

## Personnel Management

Policy Number: 07.04

Effective Date: 06/18/17

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1. **Title:** Miscellaneous Employee Policies

2. **Purpose:** This policy states personnel policies of FPCC that may or may not be further developed in other policies in Section 7 of the MOO. (Other applicable policies are cross-referenced.)

3. **Policy:**

3.1 Minimum Age for Employment. Employees must be at least 16 years of age, and the Administration Committee may require employees to be at least 18 years old where appropriate. Notwithstanding this provision, FPCC may hire baby-sitters under the age of 16 for a specific church event or worship service, provided they will be supervised at all times by an adult who is physically present and their employment does not violate applicable law. Such individuals in babysitting positions shall be considered temporary employees and are subject to payroll withholding and other laws pertaining to employees. (See also Child Protection policies in Section 10 of this MOO.)

3.2 Employment at FPCC is “at will,” which means that employees may resign their employment at any time and for any reason with or without notice, and FPCC reserves the same right regarding the discontinuation of an individual’s employment, unless it is prohibited from doing so by law. (See also OPS 07.22, Termination of Employment.)

3.2.1 Any exception to the “at will” policy must be approved in writing by the Session, except for ordained clergy incumbents in teaching elder positions or term employees, whose written employment terms have been approved by Session.

3.2.2 Nothing in this or any other FPCC personnel policy is intended to create or creates 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. The only exception to this policy would be a written employment contract approved by the Session and provided to such employee, in which case such contract may not promise continuation of any employer-provided employee benefit plan.

3.2.3 Any salary figures provided to an employee in annual or monthly terms are stated for the sake of convenience or to facilitate comparisons and are not intended to, and do not, create an employment contract for any specific period.

3.2.4 Nothing in this statement is intended to interfere with, restrain, or prevent concerted activity as protected by the National Labor Relations

Act. Such activity includes employee communications regarding wages, hours, or other terms or conditions of employment. FPCC employees have the right to engage in or refrain from such activities.

3.3 Equal Opportunity and Commitment to Diversity. See OPS 07.19 (Diversity, Nondiscrimination, and Equal Employment Opportunity) for details about the church's commitments to diversity and nondiscrimination.

3.4 Americans with Disabilities Act (ADA) and Reasonable Accommodation. See also OPS 07.16 Accommodations for Disability. To ensure equal employment opportunities to qualified individuals with a disability, FPCC will make reasonable accommodations for the known disability of an otherwise qualified individual, unless undue hardship to the operation of the church would result. Employees who may require a reasonable accommodation should contact the Head of Staff or the Chairperson of the Administration Committee.

3.5 Orientation Period (otherwise known as "probationary period").

3.5.1 The first three months of employment shall constitute an orientation period. Employment may be terminated immediately for any reason such as, but not limited to, excessive absences, tardiness, incompatibility, or unsatisfactory work performance. Neither pay in lieu of notice nor severance pay will be given to an employee whose employment is terminated during this period.

3.5.2 During the orientation period of employment, if eligible for these benefits, the employee is entitled to one paid sick day, paid holidays observed by the church (does not include floating holidays), coverage as provided by Workers Compensation and absence for jury duty or voting. If absent for any other reason, pay will be deducted for time absent unless otherwise prohibited by applicable law.

3.6 Work Week and Work Schedule.

3.6.1 The standard work week is designated as starting on Sunday and ending on Saturday unless otherwise designated. Only the Administration Committee may change the designated work week for a position.

3.6.2 The normal number of hours scheduled for full-time support and program staff employees is not less than 37.5 hours per week. Normal work days for office support workers are Monday through Thursday. The Head of Staff or the employee's supervisor establishes individual schedules and hours. (See also OPS 07.03 Employment Categories and Terms.)

- Part-time work schedules are normally for less than 37.5 hours a week, although from time to time a part-time employee may need to

work more than this number of hours in a work week. If the schedule is changed so that the person continuously works at least 37.5 hours per week for an extended period (i.e., 3 months or longer), the classification should be reviewed by the Administration Committee for possible change to full-time status.

3.6.3 *Work schedules* should not be confused with the *designated work week*. Work schedules and actual time worked may vary, but the designated work week is not variable except as approved by the Administration Committee.

### 3.7 Office Hours, Meal Periods, and Breaks.

3.7.1 Regularly scheduled church office hours are 9:00 a.m. to 4:30 p.m., Monday through Thursday, except as events at FPCC and other aspects of its program may require otherwise. Individual schedules will be determined by an employee's supervisor.

3.7.2 Meal periods and any needed break periods are scheduled at the discretion of the supervisor. The meal period may be 30, 45, or 60 minutes, based on the schedule set by the supervisor and the employee. Breaks may be taken in the morning and afternoon, based upon work schedules and workload, are limited to a total of no more than 30 minutes per day, and are paid.

3.8 Pay Day. Pay periods are semi-monthly (twice a month, or 24 pay periods in a year) *as defined for each calendar year and approved by the Administration Committee*. Pay days are the 15<sup>th</sup> and the end of the month in arrears for work performed during the most recent pay period. If a normal pay day falls on a holiday, or week-end, paychecks will be available on the last regular office work day prior to the holiday or weekend. The Administration Committee must approve changes to this pay day policy. Paychecks typically are directly deposited into employee checking and/or savings accounts. (See also OPS 07.09, Compensation and OPS 08.31 Direct Deposit Authorization.)

3.9 Overtime Pay. Employees who perform work that is classified as nonexempt from the overtime provisions of the Fair Labor Standards Act (FLSA) are paid regular wages for all time worked up to 40 hours per week, and overtime wages at the rate of one and one-half (1 ½) times the regular hourly rate for all time worked more than 40 hours in a work week. Nonexempt employees must record all time worked accurately and submit this information to the Church Administrator on a weekly basis. Employees who perform work that is classified as exempt from the overtime provisions of the FLSA are not paid overtime wages and are not required by law to track hours worked. However, a supervisor of an

exempt employee may require him/her to track hours worked. (See OPS 07.09, Compensation, for details and timekeeping expectations for both nonexempt employees and their supervisors.)

- The Head of Staff may require any employee to track time worked as well as time taken off for vacation, sick, or other purposes, and these times off shall be reported in the employee's time record. Such a requirement does not alter the FLSA exempt/nonexempt status.

3.10 Employee Records and Privacy. See also OPS 07.15 Records and Personnel Files.

3.10.1 A personnel folder will be maintained by the Church Administrator for each employee of the Church (except PDS) in a locked cabinet. Each such folder will contain the employment application, payroll change authorizations, employee evaluations, and other pertinent correspondence or memoranda relating to that employee. Any change of address, telephone number, number of dependents, or marital status, should be reported promptly to the Church Administrator. Separate confidential files, such as for medical or background checks, also will be maintained by the Church Administrator in a locked cabinet.

3.10.2 Employee records are confidential information and will be so handled, to the extent consistent with legal requirements and other provisions of these personnel policies. In the event of an inquiry by law enforcement authorities or any other governmental investigatory agency or official concerning the work of the Church, its activities, records, or personnel, or if an employee is sought to be questioned by any such authority, agency or official, the following shall apply:

- Inquiries shall be referred to the Senior Pastor;
- No information or documents of any kind will be released until the Senior Pastor has consulted with appropriate church officials, legal counsel and/or the Stated Clerk of the General Assembly in matters that would be affected by denominational policy;
- If there is any external inquiry regarding an employee's personnel records, he or she shall be informed of such inquiry unless such disclosure is contrary to applicable law.

3.10.3 Employee files are considered confidential. Managers and supervisors may only have access to personnel file information on a need-to-know basis. Except for the Head of Staff, Church Administrator, and authorized Administration Committee member(s) on a need-to-know basis, management access to personnel file contents will not include medical

information, or background checks, or investigations. Personnel file access by current employees and former employees upon request will generally be permitted within 3 days of the request unless otherwise required under state law. Personnel files are to be reviewed in the Church Office only. Employee files may not be taken outside the Church Office. Representatives of government or law enforcement agencies, who are fulfilling their legal duties, may be allowed access to file information upon providing proper authority and in accordance with 3.10.2 of this policy.

**3.6 Employment of Relatives (Nepotism).** No policy prohibits employment of relatives at FPCC. However, if such a situation creates or is anticipated to create an issue, it will be addressed by the Administration Committee, which will determine what action best suits the mission of FPCC.

3.6.1 If a relative of an FPCC employee is being considered for hire, it is expected that the employee or candidate make this fact known to the Head of Staff in advance. Preference in hiring (nepotism) is not granted to family members. Instead, FPCC seeks to hire the strongest candidate for the job, which may or may not be a relative of an employee.

3.6.2 No decision related to employment, whether it affects hiring, compensation, disciplining or terminating an applicant or an employee shall be made by, or participated in, by any relative by blood or marriage or a member of the same household of the applicant or employee. Unless otherwise approved by the Administration Committee, no employee shall be assigned to a position where a direct relative or member of the same household can influence the employee's pay, promotion, work assignments, discipline, or any other aspect of personnel management affecting that employee.

**3.7 Internal Transfers/Promotions.** Although FPCC is a relatively small organization, when an opportunity arises that interests an employee, he/ she should notify the Head of Staff of that interest. Consideration for such opportunities will be made based on an individual's qualifications and demonstrated performance relative to the job requirements without any discriminatory interference in such decisions. No minimum length of FPCC employment is required to be considered for another position. Although if things are otherwise comparable, an internal candidate usually will be given preference over an external candidate, at times to achieve the objectives of the church's mission, a qualified external candidate may be hired even though an internal candidate has expressed interest in an opportunity.

**3.8 Resignation of Employment.** FPCC, in its "at will" employment relationship with its employees, recognizes that an individual may decide to leave his/her job at the church for another opportunity elsewhere or for other reasons. If that

should happen, the employee should notify the Head of Staff verbally of the intent to depart, providing a desired last day of work. Although a written resignation is not required, it is preferred. Generally, notice of at least two weeks is appreciated but not required. The Head of Staff or Administration Committee, at their sole discretion, may determine that the resigning employee will not be required to work through his/her notice period. If work during the notice period is not required, the period of notice pay will not be reduced unless an unusually long notice period (such as but not limited to more than 4 weeks) was provided if that is not needed. In such cases, the Administration Committee in consultation with the Head of Staff will determine how to handle the situation.

3.8.1 In most cases, either the Head of Staff or someone from the Administration Committee will conduct an exit meeting on or before the last day of employment to collect all company property, and to discuss final pay. If applicable, information regarding benefits will be sent to the employee's home address of record.

3.8.2 Should it become necessary because of financial conditions to reduce the number of employees or work hours, this will be done at the discretion of the Session. (See OPS 07.22 Termination of Employment.)

3.9 Payroll Inactivity. Unless otherwise required by law or regulation, if an employee has been inactive on FPCC's payroll for a period greater than six consecutive months, his/her employment may be terminated. If he/she is otherwise in good standing and wishes to re-apply for employment at a future time, the request will be considered. Some pre-employment steps may need to be repeated at that time, depending upon the job and the organization's and legal requirements.

- Payroll inactivity periods will be reviewed by the Church Administrator at least annually, typically in January, to determine individuals who have exceeded this time limit and, in consultation with the Head of Staff, to take appropriate action (within applicable law) if employment termination has not already occurred, including notifying the employee of such action. However, if at any time the total active/inactive headcount for FPCC and PDS combined reaches 45, an immediate review and action plan must be developed.

3.10 Bridge of Service. If a terminated regular employee returns to FPCC as a regular employee within 5 years of the effective termination date, the service date for benefits purposes will be bridged so that (s)he will not lose credit for time previously spent in FPCC regular employment. Credit will not be given for the time the individual was not working at FPCC. This bridge of service policy,

however, is subject to the specific bridge of service provisions of each applicable benefits plan.

### 3.11 Employment References

Except when required by law, the Church will give no information regarding an employee to any other person or entity (including prospective employers), in writing or orally, unless the employee has given written permission to do so and has released FPCC from any liability in connection therewith. The Church will upon request, verify telephone inquiries for dates of employment and position(s) held, but no further information will be given without presentation of a satisfactory written release. Any request for such information must be referred to the Church Administrator or to the Senior Pastor.

## 4. Definitions:

- **At-will employment:** A common-law rule that an employment contract of indefinite duration can be terminated by either the employer or the employee at any time for any reason; also known as terminable at will.
- **Work week:** “Any fixed and regularly recurring period of 168 hours — seven consecutive 24-hour periods” (Fair Labor Standards Act of 1938).
- **Nonexempt:** Refers to work that is by law eligible for overtime pay because it *is* subject to (not exempted from) the overtime and recordkeeping rules of the Fair Labor Standards Act.
- **Exempt:** Refers to work that is *not* subject to the overtime and recordkeeping rules of the Fair Labor Standards Act.
- **Nepotism:** Generally considered the practice of showing favoritism toward one's family members or friends in economic or employment terms. For example, granting favors or jobs to friends and relatives, without regard to merit, is a form of nepotism.

## 5. References:

- The Book of Order, published annually and available from the Office of the General Assembly, Presbyterian Church (USA) , 100 Witherspoon Street, Louisville KY 40202-1396.
- Book of Order (2003) G-10.0102 n
- Personnel Policies for the General Assembly Council and Guidelines for Governing Bodies and Other General Assembly Entities, available from Human Resources Department, General Assembly Council, Presbyterian Church (USA), 100 Witherspoon Street, Louisville, KY 40202-1396
- Fair Labor Standards Act of 1938, as amended.

**6. Applicability:**

This OPS applies to all personnel at FPCC except Presbyterian Day School employees because PDS has its own personnel policies. However, PDS is required to comply with all applicable laws. It is the intent of these policies to conform, where necessary, to the requirements of applicable laws and regulation. If any part of these policies conflict with applicable law, that law shall prevail to that part.

**7. Procedures:**

7.1 Any concern regarding these policies should be brought to the attention of the Head of Staff or the Administration Committee for resolution. If an employee has a complaint that (s)he wishes to raise formally, the procedures of OPS 07.20, Informal & Formal Complaint Process, should be followed.

7.2 The Administration Committee Chairman in consultation with the Pastor and Church Administrator shall assure compliance with the policy.

7.3 The Administration Committee Chairman shall coordinate and discuss matters regarding these policies as required with the Pastor, other Church staff, and the Session.

7.4 The Administration Committee Chairman shall review this OPS at least triennially in consultation with the Senior Pastor and Church Administrator and recommend to the Committee and the Session any needed revisions.

**8. Review Schedule:**

The review date for determining if a revision is necessary is the triennium of the effective date unless for any reason a change is required sooner.

**9. Approval:** Session approved this OPS on the above effective date.