

LAY EMPLOYEES

Introduction

The administration of personnel functions is becoming more complex and challenging as it is influenced and molded by changes in law, increased diversity entering the workforce, and changes in attitudes about work. In order to support its mission, promote consistency, encourage productivity and avoid liability, the Diocese has established the following systems, policies and procedures. Church leaders are free to develop additional local personnel policies and procedures, as they deem necessary to communicate and clarify expectations. No local policies or practices can be contrary to Diocesan, Canonical or Civil directives. For assistance in this process, please contact the Diocesan Office of Human Resources.

I. EMPLOYMENT RELATIONSHIP POLICY

The Roman Catholic Bishop of Salt Lake City is established legally as a Utah corporation sole and is commonly referred to as the Diocese of Salt Lake City. All employees of the Diocese of Salt Lake City are employed at the will of the Diocese for an indefinite period, with the exception of the Catholic school principals and faculty members who have an employment contract with the Diocese for a specific, fixed term of employment. All Diocesan Directors of Personnel and Administrators are expected to abide by and follow the procedures outlined in this policy.

Procedures

- * Employees who do not have separate, individual written employment contracts are employed at the will of the Diocese of Salt Lake City and are subject to termination at any time, for any reason, with or without cause or notice. Employees may terminate their employment at any time and for any reason.
- * No diocesan representative is authorized to modify this policy for any employee or to enter into any agreement, oral or written, contrary to this policy.
- * This Diocesan policy supercedes and must not be altered or modified by any contrary statements contained in other communication materials to employees of the Diocese of Salt Lake City. No employment related document, whether singly or combined, are to create an expressed or implied contract of employment, nor an expressed or implied contract concerning any terms or conditions of employment. Similarly, Diocesan policies and practices with respect to any matter are not to be considered as creating any contractual obligation on the Diocese's part or as stating in any way that termination will occur only for "just cause." Statements of specific grounds for termination set forth in this document or in any Diocesan documents are examples only, not all-inclusive lists, and are not intended to restrict the Diocese's right to terminate at will.
- * The completion of a probationary period or being classified as a "regular employee" does not alter the at will employment relationship with the Diocese.

II. COMPLIANCE WITH THE FAIR LABOR STANDARDS ACT (FLSA) POLICY

All Diocesan Directors of Personnel or individuals acting on behalf of the Diocese in employment matters are expected to abide by and follow the provisions of the Fair Labor Standards Act as outlined below:

The Fair Labor Standards Act establishes minimum wage, overtime pay, recordkeeping, and child labor standards affecting full-time and part-time workers in the private sector and in Federal, State, and local governments.

Reference: <http://www.dol.gov/dol/compliance/comp-flsa.htm>

Definitions

- “Director of Personnel” refers to the person who is ultimately responsible and has the authority for making employment decisions such as hiring and firing, e.g., pastor, administrator, principal, vicar general.
- “Employer” includes any person acting directly or indirectly in the interest of an employer in relation to an employee.
- “Employee” means any individual employed by an employer.
- “Employ” includes suffering or permitting to work.
- “Hours worked” is the number of hours for which an employee is employed or permitted to work. Hours worked does not include the time spent changing clothes or washing at the beginning or end of each workday.
- “Matters of significance” refers to the level of importance or consequence of the work performed.
- “Primary duty” means the principal, main, major or most important duty that the employee performs. Determination of an employee’s primary duty must be based on all the facts in a particular case, with the major emphasis on the character of the employee’s job as a whole.

A. MINIMUM AGE

The FLSA has strict regulations regarding the employment of youth under 18 years of age.

B. MAXIMUM HOURS

UNDER THE FLSA AN EMPLOYER SHALL NOT EMPLOY ANY OF HIS EMPLOYEES FOR A WORKWEEK LONGER THAN FORTY HOURS UNLESS SUCH EMPLOYEE RECEIVES COMPENSATION FOR HIS EMPLOYMENT IN EXCESS OF THE HOURS ABOVE SPECIFIED AT A RATE NOT LESS THAN ONE AND ONE-HALF TIMES THE REGULAR RATE AT WHICH HE IS EMPLOYED. UNDER THE NEW FAIRPAY RULES, WORKERS EARNING LESS THAN \$23,660 PER YEAR — OR \$455 PER WEEK — ARE GUARANTEED OVERTIME PROTECTION.

C. MINIMUM WAGE

The minimum wage established by FLSA is \$5.15 per hour beginning September 1, 1997. The Utah state minimum wage law does not contain current dollar minimums. Instead, the state law authorizes the adoption of the Federal minimum wage rate via administrative action.

The State law excludes from coverage any employment that is subject to the Federal Fair Labor Standards Act.

D. COMPENSATORY TIME OFF

THE FLSA ESTABLISHES THAT ONLY PUBLIC AGENCIES MAY SUBSTITUTE COMPENSATORY TIME OFF IN LIEU OF OVERTIME PAY. THE ROMAN CATHOLIC CHURCH IS NOT A PUBLIC AGENCY.

E. EXEMPTIONS

Section 13(a)(1) of the FLSA exempts **executive, administrative, and professional** from the minimum wage and overtime requirements of the FLSA, provided they meet certain tests regarding job duties and responsibilities and are compensated "on a salary basis" at not less than \$455 per week. Job titles do not determine exempt status. In order for an exemption to apply, an employee's specific job duties and salary must meet all the requirements of the Department's regulations. In order to be considered "salaried," employees must receive their full salary for any workweek in which they perform any work without regard to the number of days or hours worked. For a detail description of these exemptions and assistance in testing positions to determine if they are exempt, contact the Diocesan Human Resources Office.

Note: In order to classify a position as exempt under this classification, both requirements must be met, e.g., duties, salary.

F. CIRCUMSTANCES IN WHICH THE EMPLOYER MAY MAKE DEDUCTIONS FROM PAY

Deductions from pay are permissible when an exempt employee: is absent from work for one or more full days for personal reasons other than sickness or disability; for absences of one or more full days due to sickness or disability if the deduction is made in accordance with a bona fide plan, policy or practice of providing compensation for salary lost due to illness; to offset amounts employees receive as jury or witness fees, or for military pay; for penalties imposed in good faith for infractions of safety rules of major significance; or for unpaid disciplinary suspensions of one or more full days imposed in good faith for workplace conduct rule infractions. Also, an employer is not required to pay the full salary in the initial or terminal week of employment, or for weeks in which an exempt employee takes unpaid leave under the Family and Medical Leave Act.

G. EFFECT OF IMPROPER DEDUCTIONS FROM SALARY

The employer will lose the exemption having to pay all due overtime and penalties if it has an "actual practice" of making improper deductions from salary. Isolated or inadvertent improper deductions will not result in loss of the exemption if the employer reimburses the employee for the improper deductions.

H. POSTING

Employers must display an official poster outlining the provisions of the Act, available at the Diocesan Office of Human Resources.

I. RECORDKEEPING

Every employer must keep certain records for each non-exempt worker. The Act requires no particular form for the records, but does require that the records include certain identifying information about the employee and data about the hours worked and the wages earned. The law requires this information to be accurate. The following is a listing of the basic records that an employer must maintain:

- Employee's full name and social security number.

- Address, including zip code.
- Birth date, if younger than 19.
- Sex and occupation.
- Time and day of week when employee's workweek begins.
- Hours worked each day.
- Total hours worked each workweek.
- Basis on which employee's wages are paid (e.g., "\$6 an hour", "\$220 a week", "piecework")
- Regular hourly pay rate.
- Total daily or weekly straight-time earnings.
- Total overtime earnings for the workweek.
- All additions to or deductions from the employee's wages.
- Total wages paid each pay period.
- Date of payment and the pay period covered b

J. Timekeeping

Employers may use any timekeeping method they choose. For example, they may use a time clock, have a timekeeper keep track of employee's work hours, or tell their workers to write their own times on the records. Any timekeeping plan is acceptable as long as it is complete and accurate.

K. Employees on Fixed Schedule

Many employees work on a fixed schedule from which they seldom vary. The employer may keep a record showing the exact schedule of daily and weekly hours and merely indicate that the worker did follow the schedule. When a worker is on a job for a longer or shorter period of time than the schedule shows, the employer must record the number of hours the worker actually worked, on an exception basis.

L. RETENTION OF RECORDS

Each employer shall preserve for at least three years payroll records, collective bargaining agreements, sales and purchase records. Records on which wage computations are based should be retained for two years, i.e., time cards and piece work tickets, wage rate tables, work and time schedules, and records of additions to or deductions from wages. These records must be open for inspection by the Division's representatives, who may ask the employer to make extensions, computations, or transcriptions. The records may be kept at the place of employment or in a central records office.

III. EMPLOYEE CLASSIFICATIONS

A. EXEMPT EMPLOYEES

Supervisors, administrators, and professional personnel are exempt employees and are not covered by the overtime provisions the Fair Labor Standards Act. They are expected to fulfill the requirements of their position regardless of hours. Though they do not receive overtime pay, flexibility is allowed in the determination of their office hours. Exempt employees are accountable to their respective supervisor in determining their work schedules.

B. NON-EXEMPT EMPLOYEES

Employees who perform work other than executive, administrative or professional; they are covered by the overtime provisions of the Fair Labor Standards Act. Hence, they are

eligible to be compensated for overtime work, as legally required. Non-exempt employees are also classified as either Full-time or Part-time for benefit eligibility determinations.

C. FULL-TIME EMPLOYEES

Employees who work a schedule of at least 37 1/2 hours per week

D. PART-TIME EMPLOYEES

Employees who work a schedule of less than 37 1/2 hours per week

E. TEMPORARY EMPLOYEES

Employees who are hired for a specific and limited period of less than six months; May be exempt or non-exempt

F. CONTRACTED EMPLOYEES

Employees hired under contract for a specific length or project. Conditions of employment, salary, benefits, etc., are to be specified in the contract, approved by the local director of personnel and placed in the personnel file.

Note: Independent contractors are not employees. For information and clarification on the difference between a contracted employee and an independent contractor, contact the Diocesan Office of Human Resources.

IV. HIRING POLICY

There may be no discrimination in hiring because of race, sex, national origin, age or disability. However, pursuant to the Civil Rights Act of 1964, Section 2000 e-1 and 2000 e-2(e), any entity governed by the Diocese of Salt Lake City may give preference in the hiring of Catholics. Affirmative action principles should be used in selecting new employees, making an effort to employ minorities or the disadvantaged, provided they are qualified for the position.

Procedures

- The Diocese will use a variety of recruitment methods to reach out to a diversified pool of qualified applicants.
- Every effort should be made to obtain the most qualified employee possible for a position. An effort should be made to interview a number of applicants before selecting one for the position.
- Employee skills are very important. However, commitment, understanding, and concern for the Church and its mission, must be considered. All who are hired are expected to live in accordance with Catholic teaching and practices.
- Offers of employment will be conditional to satisfactory references, positive background check (if required by the position), and confirmation that the applicant meets the requirements specified in the job description.
- A new employee should receive orientation in the Catholic philosophy and employment policies that impact the position.
- A description of expectations, compensation and benefits should be presented upon hire.
- Complete candor should be evidenced regarding any difficulties, problems or unusual challenges connected with the position.

- Orientation regarding the Diocesan Save Environment Program and other relevant policies is to be given to the new employee. When the position requires, the background check is to be made.
- A probationary period of six months is to be observed with each new employee. This is the period of six months immediately after an employee is hired or transferred to another position. This is a time when employees are closely monitored to determine if they will fulfill the requirements of the new position and/or if they are a good fit for the organization.
- The probationary period may be extended at the discretion of the local personnel director. Employees in probationary period are eligible for benefits.

V. JOB DESCRIPTION POLICY

Each position of the Diocese is to have a written job description outlining essential duties and requirements.

Procedures

- The job description shall be provided by the person acting in the capacity of employer.
- A job description will incorporate these elements: Title, Supervisor, Date Issued, Essential Job Duties and Responsibilities, and Requirements. The job description serves as an initial communication of expectations of the position.
- The job description serves as a reference point for training and evaluation.
- The job description is also helpful in answering questions related to selection, recruitment, orientation, performance appraisals and transfers.
- A copy of the job description should be given to new employees at the time of hire.
- Job descriptions should be reviewed and updated regularly. The employee holding the position may be asked to assist in the revision.

Note: Pastors, Principals and Administrators may contact the Diocesan Office of Human Resources for assistance in the development of job descriptions.

VI. EMPLOYMENT ELIGIBILITY POLICY

All Diocesan employers or individuals acting on behalf of Diocesan employers are expected to comply with the Immigration Reform and Control Act of 1986. All newly hired employees must demonstrate their eligibility to work in the United States.

Procedures

- To comply with the law, all Pastors, Principals and Administrators must verify the identity and employment eligibility of anyone that is hired.
- Upon hire (within three business days), new employees must fully complete Section 1 of the I-9 form which can be obtained from <http://uscis.gov/graphics/formsfee/forms/i-9.htm> or from the Diocesan Office of Human Resources.
- Document(s) establishing the employee's identity and eligibility to work in the United States are to be reviewed. Information is found on the back of the form I-9 regarding acceptable documents.
- Employees can choose which document(s) they want to present from the list of acceptable documents.
- Administrators must examine the original documents and fully complete Section 2 of the I-9 form. Attaching copies and leaving this section blank is not acceptable.

- Administrators must accept any document or combination of documents from the lists presented by the individual, which reasonably appear on their face to be genuine and to relate to the person presenting them. Which document(s) an employee must present must not be specified.
- The I-9 form is to be retained for three years after the person begins to work or one year after the person's work is terminated, whichever is later. These forms are to be filed separate from the employee's personnel file.
- This Act prohibits discrimination in employment against individuals (other than an unauthorized alien) based on national origin or citizenship status.
- Form I-9 does not need to be completed for: Persons hired before November 7, 1986, who are continuing in their employment and have a reasonable expectation of employment at all times; Persons who are employed for casual domestic work in a private home on a sporadic, irregular or intermittent basis; or Persons who are independent contractors.
- The I-9 forms are to be made available for inspection by an officer or the U.S. Citizenship and Immigration Services, the Department of Labor, or the Office of Special Counsel for Immigration Related Unfair Employment Practices, upon request. At least three days advance notice is given.

VII. WORK ENVIRONMENT POLICY

Each employee is expected to share responsibility for making each diocesan place of work a professional, positive and productive environment. As chief shepherd of the diocese, the Bishop is responsible for the pastoral care of the people of the diocese, for the vitality and growth of the Catholic presence, parishes and institutions, and for the prudent fiscal management of its resources. All employees of the corporation sole are members, to some degree, of his staff and are an extension of his presence in the diocese. Church personnel are to conduct themselves in a manner appropriate to this reality.

Procedures

- Positive personal attitudes, charitable conversations, Christian interpersonal relationships, respect for the time and privacy of peers and efforts to resolve conflicts or remedy situations that destroy peace are expected of staff in a Catholic setting.
- Negative attitudes/behaviors and failure to resolve difficulties hamper effectiveness and will not be tolerated.
- Generally, diocesan employees who work in an office environment are expected to follow a professional dress code, unless otherwise indicated by the local director of personnel. Employees working in physical jobs should be particularly aware of the safety hazards and clothing requirements of their job. Employees of the Diocese of Salt Lake City are to reflect Christian modesty in their dress.
- Employees with serious personal or family crises often find it difficult to be effective at work. In such cases, troubled employees are encouraged to seek appropriate assistance so as not to excessively burden other staff with personal difficulties. Supervisors or directors of personnel are to intervene when an employee's personal difficulties jeopardize morale or the effectiveness of the work place. Employees may be referred to the Employee Assistance Program offered by the Diocese, if participating in the Diocesan health insurance program.

VIII. CODE OF CONDUCT

The conduct of Church leaders, both public and private, has the potential to inspire and motivate people, or scandalize and weaken their faith. These leaders must be aware of the

responsibilities that accompany their work. They also know that God's goodness and grace support them in their ministry.

General Principles:

Five key principles underlie the ethical stance of this Code. The ethical Church leader is one who embraces the principles of ecclesiastical commitment, integrity, respect for others, well-being and competence. (Cf. Safe Environment Program)

IX. ILLEGAL DISCRIMINATION & HARASSMENT/SEXUAL

The Diocese is committed to providing and promoting a work environment free from harassment and discrimination and to ensure that people are treated with dignity and fairness. The Diocese does not authorize and will not tolerate any form of harassment based on any protected class status or any protected activity under the anti-discrimination statute.

Procedures

- The Diocese expects all its employees to follow this policy.
- Employees with disabilities are to be treated the same as any other employee.
- Employees with disabilities who need accommodation(s) are encouraged to inform their Pastor, Principal or Administrator as soon as possible. The Pastor, Principal or Administrator will respond with sensitivity and understanding. They are to engage in an interactive process to discuss possible reasonable accommodations.
- Directors of Personnel are encouraged to provide reasonable accommodations to individuals protected by the American with Disabilities Act unless the requested accommodations present an undue hardship to the organization. Undue hardship means that providing the reasonable accommodation would result in significant difficulty or expense, based on available resources and the operational demands.
- Harassment/sexual harassment/discrimination, either intentional or unintentional, have no place in the work environment. Sexually harassing conduct in the workplace, whether committed by people in authority or any other employee, is prohibited.
- Sexual harassment includes unwelcome sexual advances, requests for sexual favors, sexually motivated physical contact or other verbal or physical conduct or communication of a sexual nature when 1) submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of retaining employment, 2) submission to or rejection of that conduct or communication by an individual is used as a factor in decisions affecting that individual's employment, and/or 3) that conduct or communication has the purpose or effect of either substantially interfering with an individual's employment or creating an intimidating, hostile or offensive employment environment.
- Sexual exploitation, which is any kind of sexual interaction between a church minister or employee and an adult who is receiving pastoral assistance from the church minister or employee, whether initiated by one or the other, is prohibited.
- Any clergy, religious, administrator, staff person or volunteer receiving a complaint or allegation of sexual exploitation by a minister or employee must report the matter immediately to the director of personnel or the diocesan Office of Human Resources providing details as known, including the identity and means of contacting the person reporting the complaint or allegation.
- Each diocesan supervisor or leader has an affirmative duty to maintain a workplace free from any form of illegal harassment. This duty includes assuring all employees that they are not required to endure insulting or exploitive sexual treatment.

- Employees should not tolerate discrimination or harassment of other diocesan employees or prospective employees. Employees are expected to speak up immediately if they are the victim of discrimination or harassment while working for the Diocese of Salt Lake City, or if they witness it.
- Employees are expected and should be encouraged to report and file complaints whenever they feel that they are treated in an unfair manner because of their protected status as defined by applicable law or when they feel they are victims of harassment/sexual harassment while working for the Diocese.
- Any employee who believes that he or she has been the object of sexual harassment should report the alleged act immediately to the local director of personnel. Employees may also report discrimination and/or harassment, without fear of reprisal, by notifying the diocesan Department of Human Resources verbally or in writing.
- The complaint is to be investigated and whatever is reasonably necessary to resolve the complaint is to be done. All information will be considered confidential. For investigatory purposes, the identity and account of the complainant may be disclosed to the alleged perpetrator. Any employee found to have sexually harassed another may be subject to sanctions, including termination of employment.
- Retaliation against a person who has filed a harassment and/or discrimination complaint is strictly prohibited.

X. WORKPLACE SAFETY POLICY

The Diocese promotes safety in the workplace and provides a workplace free from recognized hazards where employees can concentrate their efforts on their work. The Diocese complies with and expects all employees to comply with applicable federal, state and local health and safety regulations.

Procedures

- The prevention of accidents and injuries to employees and to the general public is expected for all aspects of work activities.
- Employees are to adhere to all safety precautions and practices. Likewise, they are to maintain a safe, clean and healthy work place environment.
- The employee should immediately notify his/her supervisor of:
 - Any unsafe working condition
 - Any tool, machine or piece of equipment not in safe working condition
 - Any personal injury (however slight).
- Each Diocesan place of work must have a person responsible to:
 - Monitor compliance with the Occupational Safety and Health Act of 1970 and any other applicable federal, state, or local employee safety laws or regulations
 - Investigate, correct and eliminate recognized unsafe and unhealthy working conditions or potential hazards
 - Conduct periodic informal safety and health inspections of all work areas, machinery, equipment, and grounds
 - Monitor compliance with the various requirements established by any law or the Diocese's insurance carrier relating to record keeping and retention of records
 - Post notices and keep records as may be required by law or the Diocese's insurance carrier
 - Establish evacuation and emergency plans, conduct fire drills, enforce no smoking policies where appropriate
 - Report accidents and file claims (workers compensation and liability).

XI. WORKPLACE SECURITY POLICY

The Diocese promotes a workplace free of violence where employees can concentrate their efforts on work.

Procedures

- Employees are expected to exercise reasonable care for their own protection and for that of their personal property while on premises owned by the Church.
- Church leaders are expected to safeguard all Church property against harm such as theft, sabotage, and vandalism. They should strive to provide a secure environment for employees, parishioners, students and visitors.
- Each employee should be responsible for the security of the technology and other material used in the workplace.

XV. TRANSFER POLICY

The Diocese encourages the transfer of employees between diocesan departments, institutions and agencies whenever the outcome of the transfer is beneficial for the parties involved. Promotions and transfers are to be handled in accordance with the procedures outlined in this policy.

Procedures

- The diocese upholds the principles of subsidiary and autonomy; therefore, transfers between departments within one diocesan institution/agency are different than transfers between diocesan institutions/agencies.
- Usually, a transfer between departments of the same institution does not result in changes or loss of benefits and seniority.
- A transfer between institutions/agencies will likely result in changes and/or loss of benefits and seniority pursuant differences in established local policies and benefits package. It is the responsibility of the transferring employee to become informed regarding any possible loss or change in benefits and seniority before leaving his/her current employment.
- When employees transfer between diocesan institutions/agencies, the employment relationship with the initial entity ends and a new employment relationship begins with the new entity. Employees are responsible to familiarize themselves with the local policies and expectations of the new workplace.
- Employees are welcome to apply and compete for an open position in the Diocese for which they are qualified.
- Transfers must be coordinated through the employee's current supervisor. The current supervisor's recommendation must be obtained prior to solidifying any offer for transfer.
- Whenever an employee is hired into a different position, the employee is to begin a probationary period in the new position.
- A description of expectations, compensation and benefits should all be presented by the new entity upon transferring. Complete candor should be evidenced regarding any difficulties, problems or unusual challenges connected with the new position.
- Compensation for transferring employees is based on the salary range of the new position, not the employee's current salary.
- The Diocese reserves the right to require employees to transfer temporarily in order to accommodate the organization's business.

XVI. EMPLOYEE SUPERVISION POLICY

Each employee is to have a direct supervisor who will assign, direct and review his/her work. Supervisors are to treat subordinates in a Christian, ethical and professional manner, and in accordance with diocesan directives.

Procedures

- Diocesan supervisors are individuals who assign, direct and review the work of others, e.g., pastors, principals, directors, administrators, or individuals acting on their behalf.
- Supervisors communicate the goals and policies of the Diocese of Salt Lake City to the people they supervise. They also listen and respond to employee's suggestions, concerns and complaints.
- Each diocesan supervisor is responsible to ensure that diocesan conduct and performance expectations as well as the personnel policies established in this manual are communicated and implemented.

XVII. CORRECTIVE ACTION POLICY

The Diocese endorses the use of progressive corrective action in which employees receive notice of deficiencies and opportunities to improve. When employees do not comply with the Diocesan standards of behavior and performance, supervisors are to follow the procedures outlined in this policy to gain compliance. Supervisors may apply the steps, as they deem necessary and appropriate. These procedures are not intended to alter the employment at will relationship or in any way restrict the Diocese's right to bypass the corrective procedures suggested.

Procedures

It is important that disciplinary action be handled in the spirit of Christian charity and carefully documented.

Every effort should be made to resolve personnel problems before they require formal corrective action. Typically, guidance and direction can be provided by the informal feedback expected between employees and their supervisors. Occasionally, however, the need will arise to formally inform an employee that a performance issue must be corrected.

To ensure that a problem and suggested remedies have been clearly communicated to the employee, the following process should be followed as appropriate:

- The employee will be corrected orally by the supervisor during a meeting to discuss the matter. The employee will be informed of the nature of the problem and the action necessary to correct it. After listening to the employee, an improvement plan is to be formulated. It is advisable to keep notes of the meeting and the discussion.
- If the employee does not respond positively to the oral correction, the employee will be given written notice of the non-compliance. All written statements shall include specific expectations, reasonable timelines, follow up dates and consequences of non-compliance. Copies should be given to the employee and placed in the personnel file of the employee. It is advisable that the employee signs the document that will go in his/her personnel file acknowledging receipt.
- If improvement is evidenced within the time frame, the supervisor shall document in writing the examples of the improvement, with copies for the employee and the personnel file.

- If improvement is not evidenced within the noted time frame, further disciplinary action or dismissal may be pursued.
- Employees may reply in writing to the written disciplinary statement. A copy will be placed in the employee's personnel file.

Note: The following form may be used as a record of corrective action and/or communication of expectation. The Supervisor and employee must sign it, the employee is to receive a copy and the original is to be kept in the employee's personnel file for future reference.

RECORD OF CORRECTIVE ACTION

**Diocese of Salt Lake City
Record of Corrective Action and/or Communication of Expectation**

Employee Name: _____

Position/Title: _____

Location: _____ Date: _____

Corrective Action Taken

- Verbal Notice 1st Written Warning 2nd Written Warning 3rd Written Warning
 Unpaid Suspension: _____ Days Recommend Termination

Action/Behavior to be addressed: (Provide an accurate statement of what happened including time, date, and how this interferes with work environment, business operations or general team's well being.)

Corrective Action Plan

Expectation _____ Date to be achieved _____

A review for completion of this Corrective Action Plan to be completed by Employee and Supervisor no later than: _____

Continued violations or failure to improve performance will result in further corrective action up to and including termination of employment.

Employee Comments:

Employee Signature

Date

Supervisor Signature

XVIII. RESIGNATION POLICY

In the absence of a specific written contract, employees are free to resign at any time and for any reason.

Procedures

- Employees who choose to resign are encouraged to give written notice (oral resignations given to a supervisor will be accepted) of their intent to resign.
- The Diocese prefers a two weeks notice. This will give time for the administrator to make the necessary arrangements to cover the position. Failure to extend this courtesy may negatively affect re-employment decisions.
- The Diocesan Finance Office, the appropriate director and the director of personnel are to be notified immediately by the supervisor.
- Employees who are absent from work longer than (3) consecutive days without giving proper notice may be considered to have abandoned their jobs or as voluntarily quit, unless they provide proof of extenuating circumstances.

XIX. TERMINATION POLICY

Termination refers to the total and complete cessation of all employment relationships, including but not limited to agreements and contracts, if any, between the Roman Catholic Bishop of Salt Lake City, a Corporation Sole, and the terminated employee. The Diocese will end an employment relationship pursuant the expiration and non renewal of a contract, a temporary or permanent reduction in force, or for any reason not prohibited by law.

Procedures

- When a program is ended or funding ends, it may be necessary to terminate employees. Severance pay may be granted at the discretion of the local personnel director. Employees affected by a reduction in force are eligible for re-hire and to apply for an open position, which they qualify for.
- A termination is a very sensitive decision that impacts the life of the employee being terminated and may have serious consequences for the organization if handled carelessly. Termination decisions should only be taken by the local personnel director in consultation with the Diocesan Office of Human Resources.
- Termination may take place with or without notice at the discretion of the local director of personnel.
- The following are examples of reasons supporting a termination (this is not an exclusive list and is provided only as a guide): Falsification of records or documents; Incompetence; Harassment/sexual harassment or illegal discrimination; Misconduct; Insubordination; Unreasonable absences; Misuse or abuse of Church technology, equipment or property; Child abuse, as set forth in the diocesan Safe Environment policy; Neglect of duty; Living a life-style incompatible with Catholic moral principles; Conflict of interest; Breach of contract; Breach of confidentiality; Acceptance of bribes, kickbacks or other unacceptable forms of recompense for professional services; Violation of the policies and procedures outlined in this manual; Any other conduct detrimental to the Diocese of Salt Lake City.
- When the possibility of terminating an employee arises, the local director of personnel may place any employee without notice on suspension, upon reasonable suspicion that grounds for termination exist. The suspension may be with or without pay at the sole and exclusive discretion of the local director of personnel. The duration of the

suspension and a determination regarding salary and benefits is to be given in writing to the employee.

- When terminations are called for, supervisors must prepare a written document in which reasons for termination are clearly outlined. The document and any supporting documentation must be reviewed by the local director of personnel. (If the supervisor is the director of personnel, this document is not necessary.) The director of personnel must consult with the Diocesan Office of Human Resources to identify any possible liability before ending the employment relationship.
- Once a decision is made to proceed with the termination, the local director of personnel is to notify the employee, as soon as practicable, by meeting with the employee in question and reviewing reasons and facts leading to the decision.
- The employee may also be notified in writing. A copy of the termination notice and the employee's signature acknowledging receipt is to be kept in the employee's personnel file. If necessary, the termination letter may be mailed and a copy filed in the employee's personnel file.
- Terminations should be handled with empathy, making every effort to preserve the dignity of the dismissed employee.
- A terminated employee is not eligible for severance pay or salary continuation.

XX. EMPLOYEE LEAVES

The Diocese grants leaves of absence to employees in accordance with applicable law and the procedures outlined in this policy.

C. MILITARY LEAVE

The Diocese will grant leave of absence in accordance the requirements of the Uniformed Services Employment and Re-employment Rights Act (USERRA) of 1994 and related laws and statutes as follows:

1. Basic Provisions/Requirements: The pre-service employer must reemploy service members returning from a period of service in the uniformed services if those service members meet five criteria:

- The person must have held a civilian job;
- The person must have given notice to the employer that he or she was leaving the job for service in the uniformed services, unless giving notice was precluded by military necessity or otherwise impossible or unreasonable;
- The cumulative period of service must not have exceeded five years;
- The person must not have been released from service under dishonorable or other punitive conditions; and
- The person must have reported back to the civilian job in a timely manner or have submitted a timely application for reemployment.

USERRA establishes a five-year cumulative total on military service with a single employer, with certain exceptions allowed for situations such as call-ups during emergencies, reserve drills and annually scheduled active duty for training.

USERRA also allows an employee to complete an initial period of active duty that exceeds five years (e.g., enlistees in the Navy's nuclear power program are required to serve six years).

2. Employee Rights: Under USERRA, restoration rights are based on the duration of military service rather than the type of military duty performed (e.g., active duty for training or inactive duty), except for fitness-for-service examinations. The time limits for returning to work are as follows:

- Less than 31 days service: By the beginning of the first regularly scheduled work period after the end of the calendar day of duty, plus time required to return home safely and an eight hour rest period. If this is impossible or unreasonable, then as soon as possible.
- 31 to 180 days: The employee must apply for reemployment no later than 14 days after completion of military service. If this is impossible or unreasonable through no fault of the employee, then as soon as possible.
- 181 days or more: The employee must apply for reemployment no later than 90 days after completion of military service.
- Service-connected injury or illness: Reporting or application deadlines are extended for up to two years for persons who are hospitalized or convalescing.

USERRA guarantees pension plan benefits that accrued during military service, regardless of whether the plan is a defined benefit plan or a defined contribution plan. Also, USERRA provides health benefits continuation for service members and their families. In addition, USERRA prohibits employment discrimination against a person on the basis of past military service, current military obligations, or an intent to serve.

D. FAMILY AND MEDICAL LEAVE ACT

To the extent that the Family and Medical Leave Act of 1993 as amended”) may apply, the following information is to advise employees of their rights and obligations under FMLA. For further information, contact the Diocesan Office of Human Resources or the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division.

3. Situations covered: FMLA provides for unpaid leave of absence for periods up to twelve (12) weeks during any twelve (12) month period (“FMLA” Leave). FMLA Leave may be taken for absences related to the following circumstances:

- The birth of a child, and to care for such child
- The placement of a child for adoption or foster care
- To care for a spouse or an immediate family member with a serious health condition
- When he or she is unable to work because of a serious health condition.

For purposes of this policy, a “serious health condition” is defined as an illness, injury, impairment or physical or mental condition that involves (1) inpatient care in a hospital, hospice or residential medical care facility; or (2) continuing treatment by a health care provider. Certification of a serious medical condition may be acquired by the appropriate health care provider including second and third opinions as provided for in the Act. Additionally, recertification can be requested on a reasonable basis. Finally, certification from a health care provider stating that the employee is ready to return to work may also be required.

4. Eligible Employees: To be eligible for family or medical leave, an employee must have been employed for at least twelve (12) months with the employer and worked at least 1,250 hours of service during the previous twelve (12) month period.

5. Tracking Method: For the purpose of computing the twelve month period in which the twelve weeks of leave entitlement occurs, it shall be measured forward from the date of commencement of each employee's first FMLA leave.
6. How FMLA leave can be taken: A leave of absence taken for purposes of birth of a child or the placement of a child for adoption must be taken by the end of the twelve month period beginning on the date of the birth or placement of a child and may not be taken intermittently or on a reduced leave schedule unless the employer consents. Leave to care for spouse or an immediate family member or for the employee's own serious health condition may be taken intermittently or on a reduced leave when medically necessary. "Intermittent Leave" is leave taken in separate blocks of time due to a single illness or injury, rather than for one continuous period of time, and may include leave of periods for an hour or more to several weeks. A "reduced leave schedule" occurs when an employee's usual number of working hours per week, or hours per work day are reduced.
7. Application of accrued leave: A leave of absence taken for purposes of birth of a child or the placement of a child for adoption shall first use up paid accrued vacation leave and personal leave as part of FMLA leave. A leave of absence taken to care for spouse or an immediate family member or for the employee's own serious health condition shall first use up paid accrued sick leave and personal leave as part of FMLA Leave.
8. Notice: The employee ordinarily must provide thirty (30) days advance notice when the leave is foreseeable. If circumstances prevent the employee from giving thirty days notice, the employee must give as much notice as practicable. At such time, a meeting with the employee must be conducted to determine eligibility for FMLA Leave and benefits as well as to complete a formal request. While on FMLA Leave, the employee is expected to notify the employer or his designated agent of the employee's status and anticipated date of return to work.
9. Continuation of health insurance coverage: During FMLA Leave, only health insurance benefits will continue under the same terms as provided before leave commenced. Any other benefits and/or leave will not accrue during the FMLA Leave. If the employee pays premiums for health insurance before the leave commences, such payments must continue during leave. If the employee fails to return to work at the end of FMLA Leave, the diocese may recover all premiums paid for maintaining coverage for the employee when the failure is for a reason other than a continuation, recurrence or onset of a serious health condition of the employee or his or her spouse, child or parent or for other reasons beyond the employee's control.
10. Restoration to equivalent position: After FMLA Leave, the employee will be reinstated to the position held when the leave commenced or to an equivalent position with equivalent employment benefits, pay and other terms and conditions of employment unless the employee is subject to layoff, discharge, or reassignment during the leave for reasons unrelated to the leave. However, the employee is not entitled to accrue seniority or employment benefits during any period of leave.
11. Remedies: The act provides that an employee who believes that his or her rights under the FMLA have been violated can file a complaint with the Secretary of Labor or may file a private lawsuit.

Employees returning from a leave of absence will be reinstated to their same job or one of similar status and pay provided the work location's circumstances have not changed

to the extent that it would be impossible or unreasonable to provide reinstatement. If the same job or one of similar status and pay is not available, reinstatement may be deferred until a position is available, and the employee may be granted a preference in recall.

If an employee fails to return to work at the conclusion of an approved leave of absence, including any extension, the employee will be considered to have voluntarily terminated employment.

The following form may be used to grant and track FMLA

Medical/FMLA Leave Request Form

**Diocese of Salt Lake City
Medical/FMLA Leave Request Form**

1. To be completed by the person requesting the leave. (Please, print legibly or type)		
Name:	Date:	Institution/Parish:
Home Address:		

2. Dates and amount of leave time requested		
Date leave for medical /FMLA begins. Enter start date here:		
Anticipated date medical/FMLA ends. Enter end date here:		
Number and type of total anticipated hours requested	Sick Leave	Leave without pay

3. Leave requested for the following purpose <input checked="" type="checkbox"/> (check one):	
↑	Paid leave, medical, not FMLA Note from the Health Care Provider may be required.
↑	The birth of my child or the placement of a child with me for adoption or foster care. Submit the Health Care Provider certification.
↑	My own serious health condition. Submit the Health Care Provider certification.
↑	Serious health condition affecting my spouse, child, or parent for which I am needed to provide care. Submit the Health Care Provider certification.

Please Note:
Leave of three (3) or more consecutive days taken for the above reasons applies towards the twelve weeks of eligibility for the leave provided in the Family & Medical Leave Act (. FMLA runs concurrent with other types of qualifying leave. FMLA protects employees benefits and job for 12 weeks even during leaves without pay.

I understand that I may: 1) Be requested to provide regular medical documentation of my illness or the illness of my immediate family member; 2) Need to provide my supervisor with as much notice as possible for FMLA absence especially in those instances of intermittent leave; 3) Be requested to provide a medical release upon my return to work; 4) Be required to take a fitness for duty physical. Under FMLA I understand that employer contributions for my benefits continue for 12 weeks even if leave without pay results.

Employee's Signature/Date

Approval:	
Print Director of Personnel Name (legibly):	Phone:
Director of Personnel's Signature:	Date:

