

Christ Lutheran Church

Personnel Policies

Adopted by the CLC Council

July 12, 2005

Amended May 2015

Amended May 2020

Christ Lutheran Church, Pacific Beach

4761 Cass St.

San Diego CA 92109

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EMPLOYEE'S SIGNATURE PAGE

In exchange for an adequate and valuable consideration, the receipt of which is acknowledged by my signature below, I agree to comply with these policies, and subsequent versions of these policies, during my employment with Christ Lutheran Church. With my signature below, I also acknowledge that:

- 1) I have received a copy of the Personnel Policies of Christ Lutheran Church (CLC).**

- 2) I have read and understand the contents of the Personnel Policies, including but not limited to the "at will" status of the employment relationship and binding arbitration as the sole remedy for any disputes arising out of my employment with CLC.**

- 3) I understand that nothing in these policies creates an expressed or implied contract of employment between CLC and me.**

- 4) I understand that CLC does not provide unemployment compensation and disability insurance programs offered by the State of California.**

NAME

DATE

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WELCOME

Welcome to employment at Christ Lutheran Church! We are a Christian community whose vision is:

**Knowing Christ, Sharing Christ, Serving Christ:
We dedicate ourselves to sharing God's
unconditional love and telling the story of Jesus to all.**

It is the intent of the Christ Lutheran Church congregation to conduct its relationship with its staff members in a professional manner and according to Christian principles. To that end, these statements of personnel practices and policies are established to provide fair and equitable administration of Christ Lutheran Church (CLC), and so that each employee of the congregation may know the terms of employment that will govern his/her relationship with the congregation.

These basic principles are designed to establish good employer/employee relations, contributing to the mission of the congregation. Obviously, the content of this document cannot cover every situation that occurs in the work environment. It is not intended to replace supervisory judgment in the daily administration of the church. Personnel Policies are prepared by the Personnel Task Force in consultation with CLC pastors and staff, and are reviewed and approved by the Congregational Council. It is the wish of the Council to establish and cultivate harmonious, productive, and fulfilling relationships among the staff, congregation, and all others involved in leadership roles.

INTRODUCTION

Authority

Adoption of these Personnel Policies by the Congregational Council is granted by the general authority in the Constitution and Bylaws of this congregation. Nothing in these Personnel Policies shall conflict with the Constitution and Bylaws of the congregation. Nothing in these Personnel Policies is intended to create, nor to be construed as, a contract between CLC and any employee.

Scope

These Personnel Policies apply to all Clergy and Staff Members, unless exceptions have been described in writing and approved by the Council.

The Lead Pastor

The Lead Pastor serves as the Personnel Officer of this congregation and will coordinate administrative practices relating to personnel, so as to maintain consistency and equity in all employee relations. Questions regarding interpretation of policies should be directed to the Lead Pastor, who will consult with other CLC groups, as needed, to clarify issues and provide guidance to staff in a timely manner.

The Congregational Council

This governing body of the church has 12 elected members who meet monthly with the clergy, the Director of Administration, and others as needed. The members elect an Executive Committee comprised of the president, vice-president, secretary and treasurer.

The Personnel Task Force

Appointed by the Council, this group is advisory to the Council and the clergy. Its duties, stated in the CLC Constitution and Bylaws, are to provide assistance in reviewing the performance of, and policy guidance for, the administration of staff support personnel; to insure attention to equal opportunity employment laws, proper maintenance of personnel records, an appropriate compensation program for clergy and staff, and adequate support for continuing education and reference materials; and to facilitate the formation of a Mutual Ministry Committee for each pastor.

Distribution of Personnel Policies

Personnel Policies as approved and adopted by the Church Council are distributed to all CLC employees, each of whom shall sign a statement acknowledging receipt of the Policies.

Amendments to These Policies

The Council may from time to time adopt amendments, corrections, additions or deletions to these Personnel Policies. Any such changes will be provided in writing to each CLC employee.

Volunteers

CLC expects unpaid volunteers to abide by these Personnel Policies as applicable.

A. EMPLOYMENT

A.1. “At Will” Employment

Except for ordained clergy who have received a Letter of Call to this congregation, employment with this congregation is on an “at will” basis, and can be terminated by either you or the congregation at any time and for any reason with or without cause. The “at will” nature of this employment relationship between you and the congregation cannot be changed except by vote of the Council, then put in writing and signed by the president of the Council.

A.2. Equal Opportunity Employment

It is CLC policy to hire, promote, transfer, terminate and make all other employment-related decisions without regard to an employee’s race; color; sex; age; national origin; actual or perceived sexual orientation; marital status; ancestry; pregnancy or any other basis prohibited by local, state or federal law. CLC will make reasonable accommodations for qualified persons with known disabilities unless doing so will result in an undue hardship. However, when the Council or Constitution/By-Laws determine that a position requires Lutheran theological background, training or experience, preference will be given to persons with those qualifications.

A.3. Harassment

Harassment or intimidation of employees resulting from their race, color, creed, religion, ancestry, national origin, sex, sexual orientation, disability, marital status, veteran status, or age violates federal and state laws regarding Equal Opportunity/Affirmative Action Policy and various other civil rights laws.

All clergy, employees, and supervisors of CLC are required to refrain from engaging in any behavior that is, or might be perceived to be, harassment. It is against CLC policy for any employee, male or female, to sexually harass another employee, a member of the congregation, or any individual or group of individuals taking part in any function on campus or utilizing facilities on the campus. Further, CLC will not tolerate harassment of employees or members of the congregation by individuals utilizing congregational services or facilities.

Examples of what may be considered harassment include:

- Verbal harassment, e.g., derogatory or vulgar comments regarding a person’s race, sex, religion, ethnic heritage, or physical appearance.
- Physical harassment, e.g., touching, hitting, pushing, or other aggressive physical conduct or threats to take such action.
- Sexual harassment, e.g., making unwelcome sexual advances or other verbal or physical conduct of a sexual nature; making submission to or rejection of such conduct the basis for employment decisions affecting the employee; unreasonably interfering with an employee’s work performance; or creating an intimidating, hostile, or offensive work

environment by such conduct.

- Visual harassment, e.g., posters, cartoons, or written or graphic material of a sexual nature.

Any complaint based on the perception of harassment, will be taken seriously. Each current employee and all new employees should receive a copy of this policy and resources available, if deemed necessary or appropriate. All allegations of harassment will be promptly and thoroughly investigated. Any employee who violates the harassment policy will be subject to disciplinary action, up to and including termination of employment.

Employees who have questions or concerns about harassment or intimidation on the job are encouraged to discuss the matter with their supervisor or Lead Pastor and to use the Conflict Resolution Procedure described in Section H.6.

A.4. Recruitment

Position Descriptions:

When a position is to be recruited, a position description will be prepared through collaboration among the Lead Pastor, the supervisor, a representative of the Personnel Task Force and, as appropriate, congregation members who have particular interest/expertise in the relevant program area. When the complete position description has been reviewed and endorsed by the Council, recruitment can begin.

Position descriptions are not intended to be all-encompassing; other duties and responsibilities may be assigned at the supervisor's discretion. Descriptions may be used to compare positions at CLC with those in other similar institutions for the purposes of determining a fair and equitable salary range. Position descriptions are to be updated as needed to ensure that proper content, responsibility, and accountability are reflected.

Application, Background Checks, and Proof of the Right to Work in the U.S:

Applicants will be required to complete a full employment application. A background check will be required, as well. Prior to the first day of employment, proof of citizenship or written proof of the right to work legally in the United States will be required. In addition, this Personnel Policies manual must be read by the new staff member and signed to indicate compliance with these CLC policies.

A.5. Categories of Employment: Definitions

Employee: As used herein, "employee" shall apply to any person in the employ of the congregation who performs ministry, executive, administrative, editorial, secretarial, clerical, music, youth, custodial, program or service functions on a paid basis.

Full Time: Employees who are generally scheduled to work at least 40 hours per week.

Part Time: Employees who are generally scheduled to work less than 40 hours per week.

Temporary: Employees hired for a specific period of time or for the duration of a specific assignment.

Called, Ordained Clergy: Rostered clergy of the Evangelical Lutheran Church in America who have received a Letter of Call to the congregation.

Called, Rostered Laity: Rostered laity of the ELCA who have received a call from the congregation.

Exempt Employee: An employee who meets the conditions for exemption from coverage by the Fair Labor Standards Act, namely, persons employed in a bona fide executive, administrative or professional capacity. Such employees are compensated for performing defined functions and assignments, not for hours worked, and are not eligible for overtime pay or compensatory time off (in lieu of overtime).

Non-Exempt Employee: An employee who is covered by the Fair Labor Standards Act. Non-exempt employees are eligible to receive overtime pay at the rate of one and one-half times their regular rate of pay for all hours worked in excess of 40 hours in a work week.

Independent Contractors: Individuals who enter into a signed agreement for a specific number of hours, time period, project, or task. Independent contractors are not CLC employees.

A.6. Orientation and Probationary Period of New Employees

The supervisor of each new employee is charged to orient him/her to the CLC mission and programs, to its organization, to the members of the congregation, and to the campus. The Supervisor insures that the new employee receives a “Welcome to CLC” statement summarizing his/her terms of employment, as outlined in Section C.2 below.

Each new employee serves a probationary period of 90 days, unless it is determined by the Lead Pastor that an extension of that period is warranted. The purpose of the probationary period is for the employee and the employer to get acquainted and to determine whether continuation of the employment relationship is in the parties’ mutual interest. To assess performance, a new employee will ordinarily receive a written performance appraisal from the supervisor three months after his/her hire date.

Employment is at the mutual consent of the employee and the employer and may be terminated at will, with or without cause, at any time during or after the probationary period. An employee’s probationary status is completed only when formally advised of such a change in writing by the supervisor.

A.7. Confidentiality

The nature of activities in a church office is such that some assignments and/or conversations are privileged. Such information must remain confidential.

B. PERFORMANCE REVIEWS

B.1 Purpose

All employees will participate annually in the performance evaluation process. A performance feedback process for clergy will be carried out through collaboration among the clergy, the Executive Committee of the Church Council, and the Mutual Ministry Committee for each pastor that is cited in the Introduction of these Personnel Policies. A performance review process will also be carried out for each non-clergy employee in consultation with his/her supervisor. The purpose of the Performance Review process is to provide feedback to each individual about the quality of his/her job performance in relation to the job to be done as clearly defined in the job description. Toward this end, the process shall include these elements: 1) the formulation each year of mutually agreed-upon objectives to be attained in the year ahead; 2) a qualitative assessment of the progress made toward the achievement of such objectives; 3) identification of the strengths/weaknesses in performance; and 4) counseling, as needed, regarding specific steps to be taken to improve overall performance.

