



## Sample Lay Parish Staff Policies

In response to numerous requests from Pastors and Parish Business Managers for sample policies and/or a sample staff handbook, the Human Resources Department of the Archdiocese of Boston has created the attached collection of sample policies for use with lay staff members working at Parishes. The establishment and administration of the majority of these policies are within the sole discretion of the Pastor at each Parish. These sample policies are therefore intended as guides for each Parish and are not considered official Archdiocesan policy.

To assist in guiding Pastors through these sample policies, each policy is preceded by one of the following phrases:

- Required Text:*** These policies are those that have either been issued by the Archbishop of Boston or are necessary due to state or federal law requirements.
- Suggested Text:*** These policies are not required by either the Archdiocese of Boston or civil law but are recommended as a way to set expectations for both Pastors and lay staff members as they work in ministry at the Parishes.
- Optional Text:*** These policies should be adopted by the Parish if they assist the Pastor in leading the staff and if they are in keeping with the culture of the Parish. They are neither required nor specifically recommended.

At certain points within many of the sample policies, text that is ***italicized and bolded*** indicates text that a Pastor is encouraged to edit to fit the needs of his Parish. In addition, certain sample policies are provided in multiple forms to allow a Pastor to choose language that more closely fits the culture of his Parish.

Finally, these sample policies assume the Pastor is the sole manager of the staff. If a Parish Business Manager or other staff member has been given supervisory authority, language should be amended or added, where appropriate, to recognize this structure.

Please contact Jim DiFrancesco, Director of Human Resources, at 617-746-5829 or Katelyn Perry, Human Resources Consultant at 617-746-5736 to provide feedback and/or to discuss any of these policies.

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\*Required for Corporation Sole and other participating entities.

*[Suggested text]*

Welcome letter from the Pastor, including Parish history, key facts about the Parish and its ministries, and the leadership philosophy of the Pastor as it relates to Parish staff.

*[required text]*

## **ABOUT THIS HANDBOOK**

This Handbook is intended to serve as a quick reference, providing a general understanding of the policies and practices in place for the lay staff of \_\_\_\_\_ Parish, which exists under the aegis of the Roman Catholic Archbishop of Boston, a Corporation Sole<sup>1</sup>. Some policies contained in this Handbook are applicable to clergy and religious staff members. A copy of the Handbook is provided to all staff members so that relevant information is shared with all Parish staff.

In order to be able to respond to new situations and maintain the flexibility necessary to manage effectively, the Parish reserves the right to change, revise, eliminate or add to any of the policies, practices, programs, services or benefits described in this Handbook. The only recognized deviations from the stated policies and practices are those authorized and signed by the Archbishop or the Pastor.

This Handbook is intended as a guide. The language used in this Handbook should not be construed as establishing a contract of any kind, express or implied. Additionally, no department head may individually enter into any contract with a staff member. Employment is always at-will and may be ended at any time at the option of the Pastor or the staff member.

The information contained in this Handbook is in brief summary form. In the event that there is a discrepancy between this Handbook and more definitive administrative documents (*e.g.*, program summaries, policy statements and benefits summary plan descriptions, etc.), the definitive administrative documents will prevail.

A written document cannot anticipate every situation or answer every question about employment. Please speak with the Pastor to clarify information or answer any questions.

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<sup>1</sup> While the term "Roman Catholic Archbishop of Boston" refers to an ecclesiastical personage, Roman Catholic Archbishop of Boston - A Corporation Sole is an entity through which the Catholic Church has status in civil law. This Corporation was established in 1897 under the leadership of Archbishop John Williams to further the work of the Catholic Church in Boston. This Corporation is the vehicle through which the Church enjoys civil legal recognition in the local community as the bearer of the Gospel Message. As a Corporation, it is composed of many agencies and offices focused on ecclesiastical and secular administration, as well as pastoral, educational and charitable enterprises.

*[required text – see also the required Posters available on the Curia website]*

## **EQUAL EMPLOYMENT OPPORTUNITY**

In keeping with Church teachings on social justice, the Archdiocese of Boston and \_\_\_\_\_ Parish are committed to a policy of equal employment opportunity. This policy governs all aspects of employment, including but not limited to hiring, job selection, job assignment, compensation, discipline, termination, benefits and access to training.

Employment practices will not be influenced by an individual's race, color, national origin, age, gender, gender identity, ancestry, ethnicity, genetic information, military status, veteran status, sexual orientation, handicap or disability or any other protected class, as required by state and/or federal law. Additionally, reasonable accommodation will be made for qualified individuals with known disabilities unless doing so would result in an undue hardship for the Parish.

As a religious organization, the Parish is also bound by Canon Law and Catholic teachings. For this reason, there may be occasions when the truths of the Catholic faith are a factor in employment-related decisions.

Any staff member with questions or concerns about any type of discrimination in the workplace is encouraged to bring these issues to the attention of the Pastor. Staff members can raise concerns and make reports without fear of reprisal. Anyone found to be engaging in any type of unlawful discrimination will be subject to disciplinary action, up to and including termination of employment.

Please see the Anti-Harassment Policy contained in the Appendix to this Handbook for additional details.

*[suggested text]*

## COMMUNICATION

Communication in any work environment is a challenging task. Communication among the Parish staff is handled in a number of ways:

To maintain an atmosphere of open communication, staff members are encouraged to discuss questions or concerns directly with the Pastor *[and/or the appropriate department head]*.

Handbooks such as this one are also important sources of information. Handbooks and other policies are periodically updated and serve as a useful reference.

Important news about policy changes, new programs, emergency procedures, etc. are distributed as needed via staff member mailboxes, posted on bulletin boards and/or communicated via e-mail. Required postings are displayed on one designated bulletin board in the Rectory.

*[Weekly]* staff meetings provide important updates about issues affecting the Parish. Staff members are required to attend and encouraged to actively participate.

The Parish Bulletin is a key source of current events around the Parish. All staff members, including those who worship outside the Parish, should review the Bulletin each week after it is distributed. The deadline for submission of items for publication is \_\_\_\_\_.

*[suggested text]*

## **CORI CHECKS/PROTECTING GOD’S CHILDREN**

All clergy, Parish staff, and volunteers who minister, work, or serve in a capacity involving contact with children under age eighteen (18) must complete the prevention and education programs mandated by the Archdiocese of Boston (Virtus/Protecting God’s Children). No person will be permitted to minister, work, or serve in the \_\_\_\_\_ Parish in positions that require direct contact with children without having completed the mandated prevention and education programs and appropriate training.

The Archdiocese requires a criminal offender record information (CORI) check for all full-time and part-time paid staff members, all clergy and all volunteers (17 years and older) who minister to or have the potential for unmonitored access to children, youth, elderly and the disabled once a conditional offer of employment or assignment has been extended.

Although a disqualification is possible, in accordance with federal and state laws, a previous conviction does not automatically disqualify an applicant from consideration for employment.

[suggested text – see also the required Posters available on the Curia website]

## EMPLOYMENT CLASSIFICATIONS

Staff members fall into one of the following employment classifications:

<b>Classification</b>	<b>Description</b>
Full-time	regularly scheduled to work 35 [ <b>37.5 or 40</b> ] or more hours per week
Part-time (benefit-eligible)	regularly scheduled to work at least 20 hours per week
Part-time (not benefit-eligible)	regularly scheduled to work less than 20 hours per week, often with variable hours
<b>AND</b>	
Regular	Hired on an at-will basis; regular, consistent schedule (full- or part-time), which generally has no predetermined end date
Temporary	Hired on an at-will basis; schedule varies as required, generally filling an assignment that has a pre-determined end date and lasts less than 6 months; not eligible for benefits or paid time off

In addition, positions at the Parish are classified as either exempt and not eligible for overtime pay or non-exempt and eligible for overtime pay under the Fair Labor Standards Act.

Exempt staff members are generally paid on a salary basis, meaning a staff member regularly receives a pre-determined amount of compensation each pay period, which amount is not reduced because of changes in the quantity or quality of his/her work. Exempt staff members are not eligible for overtime pay. Where a staff member is classified as exempt and the salary basis applies, the Parish is prohibited from making any improper deductions from the salary of that staff member. Any improper deductions should be immediately reported to the Pastor.

Non-exempt staff members are paid at the rate of one and a half times their regular hourly rate of pay for hours worked in excess of 40 in a workweek, defined as [**Sunday**] to [**Saturday**]. Non-exempt staff members must accurately record hours worked and any time off on a weekly time sheet, which should be submitted for approval to the Pastor each week. Overtime worked by a staff member must be approved in advance by the Pastor and properly recorded.

Attendance at Mass at the Parish during the work day is considered [**paid time**].

*[suggested text – see also the required Posters available on the Curia website]*

## **HOURS OF WORK**

The Parish Offices are open for ministry from [*Monday through Friday*], generally between the hours of [*\_\_\_ a.m. and \_\_\_ p.m.*] Work schedules for each staff member will be determined by the Pastor based on the needs of the Parish.

Parish staff typically take a meal break during each work day. This meal period is [*unpaid*] and generally lasts for [*30 minutes*]. The meal break is scheduled at the discretion of the Pastor. Work shifts of more than 6 hours during a workday require a 30-minute unpaid meal period.

Brief breaks during the workday may be taken at the discretion of the Pastor, keeping in mind the demands of the Parish on any given day.

*[required text – first paragraph only]*

### **PAYDAYS**

*[Note: non-exempt staff can be paid weekly or bi-weekly. Bona fide executive, administrative, and professional staff which have been determined to be exempt under the Fair Labor Standards Act (see Department of Labor Fact Sheet #17A) may also be paid semi-monthly, or at their option, monthly. For administrative ease and consistency, biweekly pay in arrears is the recommended standard]*

Staff members are paid on a **[bi-weekly]** basis, generally on **[Friday, for the two previous Sunday through Saturday work periods]**. For the convenience of staff members, direct deposit is available. Direct deposit authorization forms are available from \_\_\_\_\_.

*[suggested]*

The stub attached to each paycheck or transmittal notice shows legally required deductions such as Federal and State Income Taxes, Social Security, Medicare and any other mandated deductions which may apply. Changes to Federal/State withholding require a completed signed W-4/M-4 form, available from the Payroll and Human Resources Departments.

Additional voluntary deductions (e.g., health insurance, 401(k) contributions, etc.) are also shown on each paystub. Such deductions can only be made, discontinued or changed upon written staff member request, subject to applicable plan enrollment/eligibility provisions.

Should any questions about a paycheck arise, they should be directed to the Pastor as soon as possible.

*[suggested text]*

## **PERSONNEL RECORDS**

A personnel file must be established and maintained for every Parish staff member. The following records are to be kept in the staff member's Personnel file:

- ❑ W-4 and M-4 withholding forms
- ❑ Policy acknowledgements
- ❑ Offer letter or contract, if any
- ❑ Personal data, such as home address and emergency contact information
- ❑ Application for employment and resume
- ❑ Reference checks
- ❑ Performance reviews
- ❑ Records/documentation of disciplinary or corrective actions

Please note that a completed Form I-9 must be kept on file with section 1 of the form to be completed on the first day of employment, and section 2 to be completed within 3 business days of the date employment begins, for any staff member who began employment at the Parish after November 1986. All I-9 Forms should be kept in a separate file in a secure location.

Each staff member has a right to review and receive a copy of his/her personnel file. Upon written request from a staff member, a time, within 5 business days of the request, will be arranged to review the file in the Parish office. Records regarding medical and other confidential information must be maintained in a separate confidential file. A staff member may also request a copy of the contents of that file.

In addition, staff members will be notified within 10 days of the time information is placed in their personnel record to the extent that information is, or has been used, or may be used, to negatively affect the staff member's qualification for employment, promotion, transfer, additional compensation, or the possibility that the staff member will be subject to disciplinary action.

If there is disagreement with any information in the personnel record, the Pastor and the staff member may mutually agree to remove or correct it. If agreement is not reached, the staff member may submit a written statement explaining his or her disagreement. This statement will be retained in the personnel file.

Each staff member is responsible for giving written notification to the Pastor of relevant changes, such as a change in address; a legal change in name; or a change in marital status that impacts benefits or tax status, tax status, number of withholding exemptions, dependent's status for tax or benefits purposes, or life insurance beneficiary.

*[optional text]*

## **RE-EMPLOYMENT**

Staff members who have a break in service of less than six (6) months and of less than the length of their continuous service prior to the break will, if re-employed, be reinstated with their previous date of hire. For benefit enrollment purposes, eligible staff members who are re-hired by participating RCAB locations will receive credit for past periods of eligible service in accordance with applicable Plan provisions.

*[optional text]*

### **EMPLOYMENT OF RELATIVES – Option A**

Parish policy does not preclude employment of relatives. With the exception for short-term temporary assignments, an immediate family member should not regularly report to another immediate family member. For purposes of this policy, immediate family includes parents, children, spouses or siblings. Cases involving other close relatives working at the Parish will be evaluated on a case-by-case basis.

### **EMPLOYMENT OF RELATIVES – Option B**

\_\_\_\_\_ Parish does not permit employment of immediate family members. For purposes of this policy, immediate family includes parents, children, spouses or siblings. Cases involving other close relatives working at the Parish will be evaluated on a case-by-case basis.

*[optional text]*

## **RECTORY ACCESS**

All visitors to the Rectory/Office should be directed to the \_\_\_\_\_ entrance. As a matter of courtesy and security, all visitors must be greeted in the reception area, accompanied by a staff member to their destination, and accompanied back to the reception area at the end of their visit.

Access cards, badges and/or keys are assigned to specific individuals based upon job requirements. Cards and/or keys should never be given out or loaned to any other individual. Cards or keys that are lost should be reported to the Pastor immediately.

Access to the Rectory outside normal ministry hours, including on weekends and holidays, requires prior approval of the Pastor.

The \_\_\_\_\_ *[floor/area]* is the residence of the Pastor and other priests and should be treated as such. To respect the privacy of the priests in residence, staff members should not be present on the \_\_\_\_\_ *[floor/area]* without prior permission from one of the priests.

Staff members may use the Rectory kitchen for the lunch break but should be mindful of times when priests in residence seek to dine alone. Staff members should also seek permission to use living rooms, chapels and other areas generally designated for use by the priests in residence.

*[suggested text – see also the required Posters available on the Curia website]*

**CLEAN AIR ENVIRONMENT**

For the comfort and health of all, smoking is not allowed inside any building at the Parish. Staff members may smoke only in the designated smoking area, which is located \_\_\_\_\_.

*[optional text]*

### **INCLEMENT WEATHER**

If the Parish is open for ministry, but local weather conditions make it impossible for a staff member to report for work, he/she should notify the Pastor, as with any other absence. The absence may be taken without pay or charged as a vacation day.

If a non-exempt staff member is unavoidably late due to extreme weather conditions, no pay will be lost or charge made against vacation time, where applicable, provided the staff member reports for work within two hours of the beginning of the scheduled workday and communicates the expected delay to the extent possible.

Regularly scheduled time lost due to closures arising out of inclement weather or other emergency conditions will typically be paid. Should the number of closures become excessive, the Parish reserves the right to require time away be charged against accrued paid time off or be without pay, consistent with and subject to any applicable laws.

*[suggested text]*

## **PARISH PROPERTY**

All Parish office equipment, computers, software, supplies, stationery, telephones and related items are intended for work-related use. Occasionally, phone calls of a personal nature may be necessary. In that case, they should be made brief and only within the local calling area.

No person, without the express written authorization of the Pastor, may use the Parish name or identifying information for any purpose, including:

- To open a bank account
- To solicit funds
- To collect money
- To sell products
- To schedule any trips or reserve any accommodations
- To post information on any website for any purposes, including support of a particular political or social agenda

If you are issued Parish-owned equipment (laptops, printers, etc.), you may be asked to acknowledge receipt in writing. Please see the Electronic Use Policy in the Appendix for more information related to the use of parish equipment and systems.

*[suggested text]*

## **PERFORMANCE APPRAISALS AND COMPENSATION**

Every staff member should have a written job description detailing the responsibilities and qualifications required for his/her particular position.

At least annually, every staff member will receive a written performance evaluation to be based on job performance as compared to the job description, on specific goals and objectives set for the prior year, and on overall advancement of the Mission and Vision of the Parish and the Church. Performance evaluations will be used to determine merit increases and to identify potential for promotion to positions with more responsibility, as well as to identify areas in need of improvement, if any.

Depending on staff member performance and the financial status of the Parish, adjustments to pay rates may be made following a written performance evaluation, typically near the start of a new fiscal year (*i.e.*, July 1). Pay raises are not guaranteed.

*[required text]*

## **STANDARDS OF BEHAVIOR**

Many factors are operative in carrying out the Mission of the Church. Some of them include respect for the dignity of the individual; responsible stewardship of all the goods, materials and information at our disposal; and a sense of responsibility and mutual respect that allow us to work together to accomplish our mutual goals.

It is expected that staff members of the Parish will exercise good judgment in following norms of professional conduct and decency, as would be required in any other professional environment. The Code of Ministerial Behavior and the Code of Conduct/Conflict of Interest Policies (found in the Appendix) are applicable to all Parish staff members

The following standards, though by no means all-inclusive, are designed to help meet these goals. Failure to meet these standards (and others which may not be specifically cited here) will affect performance appraisals and may be grounds for disciplinary action up to and including termination.

## **ANTI-HARASSMENT POLICY**

It is the goal of the Pastoral Center to promote a workplace that is free of any form of harassment based upon an individual's gender/gender identity, race, color, age, national origin, religion, ethnicity, ancestry, handicap or disability, veteran status, military status, genetic information, or any other legally protected status (herein referred to as a person's "Protected Status"). Sexual harassment is discussed in a separate policy.

Harassment of staff members based upon their Protected Status occurring in the workplace or in any other settings in which staff members may find themselves in connection with their employment will not be tolerated.

Further, any retaliation against an individual who has complained about harassment prohibited by this Policy or the law, and/or retaliation against an individual for cooperating or assisting with an investigation or a harassment complaint is similarly unlawful and will not be tolerated. To achieve our goal of providing a workplace free from harassment, the conduct that is described in this Policy will not be tolerated. A procedure through which inappropriate conduct will be addressed is also included.

Because the Archdiocese takes allegations of harassment seriously, we will respond promptly to complaints of harassment. Where it is determined that such inappropriate conduct has occurred, we will act promptly to eliminate the conduct and impose such corrective action as is necessary. This includes disciplinary action up to and including termination, where appropriate.

Please note that while this Policy sets forth our goal of promoting a workplace that is free of harassment based upon a person's Protected Status, the Policy is not designed or intended to limit our authority to discipline or take remedial action for workplace conduct which we deem unacceptable regardless of whether that conduct satisfies the definition of harassment covered by this Policy.

This Policy applies to all staff members, including department heads. The Policy also prohibits harassment by any person, whether or not a staff member, against or toward a staff member.

### **Definition of Harassment, Other Than Sexual Harassment**

Sexual harassment is defined in our Sexual Harassment Policy.

The definition of harassment prohibited by this Policy is broad. It may include any conduct that degrades or shows hostility or aversion toward an individual because of his/her Protected Status, or that of his/her relatives, friends, or associates, and that (1) has the purpose or effect of creating an intimidating, hostile, or offensive working environment; (2) has the purpose or effect of unreasonably interfering with an individual's work performance; or (3) otherwise adversely affects an individual's employment opportunity.

### **Examples of Harassment**

Any number of actions may constitute harassment prohibited by this Policy. The following are some examples of actions which, when based on or directed at a person because of his/her Protected Status, can constitute harassment:

- Verbal harassment; *e.g.*, suggestive, insulting or derogatory comments, epithets, innuendoes, sounds, jokes, threats, teasing or slurs;
- Physical harassment; *e.g.*, assault, impeding or blocking movement, or any unwanted physical contact or interference with normal work or movement, including touching, pinching, brushing the body, sexual contact or assault;
- Non-verbal harassment; *e.g.*, suggestive, insulting or derogatory writing, e-mails, letters, posters, cartoons, suggestive objects, pictures, or drawings; also such actions as leering, whistling, or obscene gestures.

### **Reporting Harassment**

If you feel you have been subjected to harassment, you should report the matter, either orally or in writing, to your department head or Pastor. Upon receipt of a complaint, it is the responsibility of the department head or Pastor to promptly notify Human Resources so that an appropriate investigation may be conducted.

If, for any reason, you feel that you cannot report the matter to your department head or Pastor, you should report the incident to Jim DiFrancesco, Director of Human Resources, 66 Brooks Drive, Braintree, MA 02184, 617-746-5829 or, Katelyn Perry, Human Resources Consultant, 66 Brooks Drive, Braintree, MA 02184, 617-746-5736. These individuals are available to discuss any concerns you may have and to provide information to you about our Policy on harassment and our complaint process.

### **Harassment Investigation**

When we receive a complaint, we will promptly investigate the allegation in a fair and expeditious manner. The investigation will be conducted in such a way as to maintain

confidentiality to the extent practicable under the circumstances. Our investigation will include a private interview with the person filing the complaint and with witnesses. We will also interview the person alleged to have committed harassment. When we have completed our investigation, we will, to the extent appropriate, inform the person filing the complaint and the person alleged to have committed the conduct of the results of that investigation.

If it is determined that inappropriate conduct has occurred, we will act promptly to eliminate the offending conduct, and where it is appropriate, we will impose disciplinary action.

### **Disciplinary Action**

If it is determined that inappropriate conduct has been committed by a staff member, we will take such action as is appropriate under the circumstances. Such action may range from counseling to termination of employment and/or assignment, and may include such other forms of disciplinary action as deemed to be appropriate under the circumstances.

### **State and Federal Remedies**

In addition to reporting violations of the Anti-Harassment Policy to the persons named above, if you believe you have been subjected to harassment, you may also file a formal complaint with either or both of the government agencies listed below:

The United States Equal Employment  
Opportunity Commission ("EEOC")  
475 Government Center  
Boston, MA 02203 phone: (800) 669-4000

The Massachusetts Commission Against  
Discrimination ("MCAD")  
One Ashburton Place – Room 601  
Boston, MA 02108  
phone: (617) 994-6000

Using the complaint process within the Archdiocese does not prohibit you from filing a complaint with these government agencies. Both agencies have a short time limitation (from the time of alleged harassment) in which you must file a formal complaint/claim: EEOC - 300 days; MCAD – 300 days.

## **POLICY AGAINST SEXUAL HARASSMENT**

In keeping with our belief in the inherent dignity of each and every individual person, it is the goal of the Archdiocese of Boston to provide a work environment where all persons are treated with respect. Consistent with this goal, it is the policy of the Archdiocese of Boston to promote a workplace that is free from sexual harassment.

Sexual harassment occurring in the workplace or in any setting in which staff members may find themselves in connection with their employment or assignment is unlawful, demeaning to the individual, and will not be tolerated. Similarly, retaliation against an individual who has raised a

concern about sexual harassment, or against any individual cooperating with a sexual harassment complaint investigation, is also unlawful and will not be tolerated.

To maintain a workplace free from sexual harassment, this Policy includes definitions of sexual harassment, examples of inappropriate conduct and a process for reporting complaints of sexual harassment. Additionally, because the Archdiocese takes allegations of sexual harassment seriously, we will respond promptly to such complaints and, where it is determined that such inappropriate conduct has occurred, we will act promptly to eliminate the conduct and impose such corrective action as is necessary, including disciplinary action where appropriate.

Please note that while this Policy promotes a workplace that is free of sexual harassment, the Policy is not designed or intended to limit our authority to discipline or take remedial action for any workplace conduct which the Archdiocese deems unacceptable, regardless of whether or not the conduct meets the definition of sexual harassment.

### **Definitions:**

#### Sexual Harassment:

Massachusetts' legal definition for sexual harassment is as follows: "*sexual harassment*" means unwelcome sexual advances, requests for sexual favors, and verbal or physical conduct of a sexual nature when:

