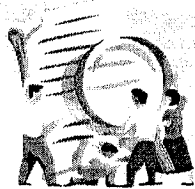


# Developing a Personnel Manual for your Church

William F. Maxwell  
Administrative Director  
Tennessee Baptist  
Convention



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## Purpose

- Equalize Expectations
  - What the employee should expect
  - What the employer expects
- Encourage Consistency in Practice
- Protection for the Employer

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## Questions to Ask

- Is the organization of handbook user-friendly?
- Are the policies legal?
- Do policies overly commit the employer?
- Are policies consistent with church's mission?
- Do policies restrict the staff unnecessarily?
- Has the staff been adequately trained in understanding the policies?

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## At Will Employment

The church adheres to the legal doctrine of employment at will for all employees. This doctrine states that employment relationships are for an indefinite term and can be terminated at any time "for good cause, for bad cause, or for no cause at all."

The existence and application of the personnel manual shall not create a definite term of employment or alter in any way the employment at will doctrine.

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## Policy Administration

- Final Policy Authority
- Administrative Procedures
- Responsibility for Development
- Grievance Procedures
- Disclaimer to Change Policy
- Explanation of Forms



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## Employment Classification

- Minister/Non-minister
- Exempt/Non-exempt
- Full-time/Part-time
- Job Descriptions

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## Employment Process

- Position Approval
- Selection Authority
- Notice of Vacancy
- Applications
- Interviews
- Employment Decision



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## Wage & Salary Administration

- Pay Scale
- Social Security
- Salary Adjustments
- Ministerial Tax Status
- Unemployment Insurance
- Housing & Utility Allowance
- Special Compensation Arrangements



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## Employment Expiration

What Happens to...

- Insurance
- Unused Vacation
- Retirement Contribution
- Severance Pay



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## Benefits

- Insurance Coverages
- Retirement Plan
- Continuing Education
- Coverages in Retirement
- Other



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## Leave Benefits

- Sick Leave
- Maternity Leave
- Family Medical Leave
- Disability Leave
- Vacation Leave
- Personal Ministry Leave
- Holiday Leave
- Leave of Absence



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## Work Standards

- Personal Conduct
- Personal Appearance
- Lifestyle Considerations
- Work Schedule
- Outside Employment
- Overtime
- Other



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## Sexual Harassment

- Definition
- Policy
- Complaints Procedure
- Non-retaliation clause
- Include non-employees
- Training

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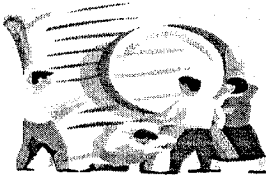
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## Developing a Personnel Manual for your Church



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# **SAMPLE POLICIES**

**These policies are generic in nature and have been prepared for use by Churches in preparing their own customized policies. No church should adopt these policies as written without legal counsel and serious consideration of other related personnel policies. Preparation of personnel policies should always be accomplished with a view for the mission of the organization and the overall objectives of the organization's personnel policies.**

## EMPLOYMENT-AT-WILL DOCTRINE

The Employer adheres to the legal doctrine of employment-at-will for all employees. This doctrine states that employment relationships are for an indefinite term and can be terminated at any time "for good cause, for bad cause, or for no cause at all." The existence and application of this personnel manual shall not create a definite term of employment or alter in any way the employment-at-will doctrine.

The policies of this manual related to employment expiration do not supersede this doctrine, but rather give guidance and framework for the orderly and proper methods of such expiration.

## PERSONAL CONDUCT

1. The Employer is a Christian Church based on the doctrines and practices of the Baptist tradition. Therefore, employees' conduct will be guided by the moral and ethical standards of the Christian faith.
2. Unacceptable behavior on the job or away from the job includes, but is not limited to: dishonesty; immorality; use of illegal drugs; gambling; drinking alcoholic beverages; financial irresponsibility; gossiping; insubordination; spreading rumors that cause unrest, friction, or character assassination; disloyalty to the programs and purpose of the Convention; and failure to be an active and faithful member of a local evangelical Christian church.
3. Employees should not participate in any lifestyle that would reflect negatively on the Church.

## OVERTIME

### Definitions

1. **Overtime** - The qualified and approved time a non-exempt employee works during the standard work week that is in excess of forty (40) hours of qualified time.
2. **Standard Work Week** - For non-exempt employees, the standard work week is from 12:01 am Monday through midnight Sunday.
3. **Qualified Time**  
**Includes** - The time the employee is actually working or performing functions as a part of his or her employment relationship to the Employer, which includes work both at and away from their normal work place. It also includes training sessions, seminars, camp work, and time in automobile when traveling.  
**Excludes** - Paid leave, holidays, inclement weather days, meal time, sleep time, and non-work time when traveling do not contribute to the calculation of overtime.

### Approval

Non-exempt employees must receive specific and direct approval from their immediate supervisor **BEFORE** working more than forty (40) hours in any work week.

### Compensation

1. **Time Off** - Non-exempt employees may take time off with supervisor's approval as compensation for weekend work or long days. Time off must be taken within the same standard work week.
2. **Payment** - Non-exempt employees who work more than forty (40) hours in a work week shall be paid one and one-half (1.5) times their regular hourly rate for any qualified and approved hours worked over forty (40).

## FAMILY MEDICAL LEAVE

This policy is in compliance with the terms and conditions of the Family and Medical Leave Act of (the "Act"). Reference is hereby made to the Act and the applicable regulations for assistance with the implementation of this policy including, without limitation, definitions for applicable terms and provisions.

### Eligibility

All employees may be eligible for up to twelve (12) work weeks of unpaid family and medical leave every twelve (12) months if they have completed at least one (1) year of employment with the Employer.

### Occasions For Use

1. To care for a child after birth, adoption, or placement in their home for foster care.
2. To care for a spouse, son, daughter, or parent who has a serious health condition.
3. Because of their own serious health condition that makes them unable to perform their job.

### Length of Leave

1. Employees may be eligible for up to twelve (12) weeks of family and medical leave during a twelve- (12) month period. The twelve- (12) month period is measured from the first date the employee is absent for family and medical leave.
2. In some cases, employees may take intermittent leave or may work a reduced number of hours instead of taking twelve (12) consecutive weeks of leave. Unless intermittent leave or working a reduced number of hours is medically necessary, the personnel committee must approve this arrangement. In cases of medical necessity, the personnel committee and the employee will work together to agree on an acceptable arrangement, subject to the approval of the health care provider. When employees take leave on an intermittent or reduced schedule, the Employer may require the employee to transfer temporarily to another position that better accommodates this schedule, as long as the other position has the same pay and benefits.
3. An employee's eligibility for leave after the birth or placement of a child expires at the end of the twelve- (12) month period beginning after the date of birth or placement.

### Advance Notice of Leave

1. When leave is foreseeable, employees must give the Employer at least thirty- (30) days' notice. Employees should contact the business administrator as soon as they know of the need to take leave. Employees who have no reasonable excuse for failing to give thirty- (30) days' notice may have the beginning of their leave delayed.
2. When employees cannot give thirty- (30) days' notice, they should give notice as soon as possible. Generally, this means employees should call the business administrator within one (1) or two (2) business days after they learn they need leave.
3. Employees must provide the Employer with sufficient information for the Employer to determine whether leave should be granted by completing a form available from the business administrator.

### Medical Certification

1. When leave is due to the employee's own serious health condition or the serious health condition of a spouse, son, daughter, or parent, the Employer requires medical certification from a health care provider before approving leave. Proper forms may be obtained from the business administrator.
2. If the leave is for the employee's own serious health condition, a health care provider must certify that the employee is not able to perform the functions of the job. If the leave is for the employee to care for a seriously ill family member, the certification must include an estimate of the amount of time the employee needs to provide care.
3. The Employer may require a second medical opinion at its own expense. If the first and second medical opinions disagree, the Employer may require, at its own expense, a third medical opinion by a medical care provider approved by both the Employer and the employee. This third opinion will be binding on both the Employer and the employee.
4. When an employee is on leave, the employee must periodically report his or her status and intention to return to work. During this time, the Employer may require periodic re-certification by a health care provider.



**Payment During Leave**

The Act does not require the Employer to pay employees for family and medical leave.

**Coordination With Other Leaves**

Employees must use all of their sick leave, vacation leave, and personal leave at the beginning of family and medical leave.

**Benefits During Leave**

1. The Employer will continue to pay its portion of applicable insurance coverage during family and medical leave on the same basis as if the employee were not on leave.
2. The employee must pay for any optional coverages normally collected through payroll deduction. Arrangements should be made with the business administrator in advance of the beginning of leave. Failure to make payments on time may result in the loss of coverage.
3. The Employer will no longer pay for benefits as soon as the employee notifies the Employer that he or she does not intend to return to work.
4. If an employee decides not to return to work after leave, unless that decision is due to a serious health condition or for reasons beyond the employee's control, the Employer may recover from the employee the cost of any payments made to continue coverage during leave. The Employer may require medical certification that the employee is unable to return to work due to a serious health condition.

**Return To Work**

1. When an employee has been on leave due to his or her own serious medical condition, the Employer will require medical certification that the employee is able to return to work.
2. When employees return to work after family and medical leave, they will return to their original or equivalent positions with the same pay, benefits, and other terms as if they had not taken leave.

# SEXUAL HARASSMENT

## Purpose

All employees of the Employer have the right to a work environment free from all forms of discrimination and conduct which can be considered harassing, coercive, or disruptive, including sexual harassment. The Employer's position is that sexual harassment is a form of misconduct that undermines the integrity of the employment relationship.

## Responsibility

It is the responsibility of the personnel committee, pastor, associate ministers, and other supervisory staff to make sure every organizational component is in full compliance with this policy.

## Definition

"Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when

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

- (EEOC Code of Federal Regulations .)

## Policy

1. No employee—either male or female—shall be subject to unsolicited and unwelcome sexual overtures or conduct, either verbal or physical.
2. Sexual harassment does not refer to occasional compliments of a socially acceptable nature.
3. Sexual harassment does refer to behavior that is not welcome, that is personally offensive, that debilitates morale, and that, therefore, interferes with work effectiveness.
4. Such behavior may result in disciplinary action up to and including dismissal.

## Complaints Procedure

1. Complaints of sexual harassment should be brought to the attention of the immediate supervisor, unless the alleged harasser is the employee's immediate supervisor.
2. The employee should also feel free to take the complaint directly to either the (1) pastor; (2) business administrator, (3) pastor's secretary; (4) personnel committee chairman (5) any other supervisory personnel.
3. Supervisory personnel receiving a complaint shall immediately contact the pastor, business administrator, or personnel committee chairman.
4. After notification of the employee's complaint, a confidential investigation will be initiated immediately. The business administrator is primarily responsible for conducting all investigations.
5. After the investigation has been completed, a determination will be made regarding the resolution of the case by the business administrator, the alleged harasser's immediate supervisor, and the pastor. If warranted, disciplinary action up to and including dismissal will be taken. If no action is warranted, then both parties will be informed that the facts did not substantiate the allegations. In this situation, steps must be taken to facilitate both parties continuing to work with each other.

## Non-Retaliation -

This policy prohibits retaliation against employees who bring sexual harassment charges or assist in investigating charges. Any such employee will not be adversely affected in terms and conditions of employment, nor discriminated against or discharged because of the complaint.

## Non-Employees -

In addition to the above, any complaints of sexual harassment by an employee against vendors, or other non-employees who do business with the Employer should be reported and investigated in the same manner as stated in Section ..