

July 1, 2003

To My Co-Workers of the Diocese:

I am pleased to present you with the Personnel Policies and Procedures manual for employees of the parochial and diocesan offices. It is a written statement of expectations and policies that will guide both the employee and management of our human resources.

In many ways the manual may appear no different from any other personnel manual. But it is fundamentally different. We have tried to root it in the Gospel because of our dignity as God's people and because of the sacred nature of Christ's mission in which we all participate. Our participation, however, is not without structure. Participation carries with it a personal responsibility to exercise good stewardship in diocesan operations as we consume the financial resources so generously provided by parishioners throughout Eastern Montana. The obligation of stewardship, therefore, necessitates the compilation of this policy manual. It is written confirmation of our efforts to insure the efficient expenditure of staff time and talents, which are all ultimately funded by contributions. Your acceptance and commitment to the stated policies will help us immeasurably on our shared journey of discipleship.

As with all human efforts, the manual may require revision again at some time in the future. I assure you that your concerns will always be given serious consideration. I pray that it will help us become the loving, cheerful family of God's people who rejoice not only in our holy work, but in the companionship of those who work with us.

With every best wish, I am

Sincerely yours in Christ,

Most Reverend Anthony M. Milone
Bishop of Great Falls-Billings

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DIOCESAN PERSONNEL POLICIES AND PROCEDURES

The Personnel Policy Manual of the Diocese of Great Falls-Billings

1. OVERALL EMPLOYMENT POLICY

This manual has been prepared to provide employees of the Diocese with information about the conditions, policies and benefits affecting them as employees. The goals of the personnel policies described below are to facilitate satisfying working conditions and to inspire collaborative relationships. It is understood that these policies are subject to change from time to time at the discretion of the organization and that these policies are not intended to be, and do not constitute, an employment contract.

This policy includes all persons employed in the parishes and missions of the Diocese, as well as Chancery staff (Curia). All references to the responsibility of Pastors apply equally in this handbook to Pastoral Administrators.

2. APPLICABILITY OF POLICIES TO PRIESTS AND RELIGIOUS

Staff who are diocesan clergy or members of religious congregations shall comply with the provisions of this manual where applicable, allowing for exceptions mandated by diocesan policy or contract. Items needing clarification should be directed to the Business Manager and, if not clarified satisfactorily, referred to the Moderator of the Curia.

3. EQUAL EMPLOYMENT OPPORTUNITY

The defense and promotion of human rights is inseparable from the Gospel mandate. The Diocese is, therefore, an Equal Opportunity Employer. It is the policy of the Diocese to promote equal opportunity in the areas of recruitment, employment, training, development, transfer and promotion. Employment in diocesan offices and subsequent development, transfer or promotion will be offered to those individuals whose training and experience most nearly qualify them for available positions without regard to race, color, creed, sex, age, disability or national origin, except where creed or ordination is a bona fide occupational qualification. The Diocese will not discriminate on the basis of disability, and reasonable accommodation will be made for those qualified individuals with disabilities unless hardship will result.

(See Appendix I of this manual for more information on the Equal Opportunity Employment policy.)

4. AFFIRMATIVE ACTION

It is the policy of the Diocese to take affirmative action to encourage qualified women and minority persons to apply for employment in situations where under-representation occurs. Such action will be taken in accordance with the Voluntary Affirmative Action Plan which is attached to this manual.

(See Appendix I of this manual for more information on the Affirmative Action policy.)

5. 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 with which we work. We also demand 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 truly different from ourselves. Our organizational 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, class, nationality, native language, psychological makeup, religion and more.

We focus on 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 make the commitment to comply with all state and federal guidelines relevant to equal employment opportunity.

We also emphasize self-knowledge (learning the patterns of one's own prejudice and interpersonal skills), as well as learning specifics about the cultural history and characteristics of many different groups and "types."

As followers of Christ, 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 work place and church, everyone who works for the Diocese must be personally committed to this policy.

6. HIRING POLICY

A consistent pattern in the selection of employees on the basis of merit, qualifications and competence will be followed. The following provisions are set forth to describe the prescribed procedures.

Provisions

- a. Hiring of personnel requires the preparation of a position description which is a formalized statement of the qualifications for, and duties and responsibilities of, the position based on information obtained through the analysis of the position. Its purpose is to identify the position, define it within certain established limits and describe its scope and content. Position descriptions or any written employment contract will be prepared for parish employees by the Pastor with the assistance of the Diocesan Business Office, and by the Moderator of the Curia with assistance from the Diocesan Business Office for Chancery employees.
- b. The hiring procedure includes recruitment, interviewing and reference checks of all applicants considered for the opening. Background checks on potential employees must be conducted. Contact the Diocesan Business Office for more information and to request a release form to be signed by the prospective employee to initiate the background check.
- c. If the position entails frequent physical exertion or strenuous functions, the candidate must submit a statement from a physician which attests to the candidate's capability to fulfill the duties of the job.
- d. The job classification and starting salary for each position will be determined before recruitment begins. The Business Office will be consulted regarding the current wage scale and/or salary. (See position description.)
- e. Supervisory evaluation of the performance of all new employees will be accomplished prior to the end of the introductory period.
- f. Special consideration is given to promotion from within for those employees who have demonstrated by their performance and training that they are interested in, and capable of, assuming additional responsibilities.
- g. Search Committee: A Search Committee may be established by the Pastor or, for Chancery positions, the supervisor who will recommend committee membership to the Bishop.
- h. In the Chancery, when an offer of employment is approved by the Bishop for exempt and non-exempt employees, the department head will notify the candidate in writing, indicating the starting salary, name of supervisor and starting date. In the parish, the Pastor is responsible for communicating these items when employment is offered.

7. EMPLOYMENT ELIGIBILITY VERIFICATION

The Immigration Reform and Control Act of 1986 imposes penalties on organizations which employ persons who do not have the legal right to work in this country as defined by the Immigration and Naturalization Service. It also requires employment verification, i.e., employers must verify, by existing documents each prospective employee's work eligibility and identity, and attest under penalty of perjury to such verification. There are fines for violating both the employment and the record keeping aspects of this law. This law essentially requires every employer to fill out an Employment Eligibility Verification Form (I-9) for each individual who is employed.

Certain documents establish both the work eligibility and identity requirements of the law. A United States passport, certificate of U.S. citizenship or a certificate of naturalization will establish both identity (with a photograph) and a legal right to work in this country.

Separate documentation can be used to establish work eligibility and identity. These include Social Security card or certificate of birth (for work eligibility) plus a driver's license or other state issued identification document which contains a photograph of the individual (for identity).

I-9 forms need to be kept for three (3) years or for one (1) year after the employee's termination, whichever is later.

8. MINIMUM AGE

Ordinarily, all applicants for regular employment are to have completed their 18th birthday. For some positions, persons who are under 18 and have a work permit may be considered for employment on a part-time basis within the limits of state and federal law and upon presentation of a work permit available from local authorities.

9. EMPLOYMENT OF RELATIVES

The employment of relatives of present employees is permissible. Direct supervision of a relative requires permission from the next higher level of supervision. In every case, employment selection will be based on merit, qualifications and competence required for a specific position.

A relative for this purpose is defined as husband, wife, father, mother, stepfather, stepmother, daughter, son, stepson, stepdaughter, brother, sister, stepbrother, stepsister, grandparent, grandchild, father-in-law, mother-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, niece, nephew, aunt, uncle, foster child or ward of court.

10. PROBATIONARY PERIOD

The Diocese has found over the years that, for its benefit and that of the new employee, there should be a period of time for adjustment, as well as for work experience, to establish the continuation of employment. The probationary period begins on the first day of employment.

There shall be a probationary period of three (3) to six (6) months for all staff. At the end of the probationary period there is a job review, but the probationary period could be continued for another six (6) months at the discretion of the supervisor. The period shall serve to evaluate the employee's performance and capacity for development and to determine whether or not employment shall be continued. The supervisor shall accept responsibility for proper orientation during this period, and the employee shall feel free to ask for assistance in this area. Continued employment shall be based on written evaluation. The employee shall be notified in writing of the results of evaluation and termination of probation. Either the supervisor or the employee may terminate employment without cause prior to expiration of the probationary period. A probationary employee is not eligible to use the Grievance Procedures to contest termination.

11. NEW EMPLOYEE ORIENTATION

The Chancery Office or the Parish will provide orientation for all new employees during the first two (2) weeks of employment.

Provisions

It will be the responsibility of the Pastor or department supervisor to implement numbers one (1) through twelve (12) below. The Business Office is available to assist Pastors and supervisors in any way to achieve effective orientation. The Pastor or immediate supervisor will provide the employee with information covering the following topics:

1. Norms of behavior
2. Department mission statement/goals and policies
3. Job description
4. Other areas specific to the position
5. History of the organization
6. Organizational structure
7. Mission statement of the Diocese and/or parish
8. Personnel policies of the Diocese
9. Salary administration
10. Employee benefits
11. Systems and procedures (e.g., confidentiality and performance management, accounting, grievance procedure)
12. Copy of applicable State Code on Child Abuse which is also attached hereto.

Prior to starting employment, each employee is required to sign:

1. Personnel data form, provided by the Business Office

2. W-4 Income Tax Withholding form,
3. I-9 form required by Immigration Reform and Control Act
4. Other forms required by state law
5. Statement of Receipt and Agreement of the Diocesan Sexual Ethics Policy
6. Diocesan Code of Conduct
7. Background Check Release Form
8. A receipt verifying reception of this manual.

Each new employee is required to read and sign the Diocesan Sexual Ethics Policy (see Appendix III). The Pastor or supervisor should forward the signed voucher to the Vicar General of the Diocese.

Once the orientation is completed, a checklist that covers the above subject areas will be dated and signed by the Pastor or supervisor and the new employee and forwarded to the parish office or the Chancery Business Office for filing in the employee's permanent personnel folder.

12. SPIRITUAL FOCUS OF WORKPLACE

Our work is diverse and occurs in many parishes across eastern Montana, yet, as staff members of the Diocese, we all share a common mission. Therefore, we benefit from periodically coming together as a staff for prayer. All are encouraged to attend and participate.

13. EMPLOYMENT STATUS CATEGORIES

Full-time: Employees appointed to a position regularly scheduled to work at least thirty-five (35) hours per week are considered eligible for full employee benefits.

Part-time: Employees appointed to positions regularly scheduled to work at least 20 hours per week are eligible for prorated insurance benefits, sick leave, vacation benefits, and holidays when they satisfy the eligibility requirements of each of these plans or programs.

Temporary: Employees who work less than twenty (20) hours per week and/or who work less than eight (8) months per year are not eligible for benefits except social security and workers' compensation.

Non-exempt employees perform duties of a technical, manual, secretarial or clerical nature and must be compensated on an hourly basis. Working supervisors who perform such duties for a majority of their workweek are also classified as non-exempt. Non-exempt employees are entitled to overtime compensation in accordance with the administrative rules of Montana as published by the Department of Industry.

Exempt employees are administrative or management employees and are compensated on a salary basis. It is understood that the nature of their jobs will sometimes call for more than a forty- (40-) hour week (e.g., some evening or weekend work). If they work a considerable amount of extra time, they may arrange with their supervisor to take some time to rest during the

same pay period in which the extra time worked occurred. If demands of the position are such that a rest period during the same pay period cannot be taken, then the rest period may be taken in the succeeding pay period. The rest and recovery period is not based on a one-to-one ratio to the extra time worked and may not be accumulated.

14. PERSONNEL RECORDS

A personnel folder for each employee is maintained at the Chancery or parish office. Except for application of federal and state laws or regulations, the only persons, other than the employee, authorized to view the records at the Chancery are the Bishop, the Moderator of the Curia, the Chancellor and the Business Manager, and the Pastor at the parish level. The immediate and/or prospective supervisor has access, with permission of the Bishop, the Moderator of the Curia or the Chancellor and the Pastor at the parish level. Anyone other than those listed above must have the written approval of the employee whose folder will be reviewed. The record shall contain applications, references and all other supplemental material that is relevant to the employee's career.

All employees shall have the right to review records placed in their personnel files in accordance with federal and state law. Any information or documents which may affect a person's employment must be placed in the official personnel file. Personnel records cannot be taken or removed from these offices without the expressed permission of the Bishop, the Moderator of the Curia, or the Chancellor, or, at the parish level, the Pastor. For an employee to review his/her record, 24-hour notice is required in writing to the Moderator of the Curia, the Chancellor or the Business Manager, or, at the parish level, the Pastor.

15. OUTSIDE EMPLOYMENT

An employee may hold a job with another organization as long as the employment does not present a conflict of interest and as long as he or she satisfactorily performs the job responsibilities with the Diocese and has obtained the permission of the Bishop, or, at the parish level, the Pastor. Employees should consider the impact that outside employment may have on their health and physical endurance. All employees will be judged by the same performance standards and will be subject to the employer's scheduling demands, regardless of any existing outside work requirements.

If the employer determines that an employee's outside work interferes with performance or the ability to meet the requirements of the Diocese as they are modified from time to time, the employee may be asked to terminate the outside employment if he or she wishes to remain with the Diocese.

Outside employment will present a conflict of interest if it has actual or potential adverse impact on the Diocese.

16. OUTSIDE CONDUCT

Employees who speak out on community or public issues have a responsibility to make clear whether opinions expressed in public are personal or represent the diocesan position on an issue. Any public communication which might be considered as representing the diocesan position must be approved in advance by the Moderator of the Curia. Employees are not to discuss internal confidential matters in any public forum.

17. CONFIDENTIALITY

By their nature, some aspects of work are confidential. These include but are not limited to:

- correspondence and contributions
- personnel and salary matters
- relationships with parishes, parishioners, businesses and benefactors.

Employees should not discuss these matters among themselves or outside the office without authorization from those responsible for this information. If employees have a question about the confidentiality of any information, the supervisor should be consulted. Abuse of confidentiality is cause for disciplinary action (see Section 37).

18. MEDIA AND PUBLIC RELATIONS

Because the Diocese recognizes the importance of an informed public opinion in the church and "the consequent necessity that its members—as well as others—have full and accurate information about what the church does and says..." (Pastoral Instruction on Social Communications), the Diocese commits itself to the following media relations policy:

- a. The Bishop has the responsibility to be the primary spokesperson on behalf of the Diocese.
- b. Unless directed otherwise by the Bishop, the Moderator of the Curia shall serve as spokesperson and/or coordinator for the Diocese or will coordinate with others who may be potential spokespersons relative to the issue. In the case where media inquiries are urgent, or in a crisis situation and the Bishop and the Moderator of the Curia are not immediately available, the Chancellor or the Business Manager shall serve as spokesperson on behalf of the Diocese.
- c. All matters for the Diocese that require news releases or public statements are to be reviewed and coordinated with the Bishop and appropriate supervisors. This would apply to issues initiated by others external to the Diocese, as well as those initiated internally by diocesan staff.

- d. Any news issues related to personnel will have one person as spokesperson. The Moderator of the Curia, in counsel with the Chancellor, will determine who the spokesperson will be for each situation.
- e. Supervisors are responsible for insuring that all new employees are oriented to this policy.
- f. Additional directions pertaining to the USCCB Charter and Norms are defined in a separate document.

The purpose of this policy is to foster good relations with the media by providing them with accurate information. Judgment must be exercised in implementing this policy so that the media sense our spirit of cooperation.

19. COMPLAINTS ABOUT CLERGY, RELIGIOUS AND LAITY

Complaints are to be referred to the Moderator of the Curia. The person(s) reviewing the complaint will summarize the information and refer the matter to the Bishop if the issue is directly related to priests, deacons or pastoral administrators. Ordinarily, they will accept complaints only if the complaints have already been taken to the person(s) involved without success and if there is no other intermediary available at the local level. They would also expect persons making the complaint to allow their names to be shared with the priest, deacon, religious or lay person.

20. SMOKING AND FRAGRANCE-FREE POLICY

Recent medical discoveries indicate that smoking adversely affects the medical well-being of all present in a closed environment. In an effort to promote the good health of all employees, as well as provide a clean and pleasant working environment, smoking in the office buildings is not allowed.

In some cases, a fragrance-free environment may be necessary depending on the needs of the employees.

21. SERIOUS DISEASES

The Diocese respects the right of any employee with a life-threatening illness to lead a normal life, which includes working, as long as his/her health permits. Employees are encouraged to work as long as they are able to perform their duties in a satisfactory manner and their illness presents no immediate threat to themselves, or other employees, or visitors.

Employees with life-threatening illnesses are entitled to the same employment benefits as are other employees. The medical records of all employees are confidential.

22. DRUG-FREE WORKPLACE POLICY

It is the policy of the Diocese 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 and remain at work in a fit condition. We do not permit the use, possession, or distribution of alcohol or illegal drugs anywhere on our premises (alcohol may be served at parish celebrations under certain circumstances). Our policy prohibits reporting for work or engaging in work under the influence of alcohol or illegal drugs.

Provisions

- a. Any employee with a potential or actual drug dependency, alcohol dependency, and/or illegal drug use will be encouraged to seek help including evaluation and treatment.
- b. The possession, use or transfer of illegal drugs is strictly prohibited at any time and is grounds for severe disciplinary action including discharge.
- c. No employee may report for work if under the influence of alcohol. Any such misuse will subject the employee to severe disciplinary action including discharge.

23. EMPLOYEE ASSISTANCE PROGRAM

Since it is recognized that many personal problems can be successfully treated or resolved if assistance is offered at an early stage and when referral is made to an appropriate form of assistance, an Employee Assistance Program is available for all employees and members of their immediate family through our medical insurance carrier, Blue Cross/Blue Shield of Montana, and for priests through Employee Benefits Management Services (EBMS). Its purpose is to provide a practical and constructive vehicle to deal with personal problems which may affect job performance or the quality of personal or family life. Contact the Business Office for more information. Assistance is provided on a confidential basis.

24. HARASSMENT PREVENTION POLICIES

The Diocese is committed to providing a professional work environment for our employees which is totally free from physical, psychological, or verbal harassment. This commitment continues our long-standing policy of fair and equal employment to every person, regardless of race, religion, color, sex, sexual orientation, national origin, age, marital status, veteran, and handicap status. The Diocese has an obligation to provide a work environment that is free from intimidation and harassment based on any of these factors.

Harassment can result from a single incident or from a pattern of behavior wherein the purpose or effect is to create a hostile, offensive, or intimidating work environment. Harassment encompasses a broad range of physical or verbal behavior which can include, but is not limited to, the following:

- Physical or mental abuse;
- Racial insults;
- Derogatory ethnic slurs;
- Unwelcome sexual advances or touching;
- Sexual comments or sexual jokes;
- Requests for sexual favors used as a condition of employment or affecting any personnel decisions such as hiring, promotion, or compensation.

Legally, employers and employees may be liable for acts of harassment whether committed by supervisors or fellow employees. The Diocese may be liable for acts of harassment committed by one employee against another, regardless of whether there exists a supervisory relationship. An employee can be held individually liable as a harasser and subject to the same penalties which may be imposed upon employers under Title VII of the Civil Rights Act.

The Diocese prohibits any form of harassment by employers, co-workers, and supervisors, and views such actions very seriously. Harassment and other unacceptable activities that could become a condition of employment or a basis for personnel decisions, or which create a hostile environment, are specifically prohibited. Any employee who engages in such harassment is subject to immediate discipline, up to and including discharge.

An employee subjected to harassing behavior bears the responsibility to report such behaviors immediately to his/her supervisor or the Moderator of the Curia.

Provisions of the diocesan Sexual Ethics Policy are applicable at all times.

25. CHILD ABUSE PREVENTION POLICY

A. Employment Related Policy on Child Abuse Prevention

All volunteers and each applicant for employment in a position which includes regular contact with children in ministry must supply the Diocese, or parish hiring agency, information adequate to assess his or her suitability for contact with children. The hiring agency at the Chancery level is the Moderator of the Curia, and at the parish level, the Pastor, along with others serving in an advisory capacity in each case.

Each applicant must supply the names of three (3) references, at least one (1) from the most recent employer and none from close friends or relatives. The hiring agents are to speak with all references provided by volunteers and applicants for employment and to examine and verify the employment history. If circumstances warrant, the hiring agent is encouraged to secure a police check of criminal records.

B. Contact with Children

Except when civil law explicitly permits otherwise, a child may receive scheduled, individual instruction or counseling from a cleric, employee, or regular volunteer only with the consent of the child's parent or guardian.

A child may participate in an organized program sponsored by the organization only with the written consent of the child's parent or guardian. Such consent should provide for emergency care of the child, as warranted by the program or activity.

At least two adults must be present for any activity for children sponsored by the institution, with the exception of the sacrament of penance and regular day school or religion classes conducted on the grounds of the institution. Whenever possible, one of the adults should be a parent of a participant. This policy must be adhered to strictly for any overnight activity. An exception may be made for a daytime activity if, for unanticipated reasons, only one adult can actually be present.

No child may be disciplined corporally or corrected with abusive language.

A cleric, employee, or regular volunteer must obtain the consent of a child's parent or guardian before inviting or allowing the child to visit in the adult's home. In the event that the adult has little or no advance notice of the visit and another adult is present, this consent is not required. No child may visit overnight in a rectory (or other residence of a priest) or stay overnight with a priest in any other place, unless in the company of his/her parent/guardian.

Pastors, principals, directors of religious education and other administrators are to insure that the policies of schools, religious education programs, athletic and scouting groups, and the like provide for the implementation of the first four policies listed above, including the definition of responsibility for enforcement.

C. Preventive Intervention

Any cleric, employee, or regular volunteer who observes another cleric, employee, or volunteer behaving in a manner which may pose a potential risk to a child is to report the matter in confidence to the proper superior or supervisor without delay. The proper superior or supervisor is to deal expeditiously with any situation of potential risk brought to his or her attention. If a serious potential risk is not resolved satisfactorily, the superior or supervisor may take appropriate action, with due regard for personnel policies and due process.

A parent, guardian, or any adult who observes a cleric, employee, or volunteer behaving in a manner which may pose a potential risk to a child is advised to call the matter to the attention of the Pastor or the Moderator of the Curia. Any adult should not hesitate to report concerns confidentially to the Pastor or Moderator of the Curia, when warranted.

D. Reporting Incidents of Child Abuse

The State Revised Code requires that certain individuals, acting in an official or professional capacity, report immediately any suspected or actual act of child abuse, perpetrated by any person, to the county children's services board or agency or a police officer; anyone else may report suspected or actual child abuse. All clerics, employees, or volunteers of the institution are to be familiar with the applicable State Code on child abuse. Agents of the Diocese who are obligated to report to the civil authorities will do so without delay (unless the information is learned through the sacrament of penance). (See Appendix II.)

Any cleric, employee, or regular volunteer (except priests when their knowledge is protected by the seal of confession), whether obligated by state law to report to the civil authorities or not, who witnesses an act of child abuse perpetrated by another cleric, employee, or volunteer who suspects that such an act has occurred or receives a report of such an act, must report the incident immediately to the Moderator of the Curia. If the Moderator of the Curia is not available, the report is to be made to the Business Manager.

If the reported incident has not already been reported to the civil authorities, the Moderator of the Curia, with the assistance of legal counsel, is to determine whether the incident requires reporting in accord with the law. If so, the Moderator of the Curia will promptly report the incident to the appropriate civil authority and offer the full cooperation of the Diocese. The person who made the initial report will be notified by the Moderator of the Curia as to whether the incident has been reported to the civil authorities. The reporter, of course, retains the right to report the incident to the appropriate civil authority personally, if this has not already been done.

Whether or not the incident requires reporting to the civil authorities, the incident is to be investigated quickly by the Moderator of the Curia or his delegate. This investigation is to be coordinated with any civil investigation and is to include, whenever possible, interviews with the alleged victim, the victim's parents, the person making the initial report, the accused person, and any other person who may have knowledge of the situation. (This investigation is not intended to uncover all other possible cases of abuse perpetrated by the accused person; that aspect of the investigation is left properly to the civil authorities.)

If the charges are substantiated (even if not proven conclusively), the next step below (E) is to be implemented immediately. If it is concluded that the charges of child abuse are unsubstantiated, the original copy of the investigation report is to be placed in a confidential file of the Chancery. All other copies are to be destroyed. The original copy is to be destroyed after 10 years. Should the Moderator of the Curia learn later that the civil authorities have substantiated the charge, or if new evidence is uncovered, then the case is to be re-opened.

A report of the investigation is to be written by the Moderator of the Curia and distributed to the Bishop and to those other persons the Moderator of the Curia determines should receive it.

E. Immediate Action Regarding Accused Person in Substantiated Case

The Moderator of the Curia will direct the accused person's supervisor to place the person on a leave of absence from any official duties, pending the final resolution of the matter. Regular salary and benefits are to be provided. (The accused person's status should be resolved as soon as possible, pending any criminal proceedings and the long-term response plan of the response team.)

In the case of a priest, in addition to his being placed on a leave of absence, a temporary residence at a distance from the current assignment and without contact with children is to be arranged. If a serious act of child abuse is alleged to have occurred during some prior assignment, the current residence may be maintained until the matter is further resolved. Any accused priest or deacon is to undergo a psychological assessment arranged by the Moderator of the Curia. All of these actions are to be approved by the Bishop and, in the case of a religious, his superior.

Unless the case is already well-known, the supervisor, when appropriate, will notify the local Church community only that the accused person has taken a leave of absence for personal reasons and for an undetermined time. Care is to be taken to avoid defamation of character of the accused person.

The accused person should seek his or her own legal counsel.

Future handling of the case will then be conducted in accordance with the Diocesan Sexual Ethics Policy (see Appendix III).

26. SUPERVISORY RESPONSIBILITIES

According to diocesan policy every employee, upon being hired at the Chancery level, will be assigned a supervisor either by the Bishop or by his delegate, and at the parish level, by the Pastor. Once appointed, the Pastor or supervisors of diocesan employees will familiarize themselves with aspects of diocesan personnel policy that directly or indirectly affect their supervisory role.

A. Staff Analysis

The Chancery Office and the parishes undertake an annual staff analysis to determine the adequacy of current staffing levels in departments, to consider possible staff reductions, and to anticipate hiring needs in the coming fiscal year. All Pastors and supervisors are involved in these analyses, which are scheduled for early September.

B. Recruitment and Retention

The Pastor, or supervisor for the position to be held by a prospective employee, is a member of the search committee to fill the vacancy. As such, the Pastor or supervisor is involved in formulation and updating of position descriptions and is a party to research/discussion as to qualifications, etc.

C. Orientation of Employees

The Pastor or supervisor plays a key role in the period of orientation provided for each new employee of the Diocese. In this role at the Chancery level, the supervisor advises the Bishop as to whether the probationary employee should be given regular employment status with all the implications of the status. At the parish level, the Pastor monitors the probationary process. (For further information on aspects of orientation, please consult the performance appraisal section of the handbook.)

D. Time Issues

The Pastor or supervisor is the employee's first option with regard to time accounting and provides authorization/permission for time off (sickness, bereavement, vacation, etc.) and for late arrivals, early departures and other time-related questions.

The Pastor or supervisor is responsible for knowing and applying diocesan policy as it pertains to these issues and, at the Chancery level, for meeting with other supervisors as necessary to facilitate greater unity of approach.

At the Chancery level, time-accounting forms will be submitted to the Business Manager monthly or semi-monthly by employees. In the event that there are irregularities in time accounting, these will be referred back, with any questions, to the supervisor. Questions will not be handled between the employee and the Business Office directly. Issuance of paychecks may be delayed until time forms have been fully and accurately completed. At the parish level, the Pastor is responsible for seeing to the accuracy of employee time records, for handling employee questions, and for issuing paychecks in a timely fashion.

E. Training and Education

The Pastor or supervisor may become aware of the need for an employee to upgrade his/her skills, or to take advantage of continuing education, to maintain the expertise necessary to perform his/her job. In such cases the Pastor or supervisor may recommend or require education

or training, having made prior arrangements with the Business Office for Chancery staff, or the Parish Finance Council, if the Diocese or parish is to assume part or all of the costs of tuition, books, fees, etc. Established continuing education policies may apply.

If training requires absence from the job, the Pastor or supervisor will ultimately determine whether all or any part of the time must be made up. Successful completion of training or education can benefit the individual, the Diocese or parish and those served by the Diocese or parish.

At the Chancery level, employees may also request training or education resulting in certificate, license or degree. All requests for such training/education will be submitted to the supervisor who observes diocesan guidelines in reviewing the request. Such guidelines help to ensure that among employees there is reasonable, equitable opportunity for access to the limited diocesan resources available for this purpose.

F. Performance Evaluation

The Pastor or supervisor is responsible for initiating the annual (or, if circumstances warrant, the more frequent) performance evaluation mandated for diocesan employees. Evaluations are based upon the individual's updated position description, the Bishop's or Pastor's formal offer of employment and provisions of the diocesan personnel manual.

G. Termination

The Pastor or supervisor is responsible for following diocesan personnel guidelines and the decisions by the Bishop or Pastor with regard to job termination. Given the seriousness of termination issues, Pastors and supervisors are required to inform themselves fully as to the pastoral and legal implications throughout the process, and must contact the Diocesan Business Office prior to any terminations.

H. Orderly Change

Pastors and supervisors will be aware that provisions of the personnel manual may not be altered to circumvent its provisions for a single employee. If change of a policy is required due to changing circumstances, the recommended change with substantiating rationale, should be submitted in writing to the Bishop. Deviations from approved policy are specifically prohibited until direction is provided from the Bishop or his delegate. All policy modifications will be based on broad experience and will be made only after consideration of long-range effects.

27. POSITION DESCRIPTIONS

Pastors and supervisors are responsible for writing position descriptions applicable to their departments. Position descriptions summarize each position's basic purpose, organizational reporting relationship, essential functions, duties and responsibilities, and purpose. It is

impossible for position descriptions to cover every task or responsibility assigned, and hence they do not limit the Pastor or supervisor's right to assign additional duties as needed.

Position descriptions are reviewed for accuracy whenever significant changes in job duties occur and when employee performance evaluations are conducted. Employees are encouraged to review and suggest changes to their position descriptions. At the Chancery level, department directors determine what duties are assigned each specific position; at the parish level, this is the responsibility of the Pastor. The organization reserves the right to transfer duties from one position to another, as well as to transfer employees to other positions, to preserve the effectiveness of the organization.

28. WORK SCHEDULES

The Chancery and parish offices operate on a forty- (40)-hour work week; office hours may vary somewhat from place to place at the discretion of the Pastor or supervisor. A flexible schedule may be set at the discretion of the supervisor in consultation with the Moderator of the Curia at the Chancery, or by the Pastor at the parish level. Personal appointments or medical appointments should not interrupt regularly scheduled work hours. When an appointment must be scheduled during work hours, the employee should consult with the supervisor for approval of the time arrangements and charge the time for the appointment to vacation time or sick leave as appropriate. All staff members shall observe the lunch hour as scheduled. However, the provisions of the policy on the lunch period (see Section 30) may affect the lunch period for some employees. The Diocese respects the right of each employee to a fifteen- (15-) minute rest period mid-morning and mid-afternoon.

29. BREAKS

Break periods will be provided to the extent necessary, taking into consideration such factors as workloads, fatigue, deadlines, and impact on co-workers. Often breaks will be handled in an informal manner. If appropriate, full-time employees may take one fifteen- (15-) minute break in the morning and one fifteen- (15-) minute break in the afternoon. It is not the intent of this policy to combine break and/or lunch periods in order to arrive late or leave early. Nor is it the intent of this policy that an employee would take both formal and informal breaks. Break times may not be waived to shorten the workday or taken as an opportunity to conduct personal business away from the office.

30. LUNCH PERIOD

All employees have a right and a need for a lunch break away from their work area each working day. The normal lunch period is one (1) hour but those currently taking a thirty- (30-) minute lunch break may continue to do so. It is to be taken daily as scheduled. The lunch break is unpaid and is to be in addition to the regular work schedule of eight (8) hours per day.

Since availability to Pastors, pastoral administrators and parishioners is essential throughout the day at the Chancery, including the lunch hour, the Business Manager will post a recurring weekly schedule of secretarial and clerical assignments to answer the phones. Assignees are encouraged to find a replacement if a scheduling conflict arises. Each Chancery staff person serving in a secretarial or clerical position must participate in the schedule to insure equal opportunity to all to leave the Pastoral Center during the lunch hour.

31. MODIFICATION OF WORK SCHEDULE

Employees are expected to work the schedule arranged for them at the beginning of their employment. If a change in schedule is desired, employees should request the change with their Pastor or supervisors. It may not always be possible for their Pastor or supervisors to honor the requests of their employees due to the nature of the work assignment and/or the need for coverage during office hours. In the matter of scheduling, however, it is the organization's intention to give consideration to the individual needs and desires of staff employees

32. ATTENDANCE AND NOTIFICATION OF ABSENCE

Successful operation of the Diocese and all its parishes depends largely upon the attendance of each of its employees. Each employee has an important ministry, which fits into a pattern of service. Unnecessary and unexcused absences, therefore, are undesirable because they affect not only diocesan and parochial operations, but also the way in which other employees are able to do their jobs. It is important, too, to have a uniform attendance policy to avoid misunderstandings.

Provisions

- a. The Diocese requires and expects all employees to work according to pre-determined schedules. It is equally important for employees to arrive and leave their job at the proper time.
- b. Employees are expected to work at their established assigned work place. Availability to the people served is a criterion.
- c. The following definitions are provided in order to have a clear understanding of tardiness and absences:
 1. Tardiness is defined as arriving significantly late at the job without an acceptable reason.
 2. Absence is the failure to be on the job at any time during pre-determined hours of work.
 3. Excused absence is defined as an authorized absence from work.

4. Unexcused absence is defined as an unauthorized absence from work.

Employees are expected to maintain good attendance records. When absent from work on a scheduled workday, employees must notify the Pastor or immediate supervisor of the reason for their absence. Further, they should be notified at the beginning of the workday so as to allow adjustments in staffing if necessary. If the Pastor or immediate supervisor is not available, the employee receiving the call should prepare a written message for the Pastor or supervisor, complete with a return phone number. If the absence is to continue beyond the first day, the employee must notify the Pastor or supervisor on a daily basis unless otherwise arranged. Absence for three consecutive days without notifying the Pastor or supervisor is considered a voluntary termination.

All absences must be charged either to sick leave, vacation or time off without pay, whichever is appropriate. Only after appropriate paid leave has been used, may unpaid leave be granted. An unexcused absence will incur loss of pay for the lost time involved. An absence is unexcused if not approved by the Pastor or immediate supervisor. (See Section 72.)

33. TIMEKEEPING

Accurately recording time worked is the responsibility of every manager. Federal and state laws require the employer to keep an accurate record of time worked for each employee in order to calculate employee pay and benefits. Time worked is all the time actually spent on the job performing assigned duties.

Pastors or supervisors of non-exempt employees should accurately record the time such employees begin and end their work. They should also record the beginning and ending time of any departure from work for personal reasons. Overtime work must always be approved before it is performed.

Tampering with, altering, or falsifying time records, or recording time on another employee's time record, may result in disciplinary action, including discharge.

Non-exempt employees arriving earlier or staying later than their normal work schedule will not be credited for their additional time without prior written approval by their Pastor or supervisor.

34. SEVERE WEATHER

The Business Manager at the Chancery, following consultation with the Bishop, or the Pastor at the parish level, will announce when offices will be closed due to severe weather or other conditions. This means offices could close early or they could be closed for the entire day.

When normal operations are maintained and employees do not report to work, they will not be paid for time not worked. When operations are shut down or not opened, or when normal

operations are maintained but individuals are excused early, employees will be paid for such time lost. If an employee does not report to work and the staff is dismissed early due to inclement weather, the absent employee must use vacation time to receive pay for the workday in question.

35. PERFORMANCE EVALUATION

The Diocese believes in both the accountability and the affirmation that occurs in the context of performance review. This serves both the needs of the Diocese to evaluate its mission and effectiveness, and is an aid in the development of the individual's contribution.

The first formal performance review shall be conducted ninety (90) days from the date of employment. Thereafter, the Pastor or supervisor, based on the position description, shall do a written performance review of each employee at least once each year. Each employee's active participation in the process of review is critical to the success and purpose of the review. Past accomplishments, affirmations, recommendations, new job requirements and action plans and goals are all essential ingredients of the performance review.

The performance review 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 he/she has read the performance review. Each employee shall have an opportunity to respond in writing to his/her review, and this response shall become part of the review.

Should any difference regarding the review not be resolved between the Pastor or supervisor and employee, the employee may request a review be made by a committee appointed by the Moderator of the Curia.

36. STANDARDS OF CONDUCT

In any organization, there are rules and responsibilities which contribute to a harmonious work environment for all employees. Cooperation with these rules and responsibilities is critical for all diocesan employees where the potential for scandal and embarrassment to the Diocese or parish is perhaps greater than with the typical business employer.

Although it is impossible to define every responsibility or expected standard of conduct, the following will help in understanding one's role as an employee of the Diocese. Employees are expected to:

- Act in an honest and forthright manner in all diocesan or parochial concerns.
- Treat co-workers, supervisor, volunteers and other employees with respect, regardless of their human diversity.
- Be attentive to issues involving sensitive or confidential information.

- Perform the job as indicated in the position description and avoid excessive or unnecessary absences.
- Conduct oneself in a moral and ethical manner consistent with Catholic principles.

37. PROGRESSIVE DISCIPLINE PROCEDURES

An employee whose conduct or job performance interferes with the orderly and efficient operation of diocesan or parochial offices will be subject to disciplinary action, including discharge. The following provisions are to be observed when taking corrective disciplinary action:

Verbal Warning A counseling or corrective interview will be held by the Pastor or supervisor with the employee to explain the basis of the need for corrective action. This verbal warning will be documented by the Pastor or supervisor. Documentation will be placed in the employee's personnel file.

Disciplinary Interview/Written Warning The Pastor, supervisor or Moderator of the Curia will conduct the disciplinary interview. A written record of the interview will be given to the employee and a copy will be placed in the employee's personnel file. This interview record will contain a description of the employee's conduct or job performance, the change of conduct required of the employee and the consequences if the problem is not corrected within a specified period of time. Such warning shall be signed by both parties.

For either of the following options, the Diocesan Attorney must be consulted before any action is initiated.

Suspension (See Section 81.)

Dismissal The Pastor, the immediate supervisor, or Moderator of the Curia will review the case for dismissal and take action, as appropriate, in a written letter of dismissal to be given the employee in the presence of the Pastor or supervisor and/or Department Director. Disciplinary action up to and including dismissal may result from the commission of acts such as are listed below. In some cases, the action may result in either a verbal or written warning. In other cases, the action may result in suspension or discharge. The employer reserves the right to decide under which circumstances dismissal or some lesser penalty may be appropriate. It should be noted that the types of behavior identified below are merely examples of acts which may lead to disciplinary action. The listing below is not a complete list of all types of conduct which may result in disciplinary action up to and including discharge:

- a. Insubordination
- b. Vandalism

- c. Dishonesty
- d. Theft
- e. Embezzlement
- f. Falsification of records or information
- g. Falsification of job application or references
- h. Working with impaired ability due to the use of alcohol, illegal substances, controlled or prescribed drugs
- i. Sexual, racial, religious, age bias or ethnic harassment
- j. Unsatisfactory job performance
- k. Unprofessional conduct
- l. Breach of professional ethics and/or confidentiality
- m. Inability to work cooperatively with supervisors, peers or subordinates
- n. Habitual or excessive tardiness or absence, with or without cause, from work or from employee's work area
- o. Excessive use of sick leave
- p. Conduct or activity reflecting negatively upon the Diocese or which could cause scandal for the Church. A high standard of moral conduct is expected of all employees.

Implementation

All members of management are responsible for being alert to situations requiring application of these provisions. Before initiating a disciplinary action, the Pastor or supervisor must discuss the case with the diocesan Business Manager and diocesan legal counsel.

The prescribed documentation is important; it should be carefully accomplished, with a copy provided to the employee and a copy placed in the employee's personnel file. An opportunity for employee comment will be provided.

(Regarding Dismissal and Suspensions, see Section 81.)

38. GRIEVANCE PROCEDURE

The Diocese is committed to the principle of an open and ongoing communication between employees and their Pastor or respective supervisor/director. The Diocese 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 their Pastor or supervisor at any time.

Procedures

A grievance is defined as an unresolved complaint or dispute, disagreement, misunderstanding or expressed dissatisfaction on the part of an employee, relating to the conditions of employment or the meaning and application of the written personnel policies. Other diocesan policies, philosophies, functions and programs are specifically excluded from the definition of grievance. In pursuing the following grievance procedure, employees are assured freedom from restraint, interference, coercion, discrimination or reprisal. If an employee believes that any employment condition, or the application of any of the policies outlined in this manual, is unjust or inequitable he/she may employ the following procedures:

A. For Chancery Personnel:

STEP 1 Employees should always initially approach their immediate supervisor and attempt to resolve the matter. When employees still believe that the grievance has not been satisfied, they may appeal the decision to the next level of supervision. At this point the grievance must be in writing and must contain a brief statement of the facts of the grievance, the basis of the objections and the desired remedy. The written grievance must be submitted within ten (10) working days to the incident or problem which gave rise to the grievance. The department head or delegate will investigate the grievance and respond to the employee in writing within fifteen (15) working days after a submission of the written grievance.

STEP 2 If the grievance was not resolved in Step 1, employees may, within ten (10) working days of the response of Step 1, present their written grievance to the Moderator of the Curia. The Moderator of the Curia will request a memorandum from the employee's department supervisor describing the steps taken to resolve the grievance in Step 1. The Moderator of the Curia will investigate the grievance and send a written response within twenty (20) working days of receiving the written grievance. If the response does not resolve the grievance or, if the Moderator of the Curia fails to respond, employees may proceed to Step 3.

STEP 3 Within ten (10) working days of the response of Step 2, employees may send a memorandum to the Bishop requesting the formation of a volunteer Personnel Review Committee. A Personnel Review Committee is made up of three (3) persons. One is chosen by the employee; one is chosen by the employee's department head; and the third is chosen by those two. The choice of committee members is to be made within fifteen (15) working days after submission of the Step 3 grievance. The Moderator of the Curia or Business Manager will serve as a resource person and staff to the committee. In the event the grievance is from an employee of the Business Office, someone else will be chosen to serve in this capacity. The committee will hear both sides of the dispute in closed sessions within six (6) weeks of the date of the Step

3 memorandum. The Personnel Review Committee will give its decision in writing, and copies will be sent to the employee and department director. The decision of the committee is final.

B. For Parochial Personnel:

Employees should initially approach the Pastor and attempt to solve the matter through dialogue. If the employee still believes that the grievance has not been satisfied, the grievance will then be put in writing, and must contain a brief statement of the facts of the grievance, the basis of the objections, and the desired remedy. The written grievance must be submitted to the Pastor within ten (10) working days to the incident or problem which gave rise to the grievance. The Pastor will investigate and respond to the employee in writing within fifteen (15) working days after a submission of a written grievance. This constitutes Step 1. If necessary, parochial personnel may continue to follow the subsequent steps detailed above in the case of Chancery personnel grievances.

Other Provisions

No grievance may proceed to review unless both parties have stipulated in writing the issue(s) to be addressed by the Personnel Review Committee. If a joint stipulation cannot be formulated, then each party shall submit its own presentation of the issues to be submitted to the committee.

The Personnel Review Committee's consideration shall be limited solely to the issues raised in the presentation of the grievance.

The Personnel Review Committee shall render its decision solely on the basis of the personnel policies. The committee shall have no authority to add to, subtract from, or modify any personnel policy.

Under no circumstances shall either the Diocese or the employee be responsible for the payment of any attorney's fees or other costs incurred by the other in processing the grievance to its conclusion.

39. INJURY ON THE JOB

Any employee injured on a job-related duty should report the injury and its cause immediately to the Pastor, department head or supervisor who will then report the injury within ten (10) days to the Business Office at the Chancery. Such injuries are normally covered by Workers' Compensation Insurance. If an employee notes any potentially dangerous conditions, these should also be reported to the supervisor or department head. A written report of any such condition, with a description of the corrective action to be taken, will be sent to the Diocesan Business Manager.

The Diocese is concerned about the safety and emergency medical needs of employees and commits itself to regularly reviewing needs and the ability to respond to those needs. Offices provide minor medicinal items for the relief of pain and discomfort, but those who suffer from recurrent illness or pain should maintain their own medical supplies.

40. SAFETY

Employees are responsible to help prevent and eliminate conditions which may cause accidents to themselves or anyone else on diocesan or parochial property. Therefore, employees should report immediately all unsafe acts or hazardous working conditions to their Pastor or supervisor. These may include (1) wet or slippery floors or walks; (2) equipment left in halls or on walks; (3) use of defective equipment; (4) worn-out electrical connections; (5) use of combustible material near open flames, etc.

Safety rules must be observed and followed, and safety equipment must be used in areas indicated.

An employee who observes an injury sustained on the premises by another employee, a resident, a visitor, or a volunteer is to report it as promptly as possible to the Pastor or immediate supervisor.

In case of a fire, the employee should immediately call the Pastor or supervisor. Employees are to follow the fire and evacuation plan for the respective area.

41. SOLICITATION

The Diocese prohibits outside persons, as well as employees, from making solicitations and/or distributing materials without authorization by the Moderator of the Curia in the Chancery, or by the Pastor in parish offices.

42. BUILDING SECURITY

Diocesan and parochial facilities must be made secure when not in use. The Pastor is responsible for effective building security at the parish level and the Business Manager at the Chancery office.

43. PERSONAL PROPERTY

Employees who bring significant or valuable items to the job site do so at their own risk. The Diocese or parish is not responsible or liable for the loss or theft of any such property. If an employee suffers the loss of personal property from a parochial or diocesan office, the individual should seek reimbursement based on his or her personal insurance coverage.

44. GIFTS

No employee may offer, exchange or accept payments or gifts, either directly or indirectly, from any individual, firm, or institution which conducts business with or has contacts with the Diocese or its institutions. Furthermore, rejections, acceptances or recommendations and exertion of influence of any kind shall not be tied to payments, gifts or favors in any form, directly or indirectly.

Payments, gifts, etc. include vacations, loans, loan guarantees, expenses, consultant fees, stipends, direct gifts of objects or money, etc.

The term “indirect” includes the offering or accepting of payments, gifts or favors by a relative, person acting on behalf of the employee, or a contractor, a partnership, corporation or business entity in which the employee has an interest or by any person acting on behalf of the employee. These rules do not preclude the offering or acceptance of Christmas remembrances, thank-you gifts, business meals, or occasional gifts of nominal value, none of which may exceed \$25.00.

45. SUGGESTION PROGRAM

Suggestions for improvements in diocesan institutional operations are welcomed. Suggestions put to use will be appropriately recognized.

46. BULLETIN BOARDS

Employment-related Federal and State mandated notices must be displayed in an appropriate area.

Bulletin boards and other means of communication to facilitate the efficiency of the offices are recommended at the discretion of the Pastor or supervisor.

47. PERSONAL USE OF OFFICE EQUIPMENT

Mailing and photocopying equipment are intended for official use. Any personal use of these services must be logged and paid for at the end of the month.

Personal phone calls are to be avoided as much as possible, both incoming and outgoing. Should extenuating circumstances arise, however, employees may use the phone briefly. Employees must log any toll calls made and pay for them at the end of the month.

Personal use of other office equipment, including fax machines and computers, is prohibited.

The Diocese or parish has the right to, but does not regularly, monitor voice mail or electronic mail messages. The Diocese or parish will, however, inspect the contents of computers, voice mail or electronic mail in the course of an investigation triggered by indications of unacceptable

behavior or as necessary to locate needed information that is not more readily available by some other less intrusive means.

48. PERSONAL VISITORS

Employees should avoid receiving social visitors during working hours. If one does have visitors, the employee should meet them in an appropriate area so that office functions are not interrupted.

Except for unexpected emergencies, employees should not bring children to the work site during regular working hours because of the possible impact on co-workers and legal liability. If the situation does arise, parental supervision of the children is paramount.

After normal working hours and on weekends, employees should use discretion when bringing children to the work site, particularly when bringing minor children. On these occasions, children should be closely supervised by the employee parent and remain in the appropriate work area.

49. PERSONAL APPEARANCE

Employees are asked to remember that parochial and diocesan offices are open to the public and that employees come into contact on a recurring basis with many facets not only of the church community but also of the general public. Thus, it is expected that employees will be neat in appearance and will dress in a professional manner at all times. When representing the Diocese outside the parochial or diocesan offices, personal appearance is no less important. If an employee's attire should be placed in question, the employee's Pastor or supervisor shall be responsible for determining whether it is appropriate for the workplace.

In line with our dress policy, casual attire, including but not limited to T-shirts, tank tops, shorts and jeans, is not acceptable. This is not an all-inclusive listing. Accordingly, the employer reserves the right to determine whether other items of clothing are acceptable.

50. PAY POLICY

It is the policy of the Diocese to strive to pay wages and salaries that are internally equitable and comparable to wage rates paid for like jobs in comparable job markets. All wage and salary decisions, however, must take into consideration the parish's or Diocese's overall economic condition.

Internal equity is established by comparing current job descriptions to determine the relative value of each position in the organization. Job market comparability is determined by comparing certain diocesan jobs with similar jobs of other employers. Such comparisons for non-exempt positions are made using available wage survey data for eastern Montana. For exempt positions

the comparison is made with regional and national non-profit salary survey data, especially data published by the National Association of Church Personnel Administrators.

51. DETERMINATION OF PAY RATES

The initial pay rate is established at the time of hire following consultation with the Business Office for Chancery positions and by the Pastor, in consultation with the Parish Finance Council, for parochial positions. Initial pay rates are normally set in the lower portion of the pay range for the position, unless significantly higher qualifications of the new employee or job market considerations dictate otherwise.

The determination of a pay rate upon movement to a different position within the parish or Diocese will be determined by the Pastor or following consultation as indicated above.

The Diocese will attempt to maintain competitive pay scales as parochial and diocesan resources permit by providing an annual cost of living increase for all employees. An adjustment to a pay rate for a specific position may also be made as a result of changed job responsibilities which have been approved by the Pastor or the Bishop.

52. PAY DAY, PAY CHECKS, PAYROLL DEDUCTIONS

The Diocese or parish may elect to pay employees on a semi-monthly or monthly cycle. Salary checks shall be issued no later than the sixteenth or on the first day of each month if the Diocese or parish elects semi-monthly payment. Monthly checks will be issued no later than the first day of the succeeding month

By law, the Diocese or parish is obligated to keep accurate records of the time worked by non-exempt employees. Employees classified as non-exempt are required to complete a time card. Exempt employees are required to complete a time sheet. The time card or time sheet must be submitted to the Pastor or Chancery Business Office.

Mandatory payroll deductions include:

- Federal Withholding Tax as established by the IRS
- State Withholding Tax
- Social Security Tax (FICA)
- Medicare

Payroll deductions may also include:

- Tax Deferred/Shelter Annuity
- Health Plan, dependent's portion
- Garnishments

53. OVERTIME, RECOVERY TIME OFF (NON-EXEMPT EMPLOYEES)

All diocesan employees, except those exempted as executive, administrative or professional, are covered by the overtime provisions of the Federal Fair Labor Standards Act.

Overtime is defined as time worked by non-exempt employees in excess of forty (40) hours in one week. The Pastor or supervisor should attempt to schedule the workload so that overtime is not necessary. All non-exempt employees who work beyond forty (40) hours per week will be compensated at a rate of time and one-half for their overtime or be given recovery time off. In accordance with legal restrictions, such time off must be scheduled by the Pastor or supervisor within the same pay period or the employee must be paid for the overtime worked. Recovery time off will be on an hour-for-hour basis.

Employees may not authorize nor certify their own overtime. All overtime pay must receive prior written authorization of the Pastor or immediate supervisor and the Business Manager.

54. RECOVERY TIME OFF (EXEMPT EMPLOYEES)

Exempt employees are managers, supervisors, and administrators who are "exempt" from the overtime provisions under federal law and who are expected to work overtime without additional compensation.

The Diocese as an employer recognizes the fact that exempt employees often work in excess of forty (40) hours per week. Since the Diocese values wellness and balance, exempt employees are encouraged to take occasional time off to rest as outlined below. It is understood that the request for such periods of rest would be discussed with the Pastor or immediate supervisor.

The following principles and procedures apply to recovery time off for exempt employees:

- a. Exempt employees are expected to put in the time needed to get one's job done. A minimum of forty (40) hours per week must be given to support the diocesan or parish mission as described in the employee's position description. A salaried person is expected to put in extra time and to be at work during the business hours under normal circumstances, either in the office or doing outreach ministry in the community.
- b. Recovery time off does not accrue by coming in early or working late, traits which are considered part of professionalism, nor is it intended to foster an hour-for-hour mentality.

