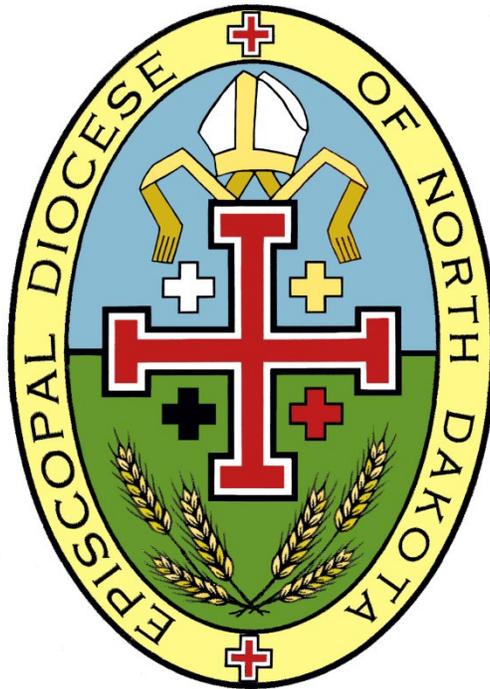


Diocesan Employee Personnel Policies



EPISCOPAL DIOCESE OF NORTH DAKOTA

FARGO, NORTH DAKOTA

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Episcopal Diocese of North Dakota Personnel Policies

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Preface

The Diocese is a community of congregations faithfully seeking to fulfill the mission of God through worship, formation, witness, and service. Each congregation is called to nurture the Christian faith in its members, be a caring community, be a people of compassionate outreach, and to strive for justice and peace by bringing the love of Christ to bear upon the lives of all people.

Diocesan employees are expected to carry out their ministries in the spirit of the statement above, acting in the service of and on behalf of the members of the congregations.

The intention of these personnel policies is to help ensure that all employees are treated consistently and be able to carry out their responsibilities with a clear understanding of the terms of employment.

I. Administration

1.1 Scope

Every employee is expected to support the mission statement of the Diocese: We seek to be empowered together through the Holy Spirit for every member ministry in our changing world.

1. Employees need not be Episcopalian but, if filling a role requiring ordination, must be ordained in a denomination in full communion with the Episcopal Church.
2. "Diocesan employees" include those identified as part of the Diocesan Ministry Support Team (hereafter dMST); they have diocesan level responsibilities and/or are paid directly from diocesan funds. A second group of diocesan employees serve specific congregations, and their compensation and benefits are provided through the diocesan budget.
3. These diocesan personnel policies apply primarily to the dMST group of employees as indicated throughout the policies. Where both groups of employees are covered policy language indicates *all* employees. For diocesan employees who are not in the dMST group, personnel related matters including terms and conditions of employment should be addressed in the letters of call.
4. For purposes of these personnel policies the term "bishop" refers to the Bishop of North Dakota, the Ecclesiastical Authority (when there is no Bishop), or the Bishop's designee.

1.2 Authority

These personnel policies are adopted under the authority of the Diocesan Council. They may be amended by action of the Council.

1.3 The Diocesan Council

The Diocesan Council shall act as final arbiter in matters involving interpretation and application of personnel policies.

1.4 Personnel Committee

1. Purpose

The purpose of this committee will be to serve as the Personnel Committee of the Diocese and to carry out its responsibilities as noted below.

2. Membership and Organization

A. The committee can have up to seven members.

- 1) The Bishop or Bishop's designee shall serve as one of the members with voice and vote.
- 2) The other members shall be appointed annually by the bishop with the ratification by the Diocesan Convention.

B. Members of the Personnel Committee shall annually elect a chairperson.

3. Responsibilities

The committee shall:

- A. Annually review and amend as necessary diocesan personnel policies to comply with church canons and state and federal laws;
- B. Review position descriptions and letters of agreement for all dMST for consistency with policies.

1.5 The Bishop

The bishop, as chief administrator of the Diocese, shall provide appropriate supervision of dMST members in accord with the Diocese's personnel policies. The bishop shall serve as a permanent member of the Personnel Committee with the authority to participate in all discussions and decisions of that committee.

1.6 Exceptions and Amendments

The Diocesan Council may adopt amendments, corrections, additions, or deletions to these personnel policies, as needed. Exceptions to these personnel policies may be granted by the Diocesan Council, upon recommendation of the Personnel Committee, when it is judged that such exceptions are in the best interest of the Diocese and the employee concerned. To be valid, all exceptions must be recorded in the minutes of the Diocesan Council.

