



DIOCESE OF NEW ULM
Parish Employee Handbook
Catholic Area Faith Community
of Jesus Our Living Water

Our Lady of the Lakes, Spicer
St. Clara, Clara City
St. Mary, Willmar

Contents

| | |
|--|----|
| MISSION STATEMENT OF DIOCESE | 7 |
| MISSION STATEMENT OF THE CATHOLIC AREA FAITH COMMUNITY OF JESUS OUR LIVING WATER | 7 |
| NATURE OF EMPLOYMENT | 7 |
| 1. Overall Employment Policy | 7 |
| 2. Applicability of Policies to Clergy and Religious..... | 7 |
| 3. Statement Of Management Rights and Responsibilities | 7 |
| 4. Employment-At-Will | 7 |
| 5. Immigration Law Compliance and Background Checks | 8 |
| 6. Employment of Relatives | 8 |
| 7. Outside Employment | 8 |
| HUMAN RIGHTS PRINCIPALS..... | 8 |
| 8. Equal Employment Opportunity Statement | 8 |
| 9. American with Disabilities Act | 9 |
| 10. Diversity Policy | 9 |
| CODE OF PROFESSIONAL RESPONSIBILITY | 9 |
| 11. Physical and Emotional Well-Being..... | 10 |
| 12. Spiritual Well-Being..... | 10 |
| 13. Professional Well-Being | 10 |
| 14. Moral Well-Being | 11 |
| THE SPIRITUAL LIFE OF THE PARISH COMMUNITY | 11 |
| 15. Sacramental Life..... | 11 |
| 16. Celebration of the Eucharist | 11 |
| 17. Social Concerns | 11 |
| PROFESSIONAL RELATIONSHIPS..... | 11 |
| 18. Collaboration and Administration..... | 11 |
| 19. Counseling Relationships | 12 |
| 20. Relationships with Youth | 12 |
| 21. Sexual Conduct..... | 13 |
| 22. Confidentiality in Professional Relationships..... | 13 |
| 23. Records and Information | 14 |
| 24. Conflicts of Interest..... | 14 |
| 25. Reporting Misconduct..... | 14 |
| 26. Other Areas..... | 14 |
| EMPLOYEE CONDUCT AND DISCIPLINARY ACTION | 14 |
| 27. Non-Discrimination and Non-Harassment Policy | 14 |

| | | |
|-------------------------------------|---|----|
| a. | Objective | 15 |
| b. | Prohibited Conduct Under This Policy | 15 |
| c. | Discrimination | 15 |
| d. | Definition of Harassment | 15 |
| e. | Sexual harassment | 16 |
| f. | Consensual Romantic or Sexual Relationships | 16 |
| g. | Complaint Procedure | 16 |
| h. | Retaliation | 17 |
| i. | Confidentiality | 17 |
| j. | Alternative legal remedies | 17 |
| 28. | Smoke Free Workplace | 17 |
| 29. | Drug Free & Alcohol-Free Workplace | 18 |
| a. | Prescription Medication | 18 |
| b. | Inspections | 18 |
| c. | Crimes Involving Drugs | 18 |
| 30. | Confidentiality of the Workplace | 18 |
| 31. | Church Discipline Policy | 18 |
| 32. | Open Door Policy | 19 |
| BENEFITS SUMMARY | | 19 |
| 33. | Eligibility | 19 |
| a. | Priests and Religious | 19 |
| b. | Lay Persons | 20 |
| EMPLOYMENT STATUS AND RECORDS | | 20 |
| 34. | Employment Classifications | 20 |
| 35. | Access to Personnel Records | 20 |
| 36. | Employee Personal Data Changes | 21 |
| 37. | Performance Evaluation | 21 |
| COMPENSATION | | 21 |
| 38. | Timekeeping | 21 |
| a. | Non-Exempt Employees | 21 |
| b. | Exempt Employees | 21 |
| 39. | Pay Period and Pay Day | 21 |
| 40. | Wage Disclosure Protection | 21 |
| 41. | Overtime Policy | 22 |
| TIME AWAY FROM WORK | | 22 |
| 42. | Holidays | 22 |

| | |
|--|----|
| 43. Personal Days..... | 22 |
| 44. Vacation Policy..... | 22 |
| 45. Earned Safe and Sick Time | 1 |
| 46. Retreat Time | 3 |
| 47. Bereavement/Funeral Leave..... | 3 |
| LEAVES OF ABSENCE | 3 |
| 48. Federal Military Leave (USERRA) | 3 |
| 49. Minnesota Military Family Leave..... | 4 |
| 50. Federal Family Medical Leave Act (FMLA) | 4 |
| 51. State of Minnesota Provided Leaves of Absence..... | 8 |
| a. Sick Leave | 8 |
| b. Parental Leave..... | 8 |
| c. Sick Child Leave / Leave for Care of Relatives..... | 8 |
| d. Safety Leave | 8 |
| e. Paid Bone Marrow Leave | 8 |
| f. Minnesota School Activities Leave..... | 8 |
| g. Jury Duty | 9 |
| h. Witness or Victim Leave..... | 9 |
| i. Election Judge | 9 |
| j. Voting Paid Time Off | 9 |
| COMPUTER AND DIGITAL MEDIA USE/COMMUNICATIONS..... | 9 |
| 52. Media And Public Relations | 9 |
| 53. Church Social Media Policy | 9 |
| 54. Church Technology | 10 |
| ATTENDANCE/ABSENCE/BREAK TIMES..... | 10 |
| 55. Notification of Absence..... | 10 |
| 56. Unexcused Absence/Job Abandonment..... | 10 |
| 57. Rest Times..... | 11 |
| a. Break Time | 11 |
| b. Mealtime..... | 11 |
| c. Nursing Mothers | 11 |
| d. Pregnancy Accommodations | 11 |
| EMERGENCY PROCEDURES AND CLOSINGS..... | 11 |
| LEAVING THE DIOCESE/END OF EMPLOYMENT..... | 12 |
| 58. Resignation or Retirement..... | 12 |
| 59. Layoff And Reduction in Staff | 12 |

| | |
|---|----|
| 60. Dismissal..... | 12 |
| 61. Continuation of Health Insurance After Termination..... | 12 |
| 62. Policy on References..... | 12 |
| 63. Final Pay..... | 12 |
| ACKNOWLEDGEMENT OF RECEIPT FOR EMPLOYEE HANDBOOK (EMPLOYEE COPY)..... | 14 |
| ACKNOWLEDGEMENT OF RECEIPT FOR EMPLOYEE HANDBOOK (EMPLOYER COPY)..... | 16 |

MISSION STATEMENT OF DIOCESE

We, the clergy, and laity of the Diocese of New Ulm, are called to be the loving face of Jesus Christ in our fifteen counties of south and west central Minnesota and beyond.

In other words, we are called to “be Christ” for others in the particular place and circumstances in which God calls us to live our lives. We become Christ for others by imitating him in his threefold office of priest, prophet, and king.

MISSION STATEMENT OF THE CATHOLIC AREA FAITH COMMUNITY OF JESUS OUR LIVING WATER

Through the living water of baptism, we are:
united and nourished by the sacraments,
called to live the gospel of Christ,
committed to serve the diverse people of God.

VISION STATEMENT OF THE CATHOLIC AREA FAITH COMMUNITY OF JESUS OUR LIVING WATER

Sharing the Life of Christ. Being the Love of Christ.

NATURE OF EMPLOYMENT

1. Overall Employment Policy

This handbook has been prepared to provide employees of **The Catholic Area Faith Community of Jesus Our Living Water (hereafter “JOLW”)** with information about the conditions, policies, and benefits affecting them as employees. The goals of the Personnel Policy Manual described below are to facilitate satisfactory working conditions and to inspire collaborative relationships.

2. Applicability of Policies to Clergy and Religious

These policies are for all personnel, laity as well as clergy and religious. However, it is understood that priests and religious may have special needs and concerns because of their obligations to their religious communities and the special demands of their ministry. For example, policies for insurance, retirement, etc., may call for special negotiations at the time the priest or religious begins ministry at **JOLW**.

3. Statement Of Management Rights and Responsibilities

Management reserves the right to manage the business of **JOLW** as directed by applicable authority. These policies are subject to any applicable federal, state, local, or canon law. Management reserves the right to change items within this personnel policy manual from time to time as needs or applicable laws change, except for the policy of Employment-at-Will. Any changes will be effective upon proper notification. Management refers to those with supervisory roles who are authorized to make decisions for the organization.

4. Employment-At-Will

Employment at **JOLW** is on an at-will basis unless otherwise stated. This means that either the employee or the parish may terminate the employment relationship at any time, for any reason, with or without notice. Nothing in this employee handbook creates or is intended to create an employment agreement, express or implied. Nothing contained in this, or any other document provided to the employee is intended to be, nor should it be, construed as a contract that employment or any benefit

will be continued for any period. In addition, no parish representative is authorized to modify this policy for any employee or to enter into any agreement, oral or written, that changes the at-will relationship.

Nothing in this statement is intended to interfere with, restrain, or prevent concerted activity as protected by the National Labor Relations Act (NLRA). Such activity includes employee communications regarding wages, hours, or other terms or conditions of employment. **JOLW** employees have the right to engage in or refrain from such activities.

5. Immigration Law Compliance and Background Checks

The Parish does not discriminate against individuals based on national origin and we are in full compliance with the Immigration Reform and Control Act of 1986 (IRCA), which states that companies may only employ individuals who are legally authorized to work in the United States.

In compliance with IRCA, the Parish requires all new hires and rehires to complete the Employment Eligibility Verification Form I-9 and provide documentation proving identity and employment eligibility. Federal law mandates that employees must provide identification proving eligibility to work no later than three (3) days after starting work. If you fail to provide your identification by this time, the Parish may either place you on unpaid leave or terminate your employment.

6. Employment of Relatives

Employment of relatives must be in accord with the rules established below. A relative for this purpose is defined as spouse, parent, child, sibling, in-law, or similar relationships.

Relatives must follow the established framework specified for the employee selection process and will be considered for any position in the same manner as any other applicant seeking employment.

Employees who are relatives are eligible for consideration for any work assignment except

- a) in the same line of supervision,
- b) in the same system of checks and balances (e.g., request check, approve check), and
- c) where the absence of family members in a department (except where prohibited by applicable laws) would impact the ability of the department to operate.

Relatives who serve on boards, commissions, councils, committees, or any such position would be expected to refrain from voting where review, decision, or action would place them in a compromising position.

7. Outside Employment

Employees who work other jobs on their own time must remember that if a second job causes problems, e.g., excessive absenteeism, tardiness, unacceptable job performance, or scheduling conflicts, the worker may be asked to choose between the two positions.

Outside employment will present a conflict of interest if it has actual or potential adverse impact on **JOLW**, in which case the employee will be required to give up their outside employment if they wish to remain employed by **JOLW**. Any intent to apply for outside employment must be communicated and discussed with the employee's supervisor before seeking the job.

HUMAN RIGHTS PRINCIPALS

8. Equal Employment Opportunity Statement

It is the policy of the Parish to provide equal employment opportunity to all qualified persons without regard to race, color, religion, creed, sex, marital status, disability, age, national origin, and status with regard to public assistance, hair texture and protective hairstyles (including braids, locs, and twists), and any other classifications protected by applicable law that do not violate teachings of the Catholic Church, as defined by the *Catechism of the Catholic Church*.

Employment practices are intended to ensure that all individuals are recruited, hired, assigned, advanced, compensated, and retained on the basis of their qualifications. Exceptions to this nondiscrimination policy may be necessary when based upon a bona fide occupational qualification or in compliance with the teachings of the Catholic Church.

9. American with Disabilities Act

The Americans with Disabilities Act (ADA) and the Americans with Disabilities Act Amendment Act, known as the ADAAMA, are federal laws that prohibit employers from discriminating against applicants and individuals with disabilities and that when needed provide reasonable accommodations to applicants and employees who are qualified for a job, with or without reasonable accommodations, so that they may perform the essential job duties of the position.

The Minnesota Human Rights Act (MHRA) also states that it is an unfair employment practice for any employer to discriminate against applicants and individuals with disabilities.

Furthermore, it is policy of **JOLW]** not to discriminate against qualified individuals with disabilities regarding application procedures, hiring, advancement, discharge, compensation, training, or other terms, conditions, and privileges of employment.

JOLW] is committed to providing equal employment opportunities to otherwise qualified individuals with disabilities, which may include providing reasonable accommodations where appropriate, so that they can perform the essential functions of a job, unless doing so creates an undue hardship to **JOLW]**. In general, it is your responsibility to notify the supervisor of the need for accommodation. Upon doing so, the supervisor may ask you for your input or the type of accommodation you believe may be necessary or the functional limitations caused by your disability. Also, when appropriate, we may need your permission to obtain additional information from your physician or other medical or rehabilitation professionals.

10. Diversity Policy

Since the Diocese values diversity, it is our policy and goal as an employer and organization that everyone be respectful of the heritage and culture of the various different groups represented at each work site. We also require this same respect for the uniqueness of each individual.

All of us must strive to reach beyond our own experience to understand and to interact effectively with a wide range of others who are uniquely different from ourselves. **JOLW]** practices and norms will include many styles and approaches in the pursuit of excellence. Thus, everyone will be able to contribute in his/her own unique way. This encompasses a wide range of significant differences including race, gender, socio-economic background, nationality, native language, disability status, religion and more.

We focus our ability to build a work environment where the inclusion of many kinds of people leads to excellence in ministry, service, and organizational climate. This appreciation of differences is built into our hiring, development, and reward systems.

We also emphasize self-knowledge (learning the patterns of one's own prejudices and people skills) as well as learning specifics about the cultural history and characteristics of many diverse groups and types of people.

As followers of Christ, committed to Catholic social teaching, we have a moral and social obligation by our example to treat everyone fairly and with respect. If we are to help create an inclusive workplace and Church, everyone who works for **JOLW]** must be personally committed to this policy.

CODE OF PROFESSIONAL RESPONSIBILITY

We, the **pastoral leaders, administrators, and employees** in the Diocese of New Ulm, issue the following Code of Professional Responsibility. As leaders and employees in the Church founded by

Christ, we must always seek to uphold Christian values and conduct. In addition to following the Gospel and its mandates, we want to always act properly *in response to* contemporary society and its needs.

This Code of Professional Responsibility is written for *pastoral leaders, administrators, and employees of and in* the Diocese of New Ulm who are serving and/or working in the Church in some capacity. *Many* of us serve the Church through the active ordained priesthood. We also count among us deacons and those in other leadership roles.

This Code of Professional Responsibility does not presume to address all the responsibilities that we have to face in diversity. What it does establish is a set of minimal professional standards. These standards will help to delineate boundaries within which behavior can be evaluated.

We hope that this Code will stimulate discussion within the Church community in order to build consensus on standards of practice. This Code is not intended to supersede canon or civil law, or to stand in opposition to any future Code proposed by the Diocese of New Ulm.

Responsibility for adherence to this Code of Professional Responsibility rests with each of us. The diocese will provide programs to assist in understanding and living these standards when such programs are deemed useful and necessary.

Our *public and private* conduct has the potential to inspire and motivate people or scandalize and weaken their faith. We must be aware of the responsibilities that accompany our *vocation*. We also know that God's goodness and graces support us in our ministry.

11. Physical and Emotional Well-Being

We have the duty to be attuned to our physical, mental, and emotional health.

- We shall be aware of warning signs in our behavior and moods that can indicate conditions that can be detrimental to our mental and physical health. Inappropriate use of alcohol or misuse of other drugs are examples.
- We cannot minister to others unless we also minister to ourselves. We shall immediately seek help when we identify warning signs in our professional or personal lives that our health is weak.
- We shall make use of allotted time for vacation and days away from the work
- We shall determine healthy limits in our work environment and live within these limits as much as possible.
- We shall be supportive of one another, both in terms of affirmation and holding one another accountable for our physical and emotional well-being.

12. Spiritual Well-Being

We have the duty to be attuned to our own spiritual health.

- We must maintain and nurture an ongoing prayer life, including a regular practice of prayer.
- We need to address our own spiritual needs to remain focused in the faith. Use of a spiritual director is highly recommended.
- Pastoral Leaders need to take advantage of allotted time for an annual retreat and days of reflection.

13. Professional Well-Being

We have a responsibility to attend to our ongoing professional development.

- We shall participate annually in seminars and workshops in areas that are relevant to our current ministry or work.
- We shall stay current through reading both religious and secular sources.
- We shall participate in a regular process of evaluation of our effectiveness in ministry. Diocesan instruments and procedures shall be used where these exist.

14. Moral Well-Being

We have a responsibility to encourage and nurture our own moral development.

- We need to be part of a community of values; one which affirms and challenges our vision and values.
- We shall seek opportunities to actively participate in peer support groups.

THE SPIRITUAL LIFE OF THE PARISH COMMUNITY

15. Sacramental Life

Pastoral Leaders are responsible for providing for and nurturing the sacramental life of the parish community.

16. Celebration of the Eucharist

Mass is typically celebrated weekly, depending upon Pastor's availability. All employees are welcome and encouraged to participate.

- We shall celebrate the sacraments with decorum with the people entrusted to our care. This includes fidelity to the official Rites of the Roman Catholic Church.
- We shall know, respect, and follow the policies and procedures of the diocese.

17. Social Concerns

We are responsible for sustaining the social awareness and involvement of the parish community.

- We shall speak and act from the perspective of a preferential option for the poor. This includes awareness of and active reflection upon Catholic social teachings.
- We shall nurture the spirit of ecumenism and inter-religious dialogue in our interactions with other community religious groups.
- We shall foster an awareness of and active involvement in Church issues and concerns that extend beyond parish boundaries.
- Service to the people of God and fulfilling the mission of the Church are based on and nourished by prayer and the liturgy of worship. Meetings begin with prayer and the movement of the liturgical year forms the rhythm of parish life.

PROFESSIONAL RELATIONSHIPS

18. Collaboration and Administration

We exercise just treatment of employees and volunteers in the day-to-day administrative operations of our ministries.

- Personnel and other administrative decisions we make shall not only meet civil and canon law obligations but shall reflect Catholic social teachings. This shall include providing a just wage and supporting the right of workers to organize.
- We shall strive to work in collaboration with other pastoral staff members, including other priests, deacons, pastoral associates, and religious and lay ministers.
- We who work in a parish setting shall strive to work in collaboration with parish lay organizations and groups and to form and develop such groups as necessary for the life of the parish, particularly the parish pastoral council.
- We shall strive to work in collaboration with the staff and people of other parishes and agencies and officials of the diocese.
- We shall make appropriate use of our positions so that we exercise our power and authority in reasonable ways.

- We who are **pastors, parochial administrators, or pastoral administrators** shall ensure that there is a clear accounting of all parish funds. We exercise responsible stewardship of all parish resources.

19. Counseling Relationships

Those of us who conduct counseling for families, individuals, or groups must respect their rights and advance the welfare of each person.

- We shall recognize **the limits of** our competence in counseling situations and shall refer to other professionals when appropriate.
- When conducting group counseling sessions, we must ensure that no individual is subject to trauma or abuse resulting from group interactions. We must state to group participants the confidentiality of all individual disclosures.
- We keep confidential the information learned from counseling sessions. In beginning what is clearly a counseling relationship, we shall inform the counselee that confidentiality is limited when there is clear and imminent danger to the client or to others. In such cases, we will contact the necessary authorities or other professionals.
- Sessions should not be audiotaped or videotaped.
- In cases where the counselee is already in a counseling relationship with another professional, we shall make it clear what role we can provide to the counselee. This shall be confined to spiritual assistance.
- We who move to another parish while conducting counseling with parishioners shall help make appropriate arrangements for continued care.
- We shall not begin a counseling relationship with someone with whom we have an established professional relationship (e.g., employee, professional colleague).
- We must never engage in sexual behavior, real or alluded to, with those whom we counsel. This includes consensual and non-consensual contact, forced physical contact, and inappropriate sexual comments.
- Physical contact with the counselee can be misconstrued and shall be avoided.
- We shall always be clear to both ourselves and the counselee that a counseling relationship is in process. This can best be done when the counseling, especially if extended, is conducted in an appropriate setting and at appropriate times. Counseling shall thus not be done in private living quarters or at places or times that would cause ambiguity in the mind of the counselee. It would be wise for us to keep a log of the times and places of counseling, especially if it involves more frequent meetings with the same person.
- We shall familiarize ourselves with appropriate referrals for various situations.

20. Relationships with Youth

We who are working with youth shall use appropriate judgment to ensure an open and trustworthy relationship.

- We must be aware of our own and others' vulnerability when working with youth and youth activities. A team approach is to be used.
- Physical contact with youth can often be misconstrued by both youth and other adults and shall only occur under appropriate public circumstances.
- We shall refrain from the use of alcohol and never use any illegal drug when working with youth.
- **Apart from emergencies**, providing overnight accommodation in rectories or personal residences for minors is not permitted.
- Overnight trips alone with a minor are prohibited if not a member of their immediate family.

- Inappropriate topics, vocabulary, recordings, films, games, computer software, or any other form of personal interaction, entertainment, or technology are not to be used with minors. Pornographic material is prohibited.
- Taking photos or making recordings or drawings of minors while they are unclothed, or dressing is not allowed.
- Prior to any planned discussion or session on human sexuality, communication is to be sent to the parent/guardian.

21. Sexual Conduct

We do not exploit the trust of the parish community for sexual gain or intimacy.

- We must not exploit another person for sexual purposes.
- We must know, understand and follow diocesan policies and procedures concerning allegations of sexual misconduct, especially in relation to minors. Any allegations of sexual misconduct will be taken seriously and reported to the New Ulm Diocesan Review Board for Sexual Misconduct. Diocesan procedures will be followed to ensure the rights of all involved.
- We who have made a commitment to a celibate lifestyle are called to witness this in all relationships.
- We are all called to chastity according to our lifestyle as a priest, religious, single, or married person.
- We shall use discretion in developing close relationships and avoid such relationships with minors. Such relationships can be misunderstood by both the participants and members of the Church community.
- We shall be knowledgeable of the State of Minnesota Child Abuse Regulations and know the proper reporting requirements.

22. Confidentiality in Professional Relationships

Information disclosed to us during counseling, advising, spiritual direction, and any other professional contact shall be held in strictest confidence.

- Parishioners and other persons who come to us for help shall feel free to engage in full disclosure of information and shall be able to trust that this information is confidential to the greatest degree possible.
- If consultation with another professional becomes necessary, utmost care shall be taken to do so only by using non-identifying information; when this is not possible, the other professional must be bound to the same degree of confidentiality as ourselves. If the other professional is not so bound, disclosure shall not be made.
- We are also bound to safeguard the confidentiality of any notes, files, or computer records pertaining to professional contact with individuals.
- Knowledge that arises from professional contact may be used in teaching, writing, and homilies or other public presentations only when effective measures have been taken to absolutely safeguard individual identity and confidentiality.
- Except as provided above with respect to consultation, confidential information can be disclosed only with the written, informed consent of the individual. In legal proceedings in which we are a defendant and the allegations stem from a professional contact, the disclosure of confidential information gained in that contact is permitted only to the minimum necessary to achieve the purpose of defense.
- When, during professional contact with a minor, it is discovered that there is a serious threat to the welfare of the minor, and further, that communication of confidential information to a parent or legal guardian is deemed essential, we shall first attempt to elicit the consent of the minor for such disclosure.

- If such consent is not given, we must exercise great care and judgment in deciding the extent of any disclosure to a parent or legal guardian.
- These obligations are independent of and supplementary to the confidentiality of the Sacrament of Reconciliation. Under no circumstances whatsoever can there be any disclosure, even indirect, of information received through the celebration of the Sacrament of Reconciliation.

23. Records and Information

Appropriate confidentiality shall be maintained in creating, storing, accessing, transferring, and disposing of parish or institutional records.

- Sacramental records shall be regarded as confidential. When, for valid church reporting or parish statistical purposes, information from these records is made public, great care must be taken to preserve the anonymity of individuals.
- Diocesan policies and procedures shall be followed in responding to requests for parish sacramental records. (See Diocesan Policies: Worship and Spiritual Life, Baptism 2; Worship and Spiritual Life, Confirmation 1; Social Concerns, Family Life 1, page 3 (Marriage).
- Parish financial records are confidential unless review is required by an appropriate governmental agency or office. Follow the records retention checklist dated August 1, 2002.
- The records of individual parish contributions should be regarded as private and used only as necessary. They shall never be used as a requirement for receiving services or involvement in Church ministries.

24. Conflicts of Interest

We should avoid putting ourselves in a position that might present a conflict of interest, since the existence or even the appearance of a conflict of interest can call into question our integrity and professional conduct.

- Disclosure of all relevant factors can lessen the potential for a conflict of interest.
- Conflicts of interest may also arise in a counseling context, where our independent judgment is impaired by prior dealings, where we become personally involved, or where we become an advocate for one person against another. In these circumstances, we shall advise the parties that we can no longer provide counseling and refer them to other counselors.
- After an allegation is made, no bishop or priest involved in an investigation may hear the sacramental confession of the accused.

25. Reporting Misconduct

We have a duty to report ethical or professional misconduct on the part of others.

- In cases where there are clear indications of illegal actions by a pastoral leader, notification shall be made immediately to the proper civil authorities.
- Our obligation to report misconduct is subject to the obligation of confidentiality. In extreme circumstances, even such confidentiality obligation must yield to the need to report misconduct. This does not include information received through the celebration of the Sacrament of Reconciliation.

26. Other Areas

We shall know and observe all items in universal and local Church directives that pertain to us.

EMPLOYEE CONDUCT AND DISCIPLINARY ACTION

27. Non-Discrimination and Non-Harassment Policy

a. Objective

JOLW strives to create and maintain a work environment in which people are treated with dignity, decency, and respect. The environment of JOLW should be characterized by mutual trust and the absence of intimidation, oppression, and exploitation. JOLW will not tolerate unlawful discrimination or harassment of any kind. Through enforcement of this policy and by the education of employees, JOLW will seek to prevent, correct, and discipline behavior that violates this policy. Based on the seriousness of the offense, disciplinary action may include verbal or written reprimand, suspension, termination of employment, or other remedial action calculated to end inappropriate behavior.

All employees, regardless of their positions, are covered by and are expected to comply with this policy and to respond appropriately to ensure that prohibited conduct does not occur. Managers and supervisors who knowingly allow or tolerate discrimination, harassment, or retaliation, including the failure to immediately report such misconduct to human resources (HR), are in violation of this policy and subject to discipline.

b. Prohibited Conduct Under This Policy

JOLW, in compliance with all applicable federal, state, and local anti-discrimination and harassment laws and regulations, enforces this policy in accordance with the following definitions and guidelines:

c. Discrimination

It is a violation of **JOLW's** policy to discriminate in the provision of employment opportunities, benefits or privileges; to create discriminatory work conditions; or to use discriminatory evaluative standards in employment if the basis of that discriminatory treatment is, in whole or in part, the person's race, color, religion, creed, sex, marital status, disability, age, national origin, hair texture and protective hairstyles (including braids, locs, and twists), status with regard to public assistance, and any other classifications protected by applicable law that do not violate teachings of the Catholic Church, as defined by the *Catechism of the Catholic Church*.

Discrimination of this kind may also be prohibited by a variety of federal, state, and local laws, including Title VII of the Civil Rights Act of 1964, the Age Discrimination Act of 1967, Americans with Disabilities Act of 1990, and the Minnesota Human Rights Act. This policy is intended to comply with the prohibitions stated in these anti-discrimination laws as those statutes are amended and interpreted by the courts.

d. Definition of Harassment

JOLW prohibits harassment of any kind, and it will take appropriate and immediate action in response to complaints or knowledge of violations of this policy. For purposes of this policy, harassment is any verbal or physical conduct designed to threaten, intimidate, or coerce an employee, co-worker, or any person working for or on behalf of the {Church/Parish}

Harassment in any form is prohibited in and on all **JOLW** property, vehicles, and equipment.

The following examples of harassment are intended to be guidelines and are not exclusive when determining whether there has been a violation of this policy:

Verbal harassment includes comments that are offensive or unwelcome regarding a person's race, color, religion, creed, sex, marital status, disability, age, national origin, and status regarding public assistance, and any other classifications protected by applicable law, including slurs and negative stereotyping.

Nonverbal harassment includes distribution (including via electronic or text communications), display, or discussion of any written or graphic material that ridicules, denigrates, insults, belittles, or shows hostility, aversion, or disrespect toward an individual or group because of race, color, religion, creed, sex, marital status, disability, age, national origin, and status with regard to public assistance, and any other classifications protected by applicable law or other Protected Status.

e. Sexual harassment

Sexual harassment is a form of unlawful employment discrimination under Title VII of the Civil Rights Act of 1964 and is prohibited under **JOLW**'s anti-harassment policy. Sexual harassment is defined as "unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when submission to or rejection of such conduct is used as the basis for employment decisions or such conduct has the purpose or effect of creating an intimidating, hostile, or offensive working environment."