B. 2. Format/Timetable/Process

The performance review will be in written form and will take place in the final quarter of the calendar year. In preparation for this annual performance review, the supervisor will seek a self-evaluation from the employee, either orally or in writing. The completed performance evaluation will be signed by the supervisor and employee (indicating acknowledgement of receipt of the evaluation, not necessarily agreement). A signed copy will be provided to the employee. Originals of all completed and signed evaluations will be placed in the employee's personnel file.

B.3. Opportunity for Response

The employee has the right of written response or rebuttal to the evaluation to be made a part of the evaluation and included in his/her personnel file. A second meeting may be held to review any rebuttal or comment.

C. EMPLOYEE RECORDS AND INFORMATION

C.1. Location and Access

The Lead Pastor will maintain an individual personnel file for each employee in a confidential, locked file accessible only by persons authorized by the Lead Pastor on a "need-to-know" basis in order to complete the necessary functions associated with his/her employment. Each employee has the right to review his/her personnel file and all documents contained in it, in the presence of the Lead Pastor, at a time mutually convenient. Ideally, such access will be provided within 24 hours of a request.

C.2. Contents

On the first date of employment at CLC, each new staff member will receive a written “Welcome to CLC” statement that will outline his/her terms of employment, including hire date; position title; name of supervisor; starting salary; planned work schedule/ hours; summary of benefits to be received, including eligibility to accrue Personal Time Off; approximate length of probationary status, if relevant; approximate date of first scheduled performance evaluation and first eligibility for salary increase. The employee will receive a written update when any information item on the Welcome statement changes. Copies of the original “Welcome to CLC” statement and all updates to it will be placed in the employee’s personnel file. Other items to be included in the file are:

- the original employment application and resume
- current position description and copies of earlier versions
- W-4 Certificate (tax withholding)
- I-9 Certificate (confirms eligibility to work legally in the U.S.)
- all original, signed performance evaluations
- copies of any counseling/corrective memos received
- written acknowledgement of receipt of required documents (e.g., this Personnel Policies Manual)
- current home address and telephone number
- person to be contacted in case of an emergency

C.3. Updates: Procedure

When an update is needed to keep current any information item in the “Welcome to CLC” statement or any of the documents listed in C.2. above, such update will be provided in writing to the employee, with a copy placed in his/her personnel file. A copy of payroll-related updates will be provided also to the payroll manager. Keeping the file current is a shared responsibility of the employee and the supervisor.

C.4. Retention and Disposition

An employee’s personnel file will be retained for a period of not less than three years following the end of his/her CLC employment, at the end of which it may be destroyed. The Lead Pastor is responsible for insuring that disposition of an employee file is done according to standard business practices so that no confidential information becomes available to third parties.

D. WORK SCHEDULE / PAY DAYS / PAID HOLIDAYS / PAID TIME OFF

D.1. Workweek Defined

For payroll and accounting purposes, the CLC work week is from 12:01 a.m. on Monday to midnight on the following Sunday. While normal open hours of the CLC office are 9:00 a.m. – 4:00 p.m., Monday through Friday, the individual 40-hour work schedule of each employee is set in consultation with, and subject to the approval of, the supervisor. Schedules for clergy are determined by the Lead Pastor. Scheduled hours may be subject to

change, due to circumstances such as work load and church events. Adherence to established schedules is expected of all CLC employees.

D.2. Absence

An employee who cannot report for work as scheduled is expected to call his/her supervisor as soon as possible to explain the reason for the absence and the anticipated date/time of return to work. An employee who is absent for three working days without notice to the church office is assumed to have voluntarily quit his/her CLC employment. If an emergency has taken place, the employee is still expected to call CLC within 48 hours.

D.3. Pay Days

Salaries are paid semi-monthly, on the 15th and the last work day of the month. If the normal pay day falls on a weekend or holiday, the employee will be paid on the last preceding work day. Any salary adjustments that occur after the end of the pay period will show up in the next paycheck.

D.4. Paid Holidays

These holidays shall be observed with pay:

New Years Day	Labor Day
Martin Luther King Day	Thanksgiving Day
President's Day	Friday after Thanksgiving Day
Memorial Day	Christmas Day through New Year's Eve
Independence Day	

CLC may need some employees to work during holidays, in which case the supervisor will work with the employee to schedule alternate days off.

D.5. Paid Time Off

CLC provides paid time off benefits for eligible full- or part-time employees who work at least 20 hours per week. An employee accrues paid time off from the first day of work and will do so when s/he works any portion of a month. However, an employee does not earn paid time off benefits while on a leave of absence. CLC employees have access to three forms of paid time off: Personal Days Off, Sick Leave, and Vacation Leave. Details on each type of leave follow below. Paid Time Off used by an Exempt employee will be recorded only when s/he misses a full work day

D.5.a. Personal Days Off

An employee is eligible to use two Personal Days Off per year. While an employee is not required to provide his/her supervisor with an explanation for the reason for using such time off, CLC must be notified by the employee's regular starting time on the day s/he is out, barring emergency circumstances that make notification difficult or impossible. Whenever possible, a Personal Day Off will be scheduled with the supervisor in advance.

D.5.b. Sick Leave

All employees of Christ Lutheran Church, including part time accrue one hour of Sick Leave per 30 hours worked. Use of Sick Leave requires notification to CLC by the employee's regular starting time on the day s/he is out whenever this is possible or practical. All efforts should be made to give notification earlier if it is possible so that a replacement can be located. Number of hours paid will be equivalent to the time that person was scheduled to work on the shift that was missed. Three days or 24 hours of sick leave will be available to any employee as soon as they pass through a probation period. For workers enrolled in the benefits program, sick leave can be accrued up to a maximum of two months, at which point the ELCA's Disability Benefit program provides income to those employees eligible to participate in it (see Section F.1. – F.1.b.). For part time workers not eligible for the benefits program sick leave can be accrued up to 2 weeks of time off or 48 hours, whichever is greater. An employee can take paid leave for themselves or a family member for preventive care or care of an existing health condition or for specified purposes if you are a victim of domestic violence, sexual assault or stalking. Family members include the employee's parent, child, spouse, registered domestic partner, grandparent, grandchild, and sibling. Preventive care would include annual physicals or flu shots. Accrued, unused Sick Leave has no monetary value when employment ends.

D.5.c. Vacation Leave

Rates for earning vacation leave and maximum accrual amounts are shown in the chart below. CLC employees are encouraged to use accrued vacation time as a source of rest and renewal. Use of vacation time shall be scheduled in advance and is subject to the approval of the supervisor. The value of accrued, unused Vacation Leave will be paid to the employee when employment ends.

<u>Years of Service</u>	<u>Vacation Earned</u>	<u>Max. Accrual</u>
0 - 4 years of service	2 weeks	3 weeks
5 - 9 years of service	3 weeks	4-1/2 weeks
10+ years of service	4 weeks	6 weeks

E. WAGES

E.1. Salary-Setting

The employee's salary at the time of hire will appear in the "Welcome to CLC" statement cited in Section C.2. above. That rate is based on his/her position, training, experience, and the market for similar positions. Increases in that salary will depend on CLC's annual review of the employee's job performance, marketplace conditions and budgetary

considerations. The Personnel Task Force will recommend to the Council appropriate compensation for all employees, based on the recommendations of their supervisors, through the adoption of CLC's annual budget.

E.2 Overtime: Non-Exempt Staff Only

This Section applies only to CLC staff who are Non-Exempt as defined in Section A.5. above. This section does not apply to clergy, who are Exempt employees.

E.3. Determining the Need for Overtime / Approval Process

In general, CLC workloads are adjusted to make overtime work unnecessary. However, when the supervisor or the employee sees that overtime work will be necessary, they will discuss the arrangement in advance. Overtime worked must have prior written authorization from the supervisor.

E.4. Calculating Overtime Hours Earned and Paid

If the required workweek for a regular, full-time Non-Exempt employee exceeds 40 hours, s/he will be paid overtime wages for each additional hour worked. The overtime pay rate is one and one-half times his/her regular rate of pay and is paid for all hours worked in excess of eight hours in one work day or 40 regular hours worked in one work week. Double time will be paid for hours worked beyond 12 in a work day and for hours worked beyond eight on any seventh day of a workweek. Hours paid for vacations, sick leave, holidays, jury duty, bereavement leave, etc., which are hours not actually worked by the employee, are not considered for purposes of calculating overtime.

E.5 Overtime Records Required

A written record of the overtime hours earned and paid will be retained in the employee's payroll file for at least three years.

F. BENEFITS

F. 1. ELCA Pension and Other Benefits Program:

- Health and Wellness Benefits (available to CLC staff working 30 hours per week or more)
- Disability Benefit
- Retirement Benefit
- Survivor Benefit

For details of all coverage above, see: http://www.elcabop.org/benefit_plans/index.asp

F.2. Social Security

CLC makes contributions for its lay employees only, as required of employers under the Social Security Act. No payment is made on behalf of ordained clergy, who are required by law to file on their own.

F. 3 Medical Plan Continuation Following CLC Employment

An employee who leaves CLC employment for reasons other than gross misconduct is eligible to continue his/her medical coverage for up to 36 months under the terms of Cal-

COBRA (Continuation Benefits Replacement Act), provided s/he arranges to begin making payments directly to the insurance carrier within 30 days of the end date of CLC employment. For more information on this option, consult CLC's Director of Administration.

F.4. Worker's Compensation

All paid employees are covered under CLC's Worker's Compensation and Employer's Liability policy for work-related injuries. An employee must immediately report any job-related injury or illness to his/her supervisor, and a written accident report must be filed within 24 hours of the injury.

F.5. Unemployment / Disability Insurance from the State of California

The California Unemployment Insurance Code, in Chapter 3, Article 2, paragraph 634.5(a), excludes churches from the unemployment compensation and disability insurance programs. Therefore, CLC employees do not qualify for State unemployment benefits or compensation for disability.

G. Leaves

G.1. Jury Duty

Serving on a jury is a fundamental responsibility of citizenship and, unless business necessity requires it, CLC will not ask an employee to postpone jury duty or to seek to be excused from it. An employee required to serve on a jury will be entitled to full pay during the period of service, up to ten days. A leave of absence may be requested beyond that amount. Any fees paid to the employee by the court that exceed actual costs for mileage, parking and meals are to be given to CLC. The employee must present a letter or check stub from the Court Clerk showing evidence of jury duty pay and time served.

G.2. Voting

CLC employees generally should be able to vote before or after work hours. If not, an employee can request up to two hours of time off with pay to vote, to be taken at the time of day when it will require the least time missed from work.

G.3. Medical Leave

A CLC employee may be granted a medical leave of absence to recover from illness or an accident. Medical leaves may be used for actual periods of disability associated with pregnancy or childbirth. Medical leaves of absence, including those due to pregnancy, will be governed by applicable state and federal regulations. A request for a medical leave must be presented to the supervisor in writing, along with a doctor's statement indicating the nature of the medical problem and the anticipated length of absence. A doctor's certificate also must be presented to confirm the employee's ability to return to work, noting any limitations that are applicable relative to his/her job requirements.

G.4. Other Types of Leave

Bereavement leave, military leave and other types of leave must be discussed with, and approved by, the supervisor, who may require that the request be made in writing.

H. EMPLOYEE RELATIONS

H.1. Staff Development

Continuing Education is the study program by which congregation employees may develop their present knowledge, acquire new skills, and experience growth for more effective service. The Continuing Education activity should be related to the employee's job responsibilities. CLC supports Continuing Education to the extent that it doesn't compromise essential program or business operations. Requests for participation in Continuing Education events are subject to advance approval of the supervisor.

H.2. Employee Responsibilities

It is important to the mission of Christ Lutheran Church that employees present an appearance appropriate to their duties and demonstrate courteous behavior at all times. Employees are expected to treat one another with honesty, trust, mutual respect and consideration, and to avoid expressions of arrogance, condescension or other forms of unprofessional and negative behavior. An employee who believes that this policy is not being upheld has the opportunity to address this situation by using the Conflict Resolution Procedure in Section H.6. below, with no threat of retaliation. Findings of violation of this policy will result in corrective action.

H.3. Smoking / Alcohol / Drugs

CLC is a smoke-free campus. Smoking is permitted only in designated outside areas. CLC prohibits the unlawful manufacture, distribution, dispensation, possession or use of non-prescription drugs or misuse of alcohol by employees. Compliance with this policy is a condition of continued employment. Violation of this policy is subject to disciplinary action, up to and including termination.

H.4. Car Allowance

An employee who may be required to use a personal vehicle during the course of business will be reimbursed a per-mile reimbursement amount based on current IRS guidelines. Any such use of a personal vehicle generally must have prior approval of the supervisor. Written submission for payment must occur within thirty days of the expense. It should be noted that Car Allowance is a reimbursement for expenses incurred, not a form of salary. The employee's insurance will be the primary source of automobile insurance coverage in such a situation, but injury to an employee occurring while on CLC business will be administered in accordance with the Worker's Compensation plan.

H.5. Electronic Communication To clarify CLC expectations about the use of electronic communication systems by employees, Appendix A., *Computer, Internet, E-Mail and Software Policy*, is included as an integral part of these Personnel Policies.

H.6. Conflict Resolution Procedure

If a conflict occurs in the normal course of events, this procedure will be followed:

- 1) A face-to-face discussion will take place between the individual(s) involved, meeting in a setting that is private and conducive to understanding and resolution.
- 2) If the first step does not satisfactorily resolve the conflict, the party/parties will discuss the matter with the supervisor.
- 3) If step 2. above does not satisfactorily resolve the conflict, and if the supervisor is not the Lead Pastor, the party/parties will discuss the matter with the Lead Pastor.
- 4) If the disagreement is not resolved at step 3 above, the parties, including the Lead Pastor, will meet with the chairperson of the Personnel Task Force. This may be followed up by a meeting with the full Personnel Task Force.
- 5) The final step in the Conflict Resolution Procedure is to meet with the church's Executive Committee (or, through them, with the Church Council), which will determine the final disposition of the matter.

H.7. Binding Arbitration

Once the Conflict Resolution Procedure has been exhausted, and in the event that either party seeks further interpretation and/or enforcement of the terms of these policies, or if any disputes arise from, or are related to employment, the matter shall be subject to binding arbitration under the law of the State of California, with each side to bear its own fees and costs.

H.8. Performance Counseling and Discipline

As noted in Section A.1., CLC is an "at will" employer. Progressive discipline is used when employee actions or performance need immediate and sustained action, except in cases of repeated willful or flagrant violations where recommendations for immediate termination are warranted (see examples below). CLC retains the discretion to determine under what circumstances discipline is appropriate. Disciplinary action may include oral and/or written counseling, suspension, or termination.

Actions that constitute Gross Misconduct may warrant immediate termination of employment. Examples include, but are not limited to:

- Theft: removal of CLC property or the property of another person from the premises without prior authorization
- Acts of dishonesty or criminal behavior, including omissions or misrepresentations made on the employment application
- Acts not in the best interests of CLC
- Acts that endanger, or potentially endanger or injure, congregation members, staff, or visitors
- Absence for three consecutive working days without notice to CLC (see Section D.2.)

- Harassment (see Section A.3)

I. HEALTH AND SAFETY IN THE CLC ENVIRONMENT

I.1. Health and Safety of CLC Employees

CLC will maintain a safety and health program conforming to the best practices of organizations of this kind. Such a program requires cooperative and constructive approaches to injury and illness prevention by all staff members so that problems and hazards are identified and resolved in a timely, effective manner. To that end, Appendix B., *Injury and Illness Prevention Program for Christ Lutheran Church*, is included as an integral part of these Personnel Policies.

I.2. Child Safety Policy

CLC is committed to educating all employees and volunteers about appropriate touch and boundaries regarding children, including skills for recognizing signs of physical/emotional/sexual abuse and familiarity with procedures for reporting perceived abuses. To that end, Appendix C., *Reducing the Risk of Child Abuse: Policy Statement, Christ Lutheran Church*, is included as an integral part of these Personnel Policies.

I.3. Elder Abuse Prevention Policy

Under California law (California Codes: Welfare and Institutions Code, Section 15630-15632), clergy and other church employees (e.g., health practitioner) are “mandated reporters” of any instances of suspected dependent adult/elder abuse of which they become aware. To that end, Appendix D., *Adult/Elder Abuse Awareness and Response Policy*, is included as an integral part of these Personnel Policies.

I.4. Workplace Violence

CLC has a zero tolerance policy for threats or incidents of workplace violence. Employees must immediately report any such threat or incident to a supervisor or to the Senior Pastor. Any such threat or event will be investigated by the Director of Administration or another person authorized to do so by the Church Council.

I.5. Lactation Accommodation

Christ Lutheran Church provides a reasonable amount of break time to accommodate an employee's need to express breast milk for the employee's infant child. The company will make a reasonable effort to provide the employee with the use of a room or other location in close proximity to the employee's work area for the employee to express milk in private. Such space will meet the requirements of the California Labor Code including a surface to place a breast pump and personal items, a place to sit, access to electricity, a sink with running water, and a refrigerator for storing breast milk.

Procedures

- An employee may request an accommodation for lactation breaks by submitting a lactation accommodation request form to her department supervisor.

- The department supervisor must respond to the employee's accommodation request in writing on the same lactation accommodation request form submitted by the employee indicating the approval or denial of the break request. The completed request form must be returned to the employee and a copy sent to the human resources department.
- The requested break time should, if possible, be taken concurrently with other scheduled break periods. Nonexempt employees must clock out for any lactation breaks that do not run concurrently with normally scheduled rest periods. Any such breaks will be unpaid.
- The company reserves the right to deny, in writing, an employee's request for a lactation break if the additional break time will seriously disrupt operations.
- Employees have the right to file a complaint with the labor commissioner for any violation of rights provided under Chapter 3.8 of the California Labor Code regarding lactation accommodations.

J. WHEN EMPLOYMENT ENDS

J.1. Voluntary Termination

When resigning voluntarily, an employee is asked to give a two-week notice, when possible. In certain circumstances, an action by the employee other than a normal resignation may constitute a voluntary termination. Such instances include, but are not limited to, unauthorized absence for a period of three consecutive work days, or failure to return from a leave of absence or to request an appropriate extension of a leave. In such cases, the employee will be assumed to have terminated employment voluntarily.

J.2. Involuntary Termination

Employment may be terminated involuntarily for Gross Misconduct (see Section H.8. above); unsatisfactory job performance, with or without disciplinary action; or layoff. The employee's supervisor will provide a written recommendation to the Lead Pastor. If the Lead Pastor agrees with the recommendation, and if the position in question is an Exempt position, the Lead Pastor will present the recommendation to the Executive Committee of the Church Council. If the Executive Committee agrees with the recommendation, it will be presented to the Church Council. Upon approval of the Church Council, the supervisor and/or Lead Pastor will notify the employee regarding the decision. If the position in question is a Non-Exempt position, consultation with the Council is not required. In either circumstance, every effort will be made to respect the employee's dignity throughout the process.

J.3. Position Elimination / Creation

A church, like all organizations, must review its staffing arrangements periodically to insure the best fit between program needs and paid positions. At times it may be necessary to eliminate some positions as a result of changing conditions and/or to create other positions. In such circumstances, CLC will strive to provide affected employees with the maximum lead time to plan accordingly and will support their efforts to obtain other employment.

**Appendix A:
Computer, Internet, E-Mail and Software Policy
Christ Lutheran Church, Pacific Beach**

As technology advances, CLC increasingly uses electronic forms of communication and information exchange. Employees may have access to one or more forms of electronic media and services (computers, e-mail, telephones, fax machines, on-line services, the internet and the World Wide Web, etc.).

CLC encourages the use of these media and associated services because information technology has become integral to our operations; they make communication more efficient and effective; and they are valuable sources of information. However, electronic media and services provided by CLC are the property of CLC and their purpose is to facilitate CLC operations and services.

With the rapidly changing nature of electronic media, this policy cannot state rules to cover every possible situation. Instead, it expresses CLC's philosophy and sets forth general principles to be applied to the use of electronic media and services.

These procedures apply to all electronic media and services which are:

- accessed on or from CLC premises;
- accessed using CLC computer equipment, or via CLC-paid access methods and/or
- used in a manner which identifies the individual with CLC

Electronic media and services are primarily for CLC business use. Limited, occasional use of electronic media (sending or receiving) for personal, non-business purposes is allowed while on the employee's own time, i.e., breaks, lunch, or before/after work hours, so long as all other aspects of this policy are observed.

Electronic information created and/or communicated by an employee using e-mail, word processing, utility programs, spreadsheets, telephones, internet access, etc., will not generally be monitored. CLC reserves the right, however, to monitor such communications. Employees should not assume electronic communications are totally private and confidential and should transmit highly sensitive information in other ways. Conditions under which CLC might monitor communications include, but are not limited to:

- CLC may routinely monitor usage patterns for both voice and data communications (e.g., number called on site accessed, call length, times of calls, etc.). Reasons include costs analysis and management of our gateway to the Internet.
- CLC also reserves the right, at its discretion, to review any employee's electronic files and messages and usage to the extent necessary to ensure that electronic

media and services are being used in compliance with the law and with this and other CLC policies.

Employees must respect the confidentiality of other people's electronic communications and may not attempt to read, "hack" into other systems or other people's logins, or "crack" passwords, or breach computer or network security measures, or monitor electronic files or communication of other employees or third parties, except by explicit direction of Church Council, the Lead Pastor, or the Church Administrator.

Electronic media may not be used for knowingly viewing, transmitting, retrieving or storing any communications of a discriminatory or harassing nature, or which are derogatory to any individual or group, or which are obscene or X-rated communications, or are of a defamatory, disrespectful, or threatening nature, or for "chain letters," or for any other purpose which is illegal or against CLC policy or contrary to CLC interest.

No e-mail or other electronic communications may be sent which attempt to hide the identity of the sender, or represent the sender as someone else or from another organization. Any messages or information sent by an employee to one or more individuals via an electronic network are statements identifiable and attributable to CLC.

Anyone obtaining electronic access to other companies' or individuals' materials must respect all copyrights and may not copy, retrieve, modify or forward copyrighted materials except as a single copy for reference use only or as permitted by the copyright owner.

Appendix B:
Injury and Illness Prevention Program
Christ Lutheran Church, Pacific Beach

It is the purpose of this program to encourage all employees to practice safe and healthful work habits.

The Lead Pastor has lead responsibility for implementing this program, but s/he may delegate this responsibility to the Director of Administration. These responsibilities include interpreting regulations, inspecting and evaluating potential hazards and arranging for abatement of hazards, as well as setting up and administering training programs.

Every employee shall report any work hazards(s) to the Senior Pastor. These notes should be placed in his/her mailbox. State law protects all employees who report any hazards from any reprisal by the employer.

Any employee who fails to comply with safe and healthful work practices is subject to disciplinary actions, including counseling, probation and possible termination.

Inspection Procedures:

Inspections to identify and evaluate hazards or potential hazards shall be made:

1. When new equipment or work procedures are introduced that may be considered a potential health or safety hazard.
2. When an employee reports a hazard.
3. When an employee suffers a work-related injury or illness.
4. If no inspections are made under numbers 1., 2., or 3., above, an inspection will be conducted at least annually.

All inspections shall be conducted in a timely manner. A record of each inspection, including the area of inspection and the inspector, will be kept for three years.

If a hazardous or unhealthful condition which presents an imminent risk of physical injury or death is discovered, the employees will be evacuated from the area and the employer will proceed to immediately correct the problem. Other hazards of a less dangerous nature which are reported or discovered will be corrected within a reasonable period of time.

Areas to Inspect:

1. The grounds surrounding the premises, including the sidewalk, entrance stairs, parking lot and railings.
2. Inside the premises, including: worn or loose carpeting, stairways, railings, electrical wiring, lighting, placement of furniture and cord, bathroom areas, and all kitchen areas. Inspectors should also ensure that emergency lighting works.

3. Inspections should not be limited to the areas noted in numbers 1. and 2. above; those lists are not meant to be all-inclusive but are examples of places where hazards may develop.

Areas of Instruction:

1. Fire prevention and other general safety rules.
2. The location of emergency exits and evacuation routes and emergency evacuation plans.
3. Food handler training approved by the San Diego County Department of Environmental Health for all who prepare food in the CLC kitchen.
4. Location of all First Aid supplies.
5. Proper posture for video display terminals; different types of screens to prevent eye strain; types of chairs; and amount of time and breaks regarding the operation of VDTs.

Appendix C:
Reducing the Risk of Child Abuse:
Policy Statement of Christ Lutheran Church, Pacific Beach

I. Selection and Screening Process

- A. All staff and volunteers, as well as those who apply to work with children and youth at Christ Lutheran Church (CLC), will be required to complete an Application Form for Youth Work (copy attached). For those already working with children and youth, applications will be completed at the time this policy is instituted. After this policy is in effect, applications will be completed prior to any consideration for an open position. These applications will be maintained in a locked file by the Lead Pastor.
- B. All new staff and volunteers will be interviewed by the ministry staff and/or appropriate committee.
- C. Normally, only staff members and active members of the congregation will be eligible to work with children and youth as a volunteer. The definition of an active member is outlined in the Christ Lutheran Church Constitution as one who has communed and contributed in the previous year. The Church Council reserves the right to allow persons to work with children and youth as volunteers who are not considered members by the Constitution, but who actively participate in the church.
- D. No individual with a prior molestation conviction will be permitted to be employed or to volunteer with any children or youth ministry.
- E. Falsification of, or tampering with, any church-related records or documents relation to the application process is not permitted. Anyone doing so is subject to dismissal.

II. Worker Supervision for Church Activities with Children

The following “two adult” rule will be implemented for the protection of both child and adult:

- A. For any activity away from church grounds, two adults are generally necessary.
- B. Activities outside of regularly scheduled Sunday morning programs generally require two adults.
- C. Two activities in the same area of the church, each with its own adult leader, will meet the two adult leader requirement, provided that they are within visual contact.

III. Reporting Procedures

- A. Christ Lutheran Church will obtain and keep on file a copy of the state law applying to reporting allegations of abuse. All staff and volunteers working with children and youth will be given a copy of the state law(s) regarding child abuse. This information will be periodically reviewed with all staff and volunteers, especially when the policy is put into place and when staff and volunteers begin working with children and youth.
- B. A description of possible indicators and symptoms of abuse should be given to all staff and volunteers who work with children and youth. A report to a supervisor should be made if a worker feels that a child displays these indicators. As above, this information will be periodically reviewed with all staff and volunteers, especially when the policy is put into place and when staff and volunteers begin working with children and youth.
- C. All reports of suspected child abuse should be documented in writing. All reports will be maintained by the Lead Pastor in a locked filing cabinet separate from all other CLC records. These reports will be treated as confidential unless otherwise designated by the appropriate laws. In all cases, the appropriate state laws(s) will be followed.
- D. Any suspicions or allegations should be reported to one of the ministry staff. In the event the individual does not feel comfortable speaking with the ministry staff, or the situation involves the ministry staff, the individual should report his/her allegations to the Council President. If the individual does not feel comfortable reporting the situation to the Council President, the individual should contact the Synod office/the Church's insurance representative/the Child Protective Services/the Police Child Abuse Unit.

IV. Response to Allegations of Abuse Being Perpetrated by CLC Staff or a Volunteer

- A. In the case of all allegations, investigations will be handled in a confidential manner and on a timely a basis.
- B. All efforts on handling the situation will be documented. All documentation will be maintained in a locked filing cabinet separate from other CLC records.
- C. The incident will be reported immediately to CLC's insurance company, attorney, and Synod officials for guidance.
- D. The proper civil authorities will be contacted. The church will cooperate as they do in an in-depth investigation.
- E. The parents of the alleged victim will be notified.

- F. All allegations will be treated seriously and based on their merits. The situation will not be prejudged.
- G. The accused will be treated with dignity and support. The accused will be relieved temporarily of his/her duties until the investigation is complete. In the case of a paid employee, a decision will be made by the Executive Committee of the Council on whether to maintain or suspend his/her income until the allegations are cleared or substantiated.
- H. In the event the allegations are substantiated by the investigation, the accused will be removed from his/her position. In the event the allegations are not substantiated by the investigation, the accused will be reinstated to his/her position.
- I. A prepared public statement will be used by a selected spokesperson to answer the press and to convey news to the congregation.
- J. All efforts within the law will be made to preserve the confidentiality of the victim and the accused.

V. Education

In order to share the need to protect children and youth from abuse, and to protect employee and volunteers from false accusations, the following steps will be taken:

- A. Staff and volunteers will be expected to participate in a training event. Several opportunities will be offered: 1) at the time of the beginning of employment at CLC; 2) at least once each calendar year for volunteers; and 3) at annual refresher events.
- B. The Pacifica Synod and the Evangelical Lutheran Church of America will receive a copy of this policy.

Do you have a current driver's license?

_____ **Yes** **If yes, please list your driver's license number:** _____

_____ **No**

Church History and Prior Work with Children and/or Youth

Name of church where you are a member _____

List (name & address) other churches you have attended regularly in the past five years:

List all previous church work involving youth (list each church's name & address, type of work you performed, and dates):

List all previous non-church work involving youth (each organization's name & address, type of work you performed, and dates):

List any gifts, callings, trainings, education, or other factors that have prepared you for children or youth work:

Personal References (not former employers or relatives)

Name _____ **Name** _____

Address _____ **Address** _____

Telephone _____ **Telephone** _____

Applicant's Statement

The information contained in this application is correct to the best of my knowledge. I authorize references or churches listed in this application to give you any information, including opinions they may have regarding my character and fitness for children or youth work. In consideration of receipt and evaluation of this application by Christ Lutheran Church, I hereby release any individual, church youth organization, charity, employer, reference, or any other person or organization, including record custodians, both collectively and individually, from any and all liability for damages of whatever kind or nature which may at any time result to me, my heirs, or family, on account of compliance or any attempts to comply, with this authorization. I waive any right that I may have to inspect any information provided about me by any person or organization identified by me in this application.

Should my application be accepted, I agree to be bound by the Constitution, Bylaws, and Personnel Policies of Christ Lutheran Church and to refrain from illegal or immoral conduct in the performance of my services on behalf of the congregation.

I further state that I have carefully read the foregoing release and the contents thereof, and I sign this release as my own free act in a legally binding agreement which I have read and understand.

Applicant's Signature _____

Date _____

Witness _____

Date _____

Appendix D:
Adult/Elder Abuse Awareness and Response Policy
Christ Lutheran Church, Pacific Beach

Under California law (California Codes: Welfare and Institutions Code, Section 15630-15632), clergy and certain other church employees (e.g., health practitioner) are “mandated reporters” of any instances of suspected dependent adult/elder abuse of which they become aware. This statement is provided as a resource to all in the CLC community as a source of definitions of terms used and descriptions of actions required regarding this important issue.

Definitions:

“Elder,” as defined in the WIC Section cited above, means any person residing in California who is 65 or older. “Dependent Adult,” as defined in WIC means any person residing in California, between the ages of 18 and 64, who has physical or mental limitations that restrict his or her ability to carry out normal activities or to protect his or her rights including, but not limited to, persons who have physical or developmental disabilities or whose physical or mental abilities have diminished because of age. “Dependent adult” includes any person between the ages of 18 and 64 who is admitted as an inpatient to a 24-hour health facility as defined in Section 1250, 1250.2 and 1250.3 of the Health and Safety Code (H&S).

What Must Be Reported:

Any mandated reporter who, in his or her professional capacity, or within the scope of his or her employment, has observed, suspects, or has knowledge of an incident that reasonably appears to be physical abuse (including sexual abuse), abandonment, isolation, financial abuse, abduction, or neglect (including self-neglect) or is told by an elder or a dependent adult that s/he has experienced same, shall report the known or suspected instance of abuse by telephone immediately or as soon as practicably possible, and by written report (form SOC 341) sent within two working days to the appropriate San Diego County agency. Failure to report same by a mandated reporter may result in fines or imprisonment, or both.

The Reporting Process:

Copies of form SOC 341 and additional printed resources on recognizing and responding to instances of elder/dependent adult abuse will be kept available in the CLC office.