PROMULGATION

DIOCESE OF YAKIMA

EMPLOYEE HANDBOOK

By the authority granted to me by Canon 31 of the 1983 Code of Canon Law, I decree and promulgate that the Diocese of Yakima Employee Handbook will become particular law for the Diocese of Yakima thirty days after July 1, 2020 in accordance with Canon 8 §2. From July 31, 2020, the guidelines set in the Employee Handbook of the Diocese of Yakima are to be followed by all parishes and institutions, all employees, clergy and lay persons, of the Diocese of Yakima.

Given this first day of July 1, 2020 at the Pastoral Office of the Diocese of Yakima.

Bishop of Yakima

Chancellor
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INTRODUCTION

SECTION ONE: EMPLOYMENT PRACTICES

A. MISSION STATEMENT

The Parishes and Schools of the Diocese of Yakima exist to provide an equal measure of: 1) the experience of the living Lord and witness to his Gospel message; 2) the internalization of self-discipline, mutual respect, personal morality and social justice, as taught by the Catholic Church; and 3) the environment for academic excellence.

Employment may be terminated if an employee engages in public acts that violate Church teaching or engages in, or publicly supports conduct or beliefs not consistent with Catholic principles in the performance of work duties or is living a lifestyle that is not compatible with Catholic teaching or a lifestyle which is incompatible with Catholic moral values or if professional conduct is at variance with the policies of the Diocese of Yakima. Employees are charged with the responsibility of both imparting and modeling Catholic teaching. It is the employee’s responsibility to be faithful to the mission of the Catholic Church, including the sacredness of traditional marriage between a man and a woman.

B. ABOUT THIS HANDBOOK

The Diocese of Yakima is pleased to provide each employee with a copy of the Employee Handbook. This Employee Handbook contains general statements of the employment 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, the Bishop’s office, the Office of Canonical Concerns, and all other Diocesan institutions unless specifically excepted herein.

Because of the unique canonical relationship between priests and the Diocese, priests are not technically considered employees. Priests are governed by separate policies governing priest personnel.

The purpose of this Handbook is to bring together in one convenient place a summary of the policies and procedure that affect our employment relationship. It is the employee’s responsibility to read, understand and be familiar with this Handbook. This Handbook is not your only source of information on employment-related issues. Although this Handbook will generally be the best place to start in finding answers to your questions, from time to time you may have questions that it will not answer. In those situations, you should talk to your supervisor. The school, parish, or department to which you are assigned may establish additional guidelines and procedures.

This Handbook supersedes and replaces any prior summaries, communications, policies, practices, standards and/or guidelines to the contrary, whether written or oral. 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 and the
conditions of the employment contract or law shall control. [Note: Contractual employees are typically teachers and school administrators.]

This Handbook is an evolving document which the Diocese expects to revise and update from time to time. Be sure to note changes and updates as they are communicated to you.

Our policies are guidelines, not promises of specific treatment in specific situations. All policies and procedures, including the compensation and benefits the Diocese provides, are subject to changes and exceptions without advance notice at our discretion. All decisions regarding the application or interpretation of our policies and procedures are at the Diocese’s discretion. This applies to all of the Diocese of Yakima’s policies and procedures, whether formal or informal, and whether or not contained in this Handbook.

This Handbook is not a guarantee of continued employment. While we hope that our employment relationship with each employee will be ongoing and rewarding for the employee and the Diocese, unless you are employed under a written contract, employment with the Diocese is “at will” and may be terminated at any time, with or without cause, by either the employee or the Diocese. Nothing in this Handbook or that is said or written any place else should be construed as a promise of permanent employment, of employment for any particular time, of discharge only for cause, or of a right to any particular discipline or discharge procedure unless the promise is in a written employment agreement signed by the Bishop or his designee. No one has the authority to enter into any agreement for employment for a specified period of time, or to make any other representations or agreements inconsistent with this Handbook unless it is in writing signed by the Bishop or his designee.

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.

This Handbook is provided in English. If you have difficulty understanding any part of this handbook, have questions or require additional information on any subject, please contact your supervisor for assistance.

C. MODIFICATION OF TERMS AND CONDITIONS

The Diocese reserves the right to alter, rescind or otherwise amend the compensation, hours of 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. Further, the Diocese has the right to manage its work place and direct its employees. This includes, but is not limited to, the right to hire, transfer, promote, demote, reclassify and lay off. 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 designee 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 designee. The Bishop has the ultimate and full discretionary authority to interpret all 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.
D. AT WILL EMPLOYMENT

Employment with the Diocese of Yakima is “at will”, unless otherwise specified in a written contract signed by the Bishop or his designee. “At will” employment means that employees are free to leave employment at any time for any reason, with or without notice, or the Diocese may choose to end an employee’s service at any time, for any reason, with or without notice. There is no promise that employment will continue for any specified period of time.

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 statements contained in this Handbook are general statements of the policies of the Diocese of Yakima and are not intended to limit the Diocese’s discretion in any way. The work rules contained herein are for illustrative purposes and are not considered to be exclusive. No employee, supervisor or manager is authorized to make any oral assurances or promises of continued employment. This Handbook is not intended to alter the at-will employment relationship.

In certain limited circumstances, an individual may be offered a written employment contract with the Diocese for a specified period of time. Such contracts may contain exceptions to the policies outlined in this section. All such contracts must be in writing and signed by the Bishop or his designee. When an employee is working under the terms of such a contract, these policies govern the employment relationship to the extent they are not inconsistent with the contract.

The Diocese reserves the right to revise, amend, add/or delete any policy or matter set forth in this manual at any time with or without notice, for any reason it deems appropriate. This Handbook supersedes all prior guidelines, manuals, policies and procedures issued by the Diocese.

E. 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.

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 Handbook, 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.

H. EQUAL EMPLOYMENT OPPORTUNITY

At the Diocese of Yakima, we strive to build a culture that is inclusive and free of discrimination. It is imperative that the Diocese foster a diverse and inclusive environment by providing equal employment opportunities for all individuals. Our commitment to diversity consists of creating an environment in which all employees can fulfill their potential, and in which the Diocese is made stronger by the diverse backgrounds, experiences (or skills), and perceptions of individuals.

The Diocese of Yakima affirms its commitment to providing equal employment opportunities in its practice and implemented policies.

The Diocese does not tolerate discrimination or harassment on the basis of race, color, national origin, citizenship status, creed, religion*, age, marital status, gender, pregnancy, childbirth, medical condition, disability or veteran status or any other status protected under applicable federal or state laws. The Diocese reserves the right to be the sole judge of merit, competence and qualifications, consistent with the law.

*The Diocese reserves the right to favor Catholic applicants and employees in employment decisions which have a direct bearing upon the pastoral mission of the church. Many positions require current and regular practice of the Catholic faith as an employment qualification; some require behavior consistent with Catholic teachings.

It is imperative that all employees work together to promote diversity by embracing the spirit of this policy both in character, behaviors and business decisions.

I. EMPLOYEES WITH DISABILITIES

The Diocese of Yakima is committed to providing equal access and opportunity to all, regardless of an individual’s disability status. We fully comply with the American with Disabilities Act (ADA) and state laws to provide reasonable accommodations to allow people with disabilities (as defined under applicable law) to perform the essential functions of their job. The Diocese of Yakima prohibits discrimination by creating a supportive work environment whereby employees can feel comfortable requesting a reasonable accommodation. We are proactive (or are committed to providing an inclusive environment) by:

- Providing equal access to employment opportunities
- Providing equal access to Diocese facilities
- Treating all applicants and employees with or without disabilities with respect and dignity
- Providing reasonable appropriate accommodations as required by law
REASONABLE ACCOMMODATIONS

A. INITIATING REASONABLE ACCOMMODATION PROCESS
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 with our 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.) Once the request is received, we will initiate an interactive dialogue with you about your functional capabilities, work limitations, and what, if any, reasonable accommodations may be appropriate to enable you to perform the essential functions of your job.

B. MEDICAL DOCUMENTATION MAY BE REQUIRED
We may request medical documentation from a health care provider that evaluates your ability to perform the essential job functions, verifies your work limitations and need for reasonable accommodations. Although employees who request an accommodation are not required to disclose the underlying nature or diagnosis of their disability, they are expected to provide sufficient information about their functional capabilities and work limitations to enable us to evaluate the need for job-related accommodations. Any information related to your disability or medical condition will be maintained confidentially by the Diocese, but may be disclosed to supervisors and managers where they need medical information in order to provide a reasonable accommodation or to meet your work restrictions, to first aid and safety personnel if you would need emergency treatment or require some other assistance (such as help during an emergency evacuation because of a medical condition, to individuals investigating compliance with the ADA and with similar state and local laws, and pursuant to workers’ compensation laws (e.g., to a state worker’s compensation officer in order to evaluate a claim) or for insurance purposes.

C. REQUEST FOR REASONABLE ACCOMMODATIONS MAY BE DENIED UNDER CERTAIN CIRCUMSTANCES
Under certain circumstances, we may refuse to provide an accommodation, including when an employee:

- Refuses to disclose information pertaining to his or her work limitations and functional capabilities to enable us to determine what, if any accommodations are necessary to enable the employee to perform essential job functions;
- Fails to provide medical documentation to support the need for reasonable accommodations;
- Poses a direct threat to the health and safety to themselves or others; or
- Requests an accommodation that would cause an undue hardship.

We may also refuse to provide an accommodation if to do so would:

- Remove or alter a job’s essential functions;
- Lower production or performance standards; or
• Excuse violations of conduct rules that are necessary for our operations. If you feel a reasonable accommodation is necessary, contact your immediate supervisor/pastor to discuss your accommodation request and to determine eligibility.
SECTION TWO: SAFE ENVIRONMENT

A. SEXUAL ABUSE OF MINORS BY CLERICS, MEN AND WOMEN RELIGIOUS, SEMINARIANS, EMPLOYEES AND VOLUNTEERS

On June 14, 2002, the United States Conference of Catholic Bishops (USCCB) approved the Charter for the Protection of Children and Young People, with revisions adopted on November 13, 2002, and further revised June, 2005. The Charter addresses the Church’s commitment to deal appropriately and effectively with cases of sexual abuse of minors by diocesan personnel. The Bishops of the United States have promised to reach out to those who have been sexually abused as minors by anyone serving the Church in ministry, employment, or a volunteer position, whether the sexual abuse was recent or occurred many years ago. The Bishops also stated that the Church would be as open as possible with the people in parishes and communities about instances of sexual abuse of minors, with respect always for the privacy and reputation of the individuals involved. Finally, the Bishops committed themselves to the pastoral care, spiritual care and emotional well-being of those who have been sexually abused and of their families, as well as of the perpetrators of the abuse.

In addition, the Bishops will work with parents, civil authorities, educators, and various organizations in the community to make and maintain the safest environment for minors. The Bishops have also pledged to evaluate the background of seminary applicants as well as of all church personnel who have responsibility for the care and supervision of children and young people.

Therefore, to ensure that each diocese/eparchy in the United States will have procedures in place to respond promptly to all allegations of sexual abuse of minors, the United States Conference of Catholic Bishops also established Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons, revised on November 13, 2002 and again in June, 2005. These norms constitute particular law for all dioceses/eparchies of the United States effective March 1, 2003. They also are complementary to the universal law of the Church, which has traditionally considered the abuse of minors a grave delict and punishes the offender with penalties, not excluding dismissal from the clerical state if the case so warrants.

The following policies and procedures of the Diocese of Yakima regarding sexual abuse of minors have been promulgated in accordance with the Charter for the Protection of Children and Young People and the corresponding canonical document of the Essential Norms.¹ In the Diocese of Yakima the following policy applies to all diocesan personnel as defined below. These policies and procedures recognize that sexual abuse of minors has a profound impact on the lives of those affected. Sexual abuse of a minor by diocesan personnel, damages the priesthood, diaconate² and the Church itself. The following policies and procedures reflect the Diocese of Yakima’s continuing efforts to provide for the safety of the people through whom it carries on its pastoral mission while protecting the reputation of clerics and other diocesan personnel who may be subject to inaccurate or false allegations. These policies and procedures do not address sexual abuse in general, but only the special circumstances described herein.

¹ Diocesan policy must be promulgated in accord with the Essential Norms which are Church law. The Charter basically serves as a commentary and supporting document.
Code of Conduct for Diocesan Personnel

Definitions

1) **Administrative Leave** – The term "administrative leave" means the placement of diocesan personnel on leave from all job duties/assignments pending investigation into allegations of sexual abuse by the personnel or for any other reason that is determined by the Bishop to be in the best interest of the diocese. Administrative leave will be with or without pay as determined by the Bishop. In addition to relieving the personnel from all assigned duties, it may also include a prohibition from contact with certain individuals during the investigation, a prohibition on returning to the workplace or other diocesan property during the leave period and/or a prohibition from participation in certain work-related activities unless specific permission is granted by the Bishop. Diocesan personnel on administrative leave may be required to remain available for contact during normal work hours.

The term “administrative leave” does not exist in canon law. In effect, an administrative leave is a directive on the part of a legitimate ecclesiastical authority removing a cleric from the exercise of ministry. There are canonical reasons for taking such an action: for example, the declaration of an impediment which would prohibit the exercise of ministry by a priest or deacon for appropriate reasons [cf. canon 1044 of the Code of Canon Law] or the exclusion of a priest or deacon from the exercise of ministry during a penal process. (cf. canon 1722).

Whenever an administrative leave is imposed, it is important not to impair a person's rights by, for example, removing a priest's or deacon's faculties, which would constitute the imposition of a penalty without due process of law. Rather, an administrative leave is a prohibition from exercising ministry for a just and necessary reason.

2) **Bishop** refers to the Ordinary of the Diocese of Yakima, WA, the Vicar General, or the Diocesan Administrator of that diocese.

3) **Chief of Staff** is the administrator of the Bishop's office.

4) **Cleric (clergy)** is a priest or deacon.  

2 “Clergy” in the context of the Essential Norms and the Charter refers only to priests and deacons. (Bishops are not included by reason of Canon 1405, §1, 3. See the footnote to §2003, page 8, which describes how an allegation of sexual abuse against the Bishop would be handled.)

5) **Diocesan Personnel** refers to (a) all members of the clergy of the Diocese of Yakima and other clergy members with assignments from the Bishop of Yakima; (b) members of religious congregations or institutes of consecrated life who staff a parish or institution of the Corporation of the Catholic Bishop of Yakima or reside on diocesan property; (c) lay persons who are employees of, or volunteer in, parishes and other agencies of the Corporation of the Catholic Bishop of Yakima; (d) visiting individuals approved by the Bishop.

6) **Diocese** refers to Diocese of Yakima, WA.

7) **Diocesan Lay Advisory Board** (DLAB) shall be a group of respected individuals of sound judgment who are appointed by the Bishop to serve as the principal confidential advisors to the Bishop both in his assessment of allegations of sexual abuse of minors by diocesan
personnel and also in his determination of their suitability for ministry. (Cf. Charter, art. 2, and Essential Norms, §4)

8) **Minors** are those under eighteen years of age. For purposes of this policy, the term also includes the developmentally disabled who, because of physical or mental impairment, have the same vulnerability as a minor.

9) **Professional Responsibility Coordinator (PRC)** shall be a lay professional who is experienced in investigation of, and, specifically, the analysis of allegations of sexual abuse of minors.

10) **Promoter of Justice**, appointed by the Bishop, is a canonically appointed attorney who may be a cleric or lay person with an unimpaired reputation, is proven in prudence and in zeal for justice and, preferably, holds a doctorate or licentiate in canon law.

11) **Sexual Abuse** refers in this document to sexual activity with minors which is contrary to the moral teachings, doctrines and canon law of the Catholic Church. It can include, but is not limited to, acts of sexual seduction or grooming, sexual molestation, sexual exploitation of a minor or other behavior by which an adult uses a minor as an object of sexual gratification, such as the viewing of child pornography which is deemed to be a violation of Washington State or federal criminal law. (Restated from the USCCB Charter and Essential Norms.)

12) **Victim** refers to a person claiming to have experienced sexual abuse as a minor by diocesan personnel.

13) **Victim Assistance Coordinator (VAC)** is a person with expertise in the area of treating sexual abuse victims, who coordinates assistance for victims at the direction of the Bishop. *(Definition changed March 23, 2016 upon recommendation of Diocesan Lay Advisory Board.)*

14) **Extern Priest or Deacon** – While the term “extern” is not found in canon law, it is understood to describe any diocesan priest or deacon who is legitimately serving outside of his diocese of incardination. Hence, if a priest or deacon has the permission of his own bishop of incardination to exercise ministry in the Diocese of Yakima and the Bishop has provided him with an assignment, he then would be considered an “extern” priest or deacon. An extern priest or deacon would enjoy the same rights as an incardinated cleric in the ministry or service that he is offering.

The term “extern” can also be applied to a religious priest or deacon who is not assigned to ministry within the Diocese of Yakima by his Order but who is legitimately exercising ministry in the diocese with the consent of his Superior.

1. **GENERAL PROVISIONS**

   **Introduction**

   This section contains general statements of policy from which specific procedural recommendations follow. This section acknowledges the responsibility of the Diocese to institute appropriate policies and educational programs regarding the nature and effect of sexual abuse of minors.
Establishment of Policy

Sexual abuse of a minor by diocesan personnel violates human dignity, ministerial commitment and the mission of the Church. Therefore, the Diocese of Yakima institutes these policies and procedures to review the fitness for ministry of diocesan personnel accused of sexual abuse of a minor. The major purposes of these policies and procedures are the safety of minors, the well-being of the community and the integrity of the Church.

2. DIOCESAN LAY ADVISORY BOARD (DLAB)

The Bishop shall appoint a DLAB which will serve as the principal confidential advisor of the Bishop in his assessment of allegations of sexual abuse of minors and also in his determination of suitability for ministry. (cf. USCCB Charter, art. 2, and Essential Norms, §4)

Membership

The DLAB shall be comprised of eight members of outstanding integrity and good judgment. Seven members shall be lay individuals who are not employees of the diocese, and one member shall be a priest who is an experienced and respected pastor of the diocese. The priest member shall be non-voting. Wherever possible, it is desirable that individual DLAB members shall include a psychologist or social worker, an attorney and representatives of the Church at large. Wherever possible, at least one of the members should have particular expertise in the treatment of the sexual abuse of minors. (Cf. USCCB Charter, art. 2, and USCCB Essential Norms, §5)

Procedures

i. Nominating Committee The Bishop may appoint a Nominating Committee to propose the names of candidates for the DLAB. The Nominating Committee should be composed of respected persons with sound judgment. The Nominating Committee may, at its discretion, consult with appropriate professional societies and other consultative bodies.

ii. Appointment of DLAB Members The Bishop shall have the sole authority to appoint DLAB Members.

iii. DLAB Member Orientation In order to familiarize DLAB members with their duties as well as with pertinent policies and procedures, there shall be a DLAB Member Orientation conducted periodically with input from appropriate diocesan officials and outside consultants.

iv. Compensation None of the members of the DLAB shall receive compensation for their services, but all members shall be reimbursed for their necessary expenses.

Term

Each DLAB member shall be appointed for a renewable term of five years and shall continue until a successor is appointed. (Cf. USCCB Essential Norms, §5)

Officers

The Bishop shall designate one DLAB member as chairperson and one DLAB member as vice-chairperson, after consulting with the Board, for five-year terms.
Procedure

The chairperson will ordinarily convene and preside at meetings of the DLAB. The vice-chairperson will perform these functions when the chairperson is unable to do so.

Relationship with the Bishop

The DLAB shall serve as the principal confidential advisor to the Bishop both in his assessment of allegations of sexual abuse of minors and also in his determination of suitability for ministry. The DLAB is not accountable to other officials of the diocese except to the Administrator of the Diocese when the See is vacant. (Cf. USCCB Charter, art. 2, and USCCB Essential Norms, §4)

Quorum

A simple majority of the DLAB members shall constitute a quorum.

Meetings

The DLAB shall conduct its business at meetings which shall be scheduled as necessary to perform its duties. These meetings shall reflect the pastoral character of this process which is consultative and advisory, not adversarial and adjudicative. Moreover, the meetings are not hearings, but sessions at which the DLAB receives and considers information, deliberates, and formulates its determinations and recommendations. The rules of evidence shall not strictly apply.

Procedure

v. Generally, The DLAB will meet in person, but, by exception, may meet by telephone conference. The members of the DLAB shall not discuss the business of the DLAB outside DLAB or committee meetings, except as follows: 1) when the PRC may communicate with DLAB members; 2) among themselves in order to conduct the business of the DLAB.

vi. Attendance Persons other than DLAB members, at the DLAB’s discretion, may attend those portions of meetings during which information is presented to the DLAB and the DLAB makes its recommendations.

vii. Committees The Chairperson, with the consent of the DLAB, may appoint such standing or temporary committees as deemed necessary, and may delegate to such committees any powers necessary to fulfill their purpose.

Duties

The DLAB is responsible to:

1) recommend to the Bishop a candidate or candidates for the position of Professional Responsibility Coordinator (PRC), and recommend to the Bishop board members to serve as chairperson and vice-chairperson;

2) supervise the PRC in cooperation with the diocesan Chief of Staff or other delegate of the Bishop;
3) inform the Bishop regarding allegations of sexual abuse of minors and determination of suitability for ministry (Cf. USCCB Charter, art. 2, and USCCB Essential Norms, §4.A.);

4) offer advice on all cases that come before it, whether retrospectively or prospectively; (Cf. USCCB Essential Norms, §4.C.);

5) make recommendations which the DLAB determines to be appropriate to reduce risk to minors;

6) recommend programs for treatment, rehabilitation and supervision of diocesan personnel;

7) submit, with the assistance of the diocesan Chief of Staff, an annual budget proposal to the Bishop at a time to be specified by the Chief of Staff;

8) review these policies and procedures for dealing with sexual abuse of minors every three years or as needed; (Cf. USCCB Essential Norms, §4.B.);

9) cooperate with the PRC, the Bishop, and the Executive Committee of the Council of Priests in developing and implementing educational programs for themselves and those participating in this process; and

10) seek the advice of such experts and consultants as the DLAB deems necessary and appropriate.

Professional Responsibility Coordinator (PRC)

Qualifications

The PRC shall be a lay professional with substantial experience in investigation and, specifically, the analysis of allegations of sexual abuse of minors.

Appointment and Conditions of Employment

Policy The Bishop shall appoint a Professional Responsibility Coordinator (PRC) with the advice of the DLAB. The PRC may be removed by the Bishop only for good cause, after consultation with the DLAB.

Procedure

The PRC shall be compensated according to diocesan standards and will be evaluated by the DLAB.

Duties

The PRC shall be responsible to:

1) receive information and allegations of sexual abuse of a minor by diocesan personnel;

2) report to civil authorities (e.g. Child Protective Services and law enforcement agencies) any allegation of sexual abuse of a minor, cooperate with civil authorities about reporting cases when the person is no longer a minor, and cooperate in their investigation in accord with the laws of the jurisdiction in question. In every
instance, the PRC will advise victims/parents/guardians of their right to make a report to civil authorities and will support this right (Cf. USCCB Charter, art. 4);

3) after consultation with civil authorities and with their permission, communicate in an appropriate manner with the alleged victim and/or person making the allegation and the accused;

4) submit a written report to the DLAB and the bishop regarding the investigation and related findings; and

5) perform such other duties as may be prescribed by the DLAB.

Vacancy

In the event the Diocese is unable to fill the position of PRC, or a vacancy occurs, the chair of the Diocesan Lay Advisory Board will be responsible for carrying out the duties stated in 2002.8.3, to the extent necessary to ensure that all complaints of sexual abuse of minors received by the Diocese are promptly and thoroughly investigated.

3. OBLIGATION TO REPORT INCIDENTS OF SEXUAL ABUSE OF MINORS

Introduction

The next 5 sections recognize the Diocese of Yakima’s responsibility to establish policies and procedures outlining the process for reporting sexual abuse by diocesan personnel, processing complaints of sexual abuse and ministering to victims of sexual abuse. 3

Everyone who knows or has reason to believe that a specific incident of sexual abuse of a minor by diocesan personnel has occurred shall immediately report such abuse to law enforcement authorities and to the Diocese by calling 888-276-4490. A priest cannot reveal, and therefore, cannot report anything said to him by a penitent in the Sacrament of Penance or Reconciliation (Confession).

It is the responsibility of the PRC to report any alleged incident involving a minor first to law enforcement authorities, then the Bishop and the DLAB. It is also the duty of everyone with knowledge of such incidents to comply with all applicable civil laws which require that allegations of abuse or neglect of minors be reported to civil authorities. For example, professional school personnel (such as teachers, administrators, counselors, and nurses), child care providers as well as their employees and social service counselors are required to report suspected child abuse no later than forty-eight hours after there is reasonable cause to believe that abuse or neglect has occurred. (See Chapter 26.44 Revised Code of Washington (RCW) and the Diocese of Yakima Employee Policies handbook, Sec 2.B.)

4. RESPONSE TO THE REPORT

Each reported incident will be investigated promptly with a high degree of care and concern for all involved. The investigation may be conducted by the PRC or by an investigator appointed by

3. If the Bishop is accused of sexual abuse, the matter will be immediately referred to the Archbishop of Seattle, who will consult with the proper Vatican authorities to handle the allegation appropriately.
the DLAB and the Bishop. The investigation shall be under the supervision of the PRC. Upon completion of the investigation, the DLAB will review the PRC’s findings, determine the validity of the allegations or specific charges made and submit 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 person alleged to have violated this policy will be relieved of all responsibilities in the diocese and placed on administrative leave or other consequences as may be deemed appropriate by the Bishop for the sake of the common good (see canon 223, §2). Such a leave will be with or without pay and benefits as the Bishop may decide. At this stage, great care must be taken that the person's good name not be damaged in any way.

Procedure

a) The person alleged to have violated this policy shall be informed by the Bishop with specific charges in writing; given an opportunity to respond to the charges; and provided updates on the investigation as appropriate.

b) The PRC shall promptly respond to and completely investigate a report of alleged sexual abuse of a minor as follows: (1) contact the alleged victim/family and offer counseling/therapy through the diocesan Victim Assistance Coordinator (VAC); (2) offer compassionate concern, support and solace.

c) It shall be the goal of PRC to complete the investigation process within sixty days from the date the DLAB receives the sexual abuse complaint.

d) The DLAB and the Bishop shall be given a full written account of the investigation by the PRC.

e) Before initiating a judicial or administrative process to impose or declare penalties, the Bishop should seek the alleged perpetrator’s voluntary cooperation to avoid or repair scandal, restore justice and reform the alleged perpetrator through pastoral care (Cf. canon 1341).

f) The alleged perpetrator may be requested to seek an appropriate medical and psychological evaluation at a facility acceptable to the Bishop provided it does not interfere with the investigation by civil authorities, or the PRC, or waive the requirements imposed upon the PRC and the Bishop as set forth in §2005 (Cf. USCCB Charter, art. 5, and USCCB Essential Norms, §7)

g) During the investigation the person alleged to have violated this policy and the alleged victim may be represented by legal counsel at their own expense.

5. ACTION IF THE ALLEGATIONS ARE TRUE

Following a thorough investigation under this policy, any alleged perpetrator who admits to, or does not contest the allegation, or is found, by investigative evidence presented by the PRC or DLAB, to have engaged in sexual abuse of a minor, shall be relieved by the Bishop of all ministerial responsibilities. (Cf. USCCB Charter, art. 5, and USCCB Essential Norms, §8)
6. **ACTION IF THE ALLEGATIONS ARE FALSE**

Based upon the evidence submitted to him by the PRC or DLAB, other evidence, and recommendations of the DLAB, the Bishop may find that the allegations are false and administrative leave, if it has been imposed, be terminated and the person alleged to have violated this policy be reinstated. In making this determination, 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.

7. **ASSISTANCE TO THOSE AFFECTED**

**Introduction**

This section recognizes the Church’s pastoral responsibility to assist all those affected by sexual abuse of minors by diocesan personnel; namely, the victim and the victim’s family, the parish community, and the alleged perpetrator. Section 2007 reiterates the specific duty of the Victim Assistance Coordinator (VAC) to identify the pastoral and professional resources which will be made available to assist victims of abuse.

**Assistance to All Affected**

The Diocese shall make appropriate assistance available to all those who are or have been affected by the alleged sexual abuse of a minor by diocesan personnel. This outreach may include providing counseling, spiritual assistance, and other social services agreed upon by the victim and the Diocese.

**Ministering To Victims and Their Families**

The first obligation of the Church to a victim is for healing and reconciliation. The Bishop will appoint a VAC to take responsibility for ministering to victims of sexual abuse and their families or other persons affected, and do so with a commitment to their spiritual and emotional well-being. The VAC shall identify professional and other resources and make them available to aid in the pastoral care of the victim or other person(s). At an appropriate time, the Bishop will express compassion and concern to the victim/family. (Cf. USCCB Charter, articles 1 & 2, and USCCB Essential Norms, §3). (See Appendix for full description of the duties of the VAC.) Victims shall be advised by the VAC that complaints regarding the availability of resources will be referred to the chair of the DLAB.

**Confidential Settlements**

The Diocese will not enter into a confidential settlement agreement, except for grave and substantial reasons brought forward by the victim and noted in the text of the agreement. (Cf. USCCB Charter, art. 3)

**Assistance to Community**

The Diocese shall develop and maintain “safe environment” programs. The Diocese will cooperate with parents, civil authorities, and educators to provide education and training for children, parents, and diocesan personnel to develop and maintain a safe environment for children. The Diocese will make clear to diocesan personnel and all members of the community the standards of conduct for diocesan personnel and other persons in positions of trust with regard to sexual abuse. (Cf. USCCB Charter, art. 12.)
Promoter of Justice

The Bishop will appoint a Promoter of Justice who will (a) review the recommendations made to the Bishop by the PRC in the case of a cleric against whom an allegation of sexual abuse of a minor has been made and (b) ensure that the rights of the accused are protected as prescribed by the law of the church.

Education of Diocesan Personnel

The Diocese shall maintain a permanent program of ongoing education regarding sexual abuse for diocesan personnel.

B. CODE OF CONDUCT FOR DIOCESAN PERSONNEL

Introduction

Diocesan Personnel 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 that relationship. Therefore, in these circumstances, it is likely that there is an absence of meaningful consent to any sexual activity. This imbalance of power makes any sexual activity always inappropriate and immoral. This is especially true in the case of minors.

As in other helping professions, the special nature of the relationship between diocesan 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 by its impact upon the recipient. It is the policy of this diocese to expect that the behavior of all diocesan personnel complies with professional ethics and Catholic moral standards. Not only must the actual behavior meet appropriate standards, but all diocesan personnel are expected to always act in ways which do not give the appearance of impropriety.

1. CODE OF CONDUCT FOR DIOCESAN PERSONNEL

I. Individuals who minister to children and young people must maintain a professional role and be mindful of the trust and power they possess as ministers to children and young people. During such times as those individuals are ministering to children and young people in their capacity as diocesan personnel, they shall:

1) Never touch a minor in a sexual or other inappropriate manner.
2) Never be alone with a minor in a residence, rectory, sleeping facility, or any other closed room with the exception of the room reserved for the Sacrament of Reconciliation (Confessional), and therapy rooms in a licensed mental health facility.
3) Never share a bed with a minor.
4) Never take an overnight trip alone with a minor.
5) Never provide to a minor sexually explicit or pornographic materials such as music, recordings, films, games, web sites, computer software, or entertainment.
6) Never provide to a minor alcohol, tobacco, or illegal drugs, or any mind-altering substance or psychotropic medication that has not been prescribed to that minor.
7) Never use, possess, or be under the influence of illegal drugs.
8) Never abuse alcohol or legal drugs.
9) Never inflict physical (corporal) punishment on a minor.

II. Measures to Aid in the Observance of the Code of Conduct

1) Report any suspected child abuse or neglect to the proper authorities immediately.
2) Do not engage in physical contact when alone with a minor with the exception of being in a licensed professional setting.
3) Do not stay overnight with a minor unless there is another adult present in a supervisory role.
4) Do not drive alone in a vehicle with a minor except in an emergency or in a professional capacity such as a therapist transporting a minor.
5) Refrain from giving expensive or inappropriate gifts to a minor.
6) Do not meet privately with a minor in rooms, offices, or similar areas where there is no window or where the door cannot remain open. If one-on-one pastoral care of a minor is needed (e.g., the Sacrament of Reconciliation), do not meet in isolated locations.
7) Exercise caution in communicating with minors through e-mails or on the Internet. Share only work-related or ministry-related e-mail addresses with minors. Do not participate in chat rooms with minors.
8) Ensure that all personally assigned activities (extra-curricular, catechetical, youth ministry, scouting, athletics, etc.) have been approved in advance by the appropriate administrator.
9) Have an adequate number of adult supervisors at events (generally one adult per seven minors). A minimum of two adults in supervisory roles must be present during activities for minors.
10) Release minors only to parents or guardians, unless the parent or guardian has provided permission allowing release to another named adult. If a parent or guardian has forgotten to pick up a minor, the parent or guardian must be contacted before the minor is released to another adult.
11) Do not take minors away from the parish, school, or agency for field trips, etc. without another adult present in a supervisory role, except in case of an emergency. Obtain written parental permission before such activities. Permission slips should include the type, locations, dates and times of the activity and emergency contact numbers.

III. Practical Suggestions

A. Conduct that May be Permissible:

Appropriate affection between Church personnel and minors constitutes a positive part of Church life and ministry. Nonetheless, any touching can be misunderstood and must be considered with great discretion. Depending on the circumstances, the following forms of affection are customarily (but not always) regarded as appropriate:

1) Verbal praise
2) Handshakes
3) “High-fives” and hand slapping
4) Pats on the shoulder
5) Brief hugs
6) Holding hands while walking with small children
7) Sitting beside small children
8) Kneeling or bending down for hugs with small children
9) Holding hands during prayer
10) Pats on the head when culturally appropriate

B. Conduct that is Not Permissible:

Some forms of physical affection have been used by adults to initiate inappropriate contact with minors. In order to maintain the safest possible environment for minors, the following are examples of affection that are not to be used: (this policy is not meant to discourage incidental contact that might occur in the course of first aid or medical treatment).

- Inappropriate or lengthy embraces
- Kisses on the mouth
- Touching buttocks, chests or genital areas
- Showing affection in isolated areas, such as bedrooms, closets, staff-only areas or other private rooms
- Wrestling with minors
- Tickling minors
- Piggyback rides
- Any type of massage given by a minor to an adult
- Any type of massage given by an adult to a minor
- Any form of unwanted affection
- Compliments that relate to physique or body development

Note: #9 may be permissible as part of professional therapy by a professional physical therapist.

2. SAFE ENVIRONMENT PROGRAMS

The Diocese shall maintain permanent programs and provide ongoing education regarding safe environment.

Procedure

To help prevent sexual abuse of minors:

a) All diocesan personnel whose duties involve minors will be required to attend presentations and training dealing with the prevention, recognition and requirements for reporting sexual abuse of minors. This training will be provided annually.

b) A curriculum for all minors in our diocesan Catholic schools, youth groups 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 help them.

3. BACKGROUND AND REFERENCE CHECKS, SCREENING, FORMATION, EDUCATION AND ASSIGNMENT TO MINISTRY

Introduction

This section contains provisions confirming the Diocese of Yakima’s responsibility to screen diocesan personnel prior to their assignment or employment within the boundaries of the diocese.
In order to minimize the possibility of sexual abuse, diocesan personnel beginning their assignment, employment or volunteer work in the diocese shall be required to supply references and a complete history of past employment before they may serve in the diocese. The diocese or its agents shall conduct a background check regarding sexual abuse by those individuals. A background check shall also be obtained for diocesan personnel working with minors. Superiors of religious communities shall supply any information they have regarding sexual abuse by their members who apply to serve in this diocese. (Cf. USCCB Charter, art. 13)

This section also contains provisions confirming the Diocese of Yakima’s responsibility to screen candidates for the priesthood and to provide educational programs for clerics and seminarians regarding sexuality and sexual abuse. This section also confirms the Diocese’s cooperative relationship with religious communities and clerics of other dioceses and the authority to review the fitness of clerics seeking assignment within its boundaries.

Screening and Education of Clerics and Seminarians

The Diocese of Yakima shall evaluate the background of all clerics and seminarians serving in or studying for the Diocese. The Diocese shall utilize the resources of law enforcement, community agencies and private investigative firms for this purpose. Additionally, the Diocese shall employ adequate screening and evaluative techniques in deciding the fitness of candidates for ordination and the assignment of clerics for ministry within its boundaries.

Procedures

a) Psychological Profile. As soon as may be appropriate, a full psychological profile of each seminarian and deacon candidate shall be obtained consistent with applicable ethical, canonical and legal principles. In addition to general psychological fitness for ordination and ministry, the profile should seek to identify tendencies of pedophilia and ephebophilia. The psychological profile shall be maintained as part of the seminarian’s or candidate’s permanent personnel file, with an Authorization to Disclose signed by the individual, and may be updated as necessary or appropriate.

b) Developmental Programs. As part of its continuing formation program for clerics, the Diocese shall offer educational programs that deal in depth with making moral choices in accord with Church teaching and priestly commitment. To better assist priests in living out their vocation, these continuing formation programs shall be developed in keeping with the recent USCCB document Basic Plan for the Ongoing Formation of Priests (2001). (USCCB Charter, art. 17) There will be clear and well-publicized diocesan standards of ministerial behavior and appropriate boundaries for clergy and for other church personnel. (USCCB Charter, art. 6)

c) Certification: Every cleric who holds faculties from the Bishop shall state in writing that he has read and is familiar with the diocesan policies and procedures regarding sexual abuse of minors. The cleric’s statement will be maintained in his personnel file.

d) Screening: All current and future diocesan clerics and members of religious orders serving in the Diocese of Yakima shall submit to a background check to ensure that no
reported events from the past, which could pose a future risk to minors, are present. The Diocese shall retain files on the results of the background checks.

Transfer and Assignment of Clergy

Priests and Deacons of the Diocese of Yakima

No diocesan priest or deacon who has committed an act of sexual abuse of a minor may be transferred for ministerial assignment to another diocese/eparchy or religious province. Before a diocesan priest or deacon can be transferred for residence in another diocese/eparchy, the Bishop shall forward to the local Bishop/eparch and/or religious ordinary of the proposed place of residence all information concerning any act of sexual abuse of a minor and any other information related to his being a danger to minors. (Cf. USCCB Charter, art. 14, and USCCB Essential Norms, §12) This shall apply even if the priest or deacon will reside in an institute of consecrated life or society of apostolic life.

Religious Communities and Clergy of other Dioceses

No extern cleric, Religious, or member of an institute of consecrated life or society of apostolic life who has committed an act of sexual abuse of a minor may be accepted for ministerial assignment in the Diocese of Yakima. Before a cleric, Religious, or member of an institute of consecrated life or society of apostolic life can be accepted for residence in the Diocese of Yakima, his Bishop/eparch or religious ordinary shall confidentially forward to the Bishop all information concerning any act of sexual abuse of a minor and any other information related to his being a danger to minors. Every Bishop/eparch or religious ordinary proposing a priest or deacon for residence in the Diocese of Yakima must provide the Bishop with all information regarding any past act of sexual abuse of a minor by the priest or deacon in question. (Cf. USCCB Charter, art. 14, and USCCB Essential Norms, § 12)

Relationship with Religious Communities

Religious communities whose members maintain or seek faculties or permission to minister in the Diocese of Yakima shall abide by the Diocesan policies and procedures related to sexual abuse of minors.

Procedures

Religious communities whose members maintain or seek faculties or permission to minister in the Diocese of Yakima shall do the following:

a) The religious community shall provide a written statement about the status, background, character and reputation of each Religious presented for faculties in the Diocese, as provided in the model promulgated by the USCCB.

b) If a Religious exercising public ministry or an apostolate in the Diocese of Yakima is accused of sexual abuse of a minor, the Bishop and the competent religious superior shall confer with each other. The Bishop will determine whether the
Religious may no longer exercise ministry in the Diocese, whether his faculties or permission to minister will be revoked, and whether his superior will be requested to recall the religious immediately. (Cf. Canons 392 and 678, §1). The religious community retains rightful autonomy and responsibility to address issues pertaining to its internal affairs, such as psychological assessment, treatment and aftercare for the accused Religious.

c) If sexual abuse of a minor is alleged to have occurred involving a Religious ministering in any setting under the auspices of the Diocese of Yakima, the Bishop retains the right to initiate the process of investigation and follow-up through the DLAB and PRC and take whatever action is deemed appropriate. Since Religious are also subject to their own Ordinary and to the discipline of their institute (Canon 678, §2), their Ordinary may also choose to review the allegation in keeping with its own policies and procedures. If that Ordinary removes the Religious from the office entrusted to him after having informed the Bishop (Canon 682, §2), the Religious’ diocesan faculties will be revoked. However, any determination about the return to ministry in the diocese and the restoration of diocesan faculties will be made according to diocesan policies and procedures.

d) The Bishop retains the right for a most grave cause to prohibit a Religious from residing in the Diocese. If the Ordinary of that Religious has been advised and neglects to remove the Religious, the matter is to be referred to the Holy See immediately (Canon 679).

Extern Priests and Deacons

The Diocese shall maintain and periodically review its policies regarding extern priests and deacons who seek or maintain faculties in the diocese. Prior to service in the Diocese, the priest’s or deacon’s bishop shall certify whether he is aware of anything in the priest’s or deacon’s background which would render the priest or deacon unsuitable to work with minors. In the case of any allegation or incident of sexual abuse of a minor, the presenting bishop shall submit to the Bishop a comprehensive report of the allegation and the final determination made regarding the allegation.

Procedures

a) If an extern priest or deacon exercising public ministry in the Diocese of Yakima is accused of sexual abuse of a minor, the Bishop must confer with his bishop and, as appropriate, follow the procedures set forth in §2003-2007.

b) Any determination about a return to ministry in the Diocese and the restoration of diocesan faculties will be made according to Diocesan policies and procedures.
4. REVIEW PROCESS FOR RETURN OF MINISTRY

This section establishes the process by which the return to ministry of diocesan personnel accused of sexual abuse of a minor can promptly and credibly be determined and appropriate recommendations be made to the Bishop. Allegations of sexual abuse of a minor by diocesan personnel will initially be considered by the PRC who will make recommendations to the DLAB and the Bishop. The DLAB will review the initial recommendation of the PRC as well as all subsequent issues regarding the return to ministry of the alleged perpetrator. The PRC and the DLAB are established as advisors to the Bishop in this regard. This process is declared to be consultative and advisory, not adversarial and adjudicative. In this context the safety and well-being of alleged victims and of the community is of primary concern. Another concern is the protection of the reputation of the alleged perpetrator who may be subject to inaccurate or false accusations. The responsibility of the PRC to cooperate with civil authorities is affirmed as is the Church’s pastoral responsibility to take action with respect to religious, pastoral and administrative matters that are beyond the authority of government.

Establishment of Process

Recommendations regarding the return to ministry by any diocesan personnel who are the subject of an allegation of sexual abuse of a minor shall be made to the Bishop according to the consultative and advisory process established in this section.

Requirements for Reporting, Compliance and Cooperation

All persons of the Diocese of Yakima are expected to comply with all applicable laws with respect to the reporting to civil authorities of allegations of sexual abuse of a minor and are urged to cooperate in the investigation. In every instance, the Diocese will advise and support a person’s right to make a report to civil authorities. (Cf. USCCB Essential Norms, §11) In addition, all diocesan personnel shall comply fully with the letter and spirit of this process. These personnel are expected to promptly report allegations of sexual abuse of a minor by diocesan personnel to the PRC (unless learned by a priest in the Sacrament of Penance). The Diocese will take all appropriate steps to protect the good name and reputation of all involved persons. (Cf Canon 220 and USCCB Essential Norms, §6).

Procedures

a) The required observance of the Church’s canonical norms is not intended in any way to hinder the course of any operative legal action. (Cf. USCCB Essential Norms)

b) Allegations that diocesan personnel has engaged in sexual abuse of a minor must be reported to the PRC in written or verbal form as soon as possible. The Diocese of Yakima has established a special telephone line to facilitate the receipt of information (888-276-4490).

c) Whenever possible, the person making the report should meet in person with the PRC to provide the name of the person being accused, the name or names of the alleged victim(s), an accurate description of the alleged abuse, the relevant dates, times and
circumstances in which the abuse allegedly occurred, and the names, addresses and telephone numbers of other persons who may have knowledge of the alleged abuse.

d) If the PRC learns of an allegation through the media or some other source, the PRC shall make appropriate inquiries and follow the procedures outlined in this policy.

e) The PRC ordinarily will not process anonymous allegations or allegations that do not contain sufficient information to permit reasonable inquiry.

f) An allegation of sexual abuse of a minor by diocesan personnel who has resigned from active ministry shall be processed in the same manner as any other allegation to the extent that a determination can be made whether there is reasonable cause to suspect that the alleged perpetrator engaged in sexual abuse of a minor during the time he/she was serving in the diocese and to facilitate outreach to those affected as contemplated by these policies. The initial review, however, will focus on whether the resigned diocesan personnel is still volunteering or employed in a setting where minors may be at risk. If the whereabouts of the resigned diocesan personnel against whom an accusation is made are known or can be determined, the PRC shall contact the diocesan personnel and obtain his/her response to the allegation.

g) An allegation against any diocesan personnel who is deceased shall be received by the PRC, who shall then make a written summary of the allegation and follow the procedures of this policy.

h) Since retired clerics often continue to exercise ministry and celebrate sacraments, an allegation against a cleric who has retired from an official assignment shall be processed in the same manner as any other allegation to the extent necessary to make a determination whether minors are currently at risk and whether there is reasonable cause to suspect that the retired cleric ever engaged in sexual abuse of a minor.

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, gender, age, disability or veteran status, or other status protected under applicable state laws 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 defined as 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:

1. **Verbal Harassment** – Verbal harassment 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.

2. **Physical Harassment** – Physical harassment includes touching, pinching, slapping, hitting, slamming, throwing, kicking or threatening another person, including restraining by force or blocking the path of another.

3. **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:
   
   a) submission to such conduct is made either explicitly or implicitly a term or condition of an individual’s employment; or
   
   b) submission to or rejection of such conduct by an individual is used as a basis for making employment decisions affecting such individual; or
   
   c) such conduct – intentionally or unintentionally – unreasonably interferes with the individual’s work performance or creates an intimidating, hostile, or offensive work environment.

4. **Retaliation Prohibition** – 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.

5. **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 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 she/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.

1. **REPORTING HARASSMENT AND DISCRIMINATION**

Any employee who feels that she/he has been subjected to any type or degree of harassment or other discrimination should report the incident verbally or in writing to the pastor, supervisor, the
Chancellor, or Vicar General 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.

In a case of sexual harassment, a priest, deacon, or any employee, will immediately report the complaint through the sexual abuse hotline, 1-888-276-4490, so that the Sexual Abuse Policy can be implemented. Complaints of sexual harassment will be promptly and carefully investigated and will include interviews with all relevant persons including the complainant, the accused, and other potential witnesses.
SECTION THREE: RECRUITMENT AND HIRING PRACTICES

A. RECRUITMENT AND HIRING

All recruitment and hiring functions must be conducted in accordance with federal and state law and Diocesan guidelines. Questions about appropriate recruitment and hiring procedures, including the appropriate announcement of position openings, receipt and screening of applications, reference checks, and the interviewing process can be directed to the Vice Chancellor for Personnel and Policies.

B. 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

The term “relatives” includes an employee’s spouse, parent, child, brother, sister, aunt, uncle, cousins, nephew, niece, grandparent, grandchild, or any in-law, “step” or “foster” relation. The determination of whether employment would create a situation of actual or reasonably foreseeable conflict is within the sole discretion of the Diocese.

These criterions will also apply when considering employees for transfer or promotion.

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.
C. 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 will be checked for current status if driving is a job requirement.

Background checks are required for all employees and for all volunteers who will have ongoing, unsupervised contact with children, youth, and vulnerable adults, or who will handle money (e.g., bookkeepers, collection counters, ushers and money handlers at special parish events). Background checks will be conducted in accordance with the procedures for Background Checks as set forth in the Safe Environment Policy section found at www.yakimadiocese.org/policies/safe-environment.

Misrepresentations or omissions by an applicant on an employment application may disqualify the applicant from consideration.

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, and a Disclosure Statement.

D. IMMIGRATION COMPLIANCE

In compliance with federal immigration laws, the Diocese only hires workers who are and continue to be eligible to work in the United States. As a condition of employment, all employees are required to document this eligibility by completing the Employment Eligibility Verification form I-9 within the first 3 days of their date of hire. Former employees who are rehired will need to complete the form, regardless of the length of time between termination and rehire.

E. CAREER ADVANCEMENT/TRANSFER

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, generally, after consultation with the Bishop.
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.

F. 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.
SECTION FOUR: CLASSIFICATION OF PERSONNEL

A. GENERAL CONCERNS/PRINCIPLES

The Diocese classifies employees based on both the type of work they perform and the number of hours they are regularly scheduled to work. Participation in standard Diocesan benefit programs depends both on your classification and work schedule. 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.

The employee’s initial classification will be determined at the time of hire. Changes in classification, including pay, benefits, etc., must be confirmed in writing. Questions related to classification or eligibility for benefits should be directed to Vice Chancellor for Personnel and Policies.

Note: If you are employed on a contractual basis by the Diocese (for example, teachers and school administrators) you are bound by the terms contained in your individual employment contract.

B. INITIAL EVALUATION OR INTRODUCTORY PERIOD

All new, non-contractual employees are subject to an initial evaluation period during their first 180 days of employment. The purpose of the introductory period is to assess the employee’s performance and ability to perform the position requirements. It also enables both the employee and supervisor to determine whether continued employment is desired. 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. Employees are not 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 introductory period by either you or the Diocese. Terminations during the introductory period are not subject to the grievance procedure.

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.
C. REGULAR FULL-TIME EMPLOYEE

A regular full-time employee is defined as 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.

D. REGULAR PART-TIME EMPLOYEE

A regular part-time employee is defined as 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.

E. TEMPORARY OR SEASONAL EMPLOYEES

A temporary or seasonal employee is defined as 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.

F. CONTRACTED EMPLOYEES

A contracted employee is defined as an employee with an individual contract for employment with a duration for up to twelve months of employment. Contracted employees include teachers and other professional school personal and school administrators. If there is a conflict between the provisions of this Handbook and the terms of an individual employment contract, the employment contract will control. Note: Employment contracts for school personnel are not continuing in nature. It is within the sole discretion of the Diocese whether to renew a contract.

G. VOLUNTEERS

The Diocese of Yakima may utilize volunteers. Volunteers must meet all requirements for volunteer status including passing a background check where appropriate. All Volunteers regularly involved in school instruction and interaction with students will be required to show proof of immunization for MMR diseases as a condition of entry onto school grounds. [Diocese of Yakima Schools Policy 1.13(B)]

H. EXEMPT AND NONEXEMPT EMPLOYEES

Employees are classified by the type of work they perform and the number of hours they are regularly scheduled to work. Each position falls into one of the following categories, which will also determine
eligibility for overtime and certain employee benefits. Any questions about whether an employee is exempt or non-exempt should be directed to the Vice Chancellor for Personnel and Policies

- **Exempt (salaried):** Full- and part-time employees who earn $684 or more per week ($35,568 annually) and perform predominantly managerial tasks, exercise independent judgment/discretion and are salaried are typically **exempt.** Examples include administrators, supervisors, directors and professionals, such as teachers and school administrators. It is understood that the nature of their jobs will sometimes call for more than a 35-hour week. Exempt employees do not receive overtime pay and generally do not receive compensatory time off.

- **Non-exempt (Hourly):** Full- and part-time employees who earn less than $684 per week ($35,568 annually) and 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.
SECTION FIVE: EMPLOYMENT POLICIES

A. TIME RECORDS/HOURS OF WORK

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.

It is the employee’s responsibility to ensure time records properly reflect time off taken for vacation, sick, or other types of leaves. Falsifying any time is prohibited and is grounds for disciplinary action, which may include termination of employment.

Work Day and Work Week Defined. For purposes of preparing time sheets, daily logs or for payroll purposes, the Work Day is defined as the 24-hour period which runs from 12:00 a.m. until 11:59 p.m. and the Work Week is defined as a 7-day period that begins Sunday at 12:00 a.m. and ends Saturday at 11:59 p.m.

B. 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, no earlier than (2) hours and no later than (5) hours after the shift’s starting time. 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. Break periods may not be used to extend a lunch period, work overtime or leave early. Breaks may not be accumulated or combined and may not be used as a means of “making up” or offsetting any normal hours that might have been missed. The Diocese may schedule meal and break periods to accommodate its business needs.

C. 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.

D. PERFORMANCE ANALYSIS FOR NON-CONTRACTED EMPLOYEES

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 an analysis with which they do not concur. The written performance analysis and any employee response becomes part of the employee’s personnel file.

E. PERFORMANCE ANALYSIS FOR TEACHERS AND SCHOOL ADMINISTRATORS

1. General Principles: Teachers and school administrators are evaluated on performance criteria established by the Director of Schools and Parish Standards. Principals should conduct classroom observations of teachers 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.) See the School Policy for more details regarding contracted staff evaluations.)

If a question of competence results from the evaluation, the supervisor may 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
Timeline 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 problems. In those cases, with consultation from the school pastor, the Director of Schools & Parish Standards or the principal (in the case of a teacher) may discipline, suspend or discharge an employee for cause. Principals must first notify the Director of Schools and Parish Standards, the Vice-Chancellor and consult with the diocesan attorney before terminating or nonrenewing employees.

**NOTE:** The employment relationship for teachers and school 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.**

### 1. Teacher Performance Evaluations

Performance appraisals shall have clearly communicated performance criteria based on expectations for the specific teaching position. The criteria shall reflect the expectations of diocesan policy and local schools. Performance appraisals shall be used:

- First and foremost, as a tool to guide the growth and development of all staff
- As a basis for personnel decisions

All teachers shall participate in an annual growth and development process as determined at the local level.

Newly assigned teachers should be evaluated formally twice within the first year of their assignment, once within the first 60 school days of their assignment, and again before April 30th.

If a teacher’s contact is not to be renewed, the principal should conduct an evaluation of the teacher by March 15th and should notify the teacher of the decision not to renew by May 15th of the current contract year.

Included in the criteria of evaluation is an expectation that teachers will exercise professional conduct consistent with Catholic teachings and moral values, expressing Catholic teaching and moral values to students in a positive and responsible manner.
Teachers will be given a written copy of their evaluations, and a copy shall be placed in their official file at the school.

**In all instances the principal reserves the right not to offer a contract for the coming school year.**

### 2. Principal's Performance Evaluations

The principal should be evaluated by the pastor or those delegated by the pastor or his designee, formatively within 60 days of their first year or in the first year of a new pastor's assignment, summatively in their second and third years, and every year thereafter.

The principal shall seek feedback from the faculty and staff as to his/her level of performance.

Included in the criteria of evaluation is an expectation that principals will exercise professional conduct consistent with Catholic teachings and moral values, expressing Catholic teaching and moral values to students and teachers in a positive and responsible manner.

Notification not to renew a principal's contract should be received by the principal by April 1st of the contract year and be preceded by an evaluation that was conducted by February 1st.

**In all instances, the right not to offer the principal a contract for the following year is reserved.**

### F. CORRECTIVE ACTION

The purpose of our corrective action policy is to provide the means to correct, remedy or prevent unsatisfactory behavior or performance. 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. While it is generally our policy to apply less severe corrective action initially and more severe measures if the problem persists, this is only a guideline. The Diocese may, in any circumstance, apply the corrective action it decides is appropriate, up to and including immediate discharge, without prior corrective action or notice.

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.

G. 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.
   a. Employees without a written employment agreement (“at-will” employees):

   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-week 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 has the right to determine how a notice period will be completed once a notice of resignation has been tendered. We 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.

   b. Employees with a written employment agreement (teachers and school administrators)

   Employment may be terminated by mutual consent during the term of the agreement.

2. Discharge. A discharge is an involuntary termination of employment that is not due to a resignation or reduction in force.

   a. Employees without a written employment agreement (“at-will” employees):

   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.

   b. Employees with a written employment agreement (teachers and school administrators):

   The employment relationship for teachers and school 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 school 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 non-parish or non-school 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 (including marijuana) 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.

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. Employees who are released from employment due to a reduction in staff, change of operations, or elimination or change in the duties of a position are considered terminated due to a reduction in force. 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 employee handbook you expressly authorize us to make these deductions. The paycheck will be paid to the employee at the next regularly scheduled pay period.

H. 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 own personnel records in the presence of the supervisor or his or her designee at reasonable times and may obtain copies after paying reasonable copying charges. Information obtained from prior employers and personal references is maintained separate from the employee’s personnel file and is not made available to the employee. 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.
I. EMPLOYMENT VERIFICATION AND 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.
SECTION SIX: EMPLOYEE RESPONSIBILITIES AND STANDARDS OF CONDUCT

A. GENERAL RULES

By accepting employment with the Diocese of Yakima, each employee agrees to accept a number of responsibilities, including the responsibility to adhere to Diocesan policies and certain rules of behavior and conduct. 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
- Abusing sick leave, including failure to provide a doctor’s or other authorized medical professional’s certificate when requested or required to do so
- Sleeping, gambling or malingering on the job
- Unexcused absence
- Abusive language or un-businesslike conduct toward another person, including coworkers, supervisors, clients, parishioners, and vendors
- 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
- Engaging in criminal conduct whether or not related to job performance
- Unauthorized use, theft, or damage of Diocese property
- Falsification of records, including employment applications or time sheets
- Harassment of any nature
- Unauthorized release of confidential information
- Reporting to work under the influence of alcohol, marijuana, or an illegal controlled substance or smelling of intoxicants
- Possessing, consuming or using alcohol, marijuana, or an illegal controlled substance while at work or on duty
- Violating any safety, health or security policy, rule or procedure
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. The Diocese has the right, in all circumstances, to apply the corrective action it determines to be appropriate, up to and including immediate discharge without prior corrective action or notice.

Additional standards of conduct expected from all employees are set forth throughout this Handbook.

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 may be discharged for insubordination.

If an employee is absent for three (3) or more days due to illness or injury of the employee or a minor child, parent, parent-in-law, spouse or domestic partner, grandparent or adult child with a disability, a health care provider’s verification may be required to verify the illness or injury, its beginning and expected ending dates, and/or to verify the employee is well enough to return to work. An employee who is absent due to a work-related illness or injury must report it immediately to their supervisor.

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.

This policy does not apply to employees on pre-approved leaves of absence, such as military leave, pregnancy disability leave, or family and medical leave.
C. PERSONAL APPEARANCE

All employees are reminded that they are representative of the Diocese and their clothes, grooming and personal hygiene affect the public’s impression of the agency, the credibility and professional stature of the Diocese, internal morale, the evaluation of the Diocese by parents, parishioners, contractors, vendors, officials, visitors and the general public. 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. Employees should dress in a manner that reflects professionalism at all times. It is the responsibility of the supervisor or administrator to monitor the dress of his/her subordinates to ensure that all employees comply with this section.

Employees that fail to adhere to this policy may be asked to leave the worksite and return in appropriate attire; time the employee spends away from the worksite to change attire in response to a failure to adhere to these guidelines may be taken out of the employee’s vacation leave. Further infractions may subject the employee to disciplinary action up to and including termination. Consideration will be given to those employees who have legitimate reasons for being unable to comply with these standards.

Prohibited Attire (including but not limited to): Shorts (with the exception of walking-length shorts in areas of extreme temperature or Capri styled ankle length pants on dress down days), miniskirts, low cut blouses, t-shirts, spaghetti straps or camisoles (unless covered by a shirt or jacket) tank tops, flip flops, transparent shirts or blouses without proper coverage underneath the garment, halter tops, muscle shirts, extremely form fitting pants or clothing of any type, off the shoulder tops, tops with the back fabric out, clothing with inappropriate messages or logos, wind suits, sweat suits, clothes that are not clean or pressed, head wraps/scarves (unless pre-approved and necessary for religious or medical reasons) or other items which are determined to be inappropriate by the supervisor. Employees may be required to cover (or temporarily remove) excessive piercings or cover body art (i.e. tattoos) if deemed offensive or inappropriate for the work environment (at the discretion of management). When in doubt about the appropriateness of your attire, consult your supervisor. Employees may not wear clothing or accessories that create a safety hazard. Strong perfumes or colognes are highly discouraged.

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.

The possession, use, distribution, manufacturing, purchase of marijuana (in any form) or any illegal drugs in the workplace poses unacceptable risks to the safe, secure and efficient operation of the Diocese and is strictly prohibited. Employees violating this policy will be subject to corrective action, up to and including immediate termination.

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 or marijuana (in any form).

- 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 marijuana or 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.

VIOLATIONS OF THE SUBSTANCE ABUSE/ALCOHOL POLICIES

Violations on the Diocese’s drug and alcohol policies, refusal to submit to a required test, obstructing searches, testing positive, conviction of a drug-related offense, failure to complete an assigned rehabilitation program and tampering with test samples will result in disciplinary action, including termination of employment.

F. SMOKE-FREE WORKPLACE

We maintain a smoke-free workplace. Smoking, Vaping and use of other tobacco products (i.e. chewing tobacco) is prohibited in our buildings. If you choose to smoke, you must do so in a designated smoking area at least 25 feet away from entrance doors outside the building. Smoking or use of other tobacco products is permitted only during designated breaks and lunches.

The Diocese of Yakima complies with the Washington State Clean Indoor Air Act, by prohibiting smoking and the use of e-cigarettes in all parish and school buildings, and within 25 feet of any entrance, exit, window, or ventilation intake. This includes the use of smokeless or chewing tobacco and electronic nicotine delivery devices and related products. Supervisors are responsible for enforcing the provisions of this policy for their employees and in their work areas. Marijuana, although now legal in Washington State, remains prohibited at all diocesan, parish and school properties pursuant to federal law.

G. GIFTS; CONFLICTS OF INTEREST

Employees are expected to represent the Diocese of Yakima in a positive and ethical manner. Employees must avoid placing themselves in a position that may create conflicts of interest and should refer questions and concerns of potential conflicts to their supervisor. 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. ROMANTIC RELATIONSHIPS

Personal or romantic involvement with a subordinate employee of the Diocese of Yakima creates a potential conflict of interest and can lead to supervisory problems, including possible claims of sexual harassment and morale problems.

An employee involved in any a relationship or situation as described in this policy will need to disclose the relevant circumstances to his or her immediate supervisor or any other appropriate supervisor in order to determine as if potential conflict exists.

The Diocese of Yakima may take action to determine if appropriate corrective action should be implemented. Failure to disclose conflicts of interest may result in disciplinary action, including termination of employment.

I. 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. Leaves of absence will not be granted to be used to work at outside jobs.

J. 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.

K. CONFIDENTIAL INFORMATION

Because of the very special nature of the work of the Diocese, much of the business conducted in our offices, schools and parishes 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.
All matters, regardless of their nature, whether involving employees, students, other persons, policies or finances, must be maintained in the strictest confidence and must not be discussed to anyone, including fellow employees or family members.

Employees of the Diocese are expressly prohibited from discussing with an outside source any Diocese business records, including but not limited to school records, time records, incident or accident reports, expense reports and/or requests for reimbursement without proper authorization. All media inquiries of a general nature should be directed toward Msgr. Robert M. Siler.

The Diocese of Yakima expects the strictest compliance with this policy by all personnel. Failure to comply with this policy may result in disciplinary action, up to and including, termination.

L. 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. Postage System. Since postage is an expense item to the Diocese, fiscal responsibility dictates that it not be used on personal items. You are permitted to send personal mail (at your own expense) 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.

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. Employees with access to the Diocese voicemail system are expected to honor the password protection system. It is strictly prohibited to access another employee’s voicemail.

The Diocese of Yakima may issue cellular telephones to employees if necessary for the efficient conduct of the Diocese business. Use of the cellular telephones must be restricted to Diocese of Yakima business.

4. Office Equipment. Office equipment such as fax machines, copy machines, computers and related equipment and supplies represent a significant expense to the Diocese. It must be maintained in proper working order and shall not be used for unauthorized purposes or for personal 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. It is strictly prohibited to access other employee’s e-mail.
All e-mail activity is the property of the Diocese of Yakima and may be accessed by authorized Diocesan Personnel. 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, disability, or harassment).

**M. TECHNOLOGY POLICY**

1. **Electronic Mail, Voice-mail and Internet Access**

The Diocese provides electronic mail, voice mail and Internet access to its employees in order to assist and facilitate business communications. They are provided for legitimate business uses in the course of your assigned duties only. Incidental personal use by employees may be permitted during breaks, lunch breaks, and before or after normal business hours. However, any such personal use shall be deemed as the employees consent for the Diocese to monitor, access, use and disclose any communications, Internet sites and/or other technological tools utilized by the employee.

Inappropriate use may result in the loss of access privileges and disciplinary action, up to and including termination of employment. Inappropriate use includes but is not limited to:

a. Unauthorized attempts to access or modify another’s e-mail, voice mail or Internet account or files.

b. Transmission of sensitive, confidential, or proprietary information to unauthorized persons,

c. Transmitting or intentionally receiving obscene, defamatory, discriminating, or harassing messages or files,

d. Any illegal, disruptive or unethical activities or any activity that could adversely affect the firm.

E-mail and Internet usage are business tools and should not be used to send jokes or articles to staff whether they are offensive or not.
Access to the computer of another shall be deemed authorized if it is pursuant to written or oral permission or if it is a standard business practice.

Employees have an obligation to avoid infringing uses of copyrighted or otherwise proprietary information over the Internet. You also have a duty to avoid accessing inappropriate sites, hacking, or causing damage to other networks. No program may be downloaded through the Internet without prior authorization from the Diocese.

All messages that are created, sent or received using the e-mail, voice-mail or Internet systems of the Diocese remain the property of the Diocese. In the course of duty, the Diocese may monitor use of the systems or review the contents of stored records. By using the e-mail, voice-mail or Internet systems provided by the Diocese, every employee agrees that he or she is aware of this policy and that the records may be read or monitored by authorized individuals.

The confidentiality of any e-mail, voice-mail, or Internet message or file should not be assumed. Even when a message is erased, it is still possible to retrieve and read that message. Further, the use of passwords for security does not guaranty confidentiality. All passwords must be disclosed to the Diocese. **Private passwords and access-restricted areas are prohibited without advance approval of the immediate supervisor/pastor.** Employees also have an obligation to maintain the security of the system by safeguarding their passwords from persons not employed by the Diocese.

Employees must be aware that they are not to email privileged, confidential, secret or otherwise sensitive communications to anyone unless at the specific and express directive of a supervisor.

2. **Data Processing Equipment and Software**

All employees will have access to personal computers. The installation or use of any software or computer programs on the Diocese’s equipment not specifically authorized by the Diocese is strictly prohibited. Any software not authorized for use on our computers will be immediately removed from your machine. Employees may not make copies of the Diocese’s software or forms for personal use. Employees must also not remove computer equipment from the premises without prior approval from the Head of Personnel. Employees will be held personally liable for any damage intentionally caused by them to their computer equipment.

All materials stored on the Diocese’s computers remain the property of the Diocese. Employees shall have no rights to access or keep copies of such material for 3rd party or personal use, or upon termination of employment with the Diocese even if the employee created or assisted in creating any such materials. Confidentiality of information should not be assumed and the Diocese may review the contents of stored records. Employees have an obligation to maintain the security of the system by safeguarding their passwords from persons not employed by the Diocese.

3. **Office Equipment**

Substantial sums of money have been invested in office equipment for your use. Employees should exercise due care when using equipment furnished by the Diocese. In the event of damage or problems while using the equipment, employees are expected to report it immediately. Every employee is required to learn to use all the standard features of the telephone/voice-mail systems, photocopiers and computers. Every employee will also be required to attain a reasonable level of
proficiency on all other equipment that might enhance his or her productivity, including computers, fax machines and other related office equipment.

4. Downloading Policies/Procedures

Any downloading of materials onto the office computers, whether obtained off the web or from a disk, is NOT to be done absent specific permission from our IT Administrator, or your supervisor after discussion of the specific need.

Any materials downloaded onto an office computer without following the above referenced procedure for usage will be subject to removal without notice, EVEN if it is not currently causing or likely to cause a problem. Any staff who fails to follow this policy will be informed of a violation. A violation may be treated as a matter for reprimand or other discipline up to and including discharge.

N. 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.

O. 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.

P. 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.
SECTION SEVEN: PAY AND BENEFITS

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 corrective 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 30 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 509-965-7117.

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 TRAVEL AND EXPENSE REIMBURSEMENT

Employees who use their own cars for travel required in their work for the Diocese must have personal auto insurance with coverage of $100,000 per person (bodily injury), $300,000 per incident and $100,000 per property damage and liability coverage. Employees will be reimbursed at the current IRS approved reimbursement rate. Mileage to and from work is not eligible for reimbursement.

Refer to Appendix A for specifics of the Travel Policy.

F. PROFESSIONAL DEVELOPMENT AND EDUCATIONAL ASSISTANCE

The Diocese of Yakima supports employees to attend trainings and conferences for purposes of professional growth and development. The Fair Labor Standards Act is a federal law that governs labor practices. All hourly paid employees, also referred to as non-exempt, are covered by this law and are compensated for trainings and conferences that require out-of-town travel. The purpose of this guide is to help facilitate an understanding to employees and supervisors how compensation applies when travel is involved as part of their work, as well as guidelines from the Department of Labor (DOL) that will help facilitate how the rules apply.

Refer to Appendix A for specifics of the Travel Policy.
SECTION EIGHT: TIME OFF

A. HOLIDAYS

The Diocese generally observes the following holidays:

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

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 of 180 days 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 will accrue vacation each month on the following schedule:

<table>
<thead>
<tr>
<th>Period</th>
<th>Weeks</th>
<th>Vacation Each Month</th>
</tr>
</thead>
<tbody>
<tr>
<td>0-1 year</td>
<td>1</td>
<td>.4166 days</td>
</tr>
<tr>
<td>Beginning with the second year</td>
<td>2</td>
<td>.8333 days</td>
</tr>
<tr>
<td>through the fourth year</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Beginning with the fifth year</td>
<td>3</td>
<td>1.25 days</td>
</tr>
<tr>
<td>through the seventh year</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Beginning with the eighth year</td>
<td>4</td>
<td>1.666 days</td>
</tr>
<tr>
<td>through the twenty-fourth year</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Beginning with the twenty-fifth year</td>
<td>5</td>
<td>2.08 days</td>
</tr>
</tbody>
</table>

Part-time employees who work a minimum of twenty (20) hours a week accrue vacated on a prorated basis based upon the number of hours they are regularly scheduled to work.

At its sole discretion, the Diocese may advance vacation leave to an employee.

**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.
   - 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**

1. **Use**
The Diocese provides paid sick leave to all employees. Sick leave may be used for the following reasons:
   - An employee’s illness, or health condition, including diagnosis, treatment, care and preventive care;
   - To care for a family member’s illness, injury or health condition, including diagnosis, treatment, care and preventive care;
   - A public health emergency: when the employee’s workplace of their child’s school or place of care has been closed by a public official for any health-related reason;
   - For absences that qualify for leave under the state’s Domestic Violence Leave Act.

The term “family member” is defined to include children and stepchildren of any age, parents and stepparents, spouses and domestic partners, grandparents, siblings, in-laws, and other individuals related by either blood or affinity whose close association with the employee is the equivalent of a family relationship.

2. **Accrual**
Full time employees, including school administrators: Sick leave is accrued at the rate of one sick day for each month of employment up to a maximum of twelve (12) sick days per calendar year.

Teachers and other contracted employees: Sick leave is accrued at the rate of one sick day for each month of employment up to a maximum of ten (10) days in a contract year.

Part-time employees who work a minimum of twenty (20) hours per week: Sick leave is accrued on a prorated basis based on the number of hours they are regularly scheduled to work.

Employees who work less than twenty (20) hours per week: Sick leave is accrued at the rate of one hour for every forty (40) hours worked.
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.

3. **Gift of Sick Leave**

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. WASHINGTON FAMILY CARE ACT**

An employee with accrued sick leave or any other accrued paid time off (e.g., vacation, personal leave, etc.) may use it to provide care to 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.


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. DOMESTIC VIOLENCE LEAVE

All employees, regardless of classification, who are victims of domestic violence, sexual assault or stalking, or who are family members of a victim may take reasonable leave, intermittent leave, or leave on a reduced schedule to:

1. Seek legal or law enforcement assistance or remedies to ensure the health and safety of the employee or employee’s family members, which may include preparing or participating in any civil or criminal legal proceeding related to or because of domestic violence, sexual assault or stalking;

2. Seek treatment by a health care provider for physical or mental injuries caused by domestic violence, sexual assault, or stalking, or to attend to health care treatment for a victim who is the employee’s family member;

3. Obtain or assist a family member in obtaining services from a domestic violence shelter, rape crisis center, or other social services program;

4. Obtain or assist a family member in obtaining mental health counseling related to an incident of domestic violence, sexual assault, or stalking, in which the employee or the employee’s family member was a victim of domestic violence, sexual assault, or stalking;

5. Participate in safety planning, temporarily or permanently relocate or take other actions to increase the safety of the employee or employee’s family members from future domestic violence, sexual assault, or stalking.

The employee may use paid sick leave, other paid time off, or may take unpaid leave.

Family members include children, spouses, domestic partners, parents, parents-in-law, grandparents, and individuals with whom the employee has a "dating relationship." An employee may demonstrate a family relationship by providing a birth certificate, court document, or similar record, or by a statement from the employee seeking leave.

Employees taking domestic violence leave will be returned to their prior position or a position with equivalent benefits. In addition, the employee’s health insurance coverage will be continued during the leave period if it is legally permissible to do so.

Notice Requirements: Employees who request domestic violence leave must provide advance notice; where advance notice is not possible, the employee or the employee’s designee must give notice by the end of the first day of leave to their immediate supervisor and/or the Executive Director.

Requests for Leave: We may ask you to verify your need for leave by providing any of the following:
-a police report indicating the employee or employee’s family member was a victim;

-a court order providing protection to the victim;

-documentation from an advocate for victims of domestic violence, clergy, attorney, or healthcare provider; or

-a written statement that you or your family member is a victim and needs assistance.

All information provided by the employee requesting leave will be kept confidential, including the fact that the employee or family member is a victim of domestic violence, sexual assault or stalking, or that the employee has requested or obtained such leave.

F. LEAVE FOR MILITARY SPOUSES

Regular and part-time employees whose spouse or domestic partner is a member of the United States armed forces, national guard or reserves who has been notified of an impending call or order to active duty, or who has been deployed, or who is on leave from deployment may take up to 15 days unpaid leave per deployment. You must provide notice to your supervisor of your intention to take leave within five business days of your spouse or domestic partner receiving official notice of an impending call to active duty or notice of leave during deployment. You may substitute any accrued leave for any part of family military leave.

G. FAMILY AND MEDICAL LEAVE ACT (FMLA)

The federal Family and Medical Leave Act of 1993 (FMLA) 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.

1. 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.

2. **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

3. **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.

4. **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.

5. **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

6. 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.

7. 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.

8. 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.

9. 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.

10. 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

11. 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

H. PREGNANCY/DISABILITY LEAVE
The Diocese provides pregnancy leave to all female employees for the period of actual disability associated with pregnancy and childbirth. Pregnancy leave is treated the same as medical leave for any other short-term disability, except that leave will be granted for the entire period of any pregnancy disability. Pregnancy leave is for the period of disability only, and not for child rearing after the disability ends.

I. WASHINGTON PAID FAMILY AND MEDICAL LEAVE (PFML)
Beginning in 2020, the Washington Paid Family and Medical Leave Program will provide paid leave to qualified employees to give or receive care for themselves or family members. This program will be administered by the Washington State Employment Security Department and is funded by mandatory contributions from employees and employers.

All employees who work at least 820 hours in a “qualifying period” (approximately 16 hours weekly) will be considered eligible for benefit. All paid work will count towards the 820 threshold. The qualifying period is the first four of the last give completed calendar quarters starting from the day an employee intends to take leave.

A “qualifying event” must occur before this benefit will be available. Leave events can be either family or medical.

This program is funded through employee and employer contributions beginning January 1, 2019.

Additional information regarding this program will be made available as regulations are finalized.
J. COMPENSATORY TIME

Compensatory Time is only granted at the supervisor’s/pastor’s discretion. For all non-exempt hourly and salary employees, all work and work schedules are solely under the determination of the supervisor/pastor. All work beyond usual and customary schedules must be approved by the supervisor/pastor. Comp Time must be requested and approved in advance and in writing prior to being accumulated or taken and it must follow the provisions detailed below. Comp Time is never allowed to cover an unexpected absence. Use must always be preapproved in writing.

- Full Time Non-Exempt Hourly who work 40 hours per work week are not allowed to use Comp Time. All work performed over 40 hours per work week must be paid at time and one half for each hour worked in excess of forty hours in a work week. Overtime must only be worked with prior permission of the supervisor. All time worked must be recorded and must be compensated.

- Full Time Non-Exempt Hourly who are scheduled and work more than 35 hours in a work week (but not over 40 hours) may request to receive that time in the form of comp time in lieu of straight time pay for their extra work. This request must be made and approved by the supervisor/pastor prior to the shift and the comp time must be used before the end of the pay period or the extra time or the extra time must be paid as straight time wages.

As an example: Meg, a full-time non-exempt hourly employee is asked to work 39 hours in the second week of the pay period to prepare for the season of Lent. With supervisor’s approval Meg can be permitted to work 31 hours in week one of the same pay period in lieu of being compensated for the extra four hours of week two.

- Part-time Non-Exempt Hourly who are scheduled to work more than their customary hours in a work week (but not beyond 40 hours) may request to receive that time in the form of comp time in lieu of straight time pay for their extra work. This request must be made and approved by the supervisor/pastor prior to the shift and the comp time must be used before the end of the pay period or the extra time must be paid as straight time wages.

As an example: Mark, a part-time non-exempt hourly employee working 20 hours a week is asked to work 24 hours in the second week of the pay period to prepare for the season of Lent. With supervisor’s approval Mark can be permitted to work 16 hours in week one of the same pay period in lieu of being compensated for the extra four hours of week two.

- Volunteer Activities: If an employee’s volunteer activity is something that would be outside the scope of their normal employment, and it is certain that their non-participation would not impact their evaluation as an employee in any way, the employee does not need to be compensated for that activity. It is recommended that a volunteer form be completed to prevent any misunderstanding. Refer to the Volunteer form under the Safe Environment Policies for an example.

As an example: Margaret, who works as a secretary at a parish, is involved in a ministry within the parish outside of her regular work hours, visiting migrant workers.
She has filled out a volunteer form that specifies that her ministry does not involve secretarial work for the parish so her volunteer time at the ministry is not compensable.

K. 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.
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.

D. CONTACTS WITH THE MEDIA

Any contact on the part of a television, radio, established social media, blogger, commentator, or newspaper representative should be immediately referred to your supervisor for response.
SECTION TEN: SAFETY AND HEALTH

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. WORKPLACE VIOLENCE PREVENTION
The Diocese is committed to working with all employees to maintain a work environment that is free from violence, threats of violence, harassment, intimidation, and other disruptive behavior. The work environment includes all buildings, grounds, parking lots and vehicles. The Diocese strictly prohibits employees, managers, directors, vendors, independent contractors or consultants, agents, volunteers, or customers of the Diocese from behaving in a violent or threatening manner. To prevent workplace violence, the Diocese reserves the right to deal with behavior that suggests a propensity towards violence before the occurrence of any violent behavior.

Prohibited Conduct
Conduct prohibited includes, but is not limited to:

- Threats of any kind
- Intimidating, menacing, hostile, physically aggressive, or violent behavior, including stalking and surveillance
- Behavior that suggests a propensity towards violence, including belligerent speech, excessive arguing or swearing, or a demonstrated pattern of refusal to follow Diocese policies and procedures
- Defacing or causing physical damage to Diocese property
- Possession, use, sale or purchase of weapons or firearms any kind on Diocese premises whether during working hours or work-related functions, or while conducting Diocese business
• Any conduct that adversely affects the legitimate business interests and which could potentially result in violation of any criminal laws relating to threats of violence or violent acts

**Reporting, Investigation and Corrective Action**

If an employee is aware of any conduct that creates a potentially violent or dangerous situation, the employee should immediately call 9-1-1 for help. Otherwise, employees who experience or witness any conduct they believe to be in violation of this policy should immediately report the same to their supervisor and/or Msgr. Robert Siler. Employees are expected to cooperate fully with security, law enforcement, emergency and medical personnel who respond to a call for help. Employees must not put themselves in peril, but if qualified may render first aid to injured persons.

All reports of workplace violence will be taken seriously and will be promptly and thoroughly investigated. All employees must cooperate fully with any investigation pursuant to this policy. Failure to cooperate or any attempt to interfere with, influence or impede an investigation shall be grounds for disciplinary action up to and including termination of employment.

Workplace violence will not be tolerated and may result in immediate disciplinary action, up to and including termination.

The Diocese will not tolerate retaliation against or intimidation of any employee for making a good faith report of workplace violence or for participating in an investigation of such a complaint.

**D. WEAPONS**

All employees are prohibited from possessing or using weapons at any time on property owned or controlled by Diocese or at any location where Diocese business is being conducted. Employees are also prohibited from having weapons readily accessible off premises, for instance in a vehicle driven to work. Weapons means any device or implement designed, intended, or used for inflicting bodily injury including but not limited to firearms; swords, spears, javelins, knives, daggers, dirks or any weapon with a blade in excess of 3.5 inches in length; bows, cross-bows, arrows, slingshots or any other device designed to throw a missile or other object; clubs, bats, sticks, saps, brass knuckles or any device capable of inflicting bodily injury; explosives and explosive devices; electronic stunning devices; and any device discharging a chemical designed to incapacitate.

In addition, the Diocese strictly prohibits the possession or use of any and all weapons, including handguns, on Diocese premises by any 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.

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.

E. 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

EMPLOYEE HANDBOOK RECEIPT AND ACKNOWLEDGMENT

I have received a copy of the Diocese of Yakima’s Employee Handbook dated _____1, 20__, 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.
Travel Information Sheet for Diocesan Employees

The Diocese of Yakima supports employees to attend trainings and conferences for purposes of professional growth and development. The Fair Labor Standards Act is a federal law that governs labor practices. All hourly paid employees, also referred to as non-exempt, are covered by this law and are compensated for trainings and conferences that require out-of-town travel. The purpose of this guide is to help facilitate an understanding to employees and supervisors how compensation applies when travel is involved as part of their work, as well as guidelines from the Department of Labor (DOL) that will help facilitate how the rules apply.

Travel Rules for Nonexempt Employees (Hourly Paid)

Traveling from home to work. When an employee travels from their home to work, that time is not compensable. For example, you hire Meg to work in at the office. Meg lives in Mabton. The time it takes Meg to travel from Mabton to the office is not work time and is not compensable.

Home to work on a special one-day assignment in another city. When an employee must travel out of town for work but returns home the same day, all the time spent traveling during the day is compensable, regardless of the employee's regular work hours. However, the time the employee would have spent commuting to his or her regular work location will be deducted from those hours.

Travel that is all in a day's work. Time spent traveling to and from different worksites during the day is work time and must be paid.

Travel away from home. When travel requires an overnight stay, any time traveling as a passenger that falls within the employee's normal work hours is compensable, regardless of what day of the week the travel takes place. Time spent traveling to an airport terminal or train station is considered commute time and is not treated as hours worked, but the time spent waiting at the terminal until arrival at the destination is compensable when it falls during normal work hours.

For example, if Meg normally works Monday through Friday, 8:30 a.m. to 5 p.m., and she is required to travel by plane on a Sunday for business in another state, her travel time on Sunday between 8:30 a.m. and 5 p.m. is compensable.

So, if Meg arrives at the airport on Sunday at 3 p.m. and at her destination at 8 p.m., the employer is required to pay her only from 3 p.m. to 5 p.m., the hours that correspond with her normally scheduled work hours.

Alternatively, if Meg drives herself or others at the direction of the employer rather than traveling as a passenger, all the time spent driving is compensable work time, regardless of Meg's normal work hours.

Driving at the direction of the employer. When employees are required to drive themselves or others, all driving time is compensable. However, when an employee is traveling to an overnight stay and has the option to use public transportation (i.e., airplane, train, bus, etc.) but chooses to drive his or her own vehicle instead, only the time spent traveling that occurs during normal work hours, regardless of what day of the week the employee travels, will be compensated. If an
employee volunteers to drive others in his or her own vehicle to the overnight stay, that employee’s time will be unpaid for those travel hours outside the normal work hours.

Worked performed while traveling. An employee must be paid for any time he or she is performing work. This includes time spent working during travel as a passenger that would otherwise be non-compensable.

For example, Meg normally works Monday through Friday, 8:30 a.m. to 5 p.m. She arrives at the airport on Sunday at 3 p.m. and at her destination at 8 p.m. Generally, the employer is required to pay her only from 3 p.m. to 5 p.m.; however, if Meg works on a presentation during her flight until 6:30 p.m., her employer would need to pay her from 3 p.m. to 6:30 p.m.

IMPORTANT:

BEFORE travel: Completing a draft form of the payroll calendar prior to the travel will help create a mutual understanding between the supervisor and the employee of the hours the employee will be compensated for and help answer any questions. At the discretion of the supervisor, an employee’s work schedule may be modified during the week the employee will travel or upon the employee’s return. This will allow the employee approved time off as well as ensure the employee stays under 40 hours for that week.

Upon the RETURN of travel: We understand there can be circumstances related to weather or other circumstances that may delay flights, etc. Upon the return of the employee’s travel, the draft of the payroll calendar that was completed will need to be adjusted and approved by the supervisor.

Nonexempt employees may not work overtime without express advanced written authorization from their supervisor. For purposes of calculating overtime, a new workweek begins each Sunday at 12:01 a.m.

Travel Rules for Exempt Employees (Salary Paid)

Exemptions from FLSA Rules

The FLSA covers all hourly paid employees; the rules however differ for exempt employees. Exempt employees who engage in professional or executive functions and who make more than $684 per week are exempt from FLSA rules as of January 2020. It is important to note that the salary threshold is subject to change with the FLSA updates currently in progress.

Exempt employees generally receive a salary intended to compensate them for the time they work. This compensation also includes the time spent in business/work-related travel.

BEFORE travel: Completing a draft form of the payroll calendar and the Leave Request Form to request days off prior to the travel will help create a mutual understanding between the supervisor and the employee, as well as help clarify any questions. At the discretion of the supervisor, an employee’s work schedule may be modified during the week the employee will travel or upon the employee’s return. This will allow the employee approved time off.

Upon the RETURN of travel: We understand there can be circumstances related to weather or other circumstances that may delay flights, etc. Upon the return of the employee’s travel, the draft of the payroll calendar that was completed will need to be adjusted and approved by the
supervisor. Any days off or a modification in an employee’s normal work schedule will need to be approved by the supervisor.

Reimbursement for Business Expenses

The FLSA does not require that employers reimburse employees for travel expenses such as meals and lodging. However, the Diocese of Yakima does reimburse for these expenses. These shall include travel, lodging, incidental travel fees, vehicle rental, taxi fares, business meals, meeting fees, and job related materials. All expenses submitted for reimbursement must be supported by a bill and signed receipts, (credit card transaction) and approved by the supervisor.

Qualifying expenses are as follows:

Food: Reimbursement up to $60 per day for meals. Alcoholic beverages are at the employee’s expense.

Lodging: Most conferences provide a discount rate for lodging with a conference/event code. For cost saving purposes, employees will need to apply the discounted rate for conferences. If the expense is above $300 per night, pre-approval from the supervisor is required.

Transportation (Bus, Taxi, and Vehicle Rental): Transportation is covered to and from the location of the conference meeting and the hotel as well as the airport terminal. Personal travel with a rented vehicle is not covered. Employees are to use reasonable judgement with the use of a rented vehicle, and must have personal auto insurance with coverage of $100,000 per person (bodily injury), $300,000 per incident and $100,000 per property damage and liability coverage. Employees have insurance coverage through Catholic Mutual for business travel; therefore, the purchase of additional insurance is not required.

Mileage Reimbursement: The Diocese uses the IRS standard mileage rate, which is set by the IRS every January 1st for business miles driven on an employee’s personal vehicle. Mileage logs are required to include the date, destination, purpose and business miles of each trip and be approved by the supervisor in order for mileage reimbursement to be paid. Any exceptions for a lesser amount for mileage reimbursement must be pre-approved by the diocese.

Refer to Appendix M of the Finance Policies for the Ministry Mileage Log form.

Helpful Resources:


If you have any questions, please contact Msgr. Robert Siler, Chancellor at (509) 965-7117 or via email at Robert.siler@yakimadiocese.net. or Diana Aparicio, Vice Chancellor at (509) 367-5296 or via email at Diana.aparicio@yakimadiocese.net