Sexual harassment occurs when unsolicited and unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature:

- Is made explicitly or implicitly a term or condition of employment.
- Is used as a basis for an employment decision.
- Unreasonably interferes with an employee's work performance or creates an intimidating, hostile, or otherwise offensive environment.

Sexual harassment may take different forms. The following examples of sexual harassment are intended to be guidelines and are not exclusive when determining whether there has been a violation of this policy:

- Verbal sexual harassment includes innuendoes, suggestive comments, jokes of a sexual nature, sexual propositions, lewd remarks, and threats; requests for any type of sexual favor (this includes repeated, unwelcome requests for dates); and verbal abuse or "kidding" that is sexual in nature and unwelcome.
- Nonverbal sexual harassment includes the distribution, display, or discussion of any written or graphic material, including calendars, posters, and cartoons that are sexually suggestive or show hostility toward an individual or group because of sex; suggestive or insulting sounds; leering; staring; whistling; obscene gestures; content in letters, notes, facsimiles, e-mails, photos, text messages, tweets, and Internet postings; or other forms of communication that are sexual in nature and offensive.
- Physical sexual harassment includes unwelcome, unwanted physical contact, including touching, tickling, pinching, patting, brushing up against, hugging, cornering, kissing, fondling, and forced sexual intercourse or assault.

Courteous, mutually respectful, pleasant, noncoercive interactions between employees appropriate in the workplace and acceptable to and welcomed by both parties are not considered harassment.

f. Consensual Romantic or Sexual Relationships

JOLW prohibits romantic or sexual relationships between a manager or other supervisory employee and his or her staff (an employee who reports directly or indirectly to that person). Such relationships tend to create compromising conflicts of interest, the appearance of such conflicts, and such a relationship may give rise to the perception by others that there is favoritism or bias in employment decisions affecting the staff employee. If there is such a relationship, the parties must report it to the HR department or other appropriate corporate officer.

g. Complaint Procedure

Complaints should be submitted as soon as possible after an incident has occurred, preferably in writing. The HR department may assist the complainant in completing a written statement or, in the event an employee refuses to provide information in writing, the HR department will dictate the verbal complaint.

- 1) Upon receiving a complaint or being advised by a supervisor or manager that violation of this policy may be occurring, the HR department or **JOLW** president will review the complaint with **JOLW**'s legal counsel.

- 2) The HR department will initiate an investigation to determine whether there is a reasonable basis for believing that the alleged violation of this policy occurred.
- 3) If necessary, the complainant and the respondent will be separated during the investigation, either through internal transfer or administrative leave.
- 4) During the investigation, the HR department, together with legal counsel or other management employees, will interview the complainant, the respondent, and any witnesses to determine whether the alleged conduct occurred.
- 5) Upon conclusion of an investigation, the HR department or other person conducting the investigation will submit a written report of his or her findings to **JOLW**. If it is determined that a violation of this policy has occurred, the HR department will recommend appropriate disciplinary action. The appropriate action will depend on the following factors:
 - the severity, frequency, and pervasiveness of the conduct;
 - prior complaints made by the complainant;
 - prior complaints made against the respondent; and
 - the quality of the evidence (e.g., firsthand knowledge, credible corroboration).

If the investigation is inconclusive or if it is determined that there has been no violation of policy, but potentially problematic conduct may have occurred, the HR department may recommend appropriate preventive action.

- 6) Senior management will review the investigative report and any statements submitted by the complainant or respondent, discuss results of the investigation with the HR department and other management staff as appropriate, and decide what action, if any, will be taken.
- 7) Once a final decision is made by senior management, the HR department will meet with the complainant and the respondent separately and notify them of the findings of the investigation. If disciplinary action is taken, the respondent will be informed of the discipline and how it will be executed.

h. Retaliation

No hardship, loss, benefit, or penalty may be imposed on an employee in response to:

- Filing or responding to a bona fide complaint of discrimination or harassment.
- Appearing as a witness in the investigation of a complaint.
- Serving as an investigator of a complaint.

Lodging a bona fide complaint will not be used against the employee or adversely impact the individual's employment status. However, filing groundless or malicious complaints is an abuse of this policy and will be treated as a violation.

Any person who is found to have violated this aspect of the policy will be subject to discipline up to and including termination of employment.

i. Confidentiality

All complaints and investigations are treated confidentially to the extent possible, and information is disclosed strictly on a need-to-know basis. The identity of the complainant is usually revealed to the parties involved during the investigation, and the HR department will take adequate steps to ensure that the complainant is protected from retaliation during and after the investigation. All information pertaining to a complaint or investigation under this policy will be maintained in secure files within the HR department.

j. Alternative legal remedies

Nothing in this policy may prevent the complainant or the respondent from pursuing formal remedies or resolution through local, state, or federal agencies or the courts.

28. Smoke Free Workplace

Smoking, vaping, the use of chew tobacco or plant products intended for chew or inhalation, in any manner or form, are not permitted anywhere on JOLW property.

29. Drug Free & Alcohol-Free Workplace

It is the policy of **JOLW** that we will operate in a drug free environment. We are committed to the health, well-being, and safety of our employees and property, which means that all employees have a responsibility to report to and remain at work in a fit condition.

Employees are prohibited from using, possessing, selling, transferring, or being impaired by any drugs or alcohol including marijuana (includes cannabis flower, cannabis products, lower-potency hemp edibles, and hemp-derived consumer products, cannabis, or hemp-derived products), while working, while on parish property, or operating parish vehicles, machines, or equipment. Anyone violating this policy may be subject to disciplinary action, up to and including termination.

a. Prescription Medication

There is a limited exception for the use of prescription drugs (not including medical marijuana), as long as they do not create safety issues or impair an employee's ability to do their job. Employees taking medication should consult a medical professional to determine whether the drug may affect their personal safety or ability to perform their job and should advise their manager of any resulting job limitations. Once notified, **JOLW** will make reasonable efforts to accommodate the limitation.

b. Inspections

JOLW reserves the right to inspect all portions of its premises and vehicles for drugs or other contraband. All employees, contract employees and visitors may be asked to cooperate in inspections of their persons, work areas and property that might conceal a drug or other contraband. Employees who possess such contraband or refuse to cooperate in such inspections are subject to appropriate discipline up to and including discharge.

c. Crimes Involving Drugs

JOLW prohibits all employees from manufacturing, transferring, selling, possessing, or using an illegal drug in or on the premises or while conducting parish business. Employees are also prohibited from misusing legally prescribed or over the counter (OTC) drugs. Law enforcement personnel shall be notified, as appropriate, when criminal activity is suspected.

30. Confidentiality of the Workplace

Employees are not to disclose, without proper authorization, confidential matters which come to their attention because of employment with **JOLW**. This extends to, but is not limited to, such routine information as who visited **JOLW**, who they talked to and what they did. Disclosure to anyone of such information without proper authorization may be cause for disciplinary action up to or including immediate dismissal.

31. Church Discipline Policy

The Parish reserves the right to discipline up to or including termination of any employee who violates parish policies, practices, or rules of conduct. Poor performance and misconduct are also grounds for discipline or termination.

The following actions are unacceptable and considered grounds for disciplinary action. This list is not comprehensive; rather, it is meant merely as an example of the types of conduct that this parish does not tolerate. These actions include, but are not limited to:

- Engaging in acts of discrimination or harassment in the workplace
- Possessing, distributing, or being under the influence of illicit controlled substances
- Being under the influence of a controlled substance on church premises, or while engaged in Parish business-

- Consumption of alcohol (unless authorized) or drugs prior to work or at work, to affect the employee's performance.
- Public conduct (conduct that is publicly known) which is inconsistent with the faith, morals, teachings, and laws of the Catholic Church
- Other gross breaches of trust or abuse of the employer/employee relationship
- Damage, destruction, or theft of parish property, equipment, devices, or assets
- Insubordination or refusal to comply with directives.
- Failing to adequately perform job responsibilities.
- Excessive or unexcused absenteeism or tardiness.
- Disregard for safety and security procedures.

This list exhibits the types of actions or events that are subject to disciplinary action. It is not intended to indicate every act that could lead to disciplinary action. The Parish reserves the right to determine the severity and extent of any disciplinary action based on the circumstances of each case.

Disciplinary action may include a verbal warning, written warning, suspension, and/or discharge. The appropriate disciplinary action imposed will be determined by the Pastor. The parish does not guarantee that one form of action will necessarily precede another. The type of discipline may not be followed in a particular order or not applied at all.

Nothing in this policy is designed to modify our employment at-will policy.

32. Open Door Policy

JOLW is committed to the principle of an open and on-going communication between employees and their respective supervisors. **JOLW** believes that such communication is necessary to obtain our goal of providing an atmosphere of growth. Employees should feel free to discuss their concerns with the proper supervisor at any time.

Employees have a right to seek a timely resolution of work-related issues. For purposes of this policy, a work-related issue may be defined as an unresolved complaint or dispute, disagreement, misunderstanding, or expressed dissatisfaction on the part of the employee relating to the conditions of employment or to the meaning and application of a policy.

- Parties should seek resolution through the Diocese's Due Process policy, found on the DNU website, beginning at Article 1: Initiating the Conciliation Procedure. Please see the Policy Bulletin on Due Process (Personnel, General 1).

BENEFITS SUMMARY

33. Eligibility

All benefits for employees regularly scheduled to work between 20 and 40 hours per week are on a prorated basis of the full-time benefit based on the agreed regularly scheduled hours. Employees working less than 20 hours per week and temporary employees are not eligible for the following benefits. All Benefit plans are subject to change at the discretion of the Diocese, the offering of the benefits provider, and applicable laws.

Benefits include Medical, Dental, Disability, Life Insurance, and Retirement. Information about the plans is contained in the plan booklets available from the Diocesan Office of Finance.

a. Priests and Religious

Benefits for priests and religious are set by Diocesan policy. Please refer to the appropriate sections in the Diocesan Policy Manual.

b. Lay Persons

All monetary benefits and vacations will be accrued and paid at the employee's full time or part time rate. Retirement and FICA (Federal Insurance Contributions Act) contributions are based on actual hours worked.

EMPLOYMENT STATUS AND RECORDS

34. Employment Classifications

- **Full Time:** Employees appointed to a position regularly scheduled to work 40 hours or more per week.
- **Part-Time:** Employees appointed to positions regularly scheduled to work less than 40 hours per week.
- **Temporary:** Employees hired for specific jobs and on a short-term basis. Hours vary.
- **Remote:** Employees must be approved prior to working remotely by the bishop and leadership team. All employees that are working remotely must complete the Remote Work Agreement and are expected to adhere to all DNU policies and procedures just as if working at a DNU location.
- **Non-Exempt employees:** Nonexempt employees are paid on an hourly basis follow the provisions by the Fair Labor Standards Act (FLSA) regarding minimum wage, time records, wages based on time worked and are to be paid overtime for all hours worked beyond 40 hours in a workweek.
- **Exempt employees:** Exempt employees are typically paid on a salary basis and are not eligible to receive overtime pay. Employees in exempt positions have been classified as meeting all the requirements of a specific exempt classification. Exempt employees are compensated to satisfy all the responsibilities of their position and are expected to spend the time needed to accomplish responsibilities.

35. Access to Personnel Records

JOLW maintains various employment files while an individual remains an employee of **JOLW**. Such files may include employee personnel files, attendance files, I-9 files, and files for medical purposes. The information kept in your personnel file is confidential. That means that we will not let anyone see it (other than by court order or as otherwise compelled by law) unless we receive a signed request from you asking us to do so. This right applies even after you have ended your relationship with **JOLW**.

Following are your rights and responsibilities regarding your employee file:

- You have a right to see your personnel file yourself once every six (6) months while you remain employed with **JOLW**. After separation, you may view your records once each year if **JOLW** maintains them.
- If you wish to do so, you will need to submit a written request to **JOLW**. After sending that request, contact **JOLW** to confirm receipt of your request and set up your appointment during regular office hours. This appointment is to be set up no later than seven (7) workdays following receipt of the employee's written request (fourteen (14) days if the file is located outside of the employee's state of employment).
- You can examine the file during normal business hours in the presence of Owner. Other arrangements will be made for employees not close to the Vinna Human Resources main office in Willmar, MN.
- After your review of the employee file, you may request – again in writing – a copy of your employee file. This copy will be provided at no cost to you.
- If you dispute any form or record contained in your employment file, you may contest its inclusion. You and **JOLW** may discuss the disputed form(s) and reach a compromise. In such a case, the compromised document will replace the existing document in the file. If a

compromise cannot be reached, within five (5) working days after viewing the file you may prepare a written explanation / dispute up to five (5) pages in length. This written explanation and the disputed information will be included in your employee file if **JOLW** maintains the record.

- **JOLW** may deny the employee the right to review his or her personnel record if the employee's request to review is not made in good faith. The burden of proof that the request to review is not made in good faith is on **JOLW**.
- **JOLW** will not retaliate against any employee for asserting his or her rights to review his or her employee file, nor will **JOLW** retaliate against any employee for asserting his or her rights to place a written dispute in his or her employee file. If **JOLW** retaliates against an employee, he or she may bring a civil action for actual damages, back pay, reinstatement or otherwise make-whole, equitable relief, plus reasonable attorney fees.
- If **JOLW** violates the rights of any Minnesota employee under the Personnel Records Statute(s), the employee may bring a civil action to compel compliance with the statute and for actual damages, plus costs.

36. Employee Personal Data Changes

It is important that **JOLW** always have current information about its employees. The Pastor is to be notified if there is a change in an employee name, address, phone number, marital status, emergency contact information, etc. Original documentation authorizing the change of name and/or Social Security number will be required.

37. Performance Evaluation

Performance reviews will be scheduled at least once per year with the employee and their supervisor. Performance reviews are based on the job description and other requirements of the job. Reviews shall be discussed with the employee and become part of the personnel file. An employee's signature does not necessarily indicate agreement with the review, but only that she/he has received it. Each employee shall have a chance to respond in writing to her/his review, and this response shall become part of it.

Should any difference regarding the review not be resolved between the supervisor and employee, the employee should put the concerns in writing to their supervisor. If the matter can still not be resolved, the written statement will then be reviewed with the Pastor.

COMPENSATION

38. Timekeeping

a. Non-Exempt Employees

Non-Exempt Employees are compensated for their actual hours worked and therefore must accurately report their time consistent with this policy. Non-exempt employees will complete monthly timesheets and submit them to their supervisor for approval.

b. Exempt Employees

Exempt Employees are compensated by a salary for the job responsibility in its totality and therefore are not normally expected to report actual hours worked in a work week. Exempt employees will complete a monthly reporting record that is to be submitted to their supervisor each month.

39. Pay Period and Pay Day

Pay periods will end on the 20th of each month. Timesheets must be submitted to the Director of Administration by 12 noon on the 21st of each month. The employee will be paid on the 25th of each month, or the first working day preceding the 25th if that should fall on a weekend or holiday.

40. Wage Disclosure Protection

Minnesota state law protects your right to disclose your wage if you choose. You are not required to sign a waiver as a condition of employment that takes this right away. You will not be treated differently, and no adverse employment action will be taken against you if you discuss your wage or another employee's wage which has been disclosed voluntarily. In addition, no adverse employment action will be taken against you if you do not disclose your previous salary history. However, you are not permitted to disclose other employees' wage information, nor to share proprietary information or other legally protected information of **JOLW**. This right does not take away any of your rights under the National Labor Relations Act.

If **JOLW** should violate this law by either requiring nondisclosure or retaliating for disclosure, an employee may bring civil action against **JOLW**. If a court finds that **JOLW** violated the statute, it can "order reinstatement, back pay, restoration of lost service credit, if appropriate, and the expungement of any related adverse records of an employee who was the subject of the violation.

41. Overtime Policy

Only those employees who the law defines as non-exempt are eligible for additional compensation (overtime pay) after working more than 40 hours in the workweek. Exempt employees are not entitled to overtime pay. Non-exempt employees asked to work overtime by their supervisor will be compensated at a rate of 1.5 times their regular pay rate for all hours worked over forty in one week. Vacation days, personal days, and holidays are not included when figuring out hours for overtime pay.

TIME AWAY FROM WORK

42. Holidays

Employees of JOLW are to be at their work places every day on which JOLW offices are open. The JOLW offices are open from Monday to Thursday, 52 weeks per year with the exception of the listing of Holidays that follow. Full-time employees whose service is not essential for the holiday, and whose regular work schedule includes the observed holiday, shall receive holiday pay based on the number of hours they are scheduled to work on that day. Those who perform essential services may arrange for other time off to be determined by mutual agreement of employee and their supervisor.

2023-2024 AFC Holidays

| | |
|----------------------------------|------------------------------|
| Fourth of July EXTRA (7/3/2023) | Christmas EXTRA (12/27/2023) |
| Fourth of July (7/4/2023) | Christmas 2X (12/28/2023) |
| Labor Day (9/4/2023) | New Year's Day (1/1/2024) |
| Thanksgiving Day (11/23/2023) | Presidents' Day (2/19/2024) |
| Christmas Eve Day (12/25/2023) * | Easter Monday (4/1/2024) |
| Christmas Day (12/26/2023) | Memorial Day (5/27/2024) |

* Holiday falls on weekend; please note date it is being observed.

43. Personal Days

Employees needing time away from the workplace for personal matters may use up to three days per fiscal year. The allowance may not be accumulated beyond the fiscal year in which it is granted. Employees shall deduct this time in full-day increments. Unused and earned personal days may be paid in the same manner as unused vacation days at a voluntary termination in employment when proper notice has been given and misconduct is not present.

44. Vacation Policy

All regular employees scheduled to work 20 or more hours per week (excluding temporary employees) are eligible for paid vacation as a period of rest and relaxation. Employees are encouraged to take most of their vacation in full week increments.

Amount of Vacation:

Paid vacation is determined by length of service for both full-time and eligible part-time staff and is in proportion to (based on) the agreed weekly work schedule and the average daily hours scheduled. No paid vacation is given in the first six months of employment.

- Newly hired employees accrue vacation at the rate of 0.833 days (6.666 hours) per full month of service, up to a maximum of 10 days for a twelve-month period.
- Accrual rates are based on years of service as of July 1.
- After completion of four years of continuous service, employees begin accruing vacation at the rate of 1.25 days (10 hours) per full month of service, up to a maximum of 15 days for a twelve-month period.
- After the completion of nine years of continuous service, employees begin accruing vacation at the rate of 1.67 days (13.333 hours) per full month of service, up to a maximum of 20 days for a twelve-month period.
- Employees may request, in writing, to take unpaid days off. Employees are to use available paid vacation and personal days before requesting unpaid days off.
- As part of the initial agreement of employment with an individual, the Pastor may take into consideration the employee's previous experience, training, and professional positions, and may grant the new employee to be eligible at a higher beginning rate of vacation accrual and earnings, but never to exceed the total maximum allowance.
- If a holiday falls during an employee's scheduled vacation period, he/she will not be charged a day of vacation for that day.

Deferral of Vacation Time:

Vacation time earned in one fiscal year cannot be carried over to the following fiscal year past August 31, except in unusual circumstances and with the approval of the Pastor or the employee's supervisor. Vacation time earned in the prior fiscal year and unused by August 31 is forfeited if prior arrangements are not made.

Scheduling Vacations:

Vacation scheduling arrangements are to be made with the employee's supervisor's prior approval.

Vacation Pay in Lieu of Time Off:

Vacation pay will not be granted in lieu of taking actual time off.

Vacation Time Remaining at Voluntary Termination of Employment, with proper notice given:

Employees who have given notice of their intent to resign or retire may not use earned vacation during the notice period without special permission from the Pastor. Employees will be paid for unused earned vacation only under the following circumstances:

- If they have provided proper notice of resignation or termination in accordance with the resignation or retirement provisions of these policies, or
- If they have been involuntarily terminated for reasons other than misconduct—as that term is defined in these policies.

Employees leaving under the above-described terms with more than two years of employment with JOLW will also have the balance of accrued vacation converted to earned vacation at the time of termination and included with the pay at termination.

Illness During Vacation:

If an employee becomes ill or suffers an accident during a scheduled vacation, the vacation status will be changed to "Absence on account of illness or accident," starting with the calendar week following the illness or accident. Proof of illness or accident must be furnished.

45. Earned Safe and Sick Time

Paid time off prevents loss of income during short periods of absence for health reasons that require immediate attention during normal working hours.

The following items apply to ESST:

- Newly hired full-time, part-time, temporary, and seasonal employees will be granted paid sick and safe time on a pro rata basis at the rate of 10 days per fiscal year, determined by their start date relative to the fiscal year end.
- The number of paid sick and safe hours granted to an employee is twice the number of hours as the employee's regularly scheduled workweek (e.g., 40-hour workweek = 80 hours granted). For this policy's purposes, full-time exempt employees will be working a 40-hour workweek.
- Paid sick and safe time may be carried over from one fiscal year to the next to a maximum of 65 days (520 hours) for full-time employees and a pro-rated amount for eligible employees who work less.
- Paid Sick and Safe Time must be used in half-hour increments.
- Family and Medical Leave Act (FMLA) certification or equivalent will be required for absences of more than three (3) consecutive days, or for other absences that may qualify for FMLA leave; please see the FMLA policy elsewhere in this Handbook for more information.
- Certification or a physician's statement attesting to the employee's ability to perform the duties of his or her position may be required after 3 absences for an employee to return to work.
- If you or your family member did not receive services from a health care professional or if documentation cannot be obtained in a reasonable time or without added expense, then you may provide a written statement indicating you are using ESST for a qualifying purpose listed above. Unused ESST will not be paid out upon termination of employment
- When two or more types of time off are applicable (e.g., Parental Leave, FMLA Leave, ESST), the leaves or pay will run concurrently and may not be taken consecutively.
- Typically, accumulated ESST, vacation time, and personal time would be used prior to being granted time off without pay.
- Upon termination for any reason, unused ESST will not be paid to employees.
- Employees will not be retaliated against for requesting or obtaining a leave of absence in accordance with this policy, related policies or federal or Minnesota law.

Eligibility

After an employee has worked at least 80 hours, the employee may use sick and safe time for themselves or a family member who are:

- Suffering with a mental or physical illness, injury, or other health condition.
- Needs a medical diagnosis, care, or treatment of a mental or physical illness, injury, or other health condition; or
- Is needing preventative medical or health care.
- Is seeking medical, psychological, legal, or victim services related to or resulting from domestic abuse, sexual assault, or stalking.

Family, for the purpose of this policy, is defined as child, foster child, adult child, legal ward, child for whom the employee is legal guardian, or child to whom the employee stands or stood in loco parentis, spouse, sibling, stepsibling or foster sibling, biological, adoptive, or foster parent, stepparent, or a person who stood in loco parentis when the employee was a minor child, grandchild, foster grandchild, or step grandchild, grandparent or step grandparent, a child of a sibling of the employee, a sibling of the parents of the employee, a child-in-law or sibling in-law.

Additional family members may include:

Family members also include any of the family members listed above of an employee's spouse or any other individual related by blood or whose close association with the employee is the equivalent of a family relationship; and up to one individual annually designated by the employee.

Other uses:

- Closure of the employee's workplace due to weather or public emergency or closure of a family member's school or care facility due to weather or public emergency.
- When determined by a health authority or health care professional that the employee or a family member is at risk of infecting others with a communicable disease.

46. Retreat Time

JOLW employees are encouraged to take time for spiritual retreat purposes. Up to five consecutive workdays per year may be granted with pay for employees to participate in an established spiritual retreat program. Retreat time may not be deferred and is forfeited at the end of the fiscal year. Prior approval of days off and definition of an established retreat program is the Pastor's responsibility.

47. Bereavement/Funeral Leave

Time off from work with pay is allowed for regular full-time employees scheduled to work at least 20 hours per week to attend a family member's funeral.

Up to three (3) consecutive working days may be granted as paid leave to attend a funeral of an employee's child, spouse, parent, brother, sister, mother-in-law, father in-law, sister-in-law, brother-in-law, son-in-law, daughter-in-law, grandparent, grandchild, or spouse's grandparents.

The amount of paid funeral leave, not to exceed three (3) days, will be determined by the Pastor or the employee's supervisor in consultation with the employee and in consideration of the needs of **JOLW**

Additional leave may be granted, as requested, at the Pastor or the employee's supervisor's discretion. Such leave shall be unpaid, although an employee may use vacation or personal time leave.

LEAVES OF ABSENCE

48. Federal Military Leave (USERRA)

JOLW maintains full compliance with the Uniformed Services Employment and Reemployment Rights Act (USERRA). This means that we will not discriminate against any employees based on past, present, or impending military service. It also means that if you are required to take a leave for military service, under most circumstances, your position with **JOLW** will be protected.

When you are aware of an impending need for military leave, you are required to provide as much prior notice as is possible, unless doing so is impossible or impractical. During your leave, your benefit balances such as paid time off will NOT accrue, however you will retain all unused benefits available before your leave.

On your return, your paid time off benefits will again be made available to you at the same rate you would earn if you had not missed a single day of work. You will be eligible to continue your **JOLW** sponsored insurance benefits under the terms of COBRA (Consolidated Omnibus Budget Reconciliation Act).

Your employment will be protected for up to five (5) years under USERRA; the length of protected employment will depend on the type and length of the military leave that you take. You must give **JOLW** prompt notice of your intent to return upon completion of your service. Upon return to work, you will be returned to the same position, or an equivalent one, based on availability, and you will be given equivalent pay and benefits. To retain your re-employment rights, you must report your availability after your military service is complete to **JOLW** in a timely manner, following the timeframes outlined by the USERRA laws. However, if **JOLW** implemented layoffs during your absence, and your position would have been eliminated had you been at work, you may not be eligible for reinstatement. If this is the

case, JOLW will make every effort to notify you prior to the layoff. Reemployment is based solely on the rules of USSERRA.

49. Minnesota Military Family Leave

JOLW supports our military families and will not:

Discharge from employment or take adverse employment action against any employee because of the membership of that employee's spouse, parent, or child in the military forces of the United States, of this state, or any other state; or

Discharge from employment, take adverse employment action against, or otherwise hinder an employee from attending the following kinds of events relating to the military service of the employee's spouse, parent, or child and to which the employee is invited or otherwise called upon to attend by proper military authorities:

- 1) Departure or return ceremonies for deploying or returning military personnel or units
- 2) Family training or readiness events sponsored or conducted by the military
- 3) Events held as part of official military reintegration programs.

JOLW requests an employee provide reasonable notice to the employer when requesting time off, and the parish will provide a reasonable amount of nonpaid time off for the employee, for the purposes listed – 1 to 3, not to exceed two consecutive days or six days in a calendar year. The employee has the option to use PTO for these events. (MN statute 192.325)

Employees, who also are a grandparent, legal guardian, sibling, grandchild, fiancé, or fiancée, of an active service member (deployed for state active service, federally funded state active service or federal active service), are allowed one day off, unpaid, to attend a send-off or welcome home event, unless it would unduly disrupt business operations. The employee has the option to use PTO for these events. (MN statute 181.948)

Employees may take up to ten days of unpaid leave if an immediate family member is injured or killed in active military service. "Immediate family member" would be a parent, child, grandparent, sibling, or spouse. Employees must give as much notice as practicable of their intent to use this leave and may use Bereavement Leave and available PTO. (Mn statute 181.947)

50. Federal Family Medical Leave Act (FMLA)

This policy provides employees with a general description of their FMLA rights. In the event of any conflict between this policy and the applicable law, employees will be afforded all rights required by law. If you have any questions, concerns, or disputes with this policy, you must contact HR in writing.

Under this policy, parish/diocese will grant up to 12 weeks (or up to 26 weeks of military caregiver leave to care for a covered service member with a serious injury or illness) during a 12-month period to eligible employees. The leave may be paid, unpaid, or a combination of paid and unpaid leave, depending on the circumstances of the leave and as specified in this policy.

The three major benefits of FMLA leave are:

- Provides approved time away from work for eligible employees,
- Allows employees on designated leave to continue their health care benefits as if they were active employees at the same rate as other employees,
- Allows employees to return to their former or equivalent position, except if the employee would have otherwise lost the position, e.g., in a layoff or staff reduction.

Eligibility

To qualify to take family or medical leave under this policy, the employee must meet the following conditions:

- The employee must have worked for the Parish/diocese for 12 months or 52 weeks. The 12 months or 52 weeks must be consecutive. For eligibility purposes, an employee will be considered to have been employed for an entire week even if the employee was on the payroll for only part of a week or if the employee is on leave during the week.
- The employee must have worked at least 1,250 hours during the 12-month period immediately before the date when the leave is requested to commence. The principles established under the Fair Labor Standards Act (FLSA) determine the number of hours worked by an employee. The FLSA does not include time spent on paid or unpaid leave as hours worked. Consequently, these hours of leave should not be counted in determining the 1,250 hours eligibility test for an employee under FMLA.

Type of Leave Covered

To qualify as FMLA leave under this policy, the employee must be taking leave for one of the reasons listed below:

- The birth of a child and caring for them.
- The placement of a child for adoption or foster care and to care for a newly placed child.
- To care for a spouse, child, or parent with a serious health condition.
- The serious health condition (described below) of the employee.
 - An employee may take leave because of a serious health condition that makes the employee unable to perform the functions of the employee's position.
 - A serious health condition is defined as a condition that requires inpatient care at a hospital, hospice, or residential medical care facility, including any period of incapacity or any subsequent treatment in connection with such inpatient care or as a condition that requires continuing care by a licensed health care provider.

This policy covers illnesses of a serious and long-term nature, resulting in recurring or lengthy absences. A chronic or long-term health condition that would result in a period of three consecutive days of incapacity with the first visit to the health care provider within seven days of the onset of the incapacity and a second visit within 30 days of the incapacity would be considered a serious health condition. For chronic conditions requiring periodic health care visits for treatment, such visits must take place at least twice a year.

Employees with questions about what illnesses are covered under this FMLA policy or under the Parish's/Diocese's PTO policy are encouraged to consult with HR.

If an employee takes paid PTO for a condition that progresses into a serious health condition and the employee requests unpaid leave as provided under this policy, the Parish/Diocese may designate all or some portion of related leave taken as leave under this policy, to the extent that the earlier leave meets the necessary qualifications.

Military and FMLA

FMLA also applies to military members and their families.

- Qualifying exigencies leave for families of members of the National Guard or Reserves or of a regular component of the Armed Forces when the covered military member is on covered active duty or called to covered active duty.
- An employee whose spouse, son, daughter, or parent has been notified of an impending call or order to covered active military duty or who is already on covered active duty may take up to 12 weeks of leave for reasons related to or affected by the family member's call-up or service. The qualifying exigency must be one of the following: a) short-notice deployment, b) military events and activities, c) childcare and school activities, d) financial and legal arrangements, e) counseling, f) rest and recuperation, g) post-deployment activities, and h) additional activities

that arise out of active duty, provided that the employer and employee agree, including agreement on timing and duration of the leave.

- The leave may commence as soon as the individual receives the call-up notice. (Son or daughter for this type of FMLA leave is defined the same as for child for other types of FMLA leave except that the person does not have to be a minor). This type of leave would be counted toward the employee's 12-week maximum of FMLA leave in a 12-month period.

Covered Active Duty Means

- in the case of a member of a regular component of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country.
- in the case of a member of a reserve component of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country under a call or order to active duty under a provision of law referred to in Title 10 U.S.C. §101(a)(13)(B).

Military Caregiver Leave

- also known as Covered Service Member Leave, is left to care for an injured or ill service member or veteran. An employee whose son, daughter, parent, or next of kin is a covered service member may take up to 26 weeks of leave in a single 12-month period to care for that service member.

Next of kin is defined as

- the closest blood relative of the injured or recovering service member.

The term Covered Service Member means

- A member of the Armed Forces (including a member of the National Guard or Reserves) who is undergoing medical treatment, recuperation, or therapy or is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness.
- A veteran who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness and who was a member of the Armed Forces (including a member of the National Guard or Reserves) at any time during the period of five years preceding the date on which the veteran undergoes that medical treatment, recuperation, or therapy.

The term serious injury or illness means

- In the case of a member of the Armed Forces (including a member of the National Guard or Reserves), an injury or illness that was incurred by the member in line of duty on active duty in the Armed Forces (or that existed before the beginning of the member's active duty and was aggravated by service in line of duty on active duty in the Armed Forces) and that may render the member medically unfit to perform the duties of the member's office, grade, rank, or rating.
- In the case of a veteran who was a member of the Armed Forces (including a member of the National Guard or Reserves) at any time during a period when the person was a covered service member, a qualifying (as defined by the Secretary of Labor) injury or illness that was incurred by the member in line of duty on an active duty in the Armed Forces (or that existed before the beginning of the member's active duty and was aggravated by service in line of duty on active duty in the Armed Forces) and that manifested itself before or after the member became a veteran.

FMLA Amount of Leave

An eligible employee may take up to 12 weeks for the first five FMLA circumstances above (under heading "Type of Leave Covered") under this policy during any 12-month period. The Parish will measure the 12-month period as a rolling 12-month period measured backward from the date an employee uses any leave under this policy. Each time an employee takes leave, the Parish will compute the amount of leave the employee has taken under this policy in the last 12 months and subtract it from

the 12 weeks of available leave, and the balance remaining is the amount of time the employee is entitled to take at that time.

An eligible employee can take up to 26 weeks for the FMLA military caregiver leave circumstance above during a single 12-month period. For this military caregiver leave, the Parish will measure the 12-month period as a rolling 12-month period measured forward.

FMLA leave already taken for other FMLA circumstances will be deducted from 26 weeks available.

If both spouses work for the Parish/Diocese and each wish to take leave for the birth of a child, adoption, or placement of a child in foster care, or to care for a parent (but not a parent "in-law") with a serious health condition, the spouses may only take a combined total of 12 weeks of leave. If both spouses work for the Parish/Diocese and each wish to take leave to care for a covered injured or ill service member, they may only take 26 weeks of leave.

Employee Status After Leave

An employee who takes leave under this policy may be asked to provide a Fitness for Duty (FFD) clearance from the health care provider.

Use of Paid and Unpaid Leave

All paid PTO and personal leave run concurrently with FMLA leave.

Disability Leave for the birth of a child and for an employee's serious health condition, including workers' compensation leave (to the extent that it qualifies), will be designated as FMLA leave and will run concurrently with FMLA.

Intermittent Leave or a Reduced Work Schedule

The employee may take FMLA leave in 12 consecutive weeks, may use the leave intermittently (take a day periodically when needed over the year) or, under certain circumstances, may use the leave to reduce the workweek or workday, resulting in a reduced-hour schedule. In all cases, the leave may not exceed 12 workweeks (or 26 workweeks to care for an injured or ill service member over a 12-month period).

Certification for Serious Health Condition or Qualifying Exigency

The Parish/Diocese will require certification for the serious health condition of the employee or the employee's family member. The Parish/Diocese will also require certification for the serious injury or illness of the covered service member or the qualifying exigency for military family leave. The employee must respond to such a request within 15 days of the request or provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of continuation of leave.

Recertification

The Parish may request recertification for the serious health condition of the employee or the employee's family member when circumstances have changed significantly, or if the employer receives information casting doubt on the reason given for the absence, or if the employee seeks an extension of his or her leave. Otherwise, the Parish may request recertification for the serious health condition of the employee or the employee's family member every six months in connection with an FMLA absence.

Procedure for Requesting FMLA Leave

All employees requesting FMLA leave must provide the manager with verbal or written notice of the need for leave. Within five business days after the employee has provided this notice, the manager will provide the employee with the DOL (Department of Labor) Notice of Eligibility and Rights.

When the need for the leave is foreseeable, the employee must provide the employer with at least 30 days' notice. When an employee becomes aware of a need for FMLA leave less than 30 days in advance, the employee must provide notice of the need for the leave either the same day or the next

business day. When the need for FMLA leave is not foreseeable, the employee must comply with the Parish/Diocese's usual and customary notice and procedural requirements for requesting leave.

Designation of FMLA Leave

Within five business days after the employee has submitted the appropriate certification form, the manager will provide the employee with a written response to the employee's request for FMLA leave.

Intent to Return to Work from FMLA Leave

The Parish may require an employee on FMLA leave to report periodically on the employee's status and intent to return to work.

51. State of Minnesota Provided Leaves of Absence

JOLW offers leave consistent with the requirements of multiple Minnesota state statutes. Under state statute, an employee may be eligible for unpaid leave of absence under certain circumstances.

The following leaves fall under the State of Minnesota Leaves:

a. Sick Leave

Sick leave allows the employee to care for their own serious health condition. The employee may use their available sick and safe time (ESST) if eligible.

b. Parental Leave

An employee can take up to 12 weeks of unpaid leave, not to commence later than 12 months after the birth or adoption of a child. If the leave is longer than one month, a two-week advance notice of return from Parental Leave must be given to the parish. Parental Leave can also be used by a female employee in conjunction with prenatal care or because of incapacity due to pregnancy, childbirth, or related health issues. If the employee has sick or vacation leave available, it will run concurrently with this leave.

c. Sick Child Leave / Leave for Care of Relatives

An employee may use available sick time (ESST) to care for a family member in any 12-month period, for reasonable periods as is necessary, and shall be consistent with the parish policy on employee sick leave. Family would be spouse, son, daughter, sibling, parent, grandparent, mother-in-law, father-in-law, grandchild, stepparent, or step grandparent, who has a serious health condition. The employees will be returned to their former positions.

d. Safety Leave

Safety Leave is defined as leave for the purpose of receiving or providing assistance because of sexual assault, domestic abuse, or stalking, either for the employee or a relative – son, daughter, spouse, sibling, parent, grandparent, mother-in-law, father-in-law, grandchild, stepparent, or step grandparent – is also available.

An employee may use available sick and safe time (ESST). Employees who quit their jobs due to sexual assault, domestic abuse, or stalking are eligible for unemployment benefits.

e. Paid Bone Marrow Leave

Employees that work 20 or more hours per week can take a paid leave of not more than 40 hours to donate bone marrow. The combined length of the leave must be determined by the employee but cannot exceed 40 hours. The employee must provide verification from a physician showing the purpose and length of each instance of bone marrow leave requested by an employee. If there is a subsequent medical determination that the employee does not qualify as a bone marrow donor, the leave granted to the employee prior to that medical determination will not be forfeited.

f. Minnesota School Activities Leave

Employees who work at least one-half of a full-time position may receive up to 16 hours of unpaid leave during any 12-month calendar period to enable them, as a parent, to attend a child's special education,

pre-school, school conference, or school-related activities if those conferences or activities cannot be scheduled during non-work hours. You are required to notify your manager as soon as the dates become known. Vacation or Paid Personal Time may be used for this leave at your discretion.

g. Jury Duty

Employees will be excused from their regular duties to fulfill their civic responsibilities in serving as jurors. Time spent away from the workplace for this reason will be paid at the normal hourly rate, less compensation for services rendered in the line of jury duty. Your supervisor should be informed within two business days of your notice.

h. Witness or Victim Leave

JOLW may request proof of the need for leave. If an employee is a victim of a violent crime or is the spouse or immediate family member of a victim, the employee will be granted unpaid time off to attend criminal proceedings related to the victim's case. If an employee is a victim or witness of a crime and misses work to respond to a subpoena or request by the prosecutor, they will be granted leave without pay for such time as it is necessary to comply with the request. Employees must give at least 48 hours' notice if possible and provide verification that supports the employee's reason for being absent from work if asked to do so. All information related to this leave will be kept confidential by **JOLW**].

i. Election Judge

JOLW will also provide an individual with paid time off to serve as an election judge, provided the individual gives at least 20 days' advance written notice.

j. Voting Paid Time Off

Every employee who is eligible to vote in an election will be granted the time necessary to appear at the employee's polling place, cast a ballot, and return to work on the day of the election, without penalty or deductions from salary or wages because of the absence. Note: this paid time off does not apply to local elections.

An employee wishing to vote during their regularly scheduled work time should tell their supervisor in writing (or via email) at least a week before the election to help ensure adequate staffing. Nonexempt employees should note on their timecards the starting and ending times they used for "voting time." As with all paid time off, this time does not count towards overtime.

COMPUTER AND DIGITAL MEDIA USE/COMMUNICATIONS

52. Media And Public Relations

JOLW leaders recognize the importance of cooperation with the media. Community awareness of church programs, services, and needs can best be accomplished by a public information policy which makes accurate, timely, and complete information available.

The Pastor is designated to handle public relations matters on behalf of **JOLW**. This includes answering questions from the media, issuing press releases, and making contacts with media representatives. Phone calls from the media should be transferred to the Pastor unless another person has been designated for specific matters.

The Pastor is responsible for providing training for employees to effectively respond to the media.

53. Church Social Media Policy

This policy provides guidance for employee use of social media, which should be understood to include blogs, wikis, microblogs, message boards, chat rooms, electronic newsletters, online forms, social networking sites, and other sites and services that permit users to share information with others in a contemporaneous manner.

Employees must adhere to the Parish Code of Conduct and all personnel policies when using social media in reference to the parish. Everyone should be aware that the employer may observe content made available by employees through social media. Employees may not post to any on-line forums using any official parish email address or provide any parish telephone number or extension. Employees may not utilize any parish logos, drawings or images, or photographs of the parish without prior consent from the Pastor. Employees may not present themselves in any official capacity or as an official spokesperson on social media without prior consent from the Pastor.

54. Church Technology

The Parish gives its employees access and permission to use its telephone and computer resources exclusively for carrying out work-related duties. Employees must use these resources, including their own personal technology, at the appropriate time and in the appropriate fashion.

The Parish recognizes that use of the Internet has many benefits. The Internet and e-mail make communication more efficient and effective. Therefore, employees are encouraged to use the Internet, including social media and any future technology, appropriately. Unacceptable usage of the Internet can place the Parish and others at risk.

E-mail is not guaranteed to be private or confidential. All electronic communications are Parish property. Therefore, the Parish reserves the right to examine, monitor, and regulate e-mail messages, directories, and files. Also, the Internet is not secure so do not assume that others cannot read or alter your messages. Internal and external e-mail messages are considered business records and may be subject to discovery in the event of litigation. Be aware of this possibility when sending e-mail within and outside the Parish.

All parish-supplied technology, including computer systems and parish-related work records, belong to the parish and not the employee. The Parish routinely monitors usage patterns for its e-mail and Internet communications. Although encouraged to explore the resources available on the Internet, employees should use discretion in accessed sites.

Since all the parish systems and software, as well as the e-mail and Internet connection, are parish-owned, all parish policies are always in effect. Any employee who abuses the privilege of parish-facilitated access to e-mail or the Internet, may be denied access to the Internet and, if appropriate, be subject to disciplinary action up to and including termination of employment.

All school staff members are responsible for supervising and monitoring usage of the online computer network and access to the Internet in accordance with this policy and the Children's Internet Protection Act.

ATTENDANCE/ABSENCE/BREAK TIMES

All employees are expected to work according to pre-determined schedules. If an employee is going to be out of **JOLW** during regularly scheduled work hours, he/she needs to inform his/her supervisor and any other employees who might be adversely affected by the absence as soon as possible. This notice can be made personally, by phone, message, or by email. The receptionists should also be kept informed in case someone contacts the office and needs to reach the employee.

55. Notification of Absence

For a planned absence, the supervisor should be notified ahead of time as soon as the dates are known.

If the absence is for an unplanned reason and will be extended beyond one day, regular communication (a direct conversation) should be maintained with the supervisor during the absence so he/she can be aware of expected time that employee will be able to return to work.

56. Unexcused Absence/Job Abandonment

Employees that do not show up for work and who do not provide a reason through a direct conversation with their supervisor within 48 hours are assumed to have abandoned their position.

Unnecessary and unexcused absences are unacceptable and will result in appropriate progressive discipline from verbal warning up to and including termination.

57. Rest Times

a. Break Time

As designated by law, employees are allowed adequate time within each four consecutive hours of work to use the restroom. Such breaks are considered working time for which the employee is paid.

b. Mealtime

All full-time non-exempt employees will typically take a 30-minute unpaid lunch break. Should an employee choose to take a 1-hour lunch break, the appropriate supervisor must give approval.

c. Nursing Mothers

JOLW provides a supportive environment to enable nursing employees to express their milk during working hours. After a child's birth, nursing employees can express milk using their normal breaks and mealtimes. Additional paid breaks may be taken as needed. Employees should speak with their supervisor when planning breaks.

A clean, private, and secure room, not a restroom, with an electrical outlet and a locking door will be provided. Expressed milk can be stored in the employee breakroom refrigerator and/or in employee's personal coolers. JOLW explicitly prohibits retaliation against an employee exercising her rights under the statute.

d. Pregnancy Accommodations

JOLW will accommodate pregnancy-related health conditions if a woman requests them without a health care provider's recommendation. These accommodations include:

- Longer and more frequent restroom, food, and water breaks;
- Be able to sit and/or drink water.
- Limit on lifting over twenty pounds.

Other reasonable accommodation requests, upon the advice of a healthcare provider, may include unpaid temporary leave of absence, modification of work schedules or job assignments, leave for healthcare appointments, receive closer parking, being excused from strenuous activities and/or exposure to chemicals not safe in pregnancy, and longer break periods may be considered. The employee will engage with her supervisor in an interactive process with respect to the employee's request for reasonable accommodation.

Should an employee take a temporary leave of absence due to any of the above circumstances (nursing mothers, lactating employees, pregnancy) they are entitled to return to their same position or one of comparable duties.

EMERGENCY PROCEDURES AND CLOSINGS

Detailed information on emergency procedures including severe weather, safety, security, etc. are found in the Procedural Manual. To protect the safety of all employees, emergency closings and evacuation procedures should be conducted routinely.

Emergency conditions, such as severe weather, fire, flood, or earthquake, can disrupt operations and interfere with work schedules, as well as endanger employees' well-being. In the case of these conditions, employees should follow the procedure set by the director at their location.

LEAVING THE DIOCESE/END OF EMPLOYMENT

JOLW employees are employees “at will.” Thus, JOLW has the right to terminate any employee at any time and for any reason that does not violate local, state, and federal law, with or without notice. Similarly, employees may terminate their employment at any time, for any reason with or without notice.

58. Resignation or Retirement

Employees are requested to give their supervisor advance notice in writing of the intent to retire or terminate employment. While a longer notice is appreciated, the minimum time requested for a termination notice is four weeks for exempt employees and two weeks for non-exempt employees. Those retiring are requested to give a minimum of six weeks’ notice.

59. Layoff And Reduction in Staff

When considering layoffs or reduction in staff, the following criteria will be used in sequential order:

1. Identified needs of the organization
2. Qualifications of employees to meet those needs
3. Other relevant factors including but not limited to past performance
4. Seniority

60. Dismissal

The Parish reserves the right to discipline and/or terminate any employee who violates parish policies, practices, or rules of conduct. Poor performance and misconduct are also grounds for discipline up to or including termination. See Church Discipline Policy for details.

61. Continuation of Health Insurance After Termination

A booklet containing a detailed description of the Medical Plan is furnished to each employee who elects to participate in the program. Coverage ceases under the program on the last day of the month in which employment terminates or as provided for under the Personal Leave of Absence section of this manual. The booklet, however, also contains details of election to remain in the plan, although the individual must be responsible for paying the full cost.

62. Policy on References

All requests for references about former employees must be referred to the Pastor. A complete reference will be given only after the former employee furnishes a signed authorization. Having such an authorization in hand the Pastor or his designee will verify or confirm the accuracy of submitted information based on information in personnel files. If an authorization is not furnished, regardless of the employee's level of performance or circumstances of leaving, the church/parish can only verify dates of employment and the position held.

63. Final Pay

Employees who have given notice of their intent to resign or retire may not use earned vacation during the notice period without special permission from the Pastor.

Unused Vacation and Personal Time

Employees may be paid for unused earned vacation and personal days only under the following circumstances:

- If they have provided proper notice of resignation or termination in accordance with the resignation or retirement provisions of these policies, or
- If they have been involuntarily terminated for reasons other than misconduct—as that term is defined in these policies.

Unused Earned Sick and Safe Time (ESST)

- Upon termination for any reason, unused ESST will not be paid to employees.



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