II. Employment and Workweek

2.1 Employee Classifications

1. Full-Time Employees are those persons employed by the Diocese on a regular schedule of at least 32 hours per week. Full-time employees may be paid on the basis of an annual salary or on an hourly basis.
2. Regular Part-Time Employees are those persons employed by the Diocese on a continuing basis for less than 32 hours per week. See sections 5.3 and 5.4 for benefit eligibility.
3. Part-Time or Temporary Employees are those persons employed by the Diocese on average less than 20 hours per week on a regular or an intermittent basis. Such employees may not be guaranteed a minimum or maximum number of hours per week and are not eligible for any employee benefits.
4. Exempt Employees are those employees, pastoral, lay or program staff, for whom the Diocese is exempt from paying overtime pay beyond their regular workweek.
5. Non-Exempt Employees are those full-time non-pastoral and non-program staff, and Regular Part-Time Employees who are to be compensated for overtime work. Such compensation shall be as described in Section 2.4.

2.2 Recruitment and Employment

1. The employment of clergy is defined in the Canons of the Episcopal Church and the Diocese of North Dakota.
2. The employment of dMST members shall be the responsibility of the bishop who may consult the Personnel Committee and/or over relevant individuals.
3. The Diocesan Council and Finance Committee shall establish and from time to time review a plan for the staffing of the Diocese, taking into account the needs of the Diocese, its financial ability to support staff, and the types of positions required to perform the work to be done.
4. The bishop, who may consult with the Personnel Committee or other relevant individuals, shall interview, select and hire dMST members.

2.3 Workweek

1. The nature of dMST pastoral and program positions may require varying hours of work per week. The nature of the dMST's work is also such that the hours worked per week cannot always be organized on a regular schedule of five workdays of eight hours per

day. DMST members are to organize their work time for effective performance of their duties, subject to the approval of the bishop. Expectations are to be set in each dMST member's letter of agreement and shall include provision for at least one full day off per week.

2. When the Fargo school district is closed for weather-related reasons, the diocesan office will be closed, and full-time dMST members will be paid.

3. The work week may include some work done remotely if approved in advance by the bishop.

2.4 Overtime and Compensation

No exempt employee will be paid overtime for hours worked in excess of 40 hours per week. Non-exempt employees will be paid time and one-half for hours worked in excess of 40 hours per week. Such overtime hours are to be approved in advance by the bishop.

2.5 Pay Periods

The pay period for all exempt employees will be semi-monthly, with payment being made on the 15th and last day of the month. All nonexempt full-time employees will be paid semi-monthly or bi-weekly. All exempt employees on salary may request a monthly pay period, with payment on a date agreed upon by the designated payroll administrator. If a normal payday falls on a Saturday, Sunday, or bank holiday, paychecks will be issued on the last day banks are open prior to the 15th and last day of the month (bank holidays are set by the Federal Reserve System).

2.6 Timesheets

1. Timesheets reflecting actual hours worked must be completed daily by all non-exempt, non-salaried employees. Each pay-period these timesheets need to be signed by both the employee and bishop, or other designated person, for approval prior to being paid for these hours. The pay period for these employees will end on Friday every two weeks with payments generated the following week.

2. Exempt dMST members will complete a report of the vacation and sick time used on a quarterly basis and submit the report to the Diocesan Office for their personnel file.

2.7 Personnel Records

The bishop shall maintain a personnel file on each employee. Each file shall include:

1. Copies of various forms for tax withholding and other payroll deductions (to be filled out by each employee).

2. A cumulative record of salary changes from the initial date of employment, kept by the bishop.
3. Copies of dMST application forms, resume, and initial position description and letter of agreement.
4. Copies of annual dMST work objectives and any relevant written evaluations of performance and updated position description and letter of agreement.
5. dMST leave records.
6. Other pertinent documents.

2.8 Holidays

1. The Diocese observes the following official holidays as paid holidays for salaried and full-time hourly dMST employees: New Year's Day, Martin Luther King Jr. Day, Good Friday **or** Easter Monday, Memorial Day, Independence Day, Labor Day, Veterans Day, Thanksgiving Day, the Friday after Thanksgiving, and Christmas Day.
2. If a dMST employee is required to work on one of the days indicated above, the employee may take an alternative day (approved by the bishop) as a paid holiday.
3. In addition, dMST employees will be allowed to take one of the following: President's Day (third Monday in February), **or** Juneteenth (June 19), **or** Native American Day (fourth Friday in September), **or** Indigenous Peoples Day (second Monday in October), **or** their birthday, at their discretion, with pay.
4. If a holiday falls on Saturday, the preceding day will be taken as a holiday. If a holiday falls on Sunday, the following day will be taken as a holiday. If a holiday falls on an exempt dMST employee's regular day off, the employee may take an alternative day (approved by the bishop) as a paid holiday.

III. Supervision

3.1 Purpose

The purpose of supervision is to provide individual support for the employee, to improve performance, and to provide a consistent framework for planning and teamwork.

3.2 Team Meetings

Regular dMST meetings will be called by the bishop for purposes of planning, support, and communication among team members.

3.3 Performance Review

Members of the dMST shall be reviewed at the conclusion of the first ninety (90) days of employment and annually by the end of February with respect to their work performance. The bishop may call upon the immediate supervisor, members of the Personnel Committee, or other members of the Diocese to form review teams as appropriate, or the bishop may conduct the reviews directly with the individual without other persons participating. Findings shall be presented to the individual in a timely manner.

3.4 Annual Work Objectives

The bishop will ask dMST members to prepare annual work objectives in an appropriate format.

IV. Compensation and Reimbursement

4.1 Salary Policy

This Diocese seeks to maintain salary levels consistent with the recommendations of minimum guidelines for salaries for clergy. All employee salary levels are to be (a) internally consistent; (b) reflective of the employee's contributions to the Diocese, and (c) comparable to similar positions in this area.

4.2 Salary Review and Increases

Salary increases for all employees will be considered annually on the basis of the calendar year (in the case of full-time and regular part-time employees). The Finance Committee will recommend salary levels or increases to Diocesan Council; Council will present their recommendations in the annual budget which is presented to the Annual Convention for approval.

4.3 Expense Reimbursement

1. All employees who fall under the parameters of these personnel policies, and any volunteer who incurs legitimate expenses in their service to the Diocese, shall be reimbursed for any ordinary, necessary and approved business and professional expense incurred on behalf of the Diocese, if the following conditions are satisfied: 1) the expenses are reasonable in amount; 2) the person documents the amount, time and place, business purpose, and business relationship of each expense with the same kinds of documentary evidence as would be required to support a deduction of the expense on the person's federal income tax return; 3) the person documents such expense by providing an accounting of such expenses, no less frequently than monthly, using approved forms. Expenses will not be reimbursed if submitted more than 60 days after the expense is incurred without approval of the treasurer or the bishop.

2. Prior approval of reimbursable expenses is required for single expenses greater than \$1000. This approval is to be obtained from the bishop or treasurer. Any single Bishop's reimbursable expense greater than \$1000 requires approval from the treasurer or Finance Committee.

3. An Expense Reimbursement Form must be submitted and approved for any expense to be reimbursed.

4. A monthly report of funds dispersed through the Discretionary Fund shall be presented to the Treasurer monthly.

5. The Diocese shall not include on an employee's W-2 form the amount of any business or professional expense properly substantiated and reimbursed according to the procedure outlined above.

6. A diocesan reimbursement that exceed the amount of business or professional expenses properly accounted for by an employee pursuant to this reimbursement policy must be returned to the Diocese within 30 days after the associated expenses are paid or incurred by the employee and shall not be retained by the employee.

7. Under no circumstances will the diocese reimburse an employee for business or professional expenses not incurred according to this policy. The Diocese and its employees understand that this requirement is necessary to prevent our reimbursement plan from being classified as a “nonaccountable” plan.

8. Eligible mileage shall be reimbursed at the current rate allowed by the IRS which is updated annually.

4.4 Moving Expense

When a clergy person or lay professional is employed by the Diocese of North Dakota for the dMST and that call involves relocation, the real costs of moving expenses will be paid by the diocese. These real costs include moving van costs, meals enroute, motel expenses enroute and storage expense, if necessary. The agreement entered into with the moving company, the type of packing done, etc., should be negotiated between the employee and bishop BEFORE moving contracts are signed. Some of these reimbursements may be taxable.

V. Employee Benefits

5.1 Social Security

The diocese will make social security contributions (including Medicare and FICA) as required under the Social Security Act.

5.2 Workers' Compensation

The diocese provides Workers' Compensation Insurance coverage for all employees, at no cost to the employee, as required by state law.

5.3 Pension Plan

1. The Diocese provides a pension plan for all Episcopal Church clergy diocesan employees according to the canons and Church Pension Fund rules, and all full-time lay employees and other employees who are regular part-time employees and work 1000+ hours per year.
2. Details of these contributions and benefits, which may change from time to time, are to be found in various publications of the Church Pension Fund.

5.4 Medical

1. The Diocese and/or all of its congregations shall provide 100% of the cost of basic health/dental/vision insurance coverage administered by the Church Pension Fund for all qualified employees, unless the employee opts out for spousal coverage or other approved coverage.
2. Ordinarily, qualified employees are anyone (clergy and lay) employed 1664+ hours per year by the diocese, a congregation within the Diocese, or a combination of both; or those who become eligible by terms of a contract or letter of agreement. The premium will be prorated based on their time with each entity.
3. Clergy and lay employees who work 1664+ hours per year will receive letters explaining the specifics of their medical coverage and benefits.

The Diocese and/or congregation will provide 100% of the premium for those covered exclusively under the diocesan group policy.

5.5 Survivor Benefits

In the event of death of an employee, his/her salary will be paid to the designated beneficiary through the month in which death occurs, plus one additional month. A designated beneficiary form should be on file for each employee.

5.6 Life Insurance

All clergy in the Diocese are currently covered by a term life insurance policy that is provided for them as participants in the Church Pension Fund. The Diocese provides an additional \$25,000 group term life insurance policy for active clergy and lay employees who work 20 or more hours per week. The Diocese pays the premium for a \$5,000 term life insurance policy for retired Diocese employees who had coverage while they were employed.

5.7 Housing Allowance

An important tax benefit available to clergy who own or rent their homes is the housing allowance exclusion. Clergy who own or rent their home do not pay federal income taxes on the amount of their compensation that their employing congregation designates in advance as a housing allowance and that clergy person can document according to IRS rules. NOTE: A church cannot designate a housing allowance retroactively. Failure to designate a housing allowance prospectively deprives clergy of an important tax benefit. Diocesan Council and vestries of congregations employing clergy will pass resolutions required by the IRS to support these housing allowance exclusions annually and when reasonably requested by clergy employees.

5.8 Disability Insurance

Both short- and long-term disability coverage is included with the pension plan for clergy. The Diocese will provide short term disability insurance for qualified lay employees.

5.9 Employee Assistance Program (EAP)

The Diocese offers support at no charge to employees who are experiencing problems related to physical, mental or emotional illness; marital or family relations; substance abuse and other concerns through access to an employee assistance program. A request for counselling by and referral to an independent entity contracted by the Diocese will be treated with confidentiality by the supervisor and will not jeopardize the employee's job security except for provisions stated in Section 7 of these policies.

EAP is available to all employees.

5.10 Annual Leave

1. Exempt full-time clergy and lay dMST employees are granted annual leave in accordance with their contracts, normally one month including 5 Sundays per year.
2. Other non-exempt full-time dMST employees will be granted paid annual leave according to the following schedule (unless otherwise stipulated in a contract or employment offer letter):
 - A. one through four years – 10 days
 - B. five through ten years – 15 days
 - C. ten years and beyond – 20 days

3. During the first calendar year of employment, annual leave for dMST will be prorated based on date of hire, unless other provisions are made by the bishop.
4. Part-time dMST employees will be granted annual leave on a prorated basis at the same schedule as full-time lay employees.
5. Annual leave for dMST members is accrued on a monthly basis, at the start of each month (e.g., 10 days / 12 months = .833 days accrued per month). Annual leave may be used prior to accrual with approval by the bishop and must be used by the end of the calendar year in which they were accrued; otherwise, these days are forfeited. Annual leave and floating holidays must be scheduled at least one day in advance. Upon end of employment, reimbursement of used but unaccrued annual leave is the financial responsibility of the employee.
6. Intermittent or temporary employees are ineligible for paid annual leave benefits.
7. The bishop will maintain a master annual leave schedule for all eligible dMST employees with the purpose of ensuring continued coverage of staff work and personal preferences for annual leave.

5.11 Sick Leave

1. Unless otherwise governed by state or local law, full-time, regular dMST employees are eligible to earn sick leave. At the time of appointment, full-time, regular dMST employees are credited with 3 days of sick leave and after the first three months of employment earn additional sick leave at the rate of 1 day per month. Sick leave for regular, part-time dMST employees is prorated, based on FTE. Part-time dMST employees who are regularly scheduled to work less than 20 hours per week are not eligible to receive pay for absences.
2. Unused sick leave may be carried over from year to year with a maximum accrual of 30 working days. Accrued sick leave, however, will not be paid out at termination of employment.
3. Sick leave may be used for medical or dental appointments, for personal illness or injury or the illness/injury of a spouse or children, or as otherwise required by state law. Medical documentation for use of sick leave may be required at the discretion of the bishop.
4. When an employee's accrued sick leave has been depleted, accrued vacation days may be used. Additional unpaid leave may be granted in accordance with applicable federal or state regulations.
5. Sick leave is not accrued during a period of disability leave.

6. Holidays that fall within a period of sick leave absence will not be charged against sick leave.

7. Employees with short term contagious diseases such as influenza, colds and other viruses may continue to work if they are able to perform the normal job responsibilities satisfactorily, but they should pose no risk to their own health or the health of others with whom they would interact while at work.

5.12 Family Medical Leave

The Diocese of North Dakota is not subject to the federal Family Medical Leave Act (FMLA) because it has fewer than 50 employees. However, full-time and regular part-time dMST employees who have been employed by the Diocese for at least a year may be granted up to 10 weeks of unpaid family medical leave in any two-year period. Such leave may be granted in the case of a serious health condition of the employee, the birth of an employee's child, the placement of a child 16 years or younger with the employee in connection with the adoption of the child, or a serious health condition of a child, parent, partner, or spouse. All such requests for leave must be approved by the bishop. An employee requesting leave may, at the bishop's discretion, be paid from his or her accrued sick leave account.

5.13 Bereavement Leave

In the event of a death in the immediate household or family such as spouse, (step) parent, (step) sibling, (step) grandparent, (step) child, (step) grandchild or other emergency situations, paid leave will be allowed dMST members for five days with the option to use vacation for additional time away.

5.14 Jury Duty

A dMST employee who is required to serve on a jury shall receive full pay during the period of such service, less any compensation provided for jury duty.

5.15 Leave Without Pay

Leave without pay may be granted a dMST member by the bishop, after informing the Diocesan Council and taking into consideration the work requirements of the position. Service credits and other benefits do not accrue to an employee while on a leave of absence.

5.16 Unemployment Benefits

In accordance with the Federal Unemployment Tax Act (FUTA) and the IRS tax code 501(c)3 and North Dakota Century Code 52-01-17, religious organizations are exempt from paying FUTA and therefore employees are not eligible to collect unemployment benefits.

5.17 Absences from Work

1. All dMST absences, including late arrival, should be reported promptly (usually within one hour of occurrence) and an expected time to return to work should be provided. Vacation and floating holiday time must be scheduled at least one day in advance.
2. Although the sick leave policy above provides for a certain number of paid days away from work, the bishop has the discretion to determine whether dMST absences are excessive. In making that determination, the bishop may consider the frequency, length and reason(s) for the absences. Documentation from a medical provider or other relevant source may be required. The bishop may also address patterns indicating abuse of the sick leave policy even though there is a balance of sick leave remaining.
3. Excessive absenteeism may result in unsatisfactory performance evaluations and may lead to prohibition of further use of paid absences until the attendance issues are resolved and/or disciplinary action, up to and including termination, has been taken.

VI. Staff Development

6.1 Continuing Education

The continuing education provisions covering full-time clergy and lay dMST employees are stipulated in their contracts according to the following standards.

1. Days: Full-time lay and ordained exempt employees are entitled to 2 weeks per year of continuing education. Other non-exempt full-time and regular part-time employees are entitled to 5 days per year of continuing education time.
2. Purpose: The purpose of continuing education is to help employees grow in professional competence. Continuing education programs should be related to the employee's responsibilities.
3. Planning: Continuing Education activities must be planned in advance, with a written request to the bishop for approval.
4. Timing: Continuing education days may not be taken at times when it interferes with the program of the Diocese or the workload of employees.
5. Funding: The Diocese may provide a continuing education financial allowance for the clergy and lay employees in accordance with their contracts or the diocesan budget.

6.2 Sabbatical Leave

Clergy and full time, exempt lay employees are provided sabbatical leave in accordance with their contract and/or the provisions of the Diocese of North Dakota (see Appendix A).

6.3 Professional Associations and Activities

1. All employees are encouraged to participate in local, diocesan, church-wide and ecumenical professional associations. The Diocese normally will not pay any fees or dues for individual memberships in professional associations, though it may be appropriate following consultation with the bishop to apply continuing education allowances to such membership fees.
2. As a part of their regular and on-going responsibilities employees, whether ordained or lay, are expected to participate in local, diocesan, church-wide or ecumenical activities as a sign of this Diocese's commitment to and involvement in the larger church. Such activities may include, but not be limited to, serving on local ecumenical committees, on diocesan or church-wide committees, on boards of church institutions and agencies, in church camp settings, and teaching within continuing education programs. Such service may be done as part of the dMST employee's regular workweek, provided the activity is approved in advance by the bishop (or the Diocesan Council in the case of the bishop),

and provided that such activities do not cause the employee to neglect primary responsibilities.

6.4 Civic Activities

The Diocese encourages employees to be active in community affairs, including service clubs. Such activity normally will be done outside regular working hours. Exceptions for dMST members may be made following consultation with the bishop.

VII. Separation and Retirement

7.1 Resignation

DMST employees who resign are expected to give two weeks' notice. Those who resign will receive payment for work done up to the date of resignation and for their unused, accrued vacation time. There will be no separation pay, unless arranged by the bishop.

7.2 Termination Without Cause

Termination without cause may from time to time be necessary due to changing financial conditions in the Diocese or because of realignments of staffing patterns. A dMST employee normally will be given one-month written notice, with continued payment of salary through the one-month period, if the employee remains in service, as well as pay for all unused, accrued vacation time.

