



**EMPLOYEE  
PERSONNEL POLICIES  
OF THE  
DIOCESE OF YAKIMA**

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# INTRODUCTION

## *Section 1*

### Employee Personnel Policies

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## **A. ABOUT OUR POLICIES**

This handbook contains general statements of the policies of the Diocese of Yakima. It applies to all individuals employed by the Diocese of Yakima, including but not limited to employees of any school, parish, cemetery, St. Peter Retreat Center, Office of Ministry and Education, the Bishop's office, the Office of Canonical Concerns, and all other Diocesan institutions. These policies do not apply to the clergy of the Diocese of Yakima; the clergy are subject to another similar policy.

This handbook supersedes all previous policies, agreements and representations, oral or written, on the subjects covered. However, it does not supersede the provisions of individual employment contracts currently in effect, or state or federal law. In the event of conflict between any of these sources and this handbook, the terms of the conditions of the employment contract or law shall control. [Note: Contractual employees are typically teachers and school administrators.]

Employees should become familiar with the materials in this handbook. Violation of the policies it contains may result in disciplinary action, up to and including termination of employment. Should you have any questions or require additional information on any subject in this handbook, please contact your supervisor.

## **B. MODIFICATION OF TERMS AND CONDITIONS**

The Diocese reserves the right to alter, rescind or otherwise amend the compensation, hours or employment, and all other terms and conditions of any individual's employment based upon performance, conduct, and/or the operating and business needs of the Diocese. The Diocese also reserves the right to depart from any of the policies contained herein when, in its discretion, such a departure is deemed to be warranted.

Only the Bishop or his designate has authority to authorize or enter into any employment or other agreement modifying or supplementing the provisions of this handbook. Any such agreement must be in writing and signed by the Bishop or his designate. The Bishop has the ultimate and full discretionary authority to interpret parish, school, and Diocesan policies and procedures, including those summarized in this handbook, and to apply those policies and procedures to specific issues and circumstances. His determination on all such matters is final and binding.

## **C. HANDBOOK IS NOT A CONTRACT**

The policies and procedures presented herein are for information and illustrative purposes and are in no way to be interpreted or construed as a contract of employment or guarantee of continued employment for any specific period of time. The work rules contained in the handbook are for illustrative purposes and are not considered to be exclusive.

The Diocese reserves the right to unilaterally amend or withdraw any policy or matter set forth in this manual at any time without notice, for any reason it deems appropriate.

## **D. ENFORCEMENT OF POLICIES**

A decision by the Diocese not to enforce any policy or practice or to grant an exception to any policy or practice is not intended to prevent and does not restrict the right of the Diocese to insist on strict adherence to the policy or practice in the future.

## **E. MISREPRESENTATIONS**

Any misrepresentation made by an employee when completing the employment application or at any time during the employment process may result in immediate dismissal.

## **F. VIOLATION OF POLICIES**

Violation of any of the Diocese's policies and procedures or any behavior or practice, whether or not mentioned in this manual, that may be inconsistent with the Bishop and reasonable rules of conduct necessary to the welfare of the Diocese, its employees, parishioners and/or visitors may result in disciplinary action, up to and including termination of employment.

## **G. CONFLICTS WITH STATE AND FEDERAL LAWS**

To the extent that any policy may conflict with federal, state or local laws, the organization will abide by the applicable federal, state or local law.

# EQUAL EMPLOYMENT POLICIES

## *Section 2*

### Employee Personnel Policies

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## **A. EQUAL EMPLOYMENT OPPORTUNITY**

The Diocese is committed to providing equal employment opportunities for all persons without discrimination based on race, color, national origin, age, gender, disability, veteran status or any other status protected under applicable federal or state laws, with the exception of religion. Many positions require current and regular practice of the Catholic faith as an employment qualification; some require behavior consistent with Catholic teachings.

## **B. SEXUAL MISCONDUCT WITH VULNERABLE PERSONS**

Sexual misconduct by personnel of the Diocese, whether by members of the clergy or by lay employees or volunteers, may be a criminal act and, at a minimum, is a grave offense against a person created in God's image and likeness and is contrary to Christian principles and Catholic teaching. This document does not address sexual misconduct in general, but only the special circumstances described herein.

### **I. DEFINITIONS:**

Personnel of the Diocese shall include: (1) members of the clergy of the Diocese of Yakima and other clergy members with assignments from the Bishop of Yakima; (2) members of religious congregations or institutes who staff a unit of the Corporation of the Catholic Bishop of Yakima or reside on diocesan property; (3) lay persons who are employees of or volunteers in parishes and other agencies of the Corporation of the Catholic Bishop of Yakima.

Sexual misconduct means any sexual conduct which is unlawful in the State of Washington or is contrary to the moral teachings or doctrines and canon law of the Catholic Church.

Victims are those persons who claim to have experienced sexual misconduct by personnel of the Diocese. The term victim includes vulnerable persons.

Vulnerable persons are all those under eighteen years of age and those over eighteen who, because of physical, mental or emotional impairment, are unable or unlikely to report abuse or neglect without assistance.

### **II. BACKGROUND AND REFERENCE CHECKS:**

In order to minimize the possibility of sexual misconduct, seminarians, and members of the clergy beginning their ministry in the Diocese, and new employees arriving to work in the Diocese for the first time shall be required to supply references and, if applicable, a complete history of past employment before they may serve in the Diocese. Qualified agents/agencies shall conduct a background check regarding sexual misconduct by applicants for employment as Catholic school administrators, teachers or support staff. All other prospective employees and unsupervised volunteers working with minors or vulnerable adults must submit to a formal background check by agents/agencies hired

by the Diocese prior to beginning their Diocesan employment or volunteer ministry. A background check shall also be obtained for members of the clergy whose record is incomplete. Similarly, superiors of religious communities shall supply any information they have regarding sexual misconduct by their members who may wish to serve in this Diocese.

### **III. OBLIGATION TO REPORT:**

Personnel of the Diocese who know or have reasonable grounds to know of a specific incident of sexual misconduct by any personnel of the Diocese shall immediately report such misconduct to the Chair of the Diocesan Lay Advisory Board.

A priest, of course, cannot reveal and therefore, cannot report anything said to him by a penitent in the Sacrament of Penance (Confession).

It is the responsibility of the Chair of the Diocesan Lay Advisory Board to report any alleged incident involving a vulnerable person to law enforcement authorities and the diocesan Bishop. The Chair shall also inform a victim (or his/her parent/guardian) of their right to report such alleged incident to the appropriate law enforcement agency.

### **IV. INVITATION TO REPORT:**

All persons who have reason to believe that a vulnerable person is being abused or is in danger of being abused by personnel of the Diocese are urged to contact the Chair of the Diocesan Lay Advisory Board by calling 888-276-4490.

### **V. RESPONSE TO THE REPORT:**

Pending the outcome of a more complete investigation, the person alleged to have violated this policy will be relieved by the Bishop of all responsibilities in the Diocese and placed on administrative leave. Such leave will be with or without pay and benefits as the Bishop may decide. Great care must be taken that the person's good name not be damaged in any way.

### **VI. INVESTIGATION:**

If appropriate and without, at this point, making a judgment about the truth of the allegations made, the Chair of the Diocesan Lay Advisory Board will: (1) respond to the report initially received from the alleged victim and/or family; (2) offer assistance in seeking counseling/therapy; (3) demonstrate initial compassionate concern, support and

solace; (4) inform the victim that the Bishop through a personal contact will also offer further assistance.

The person alleged to have violated this policy shall be presented with specific charges by the Bishop and given an opportunity to respond to the charges. The person alleged to have violated this policy and the victim may be represented by legal counsel.

Each reported incident will be investigated as soon as reasonably possible with a high degree of care and concern for all involved. The investigation may be conducted by an investigator appointed by the Chair of the Diocesan Lay Advisory Board. The investigation shall be under the supervision of the Diocesan Lay Advisory Board. Upon completion of the investigation, the Diocesan Lay Advisory Board will review its findings, determine the validity of the allegations or specific charges made and submit its recommendations to the Bishop regarding what action should be taken by him. Appropriate confidentiality shall be observed, while at the same time complying with all applicable legal reporting requirements.

The Bishop shall be given a full written account of the investigation of the Diocesan Lay Advisory Board by its Chair.

It shall be the goal of the Diocesan Lay Advisory Board to complete the investigation process within sixty days from the date the Diocesan Lay Advisory Board receives the sexual misconduct complaint.

## **VII. ACTION IF THE ALLEGATIONS ARE TRUE:**

Following an investigation under this policy, any cleric who admits to, or does not contest the allegation, or is found by the Diocesan Lay Advisory Board to have engaged in sexual misconduct shall be relieved of all ministerial responsibilities or dismissed from the clerical state as determined by church law. The offending cleric shall also be offered professional assistance for his own healing and well being in the future.

Following an investigation under this policy, any non-cleric who admits to, or does not contest the allegation, or is found by the Diocesan Lay Advisory Board to have engaged in sexual misconduct, shall be terminated by the Bishop from employment and any position of diocesan responsibility.

## **VIII. ACTION IF THE ALLEGATIONS ARE FALSE:**

Based upon the evidence submitted to him by the Chair of the Diocesan Lay Advisory Board, and all the facts involved, the Bishop may decide whether administrative leave, if it has been imposed, should be terminated and the person alleged to have violated this policy reinstated. Both the good of the Church and the good of the individual will be considered. Every effort will be made to restore the good name and reputation of the person wrongfully accused.

## **IX. MINISTERING TO VICTIMS AND THEIR FAMILIES:**

The Bishop will direct the Chair of the Diocesan Lay Advisory Board to appoint a Victim's Assistance Coordinator to take responsibility for ministering to victims of sexual misconduct and their families.

## **X. PROMOTER OF JUSTICE:**

The Bishop has appointed a Promoter of Justice who will review the recommendations made to the Bishop by the Diocesan Lay Advisory Board in the case of a cleric against whom an allegation of sexual misconduct has been made.

## **XI. EDUCATION OF PERSONNEL:**

The Diocese shall maintain, for its clergy, religious and laity, a permanent policy of ongoing education regarding sexual misconduct.

## **XII. STANDARDS OF BEHAVIOR FOR CLERGY AND VOLUNTEERS:**

Those who act in the name of the church have special influence in the lives of the people to whom they minister. Because of the respect and reverence with which many people seek help from the church's ministers, there is an imbalance of power and hence a vulnerability inherent in the ministerial relationship. In these circumstances it is likely that there is an absence of meaningful consent to any sexual activity, even in the case of an adult. This imbalance of power makes any sexual activity always inappropriate. It is the responsibility of the church minister or staff member to maintain appropriate emotional and sexual boundaries with those with whom they work and serve.

As in other helping professions such as physicians and therapists, the special nature of the relationship between church personnel and the people they serve calls for a higher ethical standard of behavior. In such relationships the appropriateness or

inappropriateness of behavior is judged not by the intent of the agent, but its impact upon the recipient. It is the policy of this Diocese to expect the behavior of all church personnel to comply with professional ethics and Catholic moral standards. Not only must the actual behavior meet appropriate standards, but all clergy, employees and volunteers are expected to act in ways which do not give the appearance of impropriety.

Behaviors that are deemed inappropriate include but are not limited to the following:

1. Sexual relationships with parishioners, counseling clients, students, or collaborators in ministry.
2. Touches and embraces that are experienced or perceived as uncomfortable to the individual or which may not be appropriate as to sex and age.
3. Language and non-verbal communication which is suggestive, demeaning or controlling of another person.
4. The singling out of persons, especially of children and minors, for special personal attention or personal gifts.
5. Taking young people on personal trips or vacations without other adults or appropriate chaperones.
6. A relationship with a parishioner or a client which becomes highly personal or which mixes professional responsibilities with a personal friendship in a way that might be viewed as inappropriate.
7. When a cleric or a volunteer asks an individual (for example, a parishioner, a counseling client, a student or a co-worker) to conceal the fact and nature of their personal relationship.
8. The suggestion that the relationship between care givers and those who seek their help is a "two way" relationship in which the care giver also receives help from the interaction.

### **XIII. SAFE ENVIRONMENT PROGRAM FOR VULNERABLE PERSONS:**

The Diocese of Yakima shall implement the following actions to prevent child abuse and to recognize the signs of child abuse:

Screening: All current and future diocesan personnel, including clerics, members of religious orders, lay employees and volunteers, who in any manner have access to vulnerable persons, shall submit to a background check to ensure that no reported events from the past, which could pose a future risk to vulnerable persons, are present. The Diocese, as well as each parish and agency shall retain files on the results of the background checks.

Education: Once a year all diocesan personnel, especially those whose ministerial duties involve vulnerable persons, will be required to attend presentations and training dealing with the prevention, recognition and reporting requirements for abuse of vulnerable persons.

Issues for Children: A curriculum for all children and minors in our diocesan Catholic schools and religious education programs will include teaching them about safe touch, instructing them about appropriate boundaries for adults, and giving them support and guidance about reporting abuse to adults who can be of help.

## C. HARASSMENT

The Diocese of Yakima will not tolerate the harassment of individuals for any reason. Harassment on the basis of race, color, religion, national origin, sex, age, disability or veteran status will not be permitted or condoned. Comments, conduct and innuendoes that might be perceived by others as offensive or harassing are wholly inappropriate and are to be strictly avoided.

In addition, the Diocese will not tolerate the harassment of diocesan personnel, by non-personnel. Non-personnel includes, but is not limited to parishioners, vendors, and other visitors.

Harassment is considered conduct which is focused on a person or group of persons including but not limited to physical or verbal abuse, unwelcome activity of a sexual nature, retaliation, as well as any behavior or action which interferes with an employee's ability to perform assignments or which creates a hostile or intimidating work environment.

The following types of harassment are prohibited and will not be tolerated:

- **Verbal Abuse** - Verbal abuse includes, but is not limited to, language which degrades or berates others, including but not limited to racial, religious or sexual comments or jokes, sexual innuendoes, or threats of any kind.
- **Physical Abuse** - Physical abuse includes touching, pinching, slapping, hitting, slamming, throwing, kicking or threatening another person, including restraining by force or blocking the path of another.
- **Sexual Harassment** - Sexual harassment includes but is not limited to sexual advances, requests for sexual acts or favors, or other verbal, physical or visual conduct of a sexual nature when:
  - submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; or
  - submission to or rejection of such conduct by an individual is used as a basis for making employment decisions affecting such individual; or
  - such conduct--intentionally or unintentionally--unreasonably interferes with the individual's work performance or creates an intimidating, hostile, or offensive work environment.

- **Retaliation** - Retaliation includes any adverse action or threat of adverse action taken or made because an employee has exercised or attempted to exercise any rights under the employment laws of the United States, Washington State, or under the policies of the Diocese. Retaliation includes, but is not limited to verbal abuse, threats, or withholding or withdrawal of pay, promotions, training, or other employment opportunities.
- **Other** - In addition to the above forms of harassment, any behavior or action which interferes with an employee's ability to perform job duties, or which results in or creates a hostile or intimidating work environment is considered harassment.

Any employee who feels that he or she has been subjected to any type or degree of harassment is to report the incident verbally or in writing to their supervisor within 48 hours of the incident. A written complaint should include the specific nature of the harassment and the date(s) and place (s) such harassment took place, as well as the employee's name. The supervisor will immediately report the complaint to the Chancellor of the Diocese. If the complaint involves the supervisor, the employee should report the incident directly to the Chancellor of the Diocese. Complaints of harassment will be promptly and carefully investigated and will include interviews with all relevant persons including the complainant, the accused, and other potential witnesses.

Any employee found to have violated the harassment policy will be disciplined, up to and including termination. Likewise, disciplinary measures will be applied in any instance determined to have been fabricated.

Any employee who utilizes this procedure in good faith can be assured that s/he will be free from any and all reprisal or retaliation from filing such complaints. Investigators will make every effort to strike a balance between the parties' desires for privacy and the need to conduct a fair and effective investigation.

## **D. EMPLOYEES WITH DISABILITIES**

We fully comply with our duty to provide reasonable accommodations to allow people with disabilities (as defined under applicable law) to perform the essential functions of their jobs. If a disability affects your job performance, it may be possible to make reasonable accommodations to enable you to perform the essential functions of your job in accordance without standards. You must notify us, preferably in writing, as soon as you become aware of a medical condition affecting your work and/or the need for accommodation. (If you are unable, because of your disability, to write the notice yourself, we will provide assistance.) We will then discuss reasonable accommodations, including accommodations suggested by you, that we might be able to provide. You should understand that we are not obligated to provide accommodations that cause us undue hardship or that involve the elimination of essential job functions.

# RECRUITMENT AND SELECTION

## *Section 3*

### Employee Personnel Policies

#### Diocese of Yakima

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## **A. EMPLOYMENT OF RELATIVES**

The Diocese generally permits the employment of your relatives. Relatives generally will **not** be employed, however, in positions in which:

- Actual or perceived conflicts of interest would be created
- A direct reporting relationship would exist
- Relatives would work in the same department
- One employee would occupy a position which would have influence over the other's employment and/or salary administration
- One employee would have access to the personnel records of the other

On occasions when the relationship occurs after the fact of employment or if the situation creates an actual or perceived conflict of interest, your supervisor will determine the disposition of the affected employees. One of the employees may be requested to transfer to another position if an available job exists, or may be terminated if no suitable vacancies exist. An attempt will be made by the Diocese to place related employees in different positions when such positions are available and to do so is in the best interest of the Diocese.

## **B. BACKGROUND CHECKS**

In considering an applicant for hire, we may conduct an investigation of the applicant's background. The investigation may include, but is not necessarily limited to, inquiries into the applicant's references, credit history and conviction record. An applicant will not be denied employment solely on the basis of a poor credit history and will not be denied employment for having filed bankruptcy. A conviction record may but will not automatically bar an applicant from employment. Any investigation of an applicant's conviction record will be restricted to specified convictions reasonably related to fitness to perform the particular job the applicant is seeking, unless we determine that it is not practicable to inquire only about specified convictions. Driver's licenses are checked for current status.

**School Applicants:** Any applicant who will have regular, unsupervised access to children shall, as a condition of employment, successfully complete a Washington State Patrol check, a Disclosure Statement, and an FBI Fingerprint Background check.

## MEMO

**TO:** All Priests, Diaconate Community, Religious Women and Men,  
Principals and DRE's

**FROM:** Rev. Msgr. Ronald W. Metha, Chief of Staff

**DATE:** February 10, 2006

**CC:** Bishop Carlos A. Sevilla

**RE:** Background Checks for Diocesan Employees and Volunteers

At the request of the 2005 USCCB Compliance Audit Team, the diocesan policy regarding Employee and Volunteer Worker Background Checks has been amended effective today, February 10, 2006. An amended copy of the policy is attached to this memo.

With this amendment, supervised Volunteer Workers are no longer excluded from having Background Checks.

Thank you for your cooperation in implementing this amended policy.

###

Copies to all co-workers in the:

Office of the Bishop  
Ministry and Education Center  
Office of Canonical Concerns  
Catholic Family and Child Service

## **MEMO**

**TO:** All Pastors and Diocesan Supervisors

**FROM:** Carlos A. Sevilla, S.J.  
Bishop of Yakima

**DATE:** July 1, 2001  
Amended: February 10, 2006

**RE:** Policy Regarding Employee and Volunteer Worker Background Checks

**POLICY:**

***“ALL EMPLOYEES AND VOLUNTEERS WORKING WITH MINORS OR  
VULNERABLE ADULTS MUST SUBMIT TO A FORMAL BACKGROUND  
CHECK.”***

## **C. EMPLOYEE ELIGIBILITY**

In compliance with the Immigration Reform and Control Act of 1986, the Diocese can hire only workers who are, and continue to be, eligible to work in the U.S. If hired after 11/6/86, employees are required—as a condition of employment—to document this eligibility.

All new hires, including substitutes and temporary/seasonal employees must complete a W-4 form for income tax purposes and an I-9 form within the first 3 days of employment.

## **D. CAREER ADVANCEMENT**

The Diocese will attempt to promote or transfer you to fill vacant positions whenever, in its sole discretion, it believes you are the best-qualified candidate. Generally, available positions will be posted and availability made known within the Diocese. We reserve the right, however, to fill positions without posting them when doing so is in our best interests.

You must meet the same criteria as external candidates, and will be given consideration for transfer or promotion prior to the consideration of external applicants. Your performance and the Diocese's ability to replace you will be among the factors the Diocese will consider when filling vacant positions.

Although you are hired into a particular position or office, there may be occasions in which the overall staffing needs of the Diocese require your movement to another office or position. In such cases, and in consultation with the affected parties, transfers will be made at the discretion of your supervisor. The transfers will generally be considered lateral in that they will typically have no effect on your current salary unless increased responsibilities and workload are involved.

## **E. REHIRING FORMER EMPLOYEES**

Applications received from former employees will be processed according to the same procedures and given the same consideration as afforded all other external applicants for positions. The supervisor may take into consideration the former employee's performance as well as the circumstances surrounding the separation from previous employment with the Diocese.

# ON THE JOB

## *Section 4*

### Employee Personnel Policies

### Diocese of Yakima

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## **A. EMPLOYMENT CATEGORIES AND BENEFIT ELIGIBILITY**

**1. General Concerns/Principles.** The Diocese offers several different types of positions as listed below. Benefits are established based on categories and work schedules. Employee benefits may increase if your work schedule is expanded or decrease if your work schedule changes from full-time to part-time or temporary. **Note: If you are employed on a contractual basis by the Diocese (for example, teachers and administrators) you are bound by the terms contained in your individual employment contract.**

**2. Full-time employee.** Any employee who is regularly scheduled to work at least 35 hours per week (or at least 37.5 hours per week if you are a certificated employee in one of our schools). For school employees (certificated or not), the school calendar dictates the work schedule; these positions generally work on a ten-month basis, although pay and benefits may extend over a 12 month period. Full-time employees are eligible for participation in all benefit programs according to plan provisions.

**3. Part-time employee.** Any employee who is regularly scheduled to work less than 35 hours per week. Part-time employees who are regularly scheduled to work at least 20 hours per week are eligible for benefits on a prorated basis based on the specific number of hours worked. Employees who work less than 20 hours per week are not eligible for benefits, although they may participate in our retirement plan as outlined in the benefits section.

**4. Temporary or Seasonal employees.** Any employee who is scheduled to fill a temporary job assignment which has a predetermined beginning and ending date, normally for a period of less than 180 days. Such employees may be paid an hourly rate or a negotiated amount. Temporary employees are not eligible for participation in Diocesan benefit programs. For temporary employees who become regularly scheduled staff members, the hire date will be the day they actually begin continuous work for the Diocese as a regularly scheduled employee.

**5. Exempt and Nonexempt Employees.** All personnel fall into one of the categories established by the federal Fair Labor Standards Act (FLSA) and Washington law: exempt or nonexempt. Legal criteria determine exempt and nonexempt status:

- Full- and part-time employees who perform predominantly managerial tasks, exercise independent judgment/discretion and are salaried are typically **exempt**. Examples include administrators, supervisors, directors and professionals, such as teachers. It is understood that the nature of their jobs will sometimes call for more than a 40 hour

week. Exempt employees do not receive overtime pay and generally do not receive compensatory time off.

- Full- and part-time employees who perform services other than executive, professional or administrative work as defined by applicable law are typically **nonexempt**. These positions are subject to overtime compensation at 1.5 times the regular rate of pay for all hours worked over 40 in a workweek. Examples include most support positions such as secretary, bookkeeper, instructional assistant and/or custodian.

## **B. AT-WILL RELATIONSHIP**

We hope you will have a productive and rewarding relationship with us. Nonetheless, employment terminations can occur, and you should understand that your employment with us is at will. **This means that unless you have a written employment agreement that provides otherwise, you are free to resign at any time, and we reserve the right to discharge you at any time, with or without cause or advance notice, and without compensation except for time actually worked, provided the termination is not done for a discriminatory reason in violation of law.**

## **C. JUST CAUSE EMPLOYMENT FOR TEACHERS AND ADMINISTRATORS**

The employment relationship for teachers and administrators is governed by the terms of applicable employment agreements. These agreements operate for up to 12 months and may be terminated by mutual consent. There is no obligation to renew an agreement from year to year.

Teachers and administrators will not be discharged during the term of the employment agreement without just cause. Just cause may include, but is not limited to:

1. Unsatisfactory job performance;
2. Conduct, behavior or interpersonal relationships inconsistent with the mission of the Church, as determined by the principal or pastor;
3. Public support or advocacy of issues/organizations that oppose the teachings of Church;
4. Falsifying, altering or omitting information in parish/school records, or any other dishonesty;
5. Violating Diocesan policies, rules, or standards of behavior, including but not limited to those summarized in this handbook;
6. Stealing or possession of parish/school property or the property of other employees, parishioners, students, contractors or visitors without permission;
7. Violating or disregarding known or generally accepted safety rules or practices, including failure to operate parish/school vehicles in a responsible manner;
8. Possession of firearms, weapons, fireworks or explosives on parish/school property;
9. Insubordination (refusal or failure to perform assignments or to comply with a supervisory request or instruction, unless there is a reasonable fear the request may be illegal or cause bodily injury);
10. Failure to report to work as scheduled for 3 consecutive workdays without advance notice unless the failure was clearly beyond the employee's control;
11. Threatening, intimidating or coercing behavior;
12. Using profane or abusive language;
13. Disclosing or misusing private or confidential information without authorization;
14. Unlawful harassment;
15. Soliciting and/or distributing nonparish or nonschool materials in work areas or on work time without authorization;
16. Using corporal punishment;
17. Conduct not in accordance with professional standards and/or decorum otherwise inappropriate in the workplace;
18. Use, possession, sale or distribution or being under the influence of narcotics or illegal substances while on parish/school property or time; and

19. Unauthorized possession, transfer or offer of any alcoholic beverage while on parish/school property or time.

Changes in the financial condition of the parish/school may result in program reductions or complete or partial closings. Such changes may require a reduction in force and constitute just cause for discharge.

## **D. WORK HOURS**

Supervisors are responsible for ensuring that each employee completes his/her assigned duties and responsibilities. Your work schedule is determined by your supervisor based upon the needs of the Diocese. The Diocese reserves the right to reschedule you when necessary in order to ensure appropriate staffing levels and timely completion of assigned duties. Your work hours may be altered to meet critical deadlines or to accommodate your work schedule preference, subject to the discretion and approval of your supervisor. Advance permission from your supervisor must be given in order to deviate from an assigned schedule.

## **E. MEAL AND BREAK PERIODS**

Full-time, nonexempt, regular employees are generally permitted a meal period of at least 30 minutes approximately mid-way through the work day. You may be asked to change meal break times, or to limit the length of meal breaks, in order to maintain adequate coverage or completion of duties. Meal breaks are generally unpaid and are not included in your work hours. You are also entitled to a paid rest period of not less than ten minutes during any four hours worked, unless your job allows you to take equivalent intermittent rest periods. The Diocese may schedule meal and break periods to accommodate its business needs.

## **F. JOB DESCRIPTIONS**

We generally maintain a job description that describes the qualifications for and essential functions of each job position. Job descriptions may be reviewed periodically for accuracy and revised when appropriate. If your job duties change at any time, you must notify your supervisor. Any change to a job description must be approved by your supervisor. We reserve the right to modify the job description for any position or employee at any time, at our discretion.

Notwithstanding the information set forth in a job description, you should understand that from time to time you may be required to perform functions outside the scope of your job duties and will be expected to work in any capacity to which you are assigned. You should also understand that different categories of jobs frequently carry different duties, responsibilities, obligations and privileges. For example, many jobs require the employee to be physically present in the office during all work hours, whereas others require a good deal of work outside the office. Further, you should understand that regular predictable attendance is an essential function of every position we offer.

## **G. INITIAL EVALUATION OR INTRODUCTORY PERIOD**

All new, noncontractual employees are subject to an initial evaluation period during their first 180 days of employment. This initial evaluation period may be extended if we decide that to do so is appropriate. Successful completion of the initial evaluation period does not guarantee later employment or limit our discretion with respect to corrective action or discharge. Nor are employees guaranteed employment for the entire initial evaluation period. At all times, employment remains on an at-will basis.

Termination without remuneration other than salary earned may be enacted at any time during the provisional period by either you or the Diocese. During the provisional period, you do not have access to the grievance procedure for the purpose of appealing a provisional release.

Employees who have not completed their initial evaluation period may be eligible for participation in standard Diocesan benefit programs subject to the provisions of the respective programs.

## **H. PERFORMANCE ANALYSIS**

The analysis process is designed to provide a dialogue between the supervisor and employee on how well and why job requirements and goals are or are not being met. Performance analyses are generally conducted at the end of the initial evaluation period and annually thereafter at the time of employment anniversary. Additional analysis, which may be formal or informal may be requested by the employee or required by the supervisor, for instance, if a performance problem exists.

An unsatisfactory review indicates employment may not continue unless performance improves. Depending upon the circumstance, an unsatisfactory review may result in immediate discharge, in our discretion.

Supervisors are responsible for evaluating each employee they supervise. Evaluations should be completed using the Diocese's performance analysis form. The analysis form should be discussed with and signed by the individual being evaluated. The employee's signature acknowledges the employee having discussed and received the analysis, not agreement with it. Employees may submit written responses to analyses with which they do not concur. The written performance analysis and any employee response becomes part of the employee's personnel file.

# **I. PERFORMANCE ANALYSIS FOR TEACHERS AND ADMINISTRATORS**

Teachers and administrators are evaluated on performance criteria established by the Superintendent of schools. Classroom observations will take place during the school year followed by a conference and formal documentation, which is signed by the employee and their supervisor before it is placed in the personnel file. (Teachers may request additional classroom assistance from supervisors or administrators at any time.)

If a question of competence results from the evaluation, the supervisor will work with the employee to improve the performance. If no improvement is shown, the supervisor may recommend a Plan of Assistance – a document including some or all of these items:

- ◆ Statement of deficiencies;
- ◆ Recommendations for improvement;
- ◆ Assistance to be provided;
- ◆ Criteria and conditions for evaluating progress;
- ◆ Name(s) of person(s) responsible for the evaluation; and
- ◆ Time line involved.

When the Plan of Assistance is complete, the supervisor will determine to what extent the objectives have been met.

Teachers also may be informally evaluated throughout the year in areas other than classroom performance. If problems are identified, every effort will be made to resolve them before formal disciplinary action is required.

Principals should be evaluated on an annual basis.

In certain circumstances and for various reasons, a Plan of Assistance may be inappropriate to resolve some problems. In those cases, the superintendent or the principal (in the case of a teacher) may discipline, suspend or discharge an employee for cause. Principals must first notify the superintendent of schools and consult with the diocesan attorney before terminating or nonrenewing employees.

**NOTE:** The employment relationship for teachers and administrators is governed by the terms of applicable employment agreements. These agreements operate for up to 12 months and may be terminated by mutual consent. **There is no obligation to renew an agreement from year to year.**

## **J. CORRECTIVE ACTION**

The goal of our corrective action policy is to correct unsatisfactory behavior or performance. To that end, it is our policy generally to apply less severe corrective action initially, if appropriate in our judgment, and more severe measures if the problem persists. This is only a guideline, however. The Diocese reserves the right in all circumstances to apply the corrective action we decide is appropriate up to and including immediate discharge without prior corrective action or notice. The Diocese reserves the right to discharge employees at any time, with or without cause or notice, and without compensation except for time actually worked, provided that discharge is not done for a discriminatory reason in violation of the law.

The corrective action we may take includes verbal warning, written warning, probation, suspension with or without pay, demotion or reassignment, or discharge, with or without prior notice. Suspension may be used either as a corrective measure, to permit an investigation, to allow us to determine what corrective action will be applied, or to remove an employee from the premises for a period of time.

A probationary period does not guarantee the employee will remain employed to the end of the specified period. Benefits such as annual leave may not be used during a period of probation without prior written approval of the supervisor. Benefits that accrue during probation are retroactively restored upon completion of the probation unless the employee is involuntarily terminated, in which case the benefits are forfeited. Successful completion of probationary status does not guarantee later employment or limit our discretion with respect to later corrective action or discharge. Unless you have a written employment agreement that provides otherwise, at all times, employment remains on an at-will basis.

## **K. SEPARATION FROM EMPLOYMENT**

Separation from employment may occur due to resignation, discharge, job abandonment, reduction in force, retirement or death.

Employees will be notified of continuation benefits available under the Diocesan benefit plans and any vested benefits. Employees must notify the Diocese of their correct address for W-2 purposes.

**1. Resignation.** If you have not signed a written employment agreement and decide to resign, we ask that you give us notice to assist us in maintaining adequate staffing. Failure to give notice may make you ineligible for rehire. A two-week notice is requested of secretarial/technical staff members and four weeks notice is requested of executive/administrative staff.

Your letter of resignation should state your reason(s) for leaving and when you wish your final day of work to be. Employees who provide appropriate notice upon resignation will be paid for all unused, accrued vacation.

The Diocese may permit you to continue employment during the notice period, or accept the resignation immediately and pay you for the balance of the notice period and all accrued and unused vacation.

**2. Discharge.** The primary difference between a resignation and a dismissal is the party who initiates termination of the work relationship. The employee initiates a resignation; the employer a dismissal. Notice of intent to terminate may be given but is not required unless stated in a written employment agreement. No separation payment or payment for unused vacation or sick leave will be made.

**3. Retirement.** If you are eligible for and are considering retirement, you should provide appropriate notice of your intent to retire. A two-week notice of retirement is requested of secretarial/technical staff members and a four-week notice is requested of executive/administrative staff.

**4. Job Abandonment.** It is the policy of the Diocese to consider that an employee who abandons his/her job has voluntarily resigned. If you are absent from work without proper notification to your supervisor, or if you fail to return to work after we tell you your absence is not authorized, you will be treated as having voluntarily resigned without having given notice, unless we decide you had a good reason for not notifying us.

**5. Reductions in Force.** Reorganization or retrenchment within the Diocese may require the release or transfer of some employees.

If work becomes available again, we are not obligated to recall discharged employees or inform them of position openings before considering other applicants.

Employees who accept a transfer to another position will be compensated according to the salary designated for the position to which they are moved.

If an employee is discharged due to a reduction in force and is rehired within 12 months, the employee shall be credited with prior service for purposes of seniority and leave accrual dates.

**6. Death.** Separation is effective the date of death. All compensation and accrued vacation shall be paid to the estate or surviving spouse as required by law.

**7. Exit Interview.** All departing employees are required to participate in an exit interview. The subjects to be covered in the interview include (a) return of all company property, including keys and credit cards; (b) review of the employee's confidentiality obligations; (c) review of any outstanding debts; (d) discussion of the status of fringe benefits; and (e) schedule for final paycheck. The employee's supervisor will schedule the exit interview.

**8. Final Paycheck.** A departing employee's final paycheck will have deducted from it any paid time off that the employee used in excess of the accrued amounts available to them or such other benefit program for which the employee has an obligation to reimburse the Diocese. By signing the acknowledgement to this personnel handbook you expressly authorize us to make these deductions. The paycheck will be paid to the employee at the next regularly scheduled pay period.

## **L. PERSONNEL RECORDS**

The Diocese maintains certain records on each employee, directly related to employment. These personnel files contain information on the employee's work as well as records required by state or federal law, and are the employer's property.

Employees have the right to inspect their personnel records during regular business hours and may obtain copies after paying reasonable copying charges. An employee who believes any material is irrelevant or inaccurate may submit a written request for its removal or correction to the supervisor, principal, or pastor. The material may then be removed or corrected or an explanation provided as to why the material will remain in the file.

To keep personnel files current, employees must notify their supervisor in writing of any changes in name, address, phone number, marital status, number of dependents, person(s) to notify in case of emergency, beneficiaries, etc. For changes in number of dependents or marital status, employees also need to complete a new W-4 form for income tax withholding. The Diocese is not responsible for problems caused by erroneous or old data.

## **M. EMPLOYMENT REFERENCES**

All mail and telephone inquiries concerning current and former employees are confidential and are to be directed to the supervisor or designee. Only the employee's employment dates and position title will be provided in response to a request for reference information regarding an employee, unless the employee has signed a release authorizing the release of additional information. In addition, factual information other than employment dates and job titles necessary to secure a loan or proceed with a business transaction will be released only with a written authorization from the employee. Written requests for information from any government agency and as required by law may be answered by the supervisor or designee without the employee's written authorization.

# STANDARDS OF CONDUCT

## *Section 5*

### Employee Personnel Policies

#### Diocese of Yakima

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## **A. GENERAL RULES**

All employees should act professionally and in the best interests of the Diocese at all times. Violations of our standards of conduct are unacceptable and may result in corrective action, up to and including immediate termination.

The following are examples of violations of our standards of conduct. These examples merely illustrate, and do not limit, the types of conduct which may be considered unacceptable.

- Tardiness or excessive absenteeism
- Un-businesslike conduct
- Disorderly conduct, such as “horseplay” or practical jokes which may endanger our operations or the well-being of any employee or visitor to any of our facilities
- False, vicious or malicious statements or criticism of the Diocese, its employees, parishioners, or its services that interferes with productivity and job performance or with harmonious public or employee relations
- Inappropriate dress or poor grooming
- Use of work time for personal activities
- Performance that does not meet our requirements
- Unexcused absence
- Abusive language or conduct
- Insubordination, the refusal to comply with instruction, or the failure or refusal to perform assigned job duties
- Inability or unwillingness to cooperate with other employees when performing assigned tasks, or any interference with the performance of job duties by fellow employees
- Misuse, destruction, or purposeful damage of our property or the property of an employee
- Theft of Diocese property
- Falsification of records, including employment applications or time sheets
- Harassment of any nature
- Unauthorized release of confidential information

Our policies are not intended to include a complete list of all circumstances that may result in corrective action or discharge. The rules set out in this handbook are intended only as guidelines and do not give any employee a right to continued employment. all corrective action decisions remain in our discretion.

Additional standards of conduct follow.

## **B. ATTENDANCE AND PUNCTUALITY**

Regular, predictable attendance is considered an essential function of every position. Absenteeism and tardiness are costly and often cause problems for employees who cover for or depend on the work of the absent or late employee. Excessive absenteeism or tardiness will affect your performance evaluation and may result in suspension or discharge. Absences may be considered excessive even where some, or all, of your absences are approved and/or you still have more accrued time off available. Employees are expected to notify their supervisor as soon as possible, but no later than their scheduled starting time, each day they are going to be absent from or late to work. Absence without appropriate notification is cause for termination. If an employee is absent without having notified their supervisor, they will be treated as having voluntarily resigned. If an employee is denied permission to take a day off and proceeds to be absent, they will be discharged for insubordination.

Employees should attempt to schedule medical and dental appointments on other than work hours. Required time for medical and/or dental appointments, which cannot be scheduled outside the employee's normal work schedule, may be compensated as sick leave.

An employee is expected to discuss with their supervisor any problems they may have in reporting to work on time. An employee may be able to avoid being regarded as tardy by discussing these problems in advance.

## **C. PERSONAL APPEARANCE**

You are expected to apply common sense and good taste regarding your personal appearance. Professional and tasteful appearance, dress and accessories which are appropriate for the work environment and the position are expected. While specific standards may vary from position to position due to such factors as the type of work and amount of public contact involved, here are some basic guidelines that apply across the board:

- 1. Clothing.** Clothing worn to work must be clean, pressed, in good repair and appropriately fitted. Outfits that display one's midriff are not permitted. Socks and hose are considered a part of your work attire, and consequently, they too must be neat, in good condition and appropriate to the workplace. For example, thongs and slippers are unacceptable.
- 2. Hygiene.** You must shower and/or bathe, and use an adequate deodorant daily. Cologne, perfume and aftershave lotion must be used in moderation. Hair must be clean and combed and makeup must be tasteful.

## **D. SUBSTANCE ABUSE**

The Diocese is dedicated to establishing and maintaining a safe, healthy and drug-free and alcohol-free working environment that is most conducive to effective operations and to protect the safety and health of employees, parishioners, and the public. The Diocese requires you to perform your job duties unimpaired by prohibited substances.

You are prohibited from the use, being under the influence, possession, purchase, dispensation, distribution, or manufacture of any illegal drug on the Diocese's premises, while performing services for the Diocese, or during working hours. "Illegal drug" refers to any drug which:

- Cannot be legally obtained
- Can be legally obtained but was not legally obtained
- Is being used in a manner or for a purpose other than that for which it was prescribed or manufactured

This definition includes any controlled substances; any other drugs which it is unlawful under federal or state law to manufacture, distribute, dispense, possess, use or purchase; and inhalants.

The use or being under the influence of a legal drug on the Diocese's premises, while performing services for the Diocese, or during working hours also is prohibited if such use might impair in any manner your ability to safely, efficiently and competently perform his/her job, or might otherwise adversely affect the Diocese in the conduct of its services.

Improper use of legal drugs refers to the use of prescription medication and/or over-the-counter medication which are legally obtained but which are not being used solely in a manner and for the purpose for which they were prescribed or manufactured. You should notify your supervisor if you are or potentially may be using any such legal drug. The Diocese also prohibits reporting to work or performing services for the Diocese while impaired by the use of alcohol.

- Required Testing:
  - The Diocese may require employees or conditionally-accepted applicants for employment to submit to a urinalysis or blood test to screen for the presence of illegal drugs. The scheduling, content, scope and use of the test results will be solely at the discretion of the Diocese.

- The Diocese reserves the right to require employees to provide a specimen for drug testing in the event of a job-related accident and/or in instances in which there is reasonable suspicion based on job performance and behavior that substance abuse has occurred. Such testing will be implemented at the sole discretion of the Diocese.
- Refusal or failure to comply with required testing will result in termination.
- Any such drug and/or alcohol tests will be administered by qualified health professionals. The collection of specimens for testing will be conducted with due regard for the employee's privacy but consistent with generally accepted practices and procedures in order to ensure integrity of the collection process.
- Employees must agree to disclose to the health care professional or to the testing facility conducting the test any over-the-counter or prescription medications that they are currently taking or have recently taken, or any other information relevant to the reliability of, or explanation for, a positive test result that could affect the test results.
- The results of the tests are confidential and will be communicated only to employees of the Diocese or its agents who have a need to know the information in order to carry out the business of the Diocese, or to law enforcement and other governmental agencies as may be appropriate or required by law.

A confirmed positive test result on any required drug or alcohol test is misconduct and is grounds for disciplinary action, up to and including termination. In the Diocese's sole discretion and in addition to any disciplinary measures, the Diocese may refer the employee to a substance abuse treatment or rehabilitation program. Failure to accept referral to a substance abuse treatment or rehabilitation program or to comply with the treatment recommended by that program is misconduct and will result in disciplinary action, up to and including termination.

While the Diocese does not offer, sponsor, or endorse any specific drug or alcohol treatment program, such programs are available through public and private health care facilities in the area. Affected employees are encouraged to seek assistance and take positive steps toward rehabilitation. Contact your supervisor for information regarding evaluation and treatment.

## **E. ALCOHOL CONSUMPTION**

Alcohol is not to be consumed during working hours. Supervisors may allow the consumption of alcohol in moderation when you are in attendance at a church function where beer or wine is served with food. The Diocese does have an expectation that such alcohol consumption will be in moderation so as not to reflect poorly on the Diocese's reputation and ministry or expose the Diocese to undue legal liability involving the safety of others.

After consuming alcohol at any such function, you should not drive or otherwise engage in any hazardous activity if the alcohol consumed would impair your ability to safely perform those activities.

## **F. SMOKE-FREE WORKPLACE**

We maintain a smoke-free workplace. Smoking and use of other tobacco products is prohibited any where in our buildings. If you choose to smoke, you must do so outside and far enough away from entrances and air intakes to ensure that no smoke enters the building. Smoking or use of other tobacco products is permitted *only* during designated breaks and lunches.

## **G. GIFTS; CONFLICTS OF INTEREST**

You are to avoid placing yourself in a position that may create or lead to a conflict of interest or the appearance of one. For instance, you are prohibited from engaging in any outside business activity, financial relationship or investment that conflicts with our interests, competes with us, or may interfere with your responsibilities to us. You are also prohibited from having any personal interest, directly or indirectly, in any transaction that involves the Diocese.

You may not use your position to secure special privileges or exemptions for yourself or others. You may not directly or indirectly, give or receive or agree to receive any compensation, gift, reward or gratuity from a source except the Diocese for a matter connected with your services as a Diocese employee without our permission. You may not accept employment or engage in any business or professional activity that you might or should reasonably expect would require or induce you by reason of your position to disclose confidential information acquired by reason of your position.

## **H. OUTSIDE EMPLOYMENT**

Although the Diocese does not discourage outside employment and does encourage civic involvement, there are occasions when such activities may create a conflict of interest. You should not have additional employment or be involved with other activities which could interfere with providing your best performance for the Diocese, and such employment or activities must never result in a conflict of interest. Outside employment must not interfere with work assignments and performance or reflect adverse publicity upon the Diocese.

## **I. MEMBERSHIPS**

You may be a member of Diocesan organizations; however, you may not serve as an officer in any Diocesan organization. Employees may be appointed by the pastor to serve as ex-officio members of the pastoral council, finance council, or school commission.

## **J. CONFIDENTIAL INFORMATION**

Because of the very special nature of the work of the Diocese, much of the business conducted in the offices is of an extremely confidential nature. The handling of matters involving peoples' lives and the trust that they expect from the Church require that all Diocese business be conducted with great care and accuracy in detail and with the recognition of its confidential nature.

Therefore, the sensitive or confidential matters of the Diocese, whether involving persons, policies or finances, must be maintained in the strictest confidence and must not be discussed with anyone, including fellow employees or family members.

Additionally, employees of the Diocese are expressly prohibited from falsifying or discussing with an outside source any Diocese business records, including but not limited to time records, incident or accident reports, expense reports and/or requests for reimbursement.

## **K. USE OF DIOCESE PROPERTY AND RESOURCES**

**1. General Approach.** You are expected to conduct yourself in a responsible and business-like manner concerning the use of telephone and postage services and business office equipment. Dishonest or fraudulent conduct including theft, misappropriation of, or unauthorized removal of the Diocese's or a fellow employee's funds or property and the unauthorized use of telephones, mail system or other Diocese-owned or operated equipment are prohibited.

**2. Personal Mail.** Since postage is an expense item to the Diocese, fiscal responsibility dictates that it not be used inappropriately or wastefully on personal items. You are permitted to send personal mail from the Diocese or receive personal mail at the Diocese so long as it does not interfere with the efficient operation of the Diocese's official mail. You are permitted to use the postage meter for personal mail, but must reimburse the Diocese for any postage costs incurred.

**3. Telephone Calls.** The telephone lines are an important link by individuals needing assistance to the Diocese, as well as for the accomplishment of Diocese business purposes. As such, personal telephone calls made or received by you should be minimized in order to ensure that the lines are available for Diocese use. Abuse of this privilege may result in corrective action, including immediate discharge.

Diocese telephones and long distance lines may be used for personal long distance calls provided you use your own calling card for the call. If use of a calling card is not possible, you must receive permission from your supervisor for the call and must then reimburse the Diocese for any calls.

**4. Office Equipment.** Office equipment represents a significant expense to the Diocese. It must be maintained in proper working order and not used for unauthorized purposes. Any office equipment which is not working properly must be reported to your supervisor.

Fax machines, copiers, computers, and other office equipment is generally for Diocesan business purposes only. You are to repay the Diocese for any costs associated with use of office equipment for your personal business.

**5. Electronic Mail. E-Mail Is for Business Use.**

- Our electronic mail system is primarily for official business, Nonbusiness messages may be sent to specific individuals, but please limit the business time you spend on messages that don't have a business purpose.

- **E-Mail Is Not Private.** We expect you to honor our password protection system and not to read other people's E-mail. Everyone should understand, though, that E-mail is not private or confidential. Any message you send can be forwarded on to anyone else on the system. Even after an E-mail has been deleted, it can still be possible to retrieve it and read it. Also, all messages are Diocese records and are the property of the Diocese. The Diocese reserves the right to read, use and disclose E-mail messages. For these reasons, you shouldn't use the E-mail system for any information you consider personal or private.
- **E-Mail Decorum and Content.** When using the E-mail system, keep in mind that you are using Diocese property. As a result, your comments must be appropriate to our business setting. Please take special care to avoid jokes or comments that would be inconsistent with our policies prohibiting discrimination and harassment (for instance, jokes aimed at a particular gender, race, or disability).

**6. Internet/Computer Use.** We make available to employees tremendous computer resources on the desktop, through the network, and through connection with the Internet. We encourage employees to use these resources productively for business purposes, in accordance with the following guidelines.

With the sole exception of incidental personal use that is consistent with this policy, our computer resources are provided, and may be used, only for the performance of Diocese business. For example, you may not use these resources to play computer games, surf the Internet for recreational or personal purposes, search for a job outside of the Diocese, solicit for religious or political causes, operate a business for personal gain, communicate statements, either internally or on the Internet that are defamatory, disparaging, offensive, discriminatory or harassing; access, download or post sexually suggestive or explicit messages or images; or download, distribute or run software without a proper license. This list is illustrative, not exhaustive.

The Diocese retains ownership of all resources, including all hardware, software, files and communication. Your use of these resources is not private or confidential and may be monitored or accessed by us.

You may use the resources for nonprofit or professional organization work only after approval by your supervisor.

The security of your computer resources is paramount. They must be used in a manner that minimizes the risk of data loss or breach of security. Caution and diligence must be exercised at all times, including for example, when transferring files and data to and from the Internet, or from non-Diocesan sources. Employees are prohibited from transferring

sensitive or confidential files via the Internet without using approved encryption or other approved security measures.

## **L. TELEPHONE CONDUCT**

Remember that the way you answer the telephone makes a lasting impression on the caller. Always be courteous and do not keep callers on hold longer than necessary.

## **M. POLITICS, SOLICITATIONS, DISTRIBUTION OF LITERATURE**

To avoid disruption of the work flow and potential embarrassment for our employees and clients, employees are prohibited from distributing literature to other employees or to clients regarding political or social causes and from soliciting employees for such causes during work time or in work areas or soliciting clients at any time. In addition, no one outside the Diocese is allowed on the premises at any time for these or related purposes. Exceptions to this policy must receive advance, written approval from the supervisor.

Employees may not use their office for political purposes, may not solicit or receive political contributions from other employees, and may not take an active part in political campaigns or use political influence in connection with our business. Otherwise, employees may participate in the political process so long as doing so does not interfere with work performance. Employees are encouraged to vote and are free to vote as they choose and to express their opinions on political candidates and issues.

## **N. SPIRITUAL FOCUS OF WORKPLACE**

The Diocese encourages its staff to be men and women of prayer. Besides occasional personal retreat/enrichment days, the staff will gather for liturgy at designated times as appropriate.

# PAY AND BENEFITS

## *Section 6*

### Employee Personnel Policies

#### Diocese of Yakima

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## **A. TIMEKEEPING AND OVERTIME**

Every position with the Diocese is categorized as either exempt or nonexempt under the wage and hour laws. Whether your position is exempt or nonexempt depends on your job duties. Any questions about your status should be directed to your supervisor.

If you are an exempt employee you are paid for the general value of your services, not based on hours worked. You receive a fixed salary for all hours worked, and you do not receive overtime pay for working more than 40 hours in a week.