It applies to extended night work after regular eight-(8-) hour days or extended weekend work after regular forty- (40-) hour work weeks.

- c. Recovery time may be taken as soon as convenient but must be taken within the same pay period in which the extended work hours occur.
- d. Time spent at conventions, seminars, meetings, etc., are considered eight-hour days even if there is night work. Travel to and from conventions is time that is not eligible for recovery time.
- e. Exempt employees are not eligible for overtime pay.
- f. Recovery time should not be used to extend vacations or holidays.
- g. Each supervisor and employee should develop an appropriate communication means that will be most helpful to keep track of recovery time. The time card furnished by the Business Office will serve as a method of tracking vacation time and sick leave.
- h. If an exempt employee needs to be away from the office for sick leave or personal time (vacation hours) during normal business hours, it must be recorded as such on the time card. Exempt employees do not have the option of working additional hours in the evening, for example, as an offset to this sick leave and vacation time. The time card furnished by the Business Office will service as a method of tracking vacation time and sick leave.

55. STIPENDS FOR SPECIAL ASSIGNMENTS, OUTSIDE PROJECTS

A. For Chancery Employees:

When employees give workshops at diocesan-sponsored events that are within the scope of their responsibility for the Diocese, they will not receive a stipend regardless of the department which is sponsoring the event. In this case it is understood that the employees make use of their regular weekly work schedule for the preparation and presentation involved.

When employees use their regular weekly work time to prepare and give programs, workshops, or consultations for any group other than diocesan departments/offices, the stipend given for this work is to be given to the Diocese.

When employees use time other than their regular weekly work time to prepare and give programs, workshops, or consultations for any group other than diocesan department/offices, the stipend given belongs to the employee doing the work.

Implementation of this policy is to be clarified and approved with the supervisor. The Diocese has a right to a full work week from its employees. Employees have a right to be fairly compensated by others for work done above and beyond the work week.

B. For Parish Employees:

When parochial staff conducts workshops within the scope of their responsibilities, the same policies that apply to Chancery staff apply to them. Parish employees exercise this policy under the supervision of the Pastor.

56. BENEFITS PROGRAM INFORMATION DISCLAIMER

The information regarding benefit programs contained in this section is intended only as a summary. Actual benefits provided are those specified by law, employee contract and/or by the terms of the policies of insurance carried by the Diocese.

57. SOCIAL SECURITY

Diocesan lay employees are covered under the Federal Social Security program known officially as the Federal Insurance Contributions Act (FICA). The act provides old age benefits and other survivor and disability benefits to the employee. The cost of this coverage, by law, is divided equally between employer and employee.

Religious communities determine the participation of their members in the Social Security system and pay the FICA tax. The Diocese will negotiate reimbursement with the religious community for all employees of the community serving in diocesan positions. There are special tax treatments for priests. For more information, contact the Diocesan Business Office.

58. WORKERS' COMPENSATION

The Diocese provides Workers' Compensation Insurance for all staff members. All on-the-job-related accidents or illnesses must be reported immediately to the Pastor or supervisor. Pastors or supervisors should contact the Business Office immediately for claim information. (The state may penalize an employer for late reporting or for failure to report job-related accidents.)

59. UNEMPLOYMENT COMPENSATION

The Chancery Office and parishes, as members of a non-profit organization, are subject to the State Unemployment Compensation Act but not the Federal Unemployment Act.

To keep the cost of the program as low as possible, the Diocese participates on a reimbursable basis. This means that when an unemployment claim is approved by the Montana Department of Labor, and the Department's decision becomes final and is not otherwise appealed, the Diocese or responsible parish must reimburse the Department quarterly for the unemployment compensation being paid.

Religious and clergy are excluded from the provisions of the State Unemployment Compensation Act.

60. HEALTH INSURANCE

The Chancery or parish provides health coverage for full-time regular employees at the employer's expense. The insurance provides for basic medical and catastrophic major medical coverage. For regular full-time employees who desire dependent coverage in addition to coverage for themselves, the additional premium for dependent coverage will be at their expense via payroll deductions. For regular part-time employees (those working between twenty and thirty-four (20 and 34) hours per week), the Chancery or parish will pay the medical premium, on a pro-rata basis, for the employee only.

Details of the plans will be found in a brochure available from the Chancery Business Office. To be eligible for participation in health coverage, one must be a regular employee working twenty (20) hours or more per week. If an employee does not wish to participate in the diocesan health plan, a notification of waiver form must be completed and filed in the employee's file. Employees working less than twenty (20) hours per week are not eligible for benefits.

Coverage begins the first of the month following thirty (30) days of employment.

61. LIFE INSURANCE

Employees eligible for the Chancery Office and parish health plan are also covered by a group life insurance policy. If coverage is waived under the health plan, employees may still enroll in the group life insurance plan. The premiums are paid entirely by the employer for regular full-time employees and on a pro-rata basis for employees working twenty to thirty-four (20-34) hours per week. Spouses and families may also be insured at the employee's expense. For further details, please refer to the plan booklet available through the Business Office.

62. DENTAL INSURANCE

Individual and family coverage for dental expenses is available to all regular full-time and part-time Chancery Office and parish employees (those working between twenty and thirty-four (20 and 34) hours per week). Certain limitations to reimbursement for dental services apply; consult the Business Office for details.

63. DISABILITY

The Chancery Office and parishes participate in a short-term disability insurance program which provides continuation of partial pay for employees who suffer from non-work related illness or injury for a period up to twenty-six (26) weeks. The employer pays the premium for regular full-time employees. For regular part-time employees (employees working twenty to thirty-four

hours per week), the employer will pay a pro rata share of the cost based on the hours regularly worked. Details relating to coverage and claims are available from the Business Office.

Some long-term disability benefits may be available through the Social Security Administration.

64. RETIREMENT PLAN

The Chancery Office and parishes provide a tax-sheltered annuity pension plan for employees. Contributions to the plan are paid entirely by the employer. For regular full-time and part-time employees (employees working twenty to thirty-four hours per week), the employer contribution is equal to 6% of gross salary. Employees may also contribute to the plan on a voluntary basis. The minimum contribution to the plan is \$20.00 per month. For details of eligibility and vesting, please contact the Business Office.

Religious are normally covered by congregational retirement plans. The Diocese contributes to these plans following negotiation with the congregation.

The diocesan priests are covered under a separate policy. Contact the Diocesan Business Office for more information.

65. HOLIDAYS

Parish and Chancery offices observe the following holidays:

New Year's Day	Labor Day
Thanksgiving Day	Christmas Day
Friday after Thanksgiving	December 24
Holy Thursday	January 2
Good Friday	July 4
Memorial Day	

When any holiday falls on Saturday, it will be observed on the previous Friday. When holidays fall on Sunday, they will be observed on the following Monday.

All regular full-time employees are entitled to paid holidays. All regular part-time employees (working twenty to thirty-four hours per week) are entitled to paid holidays on a pro-rata basis if the holiday falls on a regularly assigned work day. For example, a regular half-time employee receives his or her pro-rata pay for a holiday falling on a regularly assigned workday. If the holiday falls on a day when the regular part-time employee is not assigned to work, the employee is not eligible for holiday pay. Employees working less than twenty (20) hours per week are not entitled to holiday pay. If a holiday falls within the employee's vacation period, the employee will be granted holiday pay and will not be charged with vacation time for the holiday.

In keeping with our spiritual focus, employees should be given the opportunity, on Holy Days of Obligation, to attend Mass during the workday, but only if no other options are available.

66. VACATIONS

It is a policy of the Chancery Office and parishes that the full amount of vacation to which the individual is entitled shall be taken each fiscal year. This means the Chancery Office and parish maintain a “no additional accrual” policy: an employee may accrue only a yearly amount of vacation time; until this vacation time is used, no additional vacation will accrue. No salary payment will be made in lieu of vacation as long as the employee remains with the Chancery Office or parish. Payment for unused vacation time, however, will be made upon termination of the employment relationship provided proper notification is given.

Vacation time is scheduled on a seniority basis. Vacation time may be taken at the employee's discretion, provided that it does not interfere with the work schedule and that prior arrangements are made with the immediate supervisor. Only in unusual circumstances, and with the approval of the Pastor or immediate supervisor and the Business Manager, can vacation time in excess of the yearly accrued amount be carried over to the following year. Employees may not use more vacation days than they have accrued.

Length of service based on the anniversary date of employment is the basis for determining the amount of vacation earned. However, during a leave of absence, an employee does not accrue vacation time. New employees should complete the probationary period before taking any vacation with pay.

Vacation accrual rates based on length of service are as follows:

<u>Length of Service</u>	<u>Accrual Rate</u>	<u>Maximum Vacation With Pay</u>
6 months	5/6 day per month of service	5 days
1-5 years	5/6 day per month of service	10 days
6-10 years	1.25 days per month of service	15 days
11-15 years	1.66 days per month of service	20 days
16-20 years	2.08 days per month of service	25 days
20 + years	2.50 days per month of service	30 days

Part-time employees working at least twenty to thirty-four (20 to 34) hours per week earn vacation time on a pro-rata basis.

For other leaves of absence without pay, see Section 74.

67. SICK LEAVE

This policy is designed to prevent loss of income as the result of disability or illness when such disability or illness prohibits the employee from working and, in most cases, means that the employee is confined to home, hospital or other institution providing patient care and treatment. Absence because of illness must be communicated to the Pastor or immediate supervisor as quickly as possible.

The Chancery Office and parishes grant one (1) day of sick leave per month to regular full-time employees, commencing with the date of employment. Regular part-time employees (working 20 to 34 hours per week) accrue sick leave on a one-day-per-month, prorata basis. Sick leave can be accumulated up to a maximum of thirty-five (35) days. At the end of the fiscal year, the dollar value of accrued sick leave over and above the thirty-five- (35-) day maximum will be contributed to the employee's retirement fund. Sick leave is not accrued during a leave of absence.

The Chancery Office and parishes expect that the use of sick leave will not be abused. An employee may be asked to present a doctor's certificate in order to be eligible for paid sick leave. Sick leave may not be used to work and claim overtime pay. Unused sick leave is not compensable upon termination of employment. Part-time employees working less than twenty (20) hours per week are not eligible for sick time.

68. MATERNITY/PATERNITY/ADOPTION LEAVE

In order to enable parents bringing children into their homes the opportunity for time together before returning to work, employees of the Chancery Office and parishes will be provided with three (3) weeks of paid maternity/paternity leave commencing with the birth of the child. In addition, these employees may be granted up to a one-year leave of absence without pay, provided they have one (1) year's net credited service when the leave starts. Such leave without pay is granted in accord with the provisions of the Family and Medical Leave Act.

Maternity/paternity leaves are also applicable to adoptions. In order to qualify for maternity/paternity leave, the employee must have completed six (6) months of continuous employment with the Chancery Office or parish.

69. BEREAVEMENT LEAVE

In cases of a death in the immediate family, an employee is entitled to a paid absence of three (3) days if the funeral is in the state and five (5) days if the funeral is out of the state. The employee's immediate family is understood as being the spouse, children, parents, grandparents, brothers, sisters and the parents of the spouse. All employees are eligible for bereavement leave.

Employees may attend funeral services for friends and acquaintances upon approval of their Pastor or supervisor. For non-exempt employees, this time away from duties will not be considered paid time and the employee's time card should reflect the use of sick leave or vacation time. For exempt employees, the Pastor or supervisor should insure that the normal work requirements of the employee are still accomplished. In this case, the exempt employee

will not lose compensation for absence from work during the duty day. If a business or legal relationship existed between the deceased and the employee, then the employee will be excused without loss of pay to attend funeral services.

70. JURY DUTY LEAVE

An employee who is selected to serve on a jury, or who is subpoenaed as a witness, will be granted time off from work. While on jury duty, employees will be paid at their current wage rate for their regularly scheduled working hours less the amount of court allowance received. To receive pay, the employee must present to his/her Pastor or supervisor a copy of the official notification and a statement from the court on the amount of daily compensation received.

When their attendance in court is not required on a given day, employees on jury duty must report to work during their normally scheduled working hours.

While on court duty, the employee continues to accrue all appropriate benefits.

71. ELECTION LEAVE

Voting polls are normally open from 7:00 a.m. until 8:00 p.m. on Election Day. If employees feel it will be difficult to get to their normal voting places during these hours, they may write to the Registrar of Voters seven days or more before the Election Day and they will be sent an absentee ballot. Or, if necessary, they may take up to two (2) hours of paid time off to vote at the beginning or end of the work day if there is no other way to vote due to an extended work schedule. The Pastor or supervisor must be notified three (3) days before Election Day if the employee finds it necessary to take this time off to vote.

72. FAMILY AND MEDICAL LEAVE OF ABSENCE

The Chancery Office and parishes will provide up to twelve (12) weeks of unpaid Family and Medical (F&M) Leave to "eligible" employees for the reasons listed below. Employees are eligible if they have worked for at least one (1) year at an average of twenty-four (24) or more hours per week.

Unpaid F&M Leave will be granted for any of the following reasons:

- a. to care for the employee's child after birth, or placement for adoption or foster care;
- b. to care for the employee's spouse, son or daughter, or parent who has a serious health condition; or
- c. for a serious health condition that makes the employee unable to perform the employee's job.

At the employee's option, vacation or paid sick leave may be substituted for unpaid leave as follows:

- For personal sickness, any amount available;
- For any other reasons listed above, up to one (1) week of available sick leave; or
- Use of vacation must be approved by the supervisor.

The employee should provide a thirty- (30) day advance notice when the leave is "foreseeable."

The employee will be required to provide medical certification to support a request for leave because of a serious health condition and a fitness for duty report to return to work. Second or third opinions may be required at the employer's expense.

For the duration of F&M Leave, the employee's health coverage will be continued as if in pay status. Upon return from F&M Leave, employees will be restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms.

The use of F&M Leave will not result in the loss of any employment benefit that accrued prior to the start of an employee's leave.

73. RETREAT LEAVE

Employees are encouraged to take occasional time off for spiritual retreat purposes. It is understood that this policy does not cover retreat fees or travel costs for employees. Retreat time can be available assuming prior consultation with and approval of the Pastor or supervisor. Up to three (3) days paid absence may be approved for a formalized retreat.

74. OTHER LEAVES OF ABSENCE WITHOUT PAY

For needs extending beyond the sickness benefit and Family and Medical Leave period, and for other personal reasons such as education, an employee with at least one (1) year of service may request an unpaid leave of absence for up to one (1) year. It is understood that no benefits will accrue during the leave of absence. The employee must present the request for such a leave in writing to his or her Pastor, or at the Chancery to his or her supervisor, who will then consult with the Moderator of the Curia and the Bishop. A decision which takes into account the needs of the parish or Chancery and the employee will be provided within thirty (30) days of the request. If the leave of absence is approved, all employee benefits must be paid for by the employee to remain in effect during the time of the leave.

75. JOB-RELATED EXPENSE REIMBURSEMENT

A. For Chancery Employees:

Expenses incurred while performing diocesan-related duties will be reimbursed when documentation is presented and approved by the immediate supervisor and the Business Office. Claims for reimbursement must be submitted within the month incurred and must be supported by appropriate documentation. Automobile mileage and reimbursement for use of a personal car for diocesan business will be made at the rate established by the Internal Revenue Service and only when a diocesan fleet car is not available. If a fleet car is available and the employee chooses not to use it, no mileage reimbursement will be provided. Examples of reimbursable expenses include the following:

- **Meals** Expenses incurred while attending diocesan-related breakfast, luncheon and dinner meetings.
- **Telephone** Reimbursement for the cost of telephone calls for business purposes only when away from the office.

B. For Parish Employees:

If staff employees participate in work-related activities away from the office, the same policy of reimbursement as Chancery employees applies to them, under the supervision of the Pastor.

76. PROMOTION

The departments of the Chancery Office and parishes endorse the practice of promotion from within. When an opening is available, all qualified staff members shall be given consideration. Affirmative action and seniority are factors taken into consideration. Before advertising for a position publicly, the supervisor will post the position description within the department and other Chancery Office and parish departments. An employee considering a position in another department shall notify his/her Pastor or supervisor when application is made.

77. TRANSFERS

Although employees are hired into a particular position and office, there may be occasions when the overall staffing needs of the Chancery Office or parish require the transfer of an individual to another office or position. In such cases, and in consultation with the affected parties, transfers will be at the discretion of the Pastor or the Business Manager for the Bishop's approval. The transfers will be generally lateral in that they will have no effect on the employee's current salary unless increased responsibilities and workload are involved.

78. RESIGNATION

Employees resigning voluntarily are expected to give ample notice in writing. The minimum lead times are one (1) month for exempt employees and two (2) weeks for non-exempt employees. Employees may not use accrued sick leave or vacation leave to fulfill the notice requirement. Each person is entitled to receive payment for unused vacation time accrued to the last day worked.

79. RETIREMENT

The Chancery Office and parishes do not have a mandatory retirement age. For the normal retirement age with full retirement benefits, refer to the current tax-sheltered annuity plans. The plan documents govern eligibility and other terms and conditions of the plan.

80. LAYOFF

If the Chancery Office or parish, because of changes in the organizational structure or the number of employees desired, decides to reduce the number of employees in a job category and releases an employee who is satisfactorily performing his or her duties from that job category, the Chancery Office or parish will attempt to place that employee in a vacant position similar to the one from which he or she has been released. If no similar position is vacant, the Chancery Office or parish will attempt to place the employee in a suitable position. A suitable position is one in which the employee has the ability to perform or can perform with a minimum of familiarization and training. If no similar or suitable position is available at the time of the release of the employee, the Chancery Office or parish will reinstate the employee to a similar or suitable position if one becomes available within one year following his or her release.

If an employee accepts a transfer or reinstatement to a similar or suitable position, the employee will receive the salary designated for that job classification. If an employee refuses the offer of a similar or suitable position, the Chancery Office or parish is under no obligation to offer another position to that person.

The Chancery Office or parish will provide reasonable job-related training to an employee who is transferred or reinstated to a suitable position as a result of a change in the organizational structure or staffing. The employee will be paid for time spent in such training.

81. DISMISSAL AND SUSPENSION

Occasionally it is necessary to suspend or dismiss an employee for unsatisfactory work performance, habitual or excessive absences or tardiness, violation of diocesan policies, or other inappropriate behavior. Dismissal is generally a last resort and occurs after the employee has received a written warning and has been given an opportunity to improve performance or conduct. The warning statement is to be signed by both employee and Pastor or supervisor, and a copy is to be placed in the employee's personnel file. In some situations, however, immediate suspensions may be appropriate. Suspension is a temporary measure, usually disciplinary in intent, exercised by management that bans the employee from the workplace either with or without pay, depending on the circumstances. All employee duties and responsibilities cease during the period of suspension. All suspensions and dismissals must be coordinated with the diocesan Business Manager and diocesan attorneys. The reasons for immediate suspension may include, but are not limited to, one or more of the following:

- a. Insubordination or intimidation;
- b. Reporting to work under the influence of alcohol or drugs;
- c. Theft or misappropriation of property or funds belonging to the Chancery Office, to the parish, to employees, or to clients;

- d. Conduct contrary to, or detrimental to, the religious or professional character of the Chancery Office or parish offices or its policies;
- e. Other inappropriate behavior of a significant nature or degree.

(See also Section 37, Progressive Discipline Procedures.)

82. EXIT INTERVIEW

An employee leaving the employ of the Chancery will be interviewed by the Moderator of the Curia; parish employees will be interviewed by the Pastor or Administrator. A record of this interview will be kept in the employee personnel file. The interview will take place before the last day of employment. The purposes of the exit interview are the following:

- a. to discover why the employee is leaving;
- b. to discuss the employee's future plans and offer assistance in finding other work if necessary;
- c. to identify whether something could have been done to prevent this separation; and
- d. to see whether trends in turnover seem to indicate a need for policy changes.

An employee may decline to be interviewed. In the case of Chancery employees, periodically the Moderator of the Curia will provide a report to the Bishop concerning the results of the interview process.

83. REFERENCES

A permanent personnel file will be maintained by the Chancery Business Office for each Chancery employee, and at the parish office for each parish employee. Employee files will be maintained in a confidential manner, open only to the Bishop, the Moderator of the Curia, the Business Manager, the Chancellor and the employee at the Chancery, and to the Pastor and employee at the parish.

Requests for information about employees will be handled with discretion. Only the name, employment dates and position title will normally be provided. With the employee's written authorization only, reference checks will be directed to the Pastor or supervisor. If factual information must be released in order to secure a loan or proceed with a business transaction, the employee must first sign a written authorization.

Written requests for information from the Social Security Administration, agents who administer unemployment compensation and other government agencies and as required by law may be answered without the employee's written authorization.

84. 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 under the diocesan program ceases on the last day of the month when employment terminates or as provided for under the Personal Leave of Absence policy. However, the booklet contains details of a conversion privilege through which employees may continue coverage with Blue Cross/Blue Shield on a direct payment basis.

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APPENDIX I

VOLUNTARY AFFIRMATIVE ACTION PLAN

I. Definition of Affirmative Action

Affirmative Action is a process whereby an organization analyzes present minority and female employment by job classifications; takes positive action to overcome low representation of minority and female employees; and takes positive steps to prevent the occurrence of discrimination for reasons of race, sex, age, disability, or national origin in the future.

II. Statement of Equal Employment Opportunity and Affirmative Action Policies

Equal Employment Opportunity

It is diocesan policy to abide by equal employment opportunity laws in the areas of recruitment, selection, placement, and promotion. Employment decisions will be without regard to race, color, religion, sex, age, disability, or national origin, except where religion or sex is a bona fide occupational qualification. Moreover, all employees will be obligated as a condition of employment to abide by the moral teachings and beliefs of the Roman Catholic Church.

Affirmative Action

It is diocesan policy to take Affirmative Action to encourage qualified women and minority persons to apply for employment in situations where under-representation occurs. Such action will be taken in accordance with the provisions of the voluntary Affirmative Action Plan.

III. Plan Summary

To insure that this policy is being implemented, the organization will take Affirmative Action including, but not limited to, the following areas:

1. Dissemination of the policy, both internally within the organization and externally in the larger community as relevant.
2. Use of Affirmative Action procedures in the recruitment of applicants.
3. Provision of an effective mechanism for implementing the voluntary Affirmative Action plan to assure that the goals of the Equal Employment Opportunity and voluntary Affirmative Action policies are being met.

IV. Dissemination of Policy

The method used to disseminate the organization's voluntary Affirmative Action policy includes, but is not limited to, the following:

A. Internal

1. The above statement of policy will be included in the organization's personnel manual.
2. The policy will be discussed during employee orientation.
3. Equal Opportunity notices will be placed in locations readily accessible to all employees.

B. External

1. The organization will continue to include in all employment advertising the statement: *An Affirmative Action, Equal Opportunity Employer.*
2. Prospective employees will be informed about the EEO/AA policy through inclusion of the statement on the application form.

V. Recruitment and Selection

To assure that a fair process of recruitment and selection of minority persons and women is facilitated, the following methods will be employed:

A. Recruitment

1. Organizations which have frequent contact with minority persons and/or women will be utilized. A listing of such organizations will be prepared and periodically updated by the Personnel Coordinator so that assistance in the recruitment process can be called on as needed.
2. The Personnel Coordinator will help to facilitate the recruitment process by insuring that job notices are readable, clear and understandable and contain relevant requirements.
3. The organization will help promote long-range goals of minority persons and women by employment adaptation when opportunities are available.

B. Selection

1. Present qualification standards will be reviewed and adjusted as necessary in order to assure that they are required for the job to be performed.

2. Present selection procedures will be assessed and adjusted as necessary to assure that they are objectively administered and offer minority persons and females full and fair consideration.
3. Whenever possible, minority and/or female representation will be included in conducting oral interviews.

VI. Utilization of Employee Skills

To assure that skills of employees are being utilized as much as possible in their job responsibilities, as well as to promote employee opportunities for upward and lateral mobility, the Personnel Coordinator will ensure the following:

1. Give publicity to job vacancies as they occur by posting notices of such positions in places readily accessible to all employees to assure that all employees, both full-time and part-time, are fully aware of opportunities to advance their career within the organization.
2. Review personnel decisions related to transfers, promotions, etc. to assure that objective selection procedures have been followed.

VII. Implementation of Affirmative Action Plan

The Personnel Coordinator will coordinate organizational efforts toward affirmative action and will receive and act upon complaints of discrimination or lack of implementation. The specific responsibilities include:

1. Dissemination of the policy as outlined above.
2. Listing of recruitment resources.
3. Review of qualification standards and selection procedures.
4. Compilation of statistical information about the organization's workforce including data on the number and percentages of people employed as of December 31 each year, particularly in regard to women and minorities. This information will be categorized according to major job classifications (namely, administrative, professional, support, and maintenance). This information is then compared with percentages of minority and women generally available in the local job market by each category. Job categories where the organization is under-represented with minority and/or female employees are targeted for Affirmative Action efforts in the following year.

VIII. Processing of Discrimination Complaints

A complaint may be filed by an employee who believes that discrimination related to employment has been practiced against him or her. Whenever possible, complaint of discriminatory actions or practices should be resolved informally at the immediate supervisory level or by referral to the Personnel Coordinator. Any employee having a complaint, which cannot be resolved informally, must use the grievance procedure found in the personnel manual.

APPENDIX II

EXCERPTS FROM MONTANA LAW AND SUMMARY STATEMENTS CONCERNING ABUSE

The following information is from pertinent sections of the Montana Code Annotated.

41-3-102(1). A “Child” or “Youth” is anyone under 18 years of age.

41-3-102(2). Defines an “abused or neglected child” as: “a child whose normal physical or mental health or welfare is harmed or threatened with harm by the act or omission of his parent or other person responsible for his welfare.”

41-3-102(3). Defines “harm to a child’s health or welfare” as:
The harm that occurs whenever the parent or other person responsible for the child’s welfare:

- (a) inflicts or allows to be inflicted upon the child physical or mental injury;
- (b) commits or allows to be committed sexual abuse or exploitation of the child;
- (c) causes failure to thrive or otherwise fails to supply the child with adequate food or fails to supply clothing, shelter, education, or health care, though financially able to do so or offered financial or other reasonable means to do so;
- (d) abandons the child; or
- (e) is unknown....

41-3-102(8). Defines “physical injury” broadly and specifically contemplates any injury “sustained as a result of excessive corporal punishment.”

41-3-102(9). Defines “mental injury” as “an identifiable and substantial impairment of the child’s intellectual or psychological functioning.”

41-3-102(15). Defines “sexual abuse” as “the commission of sexual assault, sexual intercourse without consent, indecent exposure, deviate sexual conduct, or incest, as described in Title 45, chapter 5, part 5 (Montana’s criminal code).”

41-3-102(16). Defines “sexual exploitation” as “allowing, permitting, or encouraging a child to engage in a prostitution offense... or allowing, permitting, or encouraging sexual abuse of children as described in 45-5-625.”

41-3-201. Reports.

(1) When the professionals and officials listed in subsection (2) know or have reasonable cause to suspect, as a result of information they receive in their professional or official capacity, that a child is abused or neglected, they shall report the matter promptly to the Department of Family Services or its local affiliate, which then shall notify the county attorney of the county where the child resides.

(2) Professionals and officials required to report are:

- (a) physician, resident, intern, or member of a hospital's staff engaged in the admission, examination, care or treatment of persons;
- (b) nurse, osteopath, chiropractor, podiatrist, medical examiner, coroner, dentist, optometrist, or any other health or mental health professional;
- (c) Christian Science practitioner and religious healers;
- (d) school teachers, other school officials, and employees who work during regular hours;
- (e) a social worker, operator or employee of any registered or licensed day-care facility;
- (f) foster care, residential or institutional worker;
- (g) a peace officer or other law enforcement official; or
- (h) clergy.

(3) Any person may make a report under this section if he/she knows or has reasonable cause to suspect that a child is abused or neglected.

(4) (a) Except as provided in subsection (4)(b) or (4)(c), a person listed in subsection (2) may not refuse to make a report as required in this section on the grounds of a physician-patient or similar privilege.

(b) A clergyperson or priest is not required to make a report under this section if:

- (i) the knowledge or suspicion of the abuse or neglect came from a statement or confession made to the clergyperson or priest in his capacity as a clergyperson or priest;
- (ii) the statement was intended to be part of a confidential communication between the clergyperson or priest and a member of his church or congregation; and

(iii) the person who made the statement or confession does not consent to the disclosure by the clergyperson or priest.

(c) A clergyperson or priest is not required to make a report under this section if the communication is required to be confidential by canon law, church doctrine, or established church practice.

(5) The reports referred to under this section shall contain:

(a) the names and addresses of the child and his or her parents or other persons responsible for his or her care;

(b) to the extent known, the child's age, the nature and extent of the child's injuries, including any evidence of previous injuries;

(c) any other information that the maker of the report believes might be helpful in establishing the cause of the injuries or showing the willful neglect and the identity of the person or persons responsible therefore; and

(d) the facts which led the person reporting to believe that the child has suffered injury or injuries or willful neglect, within the meaning of this chapter.

41-3-202. Outlines the civil procedure to be followed when a report is made.

41-3-203. Immunity from liability. Anyone investigating or reporting any incident of child abuse or neglect, participating in resulting judicial proceedings, or furnishing hospital or medical records as required by 41-3-202 is immune from any liability, civil or criminal, that might otherwise be incurred or imposed, unless the person acted in bad faith or with malicious purpose.

41-3-204. Admissibility and preservation of evidence.

(1) Indicates that reports or proceedings resulting from reports or other evidence "shall not be excluded on the ground that the matter is or may be the subject of a privilege related to the examination or treatment of the child" except the attorney-client privilege.

(2) Any person or official required to report under 41-3-201 may take or cause to be taken photographs of the area of trauma visible on a child who is the subject of a report. The cost of photographs taken under this section shall be paid by the department.

(3) When any person required to report under 41-3-201 finds visible evidence that a child has suffered abuse or neglect, he must include in his report either a written description or photographs of the evidence.

(4) Indicates when x-rays may be taken by a physician.

(5) All written, photographic, or radiological evidence gathered under this section shall be sent to the local affiliate of the department at the time the written confirmation report is sent or as soon thereafter as is possible.

41-3-205. Confidentiality – disclosure exceptions.

(1) The case records of the Department of Social and Rehabilitation Services, the Department of Family Services and its local affiliate, the county Welfare Department, the county attorney, and the court concerning actions taken under this chapter and all records concerning reports of child abuse and neglect shall be kept confidential except as provided by this section. Any person who permits or encourages the unauthorized dissemination of their contents is guilty of a misdemeanor.

Subsection (2) indicates that records may be disclosed to a court.

Subsection (3) lists others to whom records may be disclosed, including the child involved and his/her parent/guardian (without disclosing the identity of the one reporting), the agencies involved in the investigation, or in providing care; and (m) school employee participating in an interview of a child by a social worker, county attorney, or peace officer as provided in 41-3-202.

41-3-207. Penalty for failure to report.

(1) Any person, official, or institution required by law to report known or suspected child abuse or neglect who fails to do so or who prevents another person from reasonably doing so is civilly liable for the damages proximately caused by such failure or prevention.

(2) Any person or official required by law to report known or suspected child abuse or neglect who purposely or knowingly fails to report known child abuse or neglect or purposely or knowingly prevents another person from doing so is guilty of a misdemeanor.

APPENDIX III

Sexual Ethics Policy of the Diocese of Great Falls-Billings

The Sexual Ethics Policy of the Diocese of Great Falls-Billings is an integral part of the Personnel Policies and Procedures of the Diocese of Great Falls-Billing and can be found in the *Diocesan Policies, Guidelines and Norms* binder. The Sexual Ethics Policy in its entirety, and by reference, is included in this manual.