7.3 Termination With Cause

Termination of a dMST member with cause may be made by the bishop in consultation with the Chancellor and Standing Committee for poor work performance that has been fully documented. Other reasons for such termination include, but are not limited to: insubordination, a crime of moral turpitude, excessive absence, or violation of diocesan policies. No payment shall be made except for earned salary up to the date of discharge and unused, accrued vacation. Prior to a termination with cause where performance is the issue, the bishop may establish a reasonable probationary period with clearly stated performance improvement goals to be met during the probationary period.

7.4 Separation Pay

Separation allowance, normally not to exceed two weeks, shall be granted to dMST employees terminated without cause. Pension premiums will not be paid for this allowance.

7.5 Termination of Insurance Benefits

Insurance benefits paid by the Diocese will be terminated at the date of resignation, termination, or retirement unless other arrangements (including the option of the employee to purchase the insurance at his/her own expense) are made in consultation with the bishop and Diocesan Treasurer.

VIII. Conflict Resolution

The Diocese of North Dakota provides a method for dMST employees to register complaints or problems concerning work conditions, the interpretation or application of policies and procedures, disciplinary action, or any other matters related to employment that cannot be worked out collegially. For allegations/conflicts related to sexual harassment, sexual misconduct with adults, youth or children, see diocesan policies on The Protection of Children and Youth and The Protection of Vulnerable Adults.

The Diocese shall not engage in reprisal against nor discriminate against any employee who seeks to solve a problem, complaint or disagreement in an orderly manner.

The following procedure shall normally be used by the employee:

1. Problems, complaints or disagreements should be brought to the attention of the employee's immediate supervisor, either verbally or in written form. This is the ideal and preferred approach to resolving the matter.
2. If the employee does not feel able to approach his/her immediate supervisor in the first instance, the problems, complaints and/or disagreements should be presented initially to the bishop (if the bishop is not the immediate supervisor) or the President of the Standing Committee.
3. If a satisfactory resolution is not reached within fifteen (15) working days after the problems, complaints and/or disagreements are initially presented, a written statement of the conflict should be submitted by the employee to the President of the Standing Committee. It will then be the responsibility of the President to notify members of the Standing Committee who will review the case, hold a hearing to address the concerns of the employee, and determine a resolution in a timely manner.
4. The employee may be accompanied to the hearing by a friend, family member, or any other designated individual, or legal counsel (at his/her own expense). If the employee is represented by an attorney, the Standing Committee may invite the Chancellor of the Diocese to observe and provide advice. The individual accompanying the employee or the employee's legal counsel shall serve as an advisor or to provide moral support for the employee but shall have no right to address the Standing Committee or conduct examination of any witnesses.
5. All investigations and proceedings associated with the conflict will be conducted with the utmost privacy and confidentiality.
6. The resolution decided by the Standing Committee is final and non-appealable.

Appendix A: Sabbatical Leave Policy

Every full-time Presbyterian canonically resident in the Diocese shall, following each six year period of service in the Diocese, be eligible for a Leave of Absence of up to four months for spiritual and intellectual refreshment, and shall be entitled to full compensation during each period of leave, provided however, that no Presbyterian shall be eligible for such leave of absence unless he/she has served in the position from which he/she would take leave for at least three years. No Sabbatical leave shall be granted to a person planning to resign the position from which the leave has been granted, within a period of one year. If questions shall arise concerning the proper interpretation of this section, the parties shall consult with the Bishop and his/her decision shall be final and binding upon all concerned.

The Reserve Fund for Sabbatical Leave shall be called the George T. Masuda Fund and shall be established in the amount of \$20,000 from excess proceeds from the sale of real estate as required by action of Coalition 14 in February of 1984, with the interest income only to be expended for the Sabbatical Leave Program.

Additional gifts may be received from time to time to increase the corpus of the fund; unexpended interest each year shall remain in the fund.

The Sabbatical Leave program in the Diocese of North Dakota shall be referred to as the "Masuda Program," in grateful response to his faithful and effective ministry as Bishop of this Diocese from 1964 to 1980.

--Adopted at Diocesan Convention, October 1996

--Amended by Diocesan Council, June 2007

--Amended by Diocesan Council, August 2008

Appendix B: Policy on Sexual Harassment

The Diocese of North Dakota prohibits sexual harassment of Church Personnel by anyone (including supervisors or decision-makers, co-workers, consultants, vendors and other non-employees). The behavior of individuals engaging in such conduct, or supervisors or decision-makers who knowingly allow such behavior to continue, will not be tolerated. All church personnel, whether supervisory or non-supervisory, and whether paid or volunteer, are prohibited from engaging in the conduct prohibited by this policy. The complete diocesan policy on sexual harassment is available on the diocesan web page.

Sexual harassment includes unwelcome sexual advances and requests for sexual favors. Other unwelcome conduct which may constitute sexual harassment includes, but is not limited to, the following:

Verbal:

- repeated sexual innuendos, sexual epithets, derogatory slurs, jokes that include sexual language, innuendo, references, scenarios, etc.
- propositions, threats, or suggestive or insulting sounds (for example, comments about body, sexuality, etc., including insults and innuendo) even if the comment is about someone else;
- inappropriate e-mail (for example, e-mail that includes sexual jokes or other references of a sexual nature about any person, gossip or speculation about a person's sexuality, sexual practices, sexual health, pregnancy, virility, etc.). This includes e-mail that was sent accidentally, for example by hitting the "forward" button instead of "reply," or forgetting that a particular individual or worker is on one of your group lists.

Visual/Non-Verbal:

- derogatory posters, cartoons or drawings (for example, cartoons and calendars that include nudity, sex acts, provocative poses, innuendo, sexual language, etc.);
- suggestive objects or pictures (for example, photographs that include nudity, sex acts, provocative poses; wallpaper, Screensavers, or other electronic displays of a sexual nature);
- graphic commentaries; leering; or obscene gestures (for example, vulgar gestures, gestures simulating sexual acts, "shooting the finger," kissing the air toward someone or licking the lips in a sexually suggestive or provocative manner).

Physical:

Unwanted physical contacts (including touching, interference with an individual's normal work movement, unwelcome displays of romantic or sexual affection, aggressive physical contact or assault); and

Other:

Making or threatening reprisals to an individual who opposes, objects to or complains about sexual harassment; possession of inappropriate material of a sexual nature in the Church or its display, duplication, or transmission.

Such verbal and physical conduct may constitute harassment when:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or other Church work;
2. Submission to or rejection of such conduct by an individual is used as a basis for employment or other Church work decisions affecting such individual; or
3. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

Retaliation

The Church will not take any action in retaliation against any Church Personnel who, in good faith and with a genuine belief that he/she has been sexually harassed, brings or voices a complaint pursuant to this Policy or otherwise opposes sexual harassment. In addition, the Church will not tolerate any retaliatory acts by other individuals.

Retaliation is a serious violation of Church policy and applicable law. If you believe you have been subjected to retaliation in violation of this Policy, you should report your complaint immediately in the manner specified in Section B below. Individuals will be subject to discipline, up to and including termination if they are found to have retaliated against an individual because such individual (1) in good faith and with a genuine belief that he/she has been subjected to sexual harassment, made an honest complaint about such conduct, (2) participated honestly and in good faith in any investigation into a sexual harassment complaint, and/or (3) in good faith opposed acts of sexual harassment.

B.1 Reporting Suspected Sexual Harassment

A person who believes that the actions or words of a supervisor/manager, co-worker, customer, vendor, volunteer, or other individual in the Church constitutes illegal or prohibited sexual harassment, has a responsibility to promptly report that behavior to one of the following individuals:

- a diocesan intake officer (names are posted on the diocesan web site)
- the rector or clergy person in charge of the congregation
- the senior warden of the congregation
- the Bishop

Prompt reporting enables the Church to stop the sexual harassment, before it becomes severe or pervasive.

A person who believes he/she has been the victim of any form of sexual harassment or retaliation, or has witnessed such conduct, must promptly give notice of your complaint or of what you witnessed to one or more of the individuals listed above. You are not required to complain to your supervisor or within your chain of command.

In addition, to reporting the offending behavior to one of the people listed above, a person who believes he/she has been the victim of sexual harassment is encouraged to speak directly to the individual whose conduct he/she finds objectionable. He/she is not required to do this, however,

and the suggestion is that the person consider doing this only if he/she is comfortable doing so. Speaking directly to the person involved with clear communication can sometimes resolve an issue immediately, as well as build greater understanding between individuals in the Church.

Allegations of sexual harassment made against the bishop may be made directly to the Office of Pastoral Development in the Presiding Bishop's Office; any such allegations reported to one of the individuals listed above will be referred to that office.

A person may formally or informally complain to any of the above personnel via any of the following:

- Telephone call
- Letter
- Email
- Fax
- In-person meeting
- Filing a "Notice of Concern" (a form is available on the Diocesan website or from the Diocesan Office).

All supervisors and decision-makers are required to report all formal and informal complaints, as well as any suspected or known policy violations, including any conduct they witness, immediately to the rector or clergy person in charge of the congregation (for congregations), a diocesan in-take officer, or the Bishop, even if the alleged victim has asked the supervisor or decision-maker to keep the complaint confidential, or indicate that he/she does not wish to file a formal complaint. Church Personnel are required to report immediately any suspected or known policy violations to the rector or clergy person in charge of the congregation.

All supervisors and decision-makers are expected to act promptly and appropriately to prevent (1) sexual harassment in the Church, and (2) retaliation against those who make a good faith complaint of sexual harassment, or those who participate honestly and in good faith in either an investigation of a complaint or oppose illegal or prohibited sexual harassment in the Church.

All complaints of sexual harassment will be reviewed and investigated promptly and impartially by the Bishop and/or the Bishop's designee. Complaints may be made orally or in writing. Once Church management receives notice of any complaint of sexual harassment, it will swiftly determine whether or not a fact-finding investigation is necessary. If it is determined that a fact-finding investigation is necessary, it will be launched promptly. If necessary, intermediate measures may be taken before completing the investigation to ensure that further sexual harassment does not occur.

Moreover, the Church will protect the confidentiality of the allegations to the extent possible; however, no individual can be promised or guaranteed strict or absolute confidentiality. For example, information may have to be disclosed to those officials and/or Church Personnel with a need to know in order to carry out the purpose and intent of this Policy.

Corrective or disciplinary action will be taken against any Church Personnel found to have engaged in sexual harassment. Such action may include counseling and/or appropriate disciplinary measures, up to and including termination. The complaining party will be given notice, in a timely fashion, of the outcome of the investigation of any formal or informal complaint.

B.2 General Definitions

1. Church Personnel

For purposes of this Policy, the term “Church Personnel” shall mean:

- a. All clergy whether stipendiary, non-stipendiary, or otherwise who are engaged in ministry or service to the Church;
- b. All paid personnel (including Church employees) whether employed in areas of ministry or other kinds of services by the diocese, its congregations, schools or other agencies. For example, [fill in examples];
- c. Those who contract their services to the diocese, its congregations, schools, or other agencies;
- d. Volunteers, including any person who enters into or offers him or herself for a Church related service, or who actually assists with or performs a service, whether or not they have been selected or assigned to do so. Volunteers include members of advisory boards, vestries, bishop’s committees, boards of directors and advisory boards. For example, [fill in examples];
- e. All interns, persons in the ordination process, and persons serving in field education assignments.

2. Church Employees

For purposes of this Policy, the term “Church employees” shall mean all individuals hired by the Church who are employees of the Church for purposes of federal, state and/or local discrimination and harassment laws.

3. Supervisors and Decision-Makers

For purposes of this Policy, the term “supervisors and decision-makers” shall mean:

- a. All persons who have the express authority to hire, select, supervise, discipline, promote, demote, terminate, set compensation or other terms and conditions of employment;
- b. All persons who have the express authority to recruit, duly appoint, select, license, discipline, supervise, terminate, or set terms and conditions of volunteer service;
- c. All members of decision-making bodies who have the authority to approve the creation of ministries, programs, Church activities, or personnel policies or who [fill in examples];
- d. Standing Committees, Diocesan Councils/Executive Boards, Vestries, and Bishop’s Committees who appoint or approve Persons Who Have Pastoral Relationships as defined in this Policy including all Standing Committees, Commissions on Ministry, Vestries, Boards of Directors for Schools, Bishops Committees and the like.

B.3 Education and Training Requirements

1. Church Personnel

Church Personnel are required to take training on sexual harassment and the organization's sexual harassment policy. Existing Church Personnel will be notified of this policy promptly following its adoption. Training for all Church Personnel will be incorporated into the initial Safe Church training or the refresher training which are offered regularly. This policy will be reviewed and discussed with new Church Personnel before they start work.

2. Supervisors and Decision-Makers

Supervisors and decision-makers must complete training on sexual harassment, including preventing and responding to sexual harassment, within three (3) months of the effective date of this Policy, or of becoming a supervisor or decision-maker.

Appendix C: Discrimination and Harassment in the Workplace

C.1 Equal Opportunity

The Diocese is an equal opportunity employer. It will not discriminate on the basis of race, sex, disability, sexual orientation or national origin with respect to employment, salary levels or promotions.

C.2 Policy on Discriminatory Behavior

The Diocese of North Dakota is committed to maintaining a work environment free of all forms of discriminatory behavior, including all forms of harassment directed toward the race, ethnic origin, sex, age, sexual orientation, or disability of an individual. Therefore, the use of disparaging terms, derogatory remarks, and displays of insensitive treatment, directly or indirectly related to race, ethnic origin, sex, age, sexual orientation, or disability will not be tolerated.

This policy pertains to every aspect of an individual's work relationship with the Diocese, including recruitment, selection, compensation, benefits, training and development, continuing education, social and recreational programs, promotion, corrective action, termination, and all other terms and conditions of employment.