If you are a nonexempt employee, you will be paid overtime at the rate of one and one-half times your regular hourly rate for all hours worked beyond 40 in any workweek. Nonexempt employees may, with the permission of their supervisor, take compensatory time off in lieu of overtime pay. Paid time off, leaves of absence, holidays, vacations and other time not actually worked, whether paid or not, is not counted as overtime hours or included in the calculation of overtime pay. **You may not work overtime without express advance written authorization from your supervisor.**

If you are a nonexempt employee, you must record the number of regular and overtime hours that you work each workweek and certify that you have accounted for all hours you worked during the week. Exempt employees may also be asked to record the number of hours worked for workers' compensation reporting, billing, or other purposes and for keeping track of full days taken as annual or sick leave. Falsifying time cards, completing the time cards of another and working overtime without recording your time (working "off the clock") are strictly prohibited and will result in correct action.

For purposes of calculating overtime, a new workweek begins each Sunday at 12:01 a.m.

## **B. PAYROLL**

Pay schedules vary, depending on where your work assignment is located. In some locations, direct deposit may be available. Please see your supervisor for information regarding when your pay period ends and when your regularly scheduled payday(s) fall.

Pay will not be advanced or paid prior to the regularly scheduled payday. Payroll checks will not be released to anyone other than you, except upon receipt of your written authorization.

Certain deductions, by law, must be withheld from your paycheck, including federal withholding tax and Social Security Tax. You must authorize other deductions, including insurance premiums.

You should discuss any questions regarding a paycheck with your supervisor.

## **C. INCLEMENT WEATHER**

If you are not able to report to work as scheduled because of bad weather, you must advise your supervisor as soon as possible. Absent special circumstances - it is our policy to compensate employees for time lost as a result of a management decision to close your work site temporarily during inclement weather or for other reasons beyond our control. Unless we have declared your work site closed, nonexempt employees who do not report to work will not be compensated for time missed, but may use a day of vacation to compensate for the time lost. Exempt employees will not be docked for an absence incurred due to inclement weather.

## **D. EMPLOYEE BENEFIT PLANS**

**1. General.** It is the policy of the Diocese to provide a comprehensive benefits program for all eligible employees. Details of each benefit plan are contained in separate Summary Plan Descriptions. In the event any contradiction arises between the information contained in this handbook and the official plan documentation and/or master insurance contracts, the latter will govern in all cases. Additional information regarding the Diocesan benefit plans can be obtained from the Diocese. The Diocese reserves the right to amend or terminate any of these voluntary programs at any time at its discretion. Employees will be given notice of any changes to benefits.

Your eligibility for certain benefits are dependent upon the number of hours which you are regularly scheduled to work in a week. Employees who are regularly scheduled to work at least 35 hours per week are generally eligible for full participation in all benefits programs. Employees who are regularly scheduled to work 20 to 35 hours per week are generally eligible for benefits on a pro-rated basis. Temporary and Seasonal employees are not eligible for participation in Diocesan benefit plans. Based upon the number of hours you are scheduled to work, you may be eligible for benefits as described below.

**2. Health and Life Insurance.** The Diocese pays full medical and dental premiums for each full time employee. Part-time employees who work less than 35 hours and at least twenty hours per week are offered the same coverage, with the employee paying a proportional share based on the number of hours worked. Part-time employees who work less than twenty hours per week are not eligible for coverage. To the extent available through the carrier, spouse/dependent coverage is available at the employee's expense.

Vision, long-term care, and life insurance coverage may be available to employees who work at least twenty hours per week, at the employee's expense. Information about these plans is available through the Yakima Diocese Accounting Office at 965-7117.

Absent a legal obligation to do so, such as when an employee is taking FMLA leave, we generally do not continue coverage at our expense during periods of unpaid leave. Where continuation of coverage at our expense is inadvertently provided during such a period, you will be required to reimburse us the amount of the corresponding premium (prorated in accordance with the length of the unpaid leave).

A pre-paid \$10,000 life insurance policy is provided to all employees who are enrolled in the health plan. Dependent life insurance may be available at your own expense.

**3. Retirement plan.** The Diocese has established a 403(b) (tax sheltered annuity) payroll deduction retirement savings plan for eligible employees. An eligible employee is one who has reached the age of 21, has completed one full year of employment, and

one who works at least 1000 hours a year. The Diocese contributes 5% of monthly compensation per year for eligible employees. Eligible employees may voluntarily deduct a percentage of their income (up to the maximum determined by the IRS). Employees who do not meet the eligibility criteria of length of service and hours worked may voluntarily contribute a percentage of their income to the plan (up to the maximum determined by the IRS), but do not receive the employer's contribution.

**4. Worker's compensation.** The Diocese provides workers' compensation insurance protection for all employees for job-related injuries and accidents. All job-related injuries and accidents, regardless of the need for medical attention, must be reported immediately to your supervisor.

Workers' compensation payments which you receive while on a workers' compensation leave of absence may not be supplemented by any available sick leave. You are required to provide a copy of all workers' compensation payments to your supervisor as soon after receipt as possible.

Workers' compensation leaves of absence will be administered as other medical leaves under the Diocesan *Family and Medical Leave of Absence* policy. While on workers' compensation leave, you must contact the Diocese at least once per week to give periodic updates on your condition and the expected date of your return to work. Employees on workers' compensation leave who qualify under the leave policy will be allowed to return to the same or a comparable position if released to work within 12 weeks of the time the leave began. You are expected to return to work immediately following release by your doctor. Any employee who does not qualify under the leave policy may return to the same or a comparable position if released to work within two weeks of the time the leave began. If you do not return, the Diocese has the right to replace you. However, when medically and fully released by a physician, you may reapply for your position under the same criteria as external candidates. Prior to your returning to work, you must obtain a medical release to work from a qualified medical physician and provide this release to the Diocese.

The Diocese of Yakima Accounting Department should be contacted for further information regarding the administration of workers' compensation insurance claims.

**5. Unemployment compensation.** The Diocese, its parishes and schools do not participate in unemployment compensation. Employees are therefore not eligible to receive unemployment compensation.

**6. Social Security.** Deductions for social security will be taken from your paycheck each payroll period to provide for payment of your retirement and total disability benefits.

Contact the Social Security Administration (800) 772-1213 for more information about social security benefits.

## **E. JOB-RELATED EXPENSE REIMBURSEMENT**

Employees who use their own cars for travel required in their work for the Diocese will be reimbursed at the current IRS approved reimbursement rate. Mileage to and from work is not eligible for reimbursement.

Out-of-pocket expenses incurred by employees may be submitted for reimbursement if they were approved prior to the expenditure. Appropriate documentation must be submitted requesting reimbursement, and the amount of the expenditure must be within budget allotments. A falsified expense report may result in immediate discharge.

## **F. PROFESSIONAL DEVELOPMENT**

To encourage the personal and professional development of employees, the Diocese may allow you time off with pay to attend various conferences and seminars that are related to your current position. Generally, attendance and participation in seminars or conferences requested or approved by your supervisor will be paid in full by the Diocese.

Approval for reimbursement and/or time off must be received from your supervisor prior to participation in the conference or seminar.

# TIME OFF

## *Section 7*

### Employee Personnel Policies

### Diocese of Yakima

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## A. HOLIDAYS

The Diocese generally observes the following holidays:

New Year's Day	January 1st
Martin Luther King, Jr. Day	3rd Monday in January
President's Day	3 <sup>rd</sup> Monday in February
Good Friday	Friday prior to Easter
Memorial Day	last Monday in May
Independence Day	July 4 <sup>th</sup>
Labor Day	1st Monday in September
Veteran's Day	November 11 <sup>th</sup>
Thanksgiving Day	4th Thursday in November
The Day After Thanksgiving	Friday after Thanksgiving
Christmas Day	December 25th

If a holiday falls on a Saturday, the preceding Friday will generally be observed as the paid holiday. Should a holiday fall on a Sunday, the following Monday will generally be observed as the paid holiday.

All full-time employees (regularly scheduled to work at least 35 hours per week) are eligible for holiday pay. Part-Time employees who work at least 20 hours will receive holiday pay on a prorated basis. Temporary and Seasonal employees are not eligible for holiday pay. Contracted employees, such as teachers and administrators do not receive holiday pay.

## **B. VACATION**

**1. Eligibility/Accrual.** Eligible employees begin to accrue vacation on their first day of employment. It may not be used, however, until the initial evaluation period has been successfully completed. Employees who fail to complete the initial evaluation period are ineligible to receive compensation for accrued vacation time, if any.

Vacation is earned according to the number of hours worked and length of service. Full time employees who work at least 35 hours a week are entitled to vacation leave of one week after the first year; two weeks after the second year; three weeks after the fifth year, and four weeks after the eighth year of employment. Part-time employees who work a minimum of 20 hours a week accrue vacation on a pro-rated basis based upon the number of hours they are regularly scheduled to work.

**School Employees: Vacation accrual and use for non-contracted school employees is determined by each school. Note: Contracted employees such as teachers and administrators do not receive vacation benefits.**

### **2. Scheduling of vacations:**

- Scheduling will be at the discretion of your supervisor.
- Priority in scheduling vacation times will be based first upon seniority. The seniority privilege will not allow you to change scheduled vacation times at the expense of another employee after the schedule has been arranged.
- Every effort will be made to schedule vacations according to personal preference unless Diocese needs require otherwise.
- Vacations will be scheduled in such a manner as to provide unimpaired service by the Diocese and adequate coverage of all positions.
- Vacation may be taken in one-half day increments. Leave taken for a period of less than four hours will count as one-half day leave. Leave taken for a period of more than four hours will count as one full day leave.
- Employees with more than two weeks of vacation should schedule remaining vacation days after all other employees in their work area have scheduled their first two weeks of vacation.
- When an observed holiday occurs during a scheduled vacation, an additional day of vacation may be granted, to be scheduled at the discretion of your supervisor.

### **3. Vacation Accumulation:**

- Vacation time cannot be borrowed from future years' earnings.
- Vacations may be accumulated from year to year up to a maximum of 10 days. Exception: Noncontracted school employees may not accumulate vacation from year to year. Vacation time must be taken within the calendar year it is earned or it will be forfeited.
- Accrued vacation time that exceeds 10 days at the beginning of a calendar year will be forfeited.
- Compensation will not be substituted for unused or forfeited vacation. If the vacation is forfeited for the Diocese's benefit and approved in advance by your supervisor, you may be paid for up to 10 days of that accrued vacation, at the discretion of your supervisor.

Resigning employees who provide appropriate notice will be eligible to receive payment for unused, accrued vacation. If appropriate notice is not given, or if the employee is dismissed for performance or misconduct reasons, unused, accrued vacation time will not be paid.

## **C. SICK LEAVE**

The Diocese provides paid sick leave to full-time employees. Part-time employees who work a minimum of 20 hours will be provided paid sick leave on a pro-rated basis based upon the number of hours they are regularly scheduled to work. Sick leave may be used for periods of your own illness or injury. Your sick leave may also be used to care for your child or other immediate family member as described in the Family Care Act, which is contained elsewhere in this handbook.

Full time employees, including school administrators, accrue sick leave at the rate of one sick day for each month of employment up to a maximum of twelve (12) sick days per calendar year. **Exception:** Teachers accrue sick leave for each month of service up to ten (10) days in a contract year. Part-time employees who work a minimum of 20 hours per week accrue sick leave on a prorated basis based on the number of hours they are regularly scheduled to work. Sick leave may not be used in advance.

Accrued sick leave may be carried over from year to year up to a maximum of 30 working days. Absences in excess of accumulated sick leave will be without pay. Unused sick leave cannot be converted into cash, personal holiday or vacation days. If you resign or are terminated for any reason, pay for unused, accrued sick leave will not be granted.

You must notify your supervisor no later than the time you are regularly scheduled to begin work if you will be absent due to an illness. Abuse of sick leave, including use for unauthorized purposes, may result in corrective action, up to and including immediate discharge. We may require a physician's statement or other proof of the medical necessity for absence for which sick leave credits are used.

Under some circumstances you may make a gift of sick leave to, or receive a gift of sick leave from, another employee. If you wish to be eligible for such a gift, you must submit a written request to your supervisor. Eligibility, which is determined by the Chancellor of the Diocese or his designee, requires proof that (i) you are suffering from a severe or life-threatening condition or facing some other extraordinary circumstance, (ii) your accrued annual and sick leave will not cover the actual or anticipated time off work, and (iii) you are not eligible for workers' compensation benefits for the condition. In making the eligibility determination, we may require additional information, including, for example, medical certification of the diagnosis, prognosis and necessary time off work.

Once an employee has been approved as a gifted sick leave recipient, any other employee may make a gift of any of his or her sick leave time to the recipient. The donation must be made in writing, utilizing a form prescribed by the Chancellor of the Diocese. In making the gift, the donating employee must acknowledge in writing that he or she understands that the gift is irrevocable.

## **D. FAMILY CARE ACT**

If you are a regular full-time or regular part-time employee, you are entitled to use your accrued sick leave or any other accrued paid time off (e.g., vacation, personal leave, etc.) to care for the following:

- 1) Your child, so long as he or she has a health condition that requires treatment or supervision; or
- 2) Your spouse, parent, parent-in-law, or grandparent who has a serious health condition or an emergency condition.

The following definitions apply:

1. “Child” means your biological, adopted, or foster child, a stepchild, a legal ward, or a child in whom you are standing *in loco parentis*. Your child must be (a) under 18 years of age; or, (b) 18 years of age or older and incapable of self-care because of a mental or physical disability.
2. “Parent” means your biological parent or an individual who stood *in loco parentis* to you when you were a child.
3. “Spouse” means your husband or wife.
4. “Parent-in-Law” means a parent of your spouse.
5. “Grandparent” means a parent of your parent.
6. “In loco parentis” means a person or entity that stands in place of a parent.
7. “Health condition requiring treatment or supervision” means
  - (a) Any medical condition requiring treatment or medication that the child cannot self-administer;
  - (b) Any medical or mental health condition which would endanger the child’s safety or recovery without the presence of a parent or guardian; or
  - (c) Any condition warranting treatment or preventive health care such as physical, dental, optical or immunization services, when a parent must be present to authorize and when sick leave may otherwise be used for the employee’s preventive health care.

8. "Serious Health Condition" means an illness, injury, impairment, or physical or mental condition that involves any period of incapacity or treatment connected with inpatient care (i.e., an overnight stay) in a hospital, hospice, or residential medical care facility, and any period of incapacity or subsequent treatment or recovery in connection with such inpatient care; or continuing treatment by or under the supervision of a health care provider or a provider of health care services and which includes any period of incapacity (i.e., inability to work, attend school or perform other regular daily activities).
9. "Emergency Condition" means a health condition that is a sudden, generally unexpected occurrence or set of circumstances related to one's health demanding immediate action, and is typically very short-term in nature.

You may not take advance leave until it is earned. Abuse of family care leave, including use for unauthorized purposes, may result in corrective action, up to and including immediate discharge. We may require a physician's statement or other proof to establish that the use of any leave taken under this section was in compliance with the terms specified herein.

## **E. FAMILY AND MEDICAL LEAVE OF ABSENCE**

The federal Family and Medical Leave Act of 1993 provides up to 12 weeks of unpaid leave every 12 months to eligible employees, both men and women, for certain family and medical reasons. To be eligible you must have worked for us for at least one year and for at least 1250 hours over the preceding 12 months. You must also work at a site which has 50 or more employees or be within 75 miles of a work site that has 50 or more employees.

### **Eligibility:**

- Employees who have completed at least one year and 1,250 hours of service with the Diocese will be eligible for up to 12 weeks of unpaid leave of absence for certain family care and medical reasons in any 12-month (rolling year) period.

The rolling year period means that an employee is eligible for 12 weeks of leave during the 12 months which begins with the commencement date of the leave of absence.

For example, an employee begins a qualified medical leave on December 1, 2000. That employee is eligible for up to 12 weeks of leave within the following 12 months, until November 30, 2001. If the employee does not take another leave until May 15, 2002, the employee's new commencement date is May 15 and that employee will be eligible for 12 weeks of qualified leave through May 14, 2003. Calculating leave eligibility in this manner allows the Diocese to define leave periods for each employee based upon each employee's specific leave needs.

### **Use of Family and Medical Leave:**

- Care of a newborn, adopted or foster child
- Care of a spouse, child or parent with a serious health condition
- Your own serious health condition which prevents you from performing your job duties and responsibilities

### **Compensation:**

- All accrued vacation and/or personal days must be taken at the commencement of the leave period, prior to beginning unpaid leave status.

- Accrued sick leave must be taken prior to beginning unpaid status if the leave is due to a serious health condition of a spouse, child, parent, or yourself.
- The maximum amount of leave time available will be twelve weeks, including both paid and unpaid leave.

### **Requesting Leave:**

- In the event of foreseeable leaves, you must provide 30 days' notice by completing a *Request for Medical Leave of Absence Form*.
- If a 30-day notice is not possible, you must provide notification no later than the next business day after learning of the need for the leave.
- When planning medical treatment, you must make a reasonable effort to schedule medical leave so as not to unduly interrupt the Diocese's operations, subject to the approval of the health care provider.

### **Certification:**

- When leave is taken due to the serious health condition of either you or a covered family member, you and the health care provider must provide written certification of the need for the leave. Refer to *Certification of Physician or Practitioner* form.
- The Diocese reserves the right to request a second opinion from a physician chosen by the Diocese, at the Diocese's expense. In the event of a disagreement between the opinions of the employee's physician and the Diocese's, a third and binding medical opinion may be sought, also at the Diocese's expense.
- In the event you do not submit to the physical examination, the leave of absence will not be granted or continued.
- You may be required to submit recertification from the health care provider, at your expense, to support a continuing medical leave every 30 days during the duration of the leave.
- If the minimum duration of the period of incapacity specified in the certification is less than 30 days, then you may be required to submit recertification at the end of the specified minimum duration.

- Recertification on a more frequent basis may be required if:
  - You request an extension of leave
  - Circumstances described by the previous certification have changed significantly
  - The Diocese receives information that casts doubt on the continuing validity of the most recent certification

**Intermittent or Reduced Schedule Leave:**

- Leave taken because of the serious health condition of either you or a covered family member may be taken on an intermittent or reduced work schedule basis:
  - If such an arrangement is certified by the health care provider to be medically necessary
  - To provide care or psychological comfort to a covered relation with a serious health condition, as certified by the health care provider.
- If you need an intermittent or reduced work schedule leave, you must attempt to schedule leave so as not to disrupt the Diocese's operations.
- Leave taken due to the birth of a child or placement of a child with you for adoption or foster care must be taken in one consecutive period unless approved in advance by the supervisor. Decisions regarding requests for intermittent or reduced work schedule leaves in birth, adoption or foster care situations will be based on the operational needs of the Diocese.
- During any period in which you are on an intermittent or reduced work schedule, the Diocese may temporarily transfer you to an alternative position with equivalent pay and benefits that better accommodates your recurring leave.

**Notification During the Leave:**

- You must contact your supervisor at least every other week in order for the Diocese to remain aware of your progress and anticipated longevity of the leave of absence.
- You must notify your supervisor of your intent to return to work at least 5 days before the expiration of the leave or recovery from the serious health

condition, if applicable, or if you will not be able to return to work on the specified date of return.

- Failure to report as required by this policy may result in denial or delay of the leave or restoration of employment.
- If you decide to voluntarily terminate employment, your supervisor should be notified as soon as possible.
- If you fail to return to work on the next work day following the expiration of an approved leave, you will be deemed to have resigned employment.

#### **Return from Leave:**

- When the reason for a family or medical leave ends (for example, a serious health condition no longer exists), you are no longer eligible for leave under this policy and are expected to return to work promptly.
- When leave is taken due to your own serious health condition, a release from the health care provider will be required prior to your return to work, certifying that you are fit to return to work and can perform the essential functions of the job with or without reasonable accommodation.
- You are expected to return to work immediately following the physician's release.

#### **Reinstatement:**

- After an FMLA leave, you will be restored to your former position, or to an equivalent position with equivalent employment benefits, pay, and other terms and conditions of employment, if you return to work within the 12-week period.
- If you do not return to work when the reason for the leave ends or at the end of the 12-week period, whichever occurs first, you will be deemed to have resigned employment and employment will be terminated as of the last day of the authorized leave period, unless arrangements for an extended leave period have been made with your supervisor. You must then follow the normal job application procedures required of external candidates if you desire to be reemployed by the Diocese.
- Leave may not be provided or you may not be restored to employment if you advise the Diocese that you will not return to work, in which case the

employment relationship is deemed terminated and your entitlement to reinstatement, continued leave and health benefits ceases.

- Likewise, if you fraudulently obtain leave or accept other employment while on leave without the prior written approval of your supervisor you will not be entitled to benefits under this policy and employment may be terminated.

### **Insurance Continuation:**

- During the leave, you will be permitted to retain your current medical insurance coverage as specified in the provisions of the Diocese's policy, with the Diocese paying the portion of the premiums as indicated.
- During any paid portion of a leave, your portion of any dependent insurance premiums will continue to be taken as a regular payroll deduction.
- During unpaid leave, you will be required to submit periodic payments of these premiums to the Diocese if you desire to maintain coverage.
- You will be responsible for repayment of any premium costs borne by the Diocese for continuation of insurance during the leave should you fail to return to work at the conclusion of the leave period for reasons other than:
  - A serious health condition which qualifies under the leave provisions
  - Other circumstances beyond your control

### **Paid Time Off Accrual:**

- While on family or medical leave of absence, you will not accrue benefits such as vacation or medical days leave or receive other employment benefits, including:
  - Holiday pay
  - Paid jury duty
  - Bereavement leave

## **F. OTHER LEAVE**

**1. Bereavement Leave.** Full-time and part-time employees who have completed their initial evaluation period may be allowed up to five paid days off in the event of a death in their immediate family. Temporary and Seasonal employees are not eligible for paid bereavement leave. For this purpose, immediate family is defined as your spouse, child, parent, grandparent, grandchild, brother, sister, daughter/son-in-law, brother/sister-in-law or anyone living in your household. For the death of a close relative, which includes aunt, uncle, niece, nephew, or cousin, up to one day will be allowed to attend a funeral which involves no overnight travel and up to three days to attend a funeral when overnight travel is involved.

Factors to be used in determining the number of days to be allowed, at the discretion of your supervisor, include:

- Relationship of the family member
- Location of the funeral
- Time required for travel

The Diocese may grant funeral leave to an employee for the purpose of attending a funeral of someone other than a member of the employee's immediate family or a relative who falls outside the list provided above; generally this will be limited to one-half day, but may, in exceptional cases, be one day.

Exceptions providing paid-or unpaid time off to attend funerals under special circumstances or funerals of others with special relationships may be made at the discretion of your supervisor.

**2. Jury duty/witness duty.** You will be given the necessary time off for jury duty and related court obligations upon presenting the proper legal documentation to your supervisor.

Nonexempt employees will receive their regular pay for up to 15 days spent on jury duty each year. Exempt employees will receive full pay for the entire amount of time spent serving on a jury. Any payments provided by the courts during periods of paid jury duty leave must be paid over to the Diocese, excluding expense reimbursements, such as mileage.

You are expected to return to work if excused by the court at or before 1:00 p.m.

Time off for court appearances as a witness or party to any civil or criminal litigation that does not involve the Diocese will not be compensated, and you must arrange for time off without pay or use accrued vacation for such appearances. Voluntary service on a grand jury must be approved by your supervisor.

**3. Retreat Leave.** The Diocese may, at its sole discretion, grant time off for retreat leave.

**4. Military Leave.** You will be given the required time off for active duty, active duty for training or inactive training duty. Compensation during leave for military service will be determined in accordance with federal and state law. You must provide your supervisor with copies of your military orders as soon as possible after they are received. Reinstatement upon return from military service will be determined in accordance with applicable federal and state law.

**5. Personal Leave.** The Diocese may, at its sole discretion, grant up to three paid days per year for personal/emergency situations arising out of circumstances that require an employee to be absent from employment. Except in special circumstances, personal leave will usually not be granted to employees who have not completed their initial evaluation period.

**6. Leave without pay.** The basic purpose of leave without pay is to preserve an employee's continuity of service with the Diocese during an emergency or planned defined period of absence. Such leaves may be granted on an individual basis at the discretion of the supervisor. No benefits are paid or accrued during this time (unless required under FMLA or other law).

**7. Professional Development Leave.** We encourage employees to further their professional development by developing skills and improving work performance through external training. A full-time or part-time employee may request unpaid leave to participate in courses provided by approved education institutions, such as accredited colleges, universities and trade schools. Professional development leave is subject to our discretion and will be granted only if the proposed course is reasonably related to your position or career path. Additionally, financial assistance for such purposes may be granted at the discretion of the Bishop.

# COMMUNICATION

## *Section 8*

### Employee Personnel Policies

### Diocese of Yakima

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## A. GRIEVANCES

The Diocese believes employees should have an opportunity to present their work-related complaints and to appeal management decisions through a dispute resolution or grievance procedure. The Diocese will attempt to promptly resolve all grievances it deems appropriate for handling under this policy.

An appropriate grievance is defined as an employee's expressed dissatisfaction concerning any interpretation or application of a work-related policy by management, supervisors, or other employees. Examples of matters that may be considered appropriate grievances under this policy include, but are not limited to:

- A belief that Diocesan policies, practices, rules, regulations, or procedures have been applied in a manner detrimental to an employee.
- Treatment considered unfair by an employee, such as coercion, reprisal, harassment or intimidation.
- Alleged discrimination because of race, color, sex, age, sexual orientation, religion, creed, national origin, marital status, disability, or other legally protected status.
- Improper or unfair administration of employee benefits or conditions of employment such as scheduling, vacations, fringe benefits, promotions, retirement, holidays, performance review, salary, or seniority.

Employees who feel they have an appropriate grievance should proceed as follows:

**STEP ONE** – Raise your concerns with the immediate supervisor within five working days of the event giving rise to them. If the grievance involves the immediate supervisor, then it is permissible to proceed directly to Step Two. The supervisor will investigate the grievance, attempt to resolve it, and give a decision to the employee within a reasonable time, typically within five working days.

**STEP TWO** – Appeal the decision to the Chancellor of the Diocese within five working days of the receipt of the decision in Step One. The Chancellor will refer the parties to the Dispute Resolution Center of Yakima or another similar mediation service for resolution. The parish or the Diocesan agency where the grievant is employed will be responsible for the expense of mediation. The Dispute Resolution Center is the final step in the complaint process and is your exclusive remedy for the resolution of such disputes. You, as well as the Diocese, are expected to make every good faith effort to resolve any employment-related dispute during the mediation process.

Grievances may be resolved at any step in the process. It is not considered proper use of the grievance procedure if an employee raises grievances in bad faith, solely for the purposes of delay or harassment, or repeatedly raises meritless grievances. Implementation of the grievance procedure by an employee does not limit the right of the Diocese to proceed with any disciplinary action which is not in retaliation for the use of the grievance procedure.

The Diocese may, at its discretion, refuse to proceed with any complaint it determines is improper under this policy. Further, this policy does not alter the employment-at-will relationship in any way.

## **B. BULLETIN BOARDS**

We have bulletin boards for posting various notices and announcements. If you would like to post something, please obtain prior approval from your supervisor.

## **C. CONTACTS WITH INVESTIGATORS/ATTORNEYS**

If someone is suing us or thinking about suing us, their lawyer or investigator might contact you seeking information about the dispute. Responses to these kinds of inquiries have the potential for involving both you and the Diocese in a lawsuit. Further, you may be construed to be speaking on behalf of the Diocese when you do not have the authority or the knowledge to do so. Consequently, if you are contacted by a lawyer or an investigator, you must inform your supervisor immediately. You may not respond without your supervisor's prior knowledge and approval.

## **D. CONTACTS WITH THE MEDIA**

Any contact on the part of a television, radio or newspaper representative should be immediately referred to your supervisor for response.

# SAFETY AND HEALTH

## *Section 9*

### Employee Personnel Policies

### Diocese of Yakima

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## **A. MEDICAL EXAMINATIONS**

We may require, in accordance with any applicable state and federal law, that you have your physician provide us with information regarding your fitness for work. In addition, we may require medical examinations to determine your fitness for duty. These examinations will be conducted at times we specify and will be paid for by us.

## **B. ACCIDENTS**

No matter how insignificant an injury may seem at the time, you must notify your supervisor immediately if you suffer an injury while on the job.

## **C. VIOLENCE AND WEAPONS POLICY**

The Diocese is concerned with providing employees with a safe and productive work environment. As such, the Diocese expressly prohibits any and all acts or threats of violence by any Diocese employee, parishioner, vendor, or other visitor to the Diocese's facilities against any Diocese employee, parishioner, vendor, or other visitor to the Diocese's facilities. This policy applies to all Diocese employees whether or not you are engaged in business on behalf of the Diocese, and whether or not you are on Diocesan premises.

In addition, the Diocese strictly prohibits the possession or use of any and all weapons, including handguns, on Diocese premises by any employee, parishioner, vendor, or other visitor, whether licensed or unlicensed and whether concealed or visible, unless the person is a member of law enforcement. Diocese premises include not only the main facilities, but also the parking lots, entrances and exits, break areas, etc.

Diocese employees are further prohibited from the possession or use of any and all weapons while conducting business on behalf of the Diocese off of Diocese premises.

The Diocese reserves the right to conduct searches of Diocese premises and property at any time and intends to search such areas when, in the opinion of management, there is a reasonable cause to believe that the search is necessary and appropriate to business security or workplace safety issues and/or to monitor compliance with this and other Diocese policies and procedures.

## **D. SAFETY**

The Diocese is committed to providing a safe and healthful workplace. All employees are expected to work diligently to maintain safe and healthful work conditions and to adhere to proper operating practices and procedures designed to prevent injuries and illnesses. The responsibilities of all employees in this regard include but are not limited to:

- remaining aware of and following safe working practices and applicable safety procedures
- reporting all unsafe conditions, equipment, or practices to your supervisor immediately
- observing all safety rules and regulations
- avoiding unnecessary or unwarranted risks while performing your job
- obtaining and properly using appropriate safety equipment and/or personal protective apparel required for the job you are performing
- reporting all work-related injuries to your supervisor immediately after an accident occurs even though the injuries may not require medical attention

# DIOCESE OF YAKIMA

## PERSONNEL POLICIES RECEIPT AND ACKNOWLEDGMENT

I have received a copy of the Diocese of Yakima's Personnel Policies dated December 1, 2003, containing any revisions made through today's date. I will read the manual and follow the policies in it.

**I understand that unless I have a written employment agreement to the contrary, both you and I are free to terminate my employment at any time, with or without cause or advance notice, and without compensation except for time actually worked, provided the termination is not done for a discriminatory reason in violation of law.** I understand that exceptions to this policy must be in a written agreement signed by the Bishop or his designate.

If you mistakenly overpay me, you may deduct the overage from my later paychecks. At the time my employment ends, you may deduct from my final paycheck **any** amounts I then owe to you, including any paid time off (e.g., vacation or medical leave) that I may have used in excess of the accrued amounts available to me.

Date: \_\_\_\_\_

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Employee Name (Please Print)

\_\_\_\_\_  
Pastor, Principal, or Supervisor

Please keep a copy of this receipt and acknowledgment for your records, and give the original to your pastor, principal or supervisor.