation's first ever standards under HIPAA for protecting the privacy of the personal health records of Americans. The new regulations go into effect in 2003. They are intended to protect medical records and other personal health information maintained by health care providers, hospitals, health plans and health insurers, and health care clearinghouses. As of the date of publication of this edition of the Legal Manual, it is unclear what, if any, impact these new regulations will have on employers. However, the new regulations are a strong statement of the importance of the privacy of medical information.

### 3. Subpoena of Personnel Records

Secular courts have the power to issue a subpoena which is a written request to view documents of the church/employer. An employer can no longer simply produce documents in response to a subpoena. Upon receipt of a subpoena, the employer should consult with legal counsel to determine whether this disclosure is permitted under state law and how to proceed. If there is no law on point, the employee whose records are being "subpoenaed" should still be notified. If the employee objects, the employee may permit the employee's own attorney to act to quash or modify the subpoena. At the same time, the employer should let the attorney who issued the subpoena know of the employee's objection. In any event, the employer should contact the issuing attorney to determine the issues in the matter that require the subpoenaed documents and obtain a release from the employee that mirrors the request contained in the subpoena.

## Federal Laws Coverage

Many federal laws regulate employers' actions. The theory of federal government control is typically under the Interstate Commerce Clause in which the federal government may assert jurisdiction into states and over organizations involved in interstate commerce. Typically, most organizations having a certain number of employees can be assumed to be in "interstate commerce," and therefore many federal laws set a certain number of employees as the threshold on which coverage by the federal law applies. The following is a short summary of key federal laws affecting employers who have the required number of employees:

- **Civil Rights Act of 1964 (Title VII) as amended:** banned discrimination based on race, gender, national origin, and religion in employment; applies to organizations of 15 or more employees. There is a limited exception for religious organizations to enable them to restrict job positions to those of their own religious faith. In the leading case on the matter, the Supreme Court has given religious organizations very broad powers to proscribe religious qualifications for their employees. Most states and large cities have similar civil rights laws and many of those laws have a lower threshold for the number of employees.
- **Age Discrimination Employment Act of 1967 (ADEA):** prohibits discrimination against employees age 40 or older with limited exceptions (if age is a bona fide occupational qualification, mandatory retirement of age 70 for tenured faculty at institutions of higher education etc.). The Older Worker Benefit Protection Act of 1990 prohibits age discrimination in the provision of benefits. Applies to organizations of 20 or more employees. This law is enforced by the EEOC. Most states and large cities have parallel laws.

The First Amendment to the U.S. Constitution protects a church's right to set a mandatory retirement age for ministerial staff.

- **Occupational Safety and Health Act of 1970 (OSHA):** a regulatory system designed to aid worker safety; current threshold for required reporting, 11 employees or more. States and municipalities may also have laws covering fewer employees. Exempts religious activities.
- **Immigration Reform and Control Act of 1986:** bans hiring non-U.S. citizens who do not possess the authorization to work in this country and provides fines up to \$10,000

for each illegal immigrant hired and in some cases imprisonment; all employers (even of one person) must fulfill the document verification provisions of the Act. Failure to do so can result in penalties. The discrimination provisions apply to four or more employees. This Act makes it an offense to refuse employment to anyone whom the employer believes may be an illegal immigrant but turns out not to be; applies to organizations with four employees or more. Employers are required to verify employment eligibility within three days of hire of a new employee by completing the I-9 form. It is important to keep copies of the evidence of employability: green card, passport, driver's license, Social Security card, birth certificate, or citizenship papers as set forth on the I-9 form. The I-9 form must be kept by the employer for the longer of the following: three (3) years after the date of hire or one (1) year after termination of employment. In the 1980's this law was unsuccessfully challenged on religious grounds. Churches must comply with the law. This law is enforced by Immigration and Naturalization Service (INS). See additional immigration information later in this section.

- **Worker Adjustment and Retraining Notification Act of 1988 (WARN):** this plant-closing legislation requires 60 days' written notice of large-scale layoffs and plant closings; applies to organizations with 50 or more employees.
- **Americans with Disabilities Act of 1990 (AwDA):** broad piece of legislation, covering both treatment of employees as well as architectural requirements for buildings; employment provisions apply to organizations of 15 or more employees. This act requires employers to make reasonable accommodation for employees with disabling conditions, including accessibility, training, and job structure, absent a showing of "undue hardship" and expense. If significant risks to health and safety of others that cannot be eliminated by reasonable accommodation would arise from the employment of a disabled person, the AwDA does not require hiring of that person. The protection afforded by the AwDA applies to qualified individuals with a disability. This law is enforced by the EEOC.

The AwDA includes a ministerial exception that exempts ministerial staff from its coverage. The Act also contains provisions permitting churches to discriminate in hiring based on religion. There is also an exemption for churches relieving them of the requirement to comply with provisions related to building accessibility to public accommodations by the disabled, but this does not relieve a church organization of the responsibility to make a reasonable accommodation for a disabled employee (if covered by the AwDA or similar state or local laws).

- **Fair Labor Standards Act:** overtime pay of time and one-half to non-exempt (non-managerial) employees working over 40 hours a week; also regulates child labor providing that anyone age 18 or older may work, but employees who are younger are subject to restrictions related to hazardous work and work hours, and provides for a minimum wage. There is a limited exception for religious camps operating no more than seven months a year. While churches that are not engaged in “interstate commerce” are not subject to the act, many activities fall into this gray area. Consult with your local employment attorney. The Department of Labor may view any entity with employees as covered by the Act, including churches. The operation of a day care facility, pre-school or school will subject a church to coverage by the Act. Further, the requirements of the Act cannot be avoided by classifying a worker as an independent contractor to avoid paying him overtime. Clergy are professional employees and are exempt from the overtime pay requirement. This law is enforced by the Department of Labor’s Wage and Hour Division. Many states also have wage and hour laws. The GCFA legal department has a booklet specifically addressing the details of overtime requirements for church organizations. Call 847.425.6534 for a free copy, entitled “Wages and Hours: A Guideline for Church Employers.”
- **Equal Pay Act:** The Fair Labor Standards Act was amended by the Equal Pay Act to require equal pay for equal work, regardless of the employee’s sex.
- **Family Medical Leave Act of 1993:** Eligible employees may take up to 12 weeks of unpaid, job-protected leave with continued benefits during a 12-month period for the birth of a child, care of a newborn, placement for adoption, or foster care, to care for a spouse, son, daughter or parent with a serious health condition, or the employee’s own serious health condition. To be eligible the employee must have worked for the employer at least 12 months and at least 1250 hours during the immediately preceding 12 months, at a work site where 50 or more employees are employed within 75 miles of the work site. There is specific exception for churches, but if a church employs less than 50 employees it is not covered by the law. The employer’s obligation is triggered by the employee’s prior notice to the employer of the need to take leave under the Act or upon the employer’s learning that the leave is for purposes covered by the Act. The employer should require medical certification from the affected person’s physician. “Serious health condition” covers inpatient care and continuing treatment by a health care provider. This law is enforced by the U.S. Department of Labor’s Employment Standards Administration, Wage and Hour Division. Many states have family medical leave statutes.

Due to the complexity of this law, it is a good idea to work with an attorney who specialized in employment law to ensure compliance.

- **Personal Responsibility and Work Opportunity Reconciliation Act of 1996:** generally referred to as federal welfare reform, contains a requirement that all employers report new hires to the employer's respective state agency. The appropriate state agency varies from state to state. One purpose of this law is to locate parents who avoid child support payment obligations by moving and changing jobs. There is no exclusion for small employers or religious organizations. The designated state agency may be a child support enforcement agency or state labor department.
- **Unemployment:** United Methodist entities are exempt under the terms of the Group Ruling Exemption from Federal Unemployment Tax (FUTA). However, state laws may vary, and some states may have unemployment coverage for United Methodist entities.
- **Workers' Compensation:** This is a matter of state, not federal law. There is no per se exemption for churches, and coverage depends upon the specific state law. It is important to consider who is considered a covered employee for state law purposes.
- **National Child Care Protection Act of 1993:** This Act allows (does not require) states to require that certain child care providers make mandatory background checks on child care workers (both employees and volunteers). States will have the right to designate certain organizations, such as day care centers, nurseries, schools, and possibly Sunday schools, as child care providers. Church organizations should become aware of their state's requirements regarding the designation of child care providers. The National Child Care Protection Act was amended in 1999 by the Volunteers for Children Act to enable (not require) child care providers designated by state law as qualified entities to contact an authorized agency of the state to request nationwide criminal fingerprint background checks. To find out if churches are designated as qualified entities in your state, contact a local attorney. There are advantages and disadvantages to any screening process; select a screening process that best suits the needs of your organization.
- **Pregnancy Discrimination Act:** This Act prohibits discrimination against a female employee because she is pregnant. If she is able to work, she must be permitted to work under the same conditions as other employees. If she becomes unable to work for medical reasons, she must receive the same rights to benefits and leave as other workers who become unable to work.
- **Employee Polygraph Protection Act:** This Act applies to churches engaged in interstate commerce and prohibits requiring or suggesting employee or job applicants

submit to polygraph tests. Consult with your attorney to determine whether your church is engaged in interstate commerce and covered by the Act.

- **Uniformed Services Employment and Re-employment Rights Act of 1994:** Generally, this law provides that an employee who leaves to train or serve in the uniformed services must be re-employed upon return and has a right to certain benefits during absence and upon return, provided the employee's service does not exceed five years and the employee did not receive a dishonorable discharge. There is no exemption for churches or small employers. The employer is not required to re-employ under specified limited circumstances set forth in the Act. This law is enforced by the U.S. Secretary of Labor and may be referred to the U.S. Attorney General for further action.

## Posting Requirements

The following is a list of the federal laws that require covered employers to post notices for employees. First, determine whether or not your organization a "covered employer." Many of these laws may be inapplicable because your organization does not meet the minimum number of employees or does not engage in interstate commerce. Second, the Free Exercise clause of the First Amendment exempts ministerial positions and, in some cases, other core religious employees from some of these laws. These notices need to be posted if you are a "covered employer:"

- The Fair Labor Standards Act (minimum wage and overtime)
- Equal Employment Opportunity
- Occupational Safety and Health Act (OSHA) (note: probably not applicable to local churches)
- Employee Polygraph Protection Act
- Family Medical Leave Act (FMLA)

Posters for all of the above, except Equal Employment Opportunity, can be obtained at no charge from your local office of the U.S. Department of Labor. For a free poster covering Equal Employment Opportunity, contact your local office of the Equal Employment Opportunity Commission. Many states have posting requirements in addition to those required by federal laws. Consult with your attorney on posting requirements.

## **Avoiding Problems in Hiring and Firing Employees**

### **1. Interviewing Lay Persons**

In formulating questions for interviewing lay persons, the two most important guidelines are to ensure that each question be related to the job for which the applicant is applying and that the same questions be asked of each applicant for the position (job relatedness and consistency). Questions should not be formulated to draw out race, marital status, age, sex, national origin, citizenship or disability. Because a religious organization may discriminate based on religion, a church organization may require that employee be United Methodist or may indicate that applicants who are United Methodist will be given preference.

Consistency is a key here, to be sure all applicants and employees are treated the same.

#### **Examples of prohibited questions:**

- 1) What year did you graduate from high school? (Can learn of age)
- 2) Please enclose a photograph with your resume. (Can learn of race, national origin, sex or age)
- 3) Are you married? What is your maiden name? (Illegal inquiry about marital status)
- 4) What is your native language? Are you a U.S. citizen? Where were you born? (National origin discrimination)
- 5) Are you disabled? What is the nature or severity of your disability? What caused your disability? (Disability discrimination)
- 6) How old are you? What is your date of birth? (Age discrimination)
- 7) Do you plan to have children? Do you have children? What are your childcare arrangements? (Sex discrimination)
- 8) Are you pregnant? (Pregnancy discrimination)
- 9) Do you have a drug or alcohol problem? (Disability discrimination)

#### **Examples of permitted inquiries (job related)**

- 1) Have you ever been fired or otherwise had your employment involuntarily terminated?
- 2) There is a gap in the time frames shown on your resume. Tell me about that.
- 3) If hired, can you prove you are at least 18 years of age?
- 4) Can you show proof of eligibility to work in the United States?
- 5) Are you able to perform essential functions of this job with or without accommodation?
- 6) Would you be willing to travel?
- 7) What would your last boss tell a new potential employee about you?

- 8) What skills do you think you bring to this job?
- 9) How much do you know about our organization?
- 10) Who and what has motivated you in the past?
- 11) Why did you leave your last position?
- 12) When were you last responsible for doing this kind of work?
- 13) How were you able to demonstrate teamwork in your last position?
- 14) What do you consider your greatest work accomplishment?
- 15) What goals did you set for yourself during your last position?
- 16) What does service mean to you?
- 17) How might your skills be improved?
- 18) Where do you see yourself a year from now? In three years? Five years? Ten years?
- 19) Tell me about the last time you broke the rules to serve a client/customer in need. (*Flexibility, judgment*)
- 20) Tell me how you have used humor to diffuse a tense situation. (*Tact*)
- 21) Give me an example of a time you went above and beyond the call of duty to assist a co-worker when you received no recognition or credit. (*Unselfishness, teamwork*)
- 22) Give me an example of how you worked with an extremely difficult co-worker. How did you handle it? (*Adaptability*)
- 23) Describe a time when a co-worker failed to pull his or her weight. What did you do? (*Adaptability*)
- 24) Tell me about the most difficult customer you've ever dealt with. How did you handle it? (*Service focus*)
- 25) What's the most important thing you've learned in the last six months?  
What new skills, knowledge or experience have you gained?  
(*Willingness and ability to learn*)
- 26) Tell me about the last time you tried something new or took on additional responsibility when there was no guarantee for success. (*Willingness to take risks*)
- 27) Tell me about the last time you asked someone for feedback. What did you do with that information? (*Willingness to learn/listen*)
- 28) Tell me about the last time you had to work with others to accomplish a critical result. What did you do? (*Teamwork*)

If you need to compile applicant tracking information for affirmative action purposes, for example, do not ask for this information on the employment application unless it is on a perforated portion at the bottom which will be separated from the application and not available to the decision maker.

At the end of this section is a sample Employee Hire Checklist that may be useful to help remember the details of the needed follow through for hiring new staff.

## 2. Ministerial Positions

In the civil law arena, the protections of the First Amendment to the Constitution of the United States give much greater flexibility in posing questions to a person being considered for a ministerial position. The *Discipline* prohibits discrimination on the basis of race, ethnic origin, sex, marital status, age or disabilities. Interview questions must comply with the *Discipline*.

## 3. Background Checks in General

Employers are finding themselves in lawsuits over their hiring and firing practices. Failing to properly investigate a prospective employee's background could result in legal liability for negligent hiring or negligent retention if that employee later seriously harms someone (if the background check would have revealed prior "misconduct" or a propensity to commit such wrongdoing). A criminal background check is especially important for employees who will be working with children, counseling, or operating church vehicles. Criminal background and credit history checks can be important for finance staff. Investigation of the applicant's background should involve contacting personal and employment references as well as conducting a criminal records investigation. A few guidelines to follow in conducting background checks are: a) inform the applicant and obtain a written release from the applicant; and b) do not ask references questions that are legally impermissible to ask the applicant (see examples above). The release from the applicant for reference checks can be included on the employment application.

Sample language could read:

"I hereby authorize \_\_\_\_\_ to verify and obtain any information from any reference schools, residential management agents, former and current employers, religious bodies, criminal justice agencies, courts, business, individuals and other resources relating to my activities. This information may include, but it is not limited to, academic, residential, achievement, performance, attendance, personal history, disciplinary, criminal conviction records and any judicial or ecclesiastical proceedings involving me. I hereby direct and authorize you to release such information upon request to the bearer. I hereby release \_\_\_\_\_ and any individual or group, including records custodian, from any and all liability for damages of whatever

kind or nature which may at any time result to me on account of compliance or any attempts to comply, with this authorization.”

A sample Notice and Authorization form, including a request for a credit check and disclosure is included at the end of this section.

If the information obtained in a reference check is inappropriately used or disclosed, the employer could later be found to be liable to the employee or prospective employee for defamation or violation of privacy. Church organizations should develop reference checking procedures in consultation with their legal counsel.

#### 4. Background Checks for Ministerial Positions

Neither the *Discipline* nor *The Book of Resolutions* addresses the subject of background checks for United Methodist clergy or other persons in ministerial positions in the Church. That said, more and more annual conferences are conducting criminal and other background checks on candidates and clergy, and more and more local churches and other church organizations are conducting background checks, especially for any person who works with children or youth. Background checks do not solve all problems, nor should they be viewed as a standard of care or requirement for all church settings or situations.

¶ 310.2 of the *Discipline* requires all candidates to submit (on a form provided by the board of ordained ministry), a notarized statement detailing any written accusations or convictions for felony, misdemeanor, or incident of sexual misconduct, or certifying that the candidate has neither been accused in writing nor convicted of a felony, misdemeanor, or any incident of sexual misconduct. This is not the same as a background check, because it is the candidate’s own disclosure of his/her history and it assumes the individual will be completely candid in the disclosure. Criminal background checks can be a helpful additional tool for verifying a candidate/clergy person’s history.

The General Board of Higher Education and Ministry, Division of Ordained Ministry, Section of Elders and Local Pastors has a sample form for the ¶ 310.2 disclosure available (615.340.7389).

#### 5. Other Checks and Balances for Lay and Clergy Applicants and Staff

Background checks will only uncover information about the person’s history, and a “clean” background check is not necessarily a good predictor of a person’s future behavior. Other organizational internal controls and checks and balances are important in the candidacy process, as well as throughout a person’s career in ministry. For example, checking all listed plus other references on all applicants can

provide an invaluable source of information and insights on applicants. Checking all information on a job application also is helpful (education, certifications, licenses, etc.).

The physical design and layout of the facility can be especially important for counseling and child care settings (doors should have a window in them, etc). Strong support (not lip service) for vacations and other self-care is important. There is much, much more which can be done!

For more information about checks and balances for reducing the risk of child abuse in the Church, see Safe Sanctuaries, Reducing the Risk of Child Abuse in the Church, by Joy Thornburg Melton, Discipleship Resources, 800.685.4370 (also available through Cokesbury). For more information about checks and balances regarding clergy sexual ethics, see Living the Sacred Trust, Division of Ordained Ministry, Section of Elders and Local Pastors, General Board of Higher Education and Ministry of The United Methodist Church, 615.340.7389. See also the important United Methodist policies on sexual harassment and child abuse in *The 2012 Book of Resolutions*. State law requirements also should be reviewed, because more and more states have special laws to protect children or other vulnerable persons.

If reference and background checks reveal previous incidents of sexual misconduct, Richard Hammar's Pastor, Church and Law recommends that the following factors be considered before hiring the person: "(a) the nature and severity of the previous misconduct; (b) the frequency of the previous misconduct; (c) how long ago the misconduct occurred; (d) whether the minister received counseling; (e) the competency and effectiveness of any counseling received; (f) the likelihood that the minister will repeat the same type of misconduct now; (g) the possibility of legal liability if a jury concludes, on the basis of all evidence, that the church [organization] was negligent in hiring the minister."

Hiring any person who has been involved in previous serious criminal acts can be extraordinarily risky for a church organization, because of the ever present possibility of a recurrence and the difficulty of taking careful steps to prevent such a recurrence. It is typically hard for a church to balance the seeming conflict between Biblical notions of forgiveness and redemption and the stark reality in today's world that someone in a church setting may cause injury to a member, embroiling the church in an expensive and painful lawsuit in the event of a recurrence, especially when children are involved. Church organizations should consult with legal counsel and other experts in this area before making any decision.

For more information on financial safeguards, see the Insurance/Risk Management Section (references to GCFA's internal audit guide, information on internal controls, and Tips for Preventing the Misuse of Funds).
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## 6. Job Descriptions and Performance Management

Job descriptions define the essential and nonessential functions of a position. They are useful in providing job information to the employee and supervisor, information for performance appraisals, information in situations calling for review under the Americans with Disabilities Act, and information for the employee discipline process. The performance appraisal should be conducted at least annually. Supervisors should manage employee performance throughout the year, documenting conversations with the employee regarding acceptable and unacceptable performance. Any documentation should contain only facts, not generalizations or assumptions.

For example, as noted earlier, if a church staff person is tardy in arriving to work 3 out of 5 days each week, week after week, month after month, and the church has warned the staff person several times that repeated tardiness will not be tolerated, the tardiness – and the warnings to the staff person – should be documented. If the situation becomes intolerable and the church decides to terminate the person’s employment, then the documentation in the file will serve as an important record of **what** transpired, **when** it transpired, and **how** it was handled. If the discharged staff person tries to challenge the decision, the detailed records will provide an important defense for the church in support of its decision. When performance appraisal is an ongoing process, the annual performance review will be unlikely to contain assessments that surprise the employee. Performance appraisals should be truthful appraisals. It is unhelpful to both the employee and the church employer to gloss over or fail to document performance problems. Truthful appraisals are important in the defense of adverse personnel actions and in improving performance.

Employees should be given an opportunity to review and comment on the performance appraisal. The performance appraisal should be signed by the supervisor and the employee to indicate that the review occurred, not that the employee necessarily agreed with the review. If the employee refuses to sign, indicating that the review has occurred, the supervisor may note that fact on the appraisal form.

Note: An excellent publication from Cokesbury’s “Guidelines for Leading Your Congregation” series is the “Pastor Parish Relations” by Betsey Heavner. Copies may be ordered by calling 800.672.1789. The Division of Deacons and Diaconal Ministers, General Board of Higher Education and Ministry, also has a very useful resource packet of guidelines for developing church personnel policies and job descriptions. Call GBHEM, 615.340.7375 (ask for a copy of the “Guidelines”).

## 7. Termination of Lay Staff

Before terminating the employment of a lay employee, the church organization should determine whether employment in their state is “employment at will,” meaning the employment relationship between the employer and the employee may be terminated by either at any time with or without cause. If an employment contract with an employee exists, that eliminates the “at-will” relationship and the employee’s rights upon termination will be governed by the employment contract. A few states recognize oral and implied employment contracts. In those states, the employment contract may not have to be in writing to be enforceable. Included in the sample policies that follow is a sample policy on employment “at will” that can defeat an employee’s claim that s/he had an employment contract with the organization. A termination in violation of a state or federal law will be subject to legal challenge. For example, a typical employee cannot be discharged on the basis of age, sex, race or for any other unlawful reason.

In addition, an employer that discharges an employee in retaliation for exercising the employee’s right or obligations under state or federal law may be found liable for wrongful discharge. For example, if an employee files an EEOC complaint for race discrimination, s/he cannot be terminated for filing the complaint.

Problems with termination of lay staff can be avoided or minimized by following a few basic rules of the road:

1. Do your homework and document.
2. Follow your own policies.
3. Do not discharge an employee in haste or anger.
4. Investigate the facts before you act.
5. Review the personnel file to be sure the performance or behavior issues are well documented and to familiarize yourself with the employee’s work history. If the work history and problems are not well documented, then work with your attorney to develop a plan to obtain the documentation that can be crucial to supporting the need to terminate.
6. Consider all options. Is termination really the best way to address the situation? Would some other form of discipline meet your needs? Should you give the employee an opportunity to resign?
7. Consistency. Are you treating this employee in the same manner that you have treated other employees who have had the same or similar problems?
8. Consult with legal counsel.
9. Prepare for the termination meeting. Have a witness present at the meeting. Be honest and straightforward about the decision at the meeting.

10. Be prepared for addressing office details: returning office property and keys, computer access and security; what you will say about the decision; summarizing the termination meeting in a memo to the file; continuing benefits; accrued vacation; etc. (see sample Termination Checklist at the end of this section)
11. Be prepared for what you will say when called to give a reference for the person.
12. Be the Church. Treat the employee with care, compassion and dignity.

Termination of a clergy person's appointment and/or orders and other changes in a clergy person's conference relationship require careful review of the *Discipline*, which sets forth in detail the rights and responsibilities for these issues. GCFA's Administrative and Judicial Procedures Handbook (5<sup>th</sup> Edition) is a helpful resource on these issues (call 847.425.6534 for a copy). As noted above, because of constitutional protections, civil courts generally will not hear a lawsuit filed by a person in a ministerial position against a church organization. Such relationships are not ordinary civil employment. They are ecclesiastical relationships defined by United Methodist polity and governing bodies.

## Employee or Independent Contractor

An important question arises when a church retains a new person to perform a particular job for the church - is the person an employee or independent contractor? Serious tax consequences may result if a person is misclassified. Most persons retained to do the day to day work of any organization, including a church, are considered employees. The IRS and courts have determined that United Methodist clergy at the local church are to be classified as employees for income tax purposes. The IRS views independent contractor arrangements with suspicion and scrutiny, because of previous abuses and an underlying viewpoint that persons who are working for an organization should be considered employees for income tax purposes.

The IRS uses a 20-factor test to determine whether a person is an employee. In

connection with this test, the IRS has stated the following:

. . . 20 factors have been identified that indicate whether sufficient control is present to establish an employer-employee relationship. The degree of importance of each factor varies depending upon the occupation and the context in which the services are performed. It does not matter that the employer allows the employee freedom of action, so long as the employer has the right to control both the method and the result of the services . . . (Business Reporting, I.R.S. Publication 937).

The 20 common law factors are:

- 1) **Instructions.** An employee must comply with instructions about when, where, and how to work. Even if no instructions are actually given, the control factor is present if the employer has the right to give instructions. Independent contractors direct themselves as to when, where and how to do their work.
- 2) **Training.** An employee is trained to perform services in a particular manner. Independent contractors ordinarily use their own methods and receive no training from the purchasers of their services.

- 3) **Integration.** An employee's services are integrated into the business operations because the services are important to the success or continuation of the business. This shows that the employee is subject to direction and control.
- 4) **Services rendered personally.** An employee renders services personally. This shows that the employer is interested in the methods as well as the results. Independent contractors are generally free to hire assistants or to sub-contract their work, since they are directing their own operations and making their own decisions about how to get the job done.
- 5) **Hiring, supervising and paying assistants.** An employee works for an employer who hires, supervises, and pays assistants under a contract that requires him or her to provide materials and labor and to be responsible only for the result.
- 6) **Continuing relationship.** An employee has a continuing relationship with an employer. A continuing relationship may exist where work is performed at frequently recurring although irregular intervals. An independent contractor ordinarily is hired to do a particular job and then moves on to do work elsewhere for another organization.
- 7) **Set hours of work.** An employee has set hours of work established by an employer. An independent contractor is the master of his or her own time.
- 8) **Full-time work.** An employee normally works full-time for an employer. An independent contractor can work when and for whom he or she chooses.
- 9) **Work done on employer's premises.** An employee works on the premises of an employer, or works on a route or at a location designated by an employer. An independent contractor ordinarily sets his/her own place of work.
- 10) **Order or sequence set.** An individual who must perform services in the order or sequence set by an employer looks like an employee, subject to direction and control.
- 11) **Oral or written reports.** A person who regularly submits reports to a supervisor looks like an employee, who must account to the employer for his or her actions.
- 12) **Payments.** An employee is paid by the hour, week, or month. An independent contractor is paid by the job or on a straight commission.
- 13) **Expenses.** An employee's business expenses are customarily paid by an employer. This shows that the employee is subject to regulation and control. An independent contractor ordinarily pays for his/her own business expenses.
- 14) **Tools and materials.** An employee is furnished significant tools, materials, and other equipment by an employer (examples in a church: computer, books, music, uniforms)
- 15) **Investment.** An independent contractor has a significant investment in the facilities he or she uses in performing services for someone else.
- 16) **Profit or loss.** An independent contractor can make a financial profit or suffer a financial loss; whereas an employee ordinarily does not suffer any financial losses associated with his/her work.

For more information on the status of a worker as an employee or independent contractor, see IRS Publication 15-A, "Employer Supplemental Tax Guide," available from the IRS.
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17) **Works for more than one person or firm.** An independent contractor offers and ordinarily gives his or her services to two or more unrelated persons or firms at the same time (example: an outside snow removal or lawn service used by a church would do the same work for a number of clients and would be considered an independent contractor; a facilities maintenance person who does full time work for the church that includes snow removal and lawn service and does not have a snow removal/lawn service business for other clients probably would be considered an employee, absent other unique circumstances).

18) **Offers services to general public.** An independent contractor makes his or her services available to the general public.

19) **Right to Fire.** An employer can fire an employee. An independent contractor typically cannot be terminated so long as he or she produces a result that meets the specifications of the contract for the services.

20) **Right to quit.** An employee can quit his or her job at any time without incurring liability. An independent contractor usually agrees to complete a specific job and is responsible for its satisfactory completion, or is legally obligated to make good for failure to complete it.

Examples in a church setting:

- A church organist/music director who holds the position of Minister of Music, who works 35 hours a week and who works under the direction of the church, probably is an employee.
- An organist who works for six area churches when their regular organist is sick or on vacation (and offers his/her services to other churches) probably is an independent contractor.
- A maintenance person who works 20 hours a week for the church on evenings, weekends (and after weddings and funerals) and who has a regular day job elsewhere but does not have a facilities maintenance business probably would be viewed by the IRS as an employee of the church, absent other facts.
- A maintenance person who works for ABC Maintenance Company and is sent to different job locations, including the church, depending on the work schedule set by ABC, would be an employee of ABC Maintenance Company. ABC Maintenance Company would be an independent contractor in its relationship with the church.
- A painter who walks in off the street and offers to spend the next four weeks painting the church for a flat fee is probably an independent contractor. S/he will do the assigned painting tasks and then go on to paint other churches, businesses or homes.

Churches sometimes have fact scenarios that are somewhere in-between these extremes. Each church organization needs to do its own analysis, in close consultation with legal counsel, for any “job” that is in a gray area if the church wants to consider the person doing the job to be an independent contractor.

## Sample Policies

In the pages that follow are **sample** personnel policies. The word **sample** is emphasized, because it is important that personnel policies be carefully considered and developed to fit the needs of each church organization and reviewed in light of each state's unique laws. In addition, the GCFA legal department is not recommending or endorsing any of these policies. And, GCFA is not suggesting that these subjects all should be covered by an organization's set of personnel policies - or that no other subjects should be covered. They are provided as **samples** strictly as a convenient reference and starting point to help local churches, annual conferences and others in the development of policies on the covered subjects, as desired.

### Introduction

The principal function of this Staff Reference Manual is to provide a current, accurate and readily accessible reference source for use by the staff of the [organization]. This Manual is to be interpreted and used by [organization] in its absolute discretion.

All employees of the [organization] are employed at will and not by contract. Employment at [organization] means you and the [organization] are each free to terminate the employment relationship at any time without notice, and for any reason. This Manual is not an employment contract and is not to be construed as such. It is a statement of operating procedures and policies. Whether or not the disciplinary procedures described here are followed, all employees are subject to dismissal without notice at any time, when in the sole opinion of management, the employee's job performance and/or conduct is found unsatisfactory for any reason.

The Manual is designed to assemble descriptions of privileges and benefits to which employees are entitled. From a policy standpoint, it details those administrative policies and procedures presently authorized for members of the staff. It is not a static document. From time-to-time revisions and additions to this Manual will be made and those changes will be controlling.

Occasionally a question will arise which has not been discussed in the Manual or an elaboration is needed on a topic already presented. In such cases, please contact the [list position] for additional information.

### Policies as Applicable to United Methodist Clergy

Whenever there is a conflict between the personnel policies of [organization] and *The Book of Discipline of The United Methodist Church* with respect to ordained United Methodist clergy, the *Book of Discipline* takes precedence to the extent that a conflict exists.

### **Staff Member Qualifications**

All staff shall have at a minimum the following qualifications:

- They shall be persons who are sympathetic with the Christian faith and purposes of The United Methodist denomination;
- They shall possess the special aptitudes, skills and capacities which are required in their respective fields of work;
- They shall be persons who can win and hold the cooperation and goodwill of the people they serve as well as their associates;
- They shall have the ability to maintain and keep confidences;
- They shall be persons who can demonstrate the capacity to learn and to improve their abilities.

### **Equal Employment Opportunity**

[Organization] shall provide equal employment opportunity to all staff members and applicants for employment. No person shall be discriminated against in employment because of race, color, sex, national origin, age or disability. This policy applies to all terms, conditions and privileges of employment. Any communication from any applicant for employment to a staff member, a government agency, or an attorney concerning any equal employment opportunity matter shall be referred to [list position].

### **Recruitment**

[Organization] shall post information of position openings on all bulletin boards within the offices prior to external announcements.

The recruitment process may also include the public announcement of vacancies through the various news media and church journals, and through notification of appropriate institutions, professional organizations, related agencies and groups with special access to qualified women and racial ethnic minority persons who may be potential applicants.

### **Ethics Statement**

The following statement shall be presented and signed at the time of appointment, election, or employment and reaffirmed annually:

All funds and property received and administered by the [organization] are entrusted to them by God through the faithful financial support of church members. Therefore, the highest degree of Christian stewardship and fiduciary responsibility is expected of all

directors, non-director committee members and staff in matters relating to the receiving, reporting and use of such funds and property. Ethical, moral and legal conduct are critical components of Christian stewardship. Fiduciary responsibility also includes loyalty to the objectives and purposes for which funds have been allocated, prudence and care in the administration of entrusted funds and property and personal commitment to the highest standard of fiscal responsibility.

Therefore, I agree to abide by the highest ethical and moral standards and practices, and all applicable laws and regulations (for example, criminal, Disciplinary, IRS and civil), in all actions that I take on behalf of [organization].

**Name** \_\_\_\_\_

**Date** \_\_\_\_\_

**At Will Employment**

All employees are at will. This means that you and the [organization] are free to terminate the employment relationship at any time without notice, for any reason or for no reason.

**Nepotism**

A person shall not become a regular full-time or regular part-time staff member for any position that would require that person to directly supervise, or be directly supervised by, a member of that person's family (spouse, parent, children, in-laws, etc.) Who is already employed by [organization]. Any exceptions to this policy must be authorized by the [list committee or position] prior to employment.

**Pay Periods**

All staff are paid on the 15th and 30th of each month. If a payday falls on a holiday, Saturday or Sunday, salary checks will be dated and distributed on the prior work-day.

**Payroll Advances**

[Organization] will not provide payroll advances or extend credit to staff.

**Overtime**

Overtime by support personnel paid on an hourly basis is sometimes necessary and is determined by the departmental supervisor.

Overtime is computed as follows:

The first 40 hours of work in any one work week shall be computed at the regular pay scale. The hours worked in addition to 40 hours in any given work week shall be computed on a time and one-half basis. Unworked hours (vacation, holidays, sick leave) are not included in overtime computation. The employee may elect to take compensatory time off, instead of pay, with the approval of the supervisor. Pursuant to law, compensatory time earned by non-exempt staff must be taken during the pay period in which it was earned if the employee elects compensatory time in lieu of overtime. For purposes of computing overtime, the work week begins on Monday and ends on Sunday.

1. All requests for overtime must be approved in advance by [list position];
2. All overtime worked up to and including 40 hours is computed at straight pay; all overtime worked in excess of 40 hours is computed at time-and-one-half pay;
3. Employees desiring to take comp time in lieu of overtime pay must designate that choice at the time overtime is approved;
4. All overtime is to be clearly reported on your time card. If you are taking comp time, that time must be designated on the time card;
5. Approval to use accrued comp time must be secured in advance from your supervisor; and,
6. Employees who elect to take comp time in lieu of overtime pay must do so in the same pay period in which the time is earned.

Overtime pay is not available for exempt, salaried staff. If you would rather take comp time but cannot do so within the pay period, you may take overtime pay and then, at a later date, take some time without pay. [**Note:** It is important to work with a local attorney to define “exempt” and “non-exempt” staff if these terms are unclear to the organization]

### **Wage Assignments**

A wage assignment or a garnishment is a legal order requiring an individual's employer to withhold part of the employee's wages in order to pay a debt. Wage assignments which meet legal requirements will be honored when issued. At that time, employees are presented with written notification of the garnishment.

### **Social Security**

All lay employees are covered by the Federal Old Age and Survivors Benefits Act to provide the protection offered by Social Security. Social Security tax is paid half by the employee and half by the employer. The percentage of salary deduction and the maximum amount of salary subject to taxation will vary depending upon federal legislation.

Clergy pay the total cost for Social Security coverage as “self-employed” persons for Social Security purposes. Employees are urged to check the accuracy of their accounts with the Federal Social Security Administration at least once every three years.

### **Assisting Employees With Life-threatening Illnesses**

The [organization] recognizes that staff with life-threatening illnesses including, but not limited to cancer, heart disease, and AIDS may be covered by the short-term and long-term disability benefits. As long as a staff person is able to meet acceptable performance standards, and medical evidence indicates that their conditions are not a threat to themselves or others, staff with life-threatening illnesses should be treated consistently with other staff.

The [organization] seeks to provide a safe work environment for all staff. Therefore, precautions should be taken to ensure that a staff person's condition does not present a health and/or safety threat to other staff. Education, counseling, referrals to agencies, and benefit consultation to assist employees in effectively managing health, leave and other benefits is available in the Human Resources Department.

There is usually no medical basis for staff refusing to work with fellow staff or others with life-threatening illnesses. The concerns of staff who fear fellow workers or others with life-threatening illness will be taken seriously and addressed with appropriate information. Where such measures are unsuccessful, and where the [organization] determines an staff person's refusal or threat of refusal to work with a staff person is impeding and disrupting the organization's work, the [list position] will consider appropriate corrective or *Disciplinary* action against the threatening or disruptive staff persons. Such *Disciplinary* action may include transfer and/or dismissal from employment.

Appropriate revisions in this policy reflecting current information, both medical and legal, will be made as necessary.

### **Death in The Family**

[Organization] provides for its staff in the event of death in their family by offering time away from the office. If there is a death in the staff person's immediate family (spouse, parents, children, or family members who are living in the immediate household), this may be arranged without loss of pay, for up to five days. For other family members (brothers, sisters, father-in-law, mother-in-law or grandparents) absence of up to three days with pay may be arranged depending upon distance involved.

In the event of the death of a more distant relative, arrangements may be made for one such day to be taken.

### **Military**

The purpose of the military leave policy is to insure employee rights to job protection when serving with the military, National Guard and Reserve. The [organization] supports and complies with the Veteran's Reemployment Rights Act and applicable state laws.

#### **Active Full-Time Military Duty**

Any staff person who leaves [Organization] to perform full-time active duty in the armed forces for a period not to exceed four (4) years (plus any involuntary extension of not more than one year), is considered to be on “active full-time military duty.”

Staff ordered to active full-time military duty shall be entitled to payment of the differential between their military pay and their salary for a period up to 20 (twenty) working days, said payment to be made only where military pay is less than the salary, to commence at such time as the becomes eligible for payment for his/her active full-time military duty.

Upon his/her return from active full-time military duty, such staff shall be reinstated to his/her former position or a job of similar seniority, status and pay. In order to qualify for reemployment, a staff person must meet the following requirements:

- The position he/she left must have been an “other than temporary position.”
- Application for reemployment must be made within 90 days after release from active duty or from hospitalization continuing for a period of not more than one year after completion of active duty; and
- Satisfactory completion of the period of active duty, and presentation of certificate to that effect.

#### **Reserve/National Guard**

- A. **Initial Active Duty** — Staff who become members of the military Reserve or National Guard will be considered to be on military leave of absence during their “initial period of active duty training”. This initial training period is normally of a 3 to 6 month duration.

Any staff person who meets the requirements set forth will be reinstated to his or her former position or to a position of similar seniority, status and pay, except a Reservist or National Guard member on initial active duty for training must apply for reemployment within 31 days after release from training or discharge from hospitalization not exceeding one year.

- B. **Short-term Military Training** — Staff who are Reservists or National Guard members must request a military leave of absence to perform short-term training such as weekly drills, summer encampments, or similar types of training. This request will be granted by the organization.

When possible, thirty days prior notice of such absences should be given to the supervisor and to [list position]. Staff on military leave for short-term training are required to report back to work for the next regularly scheduled work period after training ends, with a reasonable time allowed for travel.

The [organization] is required to accommodate the employee's Reserve and National Guard obligations by scheduling his/her work around periods of short term training.

- C. **Other Provisions** — The following provisions are applicable to all persons on military leave of absence:

- Staff on military leave will not receive a regular agency salary except as otherwise noted.
- Regular pension contributions will be made on the staff person's behalf on any wages paid by the agency during the time of leave;
- Staff are not required to take paid vacation time during their period of active duty or short-term training; and
- Staff returning to work in accordance with other provisions of this policy will resume accrual of vacation

and sick time at the normally scheduled rates as though no leave had occurred.

### **Jury Duty**

A staff person need not worry about loss of salary in the event of a call for jury duty or a subpoena to appear as a witness in court. The [organization] assures full salary while fulfilling such obligations to all full-time staff and part-time staff with 20 or more hours of regularly scheduled service a week. Under normal circumstances, [organization] will not provide excuses for jury duty. **[Optional:** If the staff person is paid a jury duty fee in addition to jury duty travel expenses, then such fee must be turned over to [organization] or deducted from the staff person's pay check.]

### *Holidays*

[Organization] recognized eleven (11) paid holidays for its employees:

New Years Day  
 Martin Luther King Jr.'s Birthday (third Monday in January)  
 Good Friday  
 Monday after Easter  
 Memorial Day (last Monday in May or day observed)  
 Independence Day  
 Labor Day (first Monday in September)  
 Thanksgiving Day  
 Friday following Thanksgiving  
 Day preceding Christmas Day  
 Christmas Day

These are paid holidays with the following provisions:

- A. When any of these holidays falls on a weekend, the following Monday shall be considered a holiday.
- B. Should the holiday be on the day part-time employees of the Conference Center are not scheduled to work; an equivalent day shall be granted, in consultation with one's supervisor, during the calendar year.
- C. Temporary/seasonal (full-time or part-time) employees are not eligible for holiday pay.
- D. Persons on leave of absence are not eligible for holiday pay.
- E. Holiday hours shall be counted as hours worked in computing overtime for the week in which the holiday falls.

### *Leaves*

[The organization's sick and other leave policies should be included in the staff reference manual.]

### **Annual conference Attendance**

Clergy and lay staff who are members of an annual conference shall be granted time off with pay to attend the conference. Such time off shall not be charged to vacation. [Optional: Travel to and from the conference shall be paid by the organization.]

### **Jurisdictional and General Conference Attendance**

Staff who are elected delegates or reserve delegates to a jurisdictional or general conference shall be granted time off with pay to attend the conference. Such time off shall not be charged to vacation.

### **Personnel Files**

[Organization] maintains a personnel file for each staff person. These files are kept in the [list location] and are open to inspection by the employee, subject to the [list state statute that governs personnel records].

[Organization] attempts to maintain those documents which are, have been or are intended to be used in determining a staff person's qualifications for employment, promotion, transfer, additional compensation, discharge or other disciplinary action.

A staff person has the right to inspect certain portions of his/her personnel file up to two times during the calendar year. Such a request must be submitted in writing using the form provided for this purpose. Once such a request has been received, the [list position] will schedule an appointment within seven (7) working days of the request to give the staff person an opportunity review the open portions of the personnel file.

This information is generally not to be released to a third party. Requests for the release of personnel file information to third parties should be cleared with the [list position].

### **Contents of Personnel Files**

Generally, personnel files contain primarily such information as listed above. That is, documents which are, have been or are intended to be used in determining that staff person's qualifications for employment, promotion, transfer, additional compensation, discharge or other disciplinary action.

Each personnel file usually will include the following items, which are subject to inspection:

- Employment application
- Resume (when appropriate)
- I-9 verification
- Plan participant enrollment forms (SPP, MPP, DBP, Beneficiary forms, etc.)
- Employment offer form

- Emergency notification form
- Performance appraisals
- Attendance calendars (used for employment transfer, promotion, etc.)
- Employee benefit verification form
- Change of address forms
- Garnishments
- Post-employment training
- Payroll information originating from HR
- Probationary forms (beginning and completion, employment counseling reports, etc.)
- Salary history

**Documents which may be included in a staff person's personnel file but are not open to inspection:**

- Letters of references
- Tests and results, except cumulative scores
- Records that may be produced in a judicial proceeding as part of a pending claim between the employer and the staff person
- Information used for management planning, bonuses, operational goals, expansion, future salary increases, job assignments, other wage treatments, development, closing, except when such material relates only to the staff person in question
- Information of a personal nature about a person other than the staff person which might be construed as an unwarranted invasion of that other person's privacy
- Medical records
- Records regarding an employer's investigation of alleged criminal activity (except when [organization] acts adversely based on information in those records)
- Other employers may receive copies of items in their personal file upon payment of a per page copy charge. All such requests shall be made in writing on the form provided for such requests to the [list position].

With respect to clergy staff, this policy needs to be reviewed in conjunction with the Personnel Record Guidelines for Clergy, Candidates & Diaconal Ministers in The United Methodist Church and the Supervisory File Guidelines for Clergy, Candidates, and Diaconal Ministers in The United Methodist Church, both of which are included at the end of this section. Note in addition that the law regarding access to personnel records varies widely from state to state.

### Staff Reviews

A progress review is intended to provide a periodic means of appraising a staff person's performance on the job.

#### Review Dates — Introductory Period of Employment

There shall be an introductory period of employment of three months following initial employment. If the staff person does not meet performance standards, employment can be terminated at any time during the three months or thereafter. Approximately two weeks before the end of this period, the supervisor shall conduct a "Performance Appraisal" covering the staff person's performance during the period. The completed form will be sent to [list position] for inclusion in the staff person's file.

1. If performance is satisfactory, this period will end, although the staff person continues to serve at the pleasure of the [organization]. (See Section on "Employment At Will.")
2. If performance is not satisfactory, this period may be extended in writing or the staff person may be terminated.

#### Review Dates — Annual Review

By September 30 of each year, the performance of every staff person will be evaluated utilizing the current "Performance Appraisal Form." These reports will be placed in each employee's personnel file. Staff persons will have an opportunity to file a response to their evaluations. [Note: Portions of this policy would not apply to clergy staff]

#### Volunteer in Mission Participation by Staff

[Organization] feels that the participation of staff in United Methodist Church Volunteer in Mission projects would benefit both the staff person and the mission project. To enable such participation and involvement in United Methodist projects, [organization] proposes that a combination of vacation days and work days may be used for the purpose of taking the trip. Authorization for participation in any Volunteer in Mission trip must be given by the supervisor and the [list position]. Approval is within the sole discretion of the [list position]. Approval also will be contingent on available funds if unbudgeted. A staff person may request approval for such participation no more than once a quadrennium.

If the staff person is not able to finance the trip and funds are not available from other sources, the employee may apply for assistance from [organization] to enable the employee to join a Volunteer in

Mission team. This assistance shall be up to one week's pay to apply to the trip expenses. If the staff person receives financial assistance from [organization] to join a team, vacation days only may be used for time out of the office. If a staff person is able to finance his/her trip, then [organization] shall award up to one week's time for the trip and not require the use of the staff person's vacation days for the entire trip.

- [Organization] may assist in the following ways to enable an staff person to be a Volunteer in Mission:
- [Organization] approves one week of time off; staff person pays for trip.
- [Organization] contributes up to one week's pay toward cost; staff person uses vacation time.

### *Electronic Communications Policy*

[Organization] is committed to providing an environment that encourages the use of computers and electronic communications as essential tools to support [organization's] ministry of administration. In utilizing [organization's] computers and electronic communications systems including, but not limited to, electronic mail and access to the Internet, it is important for all employees (Users) to be aware of [organization's] policy regarding responsible use. It is the responsibility of each User to ensure that this technology is used for proper business purposes and in a manner that 1) is responsible, professional, and legal; 2) does not compromise the confidentiality of proprietary or other sensitive information; 3) does not compromise the security of [organization's] computer resources; and 4) is consistent with good stewardship and the mission and ministry of [organization].

The purpose of this policy is to ensure the appropriate use of computer resources, to monitor and maintain productivity of employees, to assist in preventing harm to the interests of [organization] and its employees, and to prevent the violation of various state and federal laws.

**No Privacy.** Users do not have a personal privacy right in any matter created, received, sent, or stored on [organization] computer resources, whether or not the matter is designated as private or confidential. [Organization] reserves the right to access all computer resources for the purpose of supporting its mission and ministry, assuring compliance with statutory requirements, as well as internal policies supporting the performance of internal investigations, and assisting with the management of [organization's] information systems.

All aspects of [organization's] computer, technology and communications systems, including but not limited to hardware, software, and all files and message contents, are the property of [organization]. The computer, technology and communications systems, including e-mail and Internet access, are business tools provided by [organization] which should be used for business purposes only.

[Organization] reserves the right to monitor and review e-mail messages and Internet access, without prior notice. This includes the right to monitor Internet sites visited, duration of employee's Internet use, and files which have been viewed, accessed, or downloaded. E-mail messages and Internet access are not private, and employees should not consider their e-mail messages and Internet access to be private. An employee's access code or password does not give him or her any right to privacy with respect to using the agency's e-mail and Internet systems.

Any violation of this policy may result in disciplinary action up to and including termination of

employment. An employee who discovers a violation of this policy is expected to report it to the Director of Human Resources or the General Counsel.

### **Internet Access (General)**

[Organization] provides the ability to access the Internet through an Internet browser. [Organization] employees designated to have access to the Internet are required to use their access to the Internet in a legal, responsible and informed way, conforming to network etiquette, customs and courtesies. Internet E-Mail access/usage is subject to [organization's] policies and guidelines related to E-Mail.

[Organization] management will determine:

- the extent to which an employee may use the Internet to accomplish job responsibilities. Any questions about the appropriateness of a particular use of the Internet should be discussed with the employee's supervisor;
- the appropriateness of using the Internet for professional contacts and career development activities during office hours;
- training required of staff using the Internet and work time that may be used to practice/acquire skills needed to effectively access and use the Internet.

The Internet is not a secure communication channel and should not be used for sending or receiving confidential or sensitive information.

Use of the Internet is a privilege, not a right, which may be revoked at any time for inappropriate conduct. Misuse of Internet access by any employee may result in other disciplinary action, including but not limited to, termination of employment. Examples of inappropriate conduct include, but are not limited to: use of inappropriate or offensive or abusive language in either public or private messages; unlawful activities; gambling, defamation; infringement of copyrights; misrepresentation of oneself or [organization]; logging on or accessing obscene, pornographic, sexually explicit, racist or violent sites; pirating software or transmitting software programs or other copyrighted or trademarked material; engaging in transactions or activity for personal financial gain; jeopardizing [organization's] tax exempt status; creating unauthorized contractual liability for [organization]; violating any [organization] policy or procedure; engaging in any activity or communication that is inconsistent with norms of professional and business conduct; and sending messages that might result in congestion or disruption of networks and systems.

Employees must abide by security policies, procedures and guidelines in their use of the Internet, and are to refrain from practices which might jeopardize [organization's] computers, data, network, systems security or work in general. Employees must guard against computer viruses and security breaches of any kind. Employees who use the Internet:

- may not transfer or install any software or files from the Internet to any [organization] computers or information systems except in consultation with appropriate technical staff (i.e. no downloading of software, programs, games, etc.).

- may not use the Internet to connect to secure accounts (accounts requiring proprietary password log-in) on computer systems outside the [organization] network without prior approval from your supervisor.

### Personal Use

The Internet is not "free." Valuable and scarce resources are used to establish, operate and maintain [organization's] access to the Internet including the valuable use of staff time needed to make inquiries, send and receive E-mail, and participate in discussion groups on the Internet. All employees are expected to be good stewards in the use of these valuable resources. Personal use may be allowed in consultation with a supervisor. Personal use should not occur during working hours.

### Electronic Discussion Groups, Telnet and FTP

Staff members who participate in electronic discussion groups (listservs, Usenet news groups, etc.) must abide by the rules and etiquette of those groups. When using Telnet or FTP (File Transfer Protocol) to access remote computer systems, users must remember they are guests on another organization's machine. All policies (i.e., use, security, conduct and disciplinary action) outlined for users of E-mail and Internet also apply to Electronic Discussion Groups, etc.

(Note: Approved by CPPP December 1997)

### Electronic Mail

Electronic mail (E-mail) has been established for agency purposes related to the mission of [organization]. [Organization] offers the use of E-mail by its employees as an opportunity to enhance their ability to carry out their job responsibilities. Electronic communications, including internal and Internet E-mail, other forms of electronic media and all of their components parts, such as hardware, software, messages and other data ("E-mail"), are the property of [organization]. It may be used for personal purposes only in accordance with [organization] guidelines and may never be used in any way that may be disruptive or offensive to others. E-mail may not be used to solicit participation in any activity not directly related to or sponsored by [organization] (i.e., personal, religious, political or charitable causes).

E-mail is to be used as an agency tool. E-mail should be drafted with the same thought and concern devoted to written or verbal communications, such as letters and memoranda. The E-mail system should not be used to create any offensive or disruptive messages. Users must identify themselves with their full E-mail address or legal name. [organization] neither assumes nor shares responsibility for incidents of harassment, slander, malice, defamation of character, copyright violations, or any civil or criminal actions that occur or are alleged to have occurred through any personal or inappropriate use of E-mail. The responsibility for and defense against such actions or claims is solely that of the individual.

E-mail is not a private, confidential communication. The confidentiality of any message should not be assumed. Messages should be treated as confidential by other employees and accessed only by the intended recipient. Employees are not authorized to retrieve nor read any E-mail messages that are not sent to them. Any exception to this policy must receive prior approval from the employee's supervisor.

In the use of E-mail, employees should not use pass codes, access a file, nor retrieve any stored information unless authorized to do so. All computer pass codes must be provided to supervisors. No pass code may be used that is unknown to [organization].

[Organization] reserves the right to access and disclose all messages, for any purpose, at any time for legitimate [organization] reasons without the permission of the employee.

## Workplace Violence Policy

[Organization] recognizes that a place of employment safe from violence or the fear of violence is fundamental to the health and well-being of staff. The policy of [organization] is that its staff should work in environments free from physical attack, threats, and menacing or harassing behaviors.

As used in this policy, violence is defined to include the following:

- **Physical attack** is an unwanted or hostile contact, such as hitting, fighting, pushing, shoving, or throwing objects.
- **Threat** is stating a present or future intention to cause physical or mental harm. Any expression of intent to cause physical or mental harm is considered to be a threat.
- **Harassment** is behavior or communication designed or intended to intimidate, menace, or frighten another person.
- **Property damage** is behavior or acts that contribute to the destruction or damage of another's property.

**At [organization], physical attacks, threats, harassment, and property damage are always prohibited.**

Any staff person who experiences or witnesses such acts, conduct, behavior, or communication must immediately contact his or her supervisor and [list position].

Any supervisor or manager who receives a complaint of violence, threats, harassment, or property damage or who has reason to suspect that these acts or behaviors are occurring, must notify [list position].

Upon being informed of an allegation of violence, threat, or harassment, [list position] will investigate the matter.

Upon conclusion of the investigation, [organization] will determine how to respond. In the interim, [organization] will respond as it deems appropriate.

Appropriate disciplinary action, up to and including termination, will be taken in instances of misconduct, as judged by [organization].

Employees who know of information about violence, threats, or harassment, but did not notify an appropriate person consistent with this procedure, will be subjected to appropriate discipline, up to and including termination.

A staff person will not be retaliated against by [organization] for reporting violence, threats, harassment, or property damage.

### **Termination and Resignation — Voluntary Termination (Resignations)**

Should a staff person decide to leave the employ of [organization], it is expected that at least two weeks written notice will be given. A written letter of resignation should be submitted to the supervisor with a copy to the [list position] stating the date of the resignation and including any additional comments the staff person may wish to make. This letter will be placed in the staff person's personnel file.

### **Involuntary Termination — Excessive Absence**

1. If the amount of a staff person's absences or tardiness adversely affects the work output of a section or department, or the morale of co-workers, it shall be considered an excessive amount.
2. The staff person's supervisor will discuss the problem with the staff person.
3. If the problem continues, then the [list position] should be consulted.
4. If the problem still persists, the [list positions] will determine what course of action should be taken, including but not limited to termination.

### **Misconduct or Unsatisfactory Performance**

Proper conduct and satisfactory performance are necessary to assure an efficient and effective working system. Should a staff person fail to display these qualities, the supervisor will discuss the problem with [list position] to determine what course of action appears appropriate. Substantiated misconduct and/or continuous unsatisfactory performance are cause for immediate dismissal. This may include theft, physical abuse, gross insubordination, or criminal conduct.

### **Probation**

Any employee being considered for involuntary termination - except in the case of reorganization, substantial misconduct, or other reasons set forth herein - ordinarily will be placed on probation and given an opportunity to correct the problem(s). However, [organization] reserves the right to discharge a staff person at any time without a probationary period. Identification of the problem(s) and terms of the probation shall be put in written form and documented, and shall be discussed with the staff person by the supervisor. If the staff person is placed on probation, the term of the probation shall include a date on which the probation period ends.

A progress review may be scheduled at that time. In the event the employee does not improve and the problem continues, the [organization] retains the right to terminate the individual's employment

at any time during the probation period. Termination shall be based on appropriate documentation and under ordinary circumstances will take place only after discussion with the employee involved.

### **Severance**

If a termination or discharge is made because of reorganization, shortage of work or lack of funds, the staff member will be given at least one (1) month's notice in advance of termination date and the following severance pay will apply:

Years of Service	Pay
Less than 1 year	2 weeks
1 to 3 years	4 weeks
3 to 5 years	6 weeks
5 to 8 years	8 weeks
8 to 10 years	10 weeks
10 years or more	One week for each year of service

Employees who resign voluntarily are paid through their last day of employment but do not receive severance pay.

A staff member removed involuntarily from his or her position may receive separation pay at the discretion of the [organization], but in no event shall such pay exceed six months nor exceed the foregoing list of severance pay for staff terminated due to reorganization, shortage of work or lack of funds.

Before leaving, staff must return all [organization] property such as office keys, credit cards, garage door card, telephone card, the Staff Reference Manual and personnel lists.

### **Exit Interview**

Before leaving [organization's] employment, the [list position] will conduct a formal Exit Interview. This document will become part of the exiting staff person's personnel file.

### **Final Paycheck**

When a staff person leaves [organization], that person's entitlements (sick leave, vacation, floating holidays) will be pro-rated according to the days worked/not worked.

If any entitlement time has been used but not earned, the final paycheck will be reduced to reimburse [organization] for those days. Likewise, if any vacation days have been earned but not used, employee understands that she/he will be asked to sign an agreement allowing his/her the final paycheck to reflect payment for those days. The staff person's receipt of this Staff Reference Manual also constitutes his/her agreement to have such funds taken from the final paycheck. [**Note:** Some of the provisions in this policy do not apply to clergy staff because of the appointment process.]

### **Covenant of Confidentiality**

The following covenant was duly adopted by unanimous vote of the \_\_\_\_\_ Committee of the at a duly called meeting on the day of , 200 .

Whereas, the accepts the Scriptures of both the Old and New Testaments as verbally inspired of God and the revelation of God to humanity, the infallible, authoritative rule of faith and conduct; and

Whereas, the Scriptures forbid the spreading of gossip, slander, and the betraying of confidences (Prov. 11:13, Prov. 13:3, Eph. 4:29, Prov. 6:1-2, Matt. 12:36, Prov. 29:20).

Now, therefore, in consideration of the above premises, the members of the Committee agree, individually and collectively, to strictly maintain the confidentiality of all communications or the content of any document made or presented in the course of its meetings regarding any pastor, staff person, or individual member, or other person, and further agree not to disclose any of said communications or the contents of any of said documents without the unanimous consent, in writing, of all the committee members. In the event of the death or mental incapacity of any of the committee members, the term "unanimous consent," as used herein, shall mean the unanimous consent of all of the committee members.

**Accepted By:**

\_\_\_\_\_  
\_\_\_\_\_

### Misconduct of a Sexual Nature

The [organization] affirms the 2012 Book of Resolutions, Sexual Abuse Within the Ministerial Relationship and Sexual Harassment Within the Church, which states that sexual abuse within the ministerial relationship and sexual harassment within the church as incompatible with biblical teachings of hospitality, justice and healing. In accordance with the *2012 Book of Discipline*, ¶ 161.E, all human beings, both male and female, are created in the image of God, and thus have been made equal in Christ. As the promise of Galatians 3:26-29, states all are one in Christ, we support equity among all persons without regard to ethnicity, situation, or gender.

Sexual abuse within the ministerial relationship occurs when a person within a ministerial role of leadership (pastor, educator, counselor, youth leader or other position of leadership) engages in sexual contact or sexualized behavior with a congregant, client, employee, student, staff member, co-worker or volunteer.

Sexual harassment is any unwanted sexual advance or demand, either verbal or physical, that is reasonably perceived by the recipient as demeaning, intimidating, or coercive. Sexual harassment includes, but is not limited to, the creation of a hostile or abusive working environment resulting from discrimination on the basis of gender (the *Book of Discipline* ¶ 161.I).

Sexual abuse within the ministerial relationship involves a betrayal of sacred trust, a violation of the ministerial role and exploitation of those who are vulnerable. Similarly, sexual harassment must be understood as an exploitation of a power relationship rather than as an exclusively sexual issue.

Misconduct of a sexual nature within the life of the Church interferes with its moral mission. [Organization] stands in opposition to the sin of misconduct of a sexual nature in the Church and society at large and commits itself to fair and expedient investigation of any charge of sexual misconduct within the church and to take action deemed appropriate and in compliance with the *Book of Discipline*. Further, [organization] seeks to create an environment of hospitality for all persons, male or female, which is free of misconduct of a sexual nature and encourages respect, equality and kinship in Christ.

Some instances of sexual harassment can be resolved easily and informally between the parties. In all other instances, misconduct of a sexual nature should be reported to [list position or positions]. If the conduct involves a clergy person, it should be reported to the district superintendent or the presiding bishop.

## POLICY STATEMENT ON MISCONDUCT OF A SEXUAL NATURE

### Theological Statement

The [Church Name] United Methodist Church affirms that sexual misconduct within the ministerial relationship and sexual abuse or harassment within the church are incompatible with Biblical teachings of hospitality, justice, and healing. All human beings, both male and female, are created in the image of God and have been made equal in Christ (Gal. 3:26-29). This church affirms its responsibility for creating an environment of hospitality for all persons, male or female, which is free of sexual misconduct and encourages respect, equality, equity, and kinship to Christ. We support equity among all persons regardless of ethnicity, situation, or gender.

### Definitions

The intent of this policy is to address a range of behavior that constitutes misconduct of a sexual nature. This includes, but is not limited to, sexual abuse, sexual harassment, and sexual exploitation. In the life of our church and congregations, we understand that misconduct of a sexual nature can occur “within the ministerial relationship” where power differences occur, and may also occur outside the ministerial relationship between members of equal standing.

Sexual misconduct includes, but is not limited to, sexual abuse, sexual harassment, and sexual exploitation. Sexual misconduct within the ministerial relationship occurs when a person within a ministerial role or leadership engages in sexual contact or sexualized behavior with a congregant, client, employee, student, staff member or volunteer.

- *Sexual harassment* is “any unwanted sexual advance or demand, either verbal or physical that is reasonably perceived by the recipient as demeaning, intimidating, or coercive. Sexual harassment must be understood as an exploitation of a power relationship rather than as an exclusively sexual issue. Sexual harassment includes, but is not limited to, the creation of a hostile or abusive working environment resulting from discrimination on the basis of gender.” (*The 2012 Book of Discipline*, ¶161.I)
- *Sexual abuse* includes rape/criminal sexual conduct or sexual contact by force, threat, or intimidation that are in violation of the Minnesota Criminal Sexual Conduct Code (See Minnesota State Statutes 609.345 and 609.3451). Sexual abuse involves the subjecting of a child or vulnerable adult by any person responsible for their care to any sexual act that is a violation of the Minnesota Criminal Sexual Conduct Code.

In cases of suspected child abuse or abuse of vulnerable adults, Minnesota law mandates reporting to County Protective Services any “reasonable suspicion” of child or vulnerable adult maltreatment by those in professional relationships with children and vulnerable adults outside of the “confessional setting” (See Minnesota State Statutes §626.556).

- *Sexual exploitation* includes any sexual contact or activity (not limited to sexual intercourse) between a person in a therapeutic or counseling role/relationship and a congregant/client. It may also include being asked to date the counselor, or any representation by a counselor that sexual contact will help in dealing with the emotional struggles the client is having (this is called “therapeutic deception”). Consent by the complainant is not a defense (see MN Statute §148A.02). Such behavior is illegal under Minnesota law, and can give rise to civil and criminal penalties. Minnesota state law also specifically addresses sexual contact by a person who is, or claims to be, clergy with someone (other than a spouse) during one or more private meetings for spiritual aid and comfort as a criminal offense (see MN Statutes §609.344(1) and §609.345(1)). Here again, consent by the complainant is not a defense.
- “*A ministerial relationship*” occurs when a person within the faith community is identified by that community, or identifies themselves to others, as a person who acts as a representative of a

congregation in any capacity. This person may be a lay or professional, such as a pastor, deacon, educator, church camp counselor, pastoral counselor, choir director, or youth leader. We use the adjective “ministerial” to refer to the relationships of authority and trust in which these persons are involved. When sexual harassment, abuse, or exploitation occurs within a ministerial relationship it is a violation of the ministerial role, and a betrayal of sacred trust. In some cases, this behavior is also illegal (see the definitions of sexual harassment, sexual abuse, and sexual exploitation listed above).

#### Position Statement

Misconduct of a sexual nature within the life of the church interferes with its moral mission. The [Church Name] United Methodist Church stands in opposition to the sin of sexual misconduct in the church and will take appropriate action in compliance with *The 2012 Book of Discipline*. It is the policy of [Church Name] UMC to maintain an environment free of sexual misconduct by establishing procedures for that purpose.

In cases of accusation against a layperson within the church, this congregation will commit to a fair and expeditious investigation. Complaints filed against laypersons should be reported to the pastor in charge, or co-pastors of the local church, who will then report any complaints filed to the District Superintendent and the Bishop.

In cases of accusation against a clergy person or diaconal minister, this congregation commits itself to prompt communication with the Bishop or District Superintendent and to full cooperation with the Annual Conference Committee on Investigation. Additionally, this congregation commits itself to education concerning sexual boundaries and to the ongoing assessment of the congregation’s ministry environment.

#### MN State Law

According to Minnesota law, when a member of the clergy knows or has reason to believe a child or vulnerable adult has been sexually abused within the last three years, he or she is mandated by state law to report it to law enforcement authorities or the local welfare agency (MN Statute §626.556) unless, in the case of children, the member of the clergy obtained the information in a privileged conversation. Certain non-clergy also have a duty to report, including but not limited to, professional educators, social workers, and medical personnel. This congregation affirms and will support such reporting by our clergy and lay professionals. State law also makes sexual exploitation by clergy illegal, regardless of consent. (See MN State Statutes §148A and §609.344 and §609.345.) This congregation also takes notice of the clergy confidentiality provisions found in MN Statute §595.02, subdivision 1(c).

#### Reporting Procedures

It is the intention of this congregation to create an atmosphere in which victims feel it is safe to come forward and tell their stories. Unless persons having knowledge come forward, it is impossible to take action on anonymous accusations.

Reporting regarding clergy should be directed to the Staff-Parish/Pastor-Parish Committee; reporting regarding laypersons should be directed to the pastor(s). Some instances of sexual harassment may be resolved informally between the involved parties. In all other instances, persons who know of misconduct of a sexual nature are encouraged to report it. Delay in reporting increases the harm done to injured parties.

When sexual misconduct by a clergy person or a lay professional is alleged, the members of the Staff-Parish Relations Committee of this church shall initiate steps in a prompt and equitable manner. This congregation will support actions taken by these officers to safeguard the confidential nature of the process, to protect victims, and to refuse to tolerate any retaliation.

Misconduct by a layperson should be reported to the pastor(s) in charge. If a complaint of sexual abuse or sexual harassment is made against a lay member of this congregation, the congregation will support action by any member of the staff or any member of the SPRC to encourage the complainant to compose and sign a written statement and to assist him or her in doing so. Upon receipt of the written complaint, the steps outlined in *The Book of Discipline* will be followed. A finding of sexual abuse or harassment can ultimately lead to termination of the accused person's membership in the United Methodist Church.

No member may be deprived of membership or elected office without a fair process. However, as members, we will support the pastor(s), the lay leader(s), and/or the chair of the Staff-Parish/Pastor-Parish Relations Committee if they recommend that a persons who has admitted to sexual harassment or sexual abuse within the congregation step aside from a role in the congregation's ministry. If elected or appointed by the congregation's governing body, leadership of that body could vote to remove the member from the leadership of that body. A formal apology may also be suggested.

Misconduct by a clergy person or diaconal minister must be reported to the Bishop and the District Superintendent, either directly or through the Staff-Parish/Pastor-Parish Relations Committee. If reported to the SPRC, the chair of this committee will report the information to the District Superintendent and/or the Bishop. Clergy found guilty of sexual misconduct can be removed from the ordained ministry.

If a complainant is unwilling to sign a statement, the congregation will support the pastor and the Staff-Parish/Pastor Parish Relations Committee in an attempt to meet the following goals: learn the truth, identify other victims, protect potential victims, and offer a ministry of healing. Any complainant who is reluctant to sign a statement will be encouraged to do so, because without a signed statement the ability to meet these goals may be substantially curtailed. The congregation will affirm action taken by the leadership of the church to connect any persons making a complaint of sexual misconduct with Support Ministry Response Persons offered by the Annual Conference. These support persons can be reached through the offices of the Bishop or the District Superintendents.

#### Education

This congregation will distribute the sexual misconduct policy of the Minnesota Annual Conference to the Staff-Parish/Pastor-Parish Relations Committee and to the Trustees of the local congregation. This congregation commits itself to education concerning sexual boundaries and to the ongoing assessment of the congregation's ministry environment. Educational vehicles may include the following: comprehensive printed materials, bibliographies, bulletin inserts, notices for bulletin boards, video presentations, workshops, forums, leadership training events, etc. It is recommended that training for local church committees be done on an annual basis so that all leadership within the local congregation are aware of their responsibilities within the framework of this policy.

#### Evaluation

Evaluation of this policy and procedures arising from it shall be reviewed as necessary. Changes to this policy will be reviewed by the congregation's local attorney for legal responses.

**MINNESOTA ANNUAL CONFERENCE**  
**The United Methodist Church**  
**Sexual Misconduct Policy**

**I. Theological Context**

As members of the Minnesota Annual Conference of The United Methodist Church, we confess our love for God as the source and giver of all life, as the Holy One with sole authority over life and final power over death. We acknowledge God's self-revelation in acts of mercy and justice in the Church's witness to Jesus as God's decisive self-revelation; as evidenced in the Hebrew and Christian Scriptures; throughout the created order; within the movement of history; and in the broader context of human relationships.

Further, we know ourselves to be created in God's own image. As creatures of God, together with the example of perfect humanity given to us in Jesus, we are called to live in right relationship with God, with one another, and with ourselves (The Great Commandment, Mark 12:29-31). As the prophet instructs, we are called to "do justice, love mercy and walk humbly with God" (Micah 6:8). This calling to live in the fullness of our God-created humanity requires that we sustain a vital relationship to God so that we may maintain the dignity of all life, and treat each other with respect.

As we increase in our awareness of the many instances of sexual misconduct occurring within as well as outside of the Church, it is imperative we recognize the following:

- Human sexuality is a gift from God for the enhancement, not the degradation, of human life.
- All powers, capacities and gifts of the human person are given by God and must be exercised with consideration and respect due to self, others and God.
- The commission of sexual exploitation, harassment and abuse constitute sin against God, against the Church, against one another, and against the integrity of the self.
- The Church, as ordained by Christ, is intended to be a Spirit-inspired arena for confronting and confessing of human sinfulness; for healing all human brokenness, including the brokenness caused by sexual violations and experienced by victims, by offenders, and by the larger witnessing community.

We recognize that while we are in need of God's redemptive grace, we must remain committed to providing just and merciful responses to instances of sexual misconduct in the church, whether understood to be exploitation, harassment, or abuse. We must acknowledge to ourselves and to God the need for restoration of what is broken and lost when any member of the body of Christ is sexually violated by another. Finally, we recognize our commission as members of Christ's body to be healing agents of justice for victims of sexual misconduct, as well as for offenders, families, congregations and others affected by such violation.

## II. Standards of Conduct

The following Standards of Conduct that underlie this policy apply to lay employees and volunteers in the Annual Conference, such as committee members, camp counselors and conference youth workers. The moral and ethical expectations for ordained clergy are specified in *The Book of Discipline*. Our expectations for healthy, ethical conduct include:

- 1) Persons are responsible for avoiding misconduct of a sexual nature by establishing and maintaining appropriate personal and social boundaries in all interpersonal relationships.
- 2) Persons are responsible for their conduct regarding the emotional, spiritual and physical protection of all persons who come to them for help or over whom they have any kind of authority.
- 3) Persons shall strive to be as psychologically, emotionally and spiritually healthy as possible at all times, and have adequate preparation and education for helping those individuals under their care and know when to make appropriate referrals.

When bringing incidents of sexual misconduct to the attention of proper authorities, the greatest possible care shall be taken to assure that the least possible additional harm is done to the complainant, respondent, and/or victim(s), and the congregations. In no case is the person reporting expected to judge the validity of the reported complaint. Secrecy and withholding of information about sexual misconduct allows damage to continue to grow.

Misconduct of a sexual nature breaks the sacred trust that is inherent in all ministries of the Church. Such misconduct is a violation of the ministerial relationship in which a person in a position of religious leadership takes advantage of, instead of protecting, another person. The General Conference names “sexual harassment and sexual abuse within the ministerial relationship as incompatible with biblical teachings of hospitality, justice and healing and will continue its efforts to eliminate sexual harassment and abuse in the denomination and its institutions.”

It is our understanding that misconduct of a sexual nature means any sexual conduct that is contrary to the ethical principles of The United Methodist Church, as defined by *The Book of Discipline*, or is unlawful as defined by the laws of the State of Minnesota. Misconduct of a sexual nature includes, but is not limited to, sexual abuse and sexual harassment. It is also the understanding of the Minnesota Annual Conference that retaliation in response to a report of sexual misconduct is a continuation of the original instance of the sexual misconduct.

**Sexual abuse** includes criminal sexual conduct or sexual contact by force, threat, or intimidation that is in violation of the Minnesota Criminal Sexual Conduct Code. As it applies to adult/child or vulnerable person interactions, sexual abuse is the subjection of a child or vulnerable adult by any person responsible for their care to any sexual act that is a violation of the Minnesota Criminal Sexual Conduct Code. To uphold the moral standard of The United Methodist Church as defined by this document and *The Book of Discipline*, no person less than 18 years of age nor any vulnerable adult may give consent to sexual acts.

**Sexual harassment** is defined by The United Methodist Church in *The 2012 Book of Discipline* (§161, I) as “any unwanted sexual comment, advance or demand, either verbal or

physical, that is reasonably perceived by the recipient as demeaning, intimidating or coercive. Sexual harassment must be understood as an exploitation of a power relationship rather than as an exclusively sexual issue. Sexual harassment includes, but is not limited to, the creation of a hostile or abusive working environment resulting from discrimination on the basis of gender.” For the purposes of this policy, we acknowledge that sexual harassment may occur in any environment where the work of the church takes place.

**Sexual misconduct** may also take the form of an abuse of power through sexual contact or activity (not limited to sexual intercourse) which exploits the vulnerability of a parishioner, client, staff person, or causes, or allows those persons to engage in sexual behavior with a person who is in a professional relationship (whether paid or unpaid) to the Annual Conference.

Sexual misconduct may also include any sexual contact or activity (not limited to sexual intercourse) between a person in a therapeutic or a counseling role/relationship with a congregant/client. It may include being asked to date the counselor, or any representation by a counselor that sexual contact will help in dealing with the emotional struggles the client is having. (This is called “therapeutic deception.”) Consent by the complainant is not a defense. Such behavior is illegal under Minnesota law, as is sexual contact by a person who is, or claims to be, clergy with someone during private meetings for spiritual aid and comfort.

### **III. Reporting Misconduct of a Sexual Nature**

It is encouraged that any instances of suspected or actual misconduct of a sexual nature on the part of the individuals named above be reported to either the bishop or one of the district superintendents. Investigation is not the responsibility of the person reporting such misconduct.

### **IV. Commitment to Action**

The Minnesota Annual Conference commits itself to:

- seek justice in all cases of sexual misconduct;
- emphasize reconciliation and resolution as the continuing goal of this process;
- provide trained individuals to serve as advocates and/or support persons for all aggrieved parties including the complainant, respondent and congregation involved;
- provide a program of ongoing education and training for local congregations on the nature and scope of sexual harassment, sexual abuse, and sexual misconduct;
- provide a series of ongoing training sessions for clergy, conference staff and volunteers which will promote proactive measures designed to lower the risk of sexual misconduct on the part of these individuals;
- the wide dissemination of this policy along with additional materials that will aid in the understanding of the roles and processes outlined in *The Book of Discipline*.

## Resources For Clergy Sexual Misconduct Issues

### 1. Books, articles and curriculum:

*A Clergy Abuse Survivors' Resource Packet*, prepared by the Center for Women and Religion, 1992.

Anderson, Barbara S. *The Counselor and the Law*. Alexandria, VA: American Counseling Association, 1996.

Bloss, Julie L., "Sexual Harassment: Strategies for Prevention and Response" (two parts), *The Clergy Journal*, January and February 1996.

Buzzard, Lunn and Edwards, Susan, *Risky Business: Church Hiring and Volunteer Selection: A Legal and Policy Guide*. Church-State Resource Center, Buies Creek, NC: Campbell University of Law (910-893-1200).

Constantinides, Kathy, *Challenging Professional Sexual Exploitation: A Handbook for Survivors*. Ann Arbor, Michigan Coalition Against Domestic and Sexual Violence, 1993.

Cooper-White, Pamela "Soul Stealing: Power Relations in Pastoral Sexual Abuse," *The Christian Century*, February 20, 1991, p. 196+.

*Crossing the Boundary: Professional Sexual Abuse*. Akron, PA: Mennonite Central Committee, US Women's Concerns Office, 1992.

Doehring, Carrie. *Taking Care: Monitoring Power Dynamics and Relational Boundaries in Pastoral Care and Counseling*.

Erickson-Pearson, Rev. Jan. *Safe Connections: What Parishioners Can Do to Understand and Prevent Clergy Sexual Abuse (A Resource for Members of the Evangelical Lutheran Church in America)*. Minneapolis: Augsburg Fortress, 1996.

Fortune, Rev. Marie M. *Is Nothing Sacred? When Sex Invades the Pastoral Relationship*. San Francisco, CA: Harper & Row, 1989.

Fortune, Rev. Marie M. *Sexual Violence, The Unmentionable Sin: An Ethical and Pastoral Perspective*. New York: Pilgrim Press, 1983.

Fortune, Rev. Marie M. and Poling, James N. *Sexual Abuse by Clergy: A Crisis for the Church*, Journal of Pastoral Care Publications, Inc. Decatur, GA, 1994.

Friberg, Nils and Mark Laaser. *Before the Fall: Preventing Pastoral Sexual Abuse*. Collegeville, MN: The Liturgical Press, 1998.

Heggen, Carolyn Holderread. *Sexual Abuse in Christian Homes and Churches*. Scottsdale, PA: Herald Press, 1993.

Hopkins, Nancy Myer. *The Congregation is Also a Victim: Sexual Abuse and the Violation of Pastoral Trust*. Washington: The Alban Institute, 1992.

Hopkins, Nancy Myer. *The Congregational Response to Clergy Betrayals of Trust*. Collegeville: The Liturgical Press, 1998.

Hopkins, Nancy Myer and Mark Lasser, ed. *Restoring the Soul of the Church: Healing Congregations Wounded by Clergy Sexual Misconduct*. Collegeville: The Liturgical Press, 1995.

Horst, Elisabeth. *Recovering the Lost Self: Shame Healing for Victims of Clergy Sexual Abuse*. Collegeville: The Liturgical Press, 1998.

Labacqz, Karen and Barton, Ronald G. *Sex in the Parish*. Louisville, KY: Westminster-John Knox Press, 1991.

Laaser, Mark. *The Secret Sin: Healing the Wounds of Sexual Addiction*. Grand Rapids, MN: Zondervan, 1991.

Lerner, Rokelle. *Living in the Comfort Zone: The Gift of Boundaries in Relationships*.

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**2. Videos:** Unless otherwise noted, all are available through the Resource Center for Churches at 612-870-0861 or 1-888-293-9901, or [info@resourcesforthejourney.org](mailto:info@resourcesforthejourney.org)

Ask Before You Hug: Sexual Harassment in the Church.” UMCCom Productions, Nashville, TN. Available through each district office or through Resource Center for Churches.

“Bless Our Children: Preventing Sexual Abuse,” Center for the Prevention of Sexual and Domestic Violence, Seattle, WA. Also available directly from CPSDV at 206-634-1903 (voice) or 206-634-0115 (fax).

“Caring Shepherds,” United Methodist Church. Available in each local congregation or through Resource Center for Churches.

From Our Hearts: Survivors of Sexual Violence and Abuse Speak Out About Spirituality.” United Ministries in Higher Education (UMHE), Minneapolis, MN.

“Hear Their Cries: Religious Responses to Child Abuse,” Center for the Prevention of Sexual and Domestic Violence, Seattle, WA.

“Hurting Child,” Teleketics. (How parents can deal with child sexual abuse)

“Not in My Church”. Center for the Prevention of Sexual and Domestic Violence, Seattle, WA.

“Once You Cross the Line”. Center for the Prevention of Sexual and Domestic Violence, Seattle, WA. Not available at Resource Center for Churches.

“Reducing the Risk: Making Your Church Safe from Child Sexual Abuse,” Church Law and Tax Report. Kit includes cassette, video, manual, and guidebook. Available through each district office or through Resource Center for Churches.

“Sexual Ethics for Church Professionals,” Silver Spring, MD. Available from the General Conference of Seventh-Day Adventists, 410/997-3414.

“Sexual Abuse” (Beyond the News series), Mennonite Media Ministries.

“Understanding the Sexual Boundaries of the Pastoral Relationship.” Archdiocese of Saint Paul and Minneapolis.

#### **Materials Available From:**

Center for the Prevention of Sexual and Domestic Violence, 936 North 34<sup>th</sup> St., Suite 200, Seattle, WA 98103. Voice: 206-634-1903 or Fax: 206-634-0115. They can also be reached by email at [cpsdv@cpsdv.org](mailto:cpsdv@cpsdv.org) or on the World Wide Web at [www.cpsdv.org](http://www.cpsdv.org).

Center for Women and Religion, Graduate Theological Union, 2400 Ridge Road, Berkeley, CA 94709.

Church Law and Tax Report, Christian Ministry Resources, PO Box 1098, Matthews, NC 28106 (phone: 704-841-8066).

Church Mutual Insurance Company, 3000 Schuster Lane, Merrill, WI 54452.

Congregations Concerned for Children, St. Paul Area Council of Churches, 1671 Summit Ave., St. Paul, MN 55105 (612-646-8805).

Inter-Faith Family Violence Prevention Resource Center, St. Paul Area Council of Churches, 1671 Summit Ave., St. Paul, MN 55105 (612-646-8805).

Interfaith Sexual Trauma Institute, St. John’s Abbey and University, Collegeville, MN 56321-2000 (320-363-3931. To order books, call the Liturgical Press, 800-858-5450).

Michigan Coalition Against Domestic and Sexual Violence (MCADSV), 913 W. Holmes, Suite 211, Lansing, MI 48910 (517-887-9334).

Mennonite Central Committee Domestic Violence Task Force, PO Box 500, Akron, PA 17501-0500.

Minnesota Coalition Against Sexual Assault, 2344 Nicollet Ave. S., #170A, Minneapolis, MN 55404 (612-872-7734). Email: [sacol@mtn.org](mailto:sacol@mtn.org)

Minnesota Council of Churches, 122 West Franklin, Minneapolis, MN 55404 (612-870-3600).

Nonprofit Risk Management Center, 1001 Connecticut Ave. NW, Suite 900, Washington, DC 20036-5504 (202-785-2891 or 3891).

PACER Center, Inc., 4826 Chicago Ave. S., Minneapolis, MN 55417 (612-827-2966 or 800-537-2237), provides a program for child abuse prevention for schools and educational advocacy for

families of children and adults with disabilities. Email: [mnpacerc@educ.gte.net](mailto:mnpacerc@educ.gte.net) or Internet at [www.pacer.org](http://www.pacer.org)

Prevent Child Abuse Minnesota, a program of the Family Support Network, 1821 University Ave., Suite 324 South, St. Paul, MN 55104 (612-523-0099), or 1414 West Main Street, Albert Lea, MN 56007 (507-377-7665). Email: [fsn@familysupport.org](mailto:fsn@familysupport.org)

Resource Center for Churches, 122 West Franklin Ave., Room 2, Minneapolis, MN 55404 (612-870-0861 or 888-293-9901), email: [info@resourcesforthejourney.org](mailto:info@resourcesforthejourney.org)

**Support Ministry Response Persons Resources:**

A list of Support Ministry Response Persons will be maintained in the Annual Conference office and in each district office. Victims, complainants, or respondents may work with an advocate of their choosing, whether or not that person is connected with the official structure of the church or is identified as a Support Ministry Response Person.

- a. For information about individuals who have been selected or trained as process communicators, advocates, mediators, or healing team members, contact:
  - Minnesota Annual Conference of The United Methodist Church, 122 West Franklin Ave. #400, Minneapolis, MN 55404; 612-870-0058.
- b. For information about individuals who have trained only as victim advocates, contact:
  - Minnesota Coalition Against Sexual Assault, 2344 Nicollet Ave. S., #170A, Minneapolis, MN 55404; 612-872-7734 for phone numbers of one of its member programs.
  - Minnesota Council of Churches, 122 West Franklin, Minneapolis, MN 55404; 612-870-3600.
  - General Commission on the Status and Role of Women, 1200 Davis St., Evanston, IL 60201; 847-869-7330.
- c. For information about individuals who have prepared only as respondent advocates, contact:
  - Associates in Advocacy, c/o Jerry Eckert, 108 Timbers Drive, Slidell, LA 70458; 504-649-0877.
  - Peter Milloy, 401 North West Street, Janesville, MN 56048, 507-234-5350.

## CONGREGATIONAL RESPONSE TEAM

The Minnesota Annual Conference has established and trained a Congregational Response Team whose purposes include:

- Serving as a consultative body for the Cabinet in dealing with situations where a betrayal of trust has occurred through actions of one of the professional religious leaders. Those betrayals of trust are frequently through a misuse and/or violation of professional boundaries, which might include sexual misconduct, harassment, or betrayal of professional responsibilities (such as inappropriate breaking of confidentiality, mismanagement of money, engaging in an activity representing a significant conflict of interest, embezzlement, etc.).\*
- Helping a congregation (that has experienced betrayal of trust by its professional religious leader(s)) have initial conversation(s) to address their thoughts and feelings about what has happened and the Conference's response. This might include being present at the disclosure meeting (with the cabinet representative) for the sake of assisting with group dynamics and providing a "safety net" for emotionally reactive individuals. It would most likely include facilitating a one-day congregational meeting that is carefully structured to begin the conversations that will facilitate congregational healing and put in place the congregational lay leadership for ongoing care.
- Helping a congregation select and train leadership from the congregation both to help at the initial all-day meeting and to envision and plan for the ongoing processes of healing.
- Remaining available to both the cabinet and to the congregation for ongoing consultation.

The Congregational Response Team does not understand itself to be

- A therapeutic group that engages in a longer-term process of healing with congregations, particular victims, or perpetrators.
- Advocates for the complainants or accused.
- Supervisors for improving clergy functioning.
- Investigators
- Trainers of congregations or religious leaders around boundaries and professional conduct/misconduct.

The Congregational Response Team will enter a congregation and begin to work with them only upon request of the District Superintendent. Normally the initiation of a request will begin with the district superintendent, although a congregation may request the assistance of the congregational response team by contacting their district superintendent.

Having this team available is very important as can be seen from this quote from Nancy Meyer Hopkins:

“Misconduct of a sexual nature is still the most frequent form that trust betrayal and abuse of power takes, yet there are other events that can also traumatize congregations, such as the theft of property. It is often harder to get people to talk about money, the last taboo subject. . . . Even prolonged and severe emotional abuse on the part of leaders, clerical or lay, can create very troubled congregations that can profit from intervention and a healing process. In

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\* Priority will be for those congregations who have experienced a betrayal of trust through sexual misconduct or other misuses of professional power/role.

the past, any of the above situations were typically responded to with silence, and any unpleasantness was “swept under the rug.” The problem with this approach was that the hurt did not go away; it stayed undercover, only to metamorphose another day, in another guise. For this reason, truth-telling is now understood to be a prerequisite for healing. In such troubled settings that have “hidden history,” it is not unusual for a new pastor to arrive on the scene and immediately become aware that something is terribly wrong. It is uncanny the way these new pastors quickly feel the tension present in the system in very personal and direct ways.” (Nancy Meyer Hopkins. “Local Church Recovery,” in Living the Sacred Trust: Clergy Sexual Ethics. General Board of Higher Education and Ministry. Edited by Arthur Gafke and Lynn Scott, p. 102.)

Minnesota Conference Congregational Response Team Members

David A. Bard

Marilyn Evans

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Martha Postlethwaite

Mark Sundby

## Guidelines for Developing Church Job Descriptions

Every church regardless of size has job descriptions for a number of varied tasks that must be performed regularly or periodically. They may be written, or they may exist only in someone's mind. A staff member may not always be certain of the exact responsibilities assigned to a position. The church may never have arrived at clear-cut decisions regarding expectations for the position. The job may have grown with the person or position over a period of years with assignments added or assumed from time to time. A problem may develop when a former staff member leaves and a new person comes into the assignment. A written job description is an organized summary of the duties, tasks, responsibilities, and accountability involved in a staff position. The job description should be reviewed annually and, when a change in personnel occurs, re-tailored to fit the new situation.

### Section of Deacons and Diaconal Ministries

Division of Ordained Ministry General Board of Higher Education and Ministry The United Methodist Church P.O. Box 871, Nashville, TN 37202-0871  
 Phone 615-340-7375  
 FAX 615-340-7377  
 SDDM98—3M HE4056

### Value of Job Descriptions

#### Job descriptions serve:

- as a way to identify persons by position title,
- as a guide to the staff member,
- as a way of clarifying what the church expects of the staff person,
- as a guide for interviewing and placement, helping relieve the church of pressures to place an unqualified person,
- as a guide for studying salaries and benefits of comparable positions,
- as a tool for evaluation and promotion,
- as an aid in producing a smooth and balanced work flow,
- as a guide to eliminate work duplications,
- as an effective control of job content. Sometimes jobs change so slowly that no one is fully aware of the change.
- as a means to develop and support morale. The writing of job descriptions is an indication to staff members of interest in them and their work, supporting efficient organization and the concept of the staff as a team, and
- as an addendum to an employee's contract.

### Preparations for Developing Job Descriptions

1. The pastor-parish (staff-parish) relations committee (PP/SPRC) gives leadership to the project to assure acceptance by the staff members and give it successful implementation (*2012 Book of Discipline*, ¶258.2g(7), ¶258.2g(12), and ¶331.9e).

2. The PP/SPRC should hold conferences with the staff members to explain the purpose of the project. In a large church, it may be desirable to have several separate meetings; one for program staff persons, such as pastor, director of education, director of music, etc.; one for clerical staff persons; and one for maintenance staff persons. The purpose of the separate meetings is to give more freedom in asking questions concerning related areas of responsibility. Discuss fully the method to be used in securing the job information, and give opportunity for comments and questions.

3. The PP/SPRC may choose to name a job description committee composed of persons from the PP/SPRC, the church staff, and those having special skills in the areas to be described.

**The purpose of the job description committee is to:**

- determine the method of securing job information,
- collect the data,
- study and evaluate the findings,
- make recommendations, and
- write the job descriptions.

**Collecting Job Information**

**The job description committee will need to collect the following information:**

- specific facts about responsibilities for each position
- what the person does and/or is expected to do
- how the person carries out each responsibility
- why the person does this
- knowledge and skills involved
- resources and equipment used
- training and/or experience required.

These specific facts are secured from each staff person by a job questionnaire and personal interview:

- (1) request each individual to complete a job questionnaire;
- (2) interview the staff members individually concerning their duties and responsibilities;
- (3) talk about the church's expectations for this person and his/her work.

**Questionnaire**

The chairperson of a job description committee, or other responsible person, should provide a copy of the job questionnaire to each staff member with a full explanation of the various items on the form. At least a week should be given for persons to complete the form. Request each person to list his/her responsibilities in order of importance. It is important that the completed job questionnaires be carefully rechecked with staff persons before the final job descriptions are written.

**Interview**

The job description committee may assign one or more of its members to interview staff persons individually. The person interviewing should be familiar with the skills required for acceptable performance of the particular staff position. Review with the individual the

completed information on the job questionnaire. It provides a check to determine if the descriptions of tasks are correctly stated and if any task has been omitted. Analyze carefully each completed job questionnaire and personal interview. *Sample questionnaire and interview forms are included in this document.*

### **Writing Job Descriptions**

The main purpose of writing job descriptions is to distinguish one job from another. In this process, two objectives are accomplished:

1. All information is presented in a specific, accurate, and readable fashion.
2. Information is standardized on each position for purposes of comparison.

The following steps are suggested for writing job descriptions:

1. Summarize the responsibilities of each position. Data appearing on the job questionnaire need to be organized in a consistent form.
2. Summarize skills and other requirements necessary for each job. Establish minimum standards.
3. Use language that is direct and specific. Avoid generalized terms and complicated sentence structures. Use the present tense throughout the job description.

### **Maintaining Job Descriptions**

All job descriptions should be reviewed annually. When changes are approved, the descriptions need to be rewritten. Each staff person should receive a copy of his/her completed and approved job description. The job description, along with the supporting job questionnaire data, should be kept with individual staff and personnel records. When determined that a new position is necessary, a job description should be written before persons are interviewed for employment. The new staff position may require a change in one or more of the other existing job descriptions. The task of maintaining, reviewing, and revising job descriptions is an important responsibility of the pastor-parish (staff-parish) relations committee [2012 *Book of Discipline*, ¶258.2.g(5), 258.2f(7)].

### **Job Questionnaire (Sample)**

Position title \_\_\_\_\_

Prepared by \_\_\_\_\_ Date \_\_\_\_\_

1. Principal function. (Briefly summarize the main purpose of the position.)
2. Regular duties. (List the major duties required by the position.)
3. Occasional duties. (List the duties sometimes required by the position.)
4. Does the position require giving direct supervision of others?  
List the names of those supervised.
5. What decisions are normally made by you without additional approval?  
Nature of decision  
Frequency of occurrence

6. In your responsibilities, what contacts are made with people outside the church?

People contacted

Frequency of occurrence

7. What specialized knowledge and skills does this position require?

8. What kind of office equipment does this job require?

Note if used continuously, frequently, or occasionally.

9. What continuing education experiences are expected?

10. List professional groups in which you participate.

11. Give any additional comment that will aid in describing your work.

### **Job Description Form (Sample)**

Position title \_\_\_\_\_

Prepared by \_\_\_\_\_ Date \_\_\_\_\_

Reviewed by \_\_\_\_\_ Date \_\_\_\_\_

Principal focus. (Briefly summarize the major purpose of the position).

Regular duties. (List the major duties required by the position).

Occasional duties. (List the duties sometimes required by the position).

Skills and requirements.

ICOP 205202

John Wesley, the founder of the Methodist movement, lived by and taught three simple rules: Do no harm, do good, and stay in love with God. Those simple rules can be applied to many facets of life, including our use of social media. The Minnesota Conference's Extended Cabinet supports the use of social media and believes it can be a valuable tool for ministry. We affirm these guidelines to help use social media in a manner that positively represents the church, the Gospel, and Jesus Christ and that helps us fulfill our Gospel imperatives to grow in love of God and neighbor, reach new people, and heal a broken world.

## *3 Simple Rules for Social Media*

### **Social media guidelines for Minnesota United Methodists**

***No. 1: Do no harm*** One of the benefits of social media is that it provides the opportunity to share views, thoughts, joys, and concerns about all areas of life. Our social media contributions can be very effective tools for ministry if we apply caution before we post. We will be careful that our posts are not "doing harm" by insulting or damaging the reputation of others. We will make sure our posts are respectful and in good taste. And we will remember that everything we post—status updates, comments, tweets, blogs—becomes public immediately after we click "send" (even if we're using a limited-access setting). We can't take it back once it's out there, so we will use discernment with everything we post.

#### **TO THINK ABOUT**

- Is the post "doing harm" to the reputation of the church, Christ, or another person or organization?
- Can the post be interpreted as harmful, offensive, rude, or distasteful? If I'm posting photos, do I have the permission of the people pictured?
- If using the post as an outlet to vent, what's the most productive and least harmful way to seek resolution or reconciliation? Is there a less public, more respectful way to do so?

***No. 2: Do good*** Social media can serve as an effective method of church networking and communicating. It has the potential to have an encouraging influence on our congregations and communities and to serve as a powerful tool for delivering the Gospel message to a large audience that extends beyond our contact list. It's also a great way to share news about our church and ministry—and to invite others to join us in worship and service. Additionally, it can be a useful tool for obtaining feedback and ideas from our audience and can be used to gain insight for sermons, Bible study topics, worship times, and needs of the community. The "good" and positive uses of social media are endless.

#### **TO THINK ABOUT**

- Can the post be described as "good"?
- Will it help the kingdom and fellow believers? How will it be perceived by non-believers? How will the post be received by people with different cultural or faith backgrounds?
- Are we communicating effectively by asking questions in addition to providing information?

***No. 3: Stay in love with God*** Social media is a great way to find meaningful devotional materials, thought-provoking blogs, inspiring worship videos and media resources, and current articles and tools for our ministry. Users have reported that their social media usage helps keep them informed and enthusiastic about their ministry on a daily basis. While it can definitely help us "stay in love with God," it also can be very distracting. We will make sure our use of social media does not occupy so much of our time that we are no longer fully participating in meaningful devotion, worship, Bible study, and conversations with our fellow brothers and sisters in Christ. Social media can serve as a tool to

aid, promote, and conduct discussions, studies, and devotional times but should not be our primary source of interaction with the world.

**TO THINK ABOUT**

- How is social media helping me to stay in love with God? How is it hindering me?
- How am I helping others stay in love with God by my social media contributions?
- How am I engaging in meaningful interactions that don't involve social media? When is personal dialogue more beneficial?

**Our character and faith are reflected in each post we make, so if we are unsure about something, we won't post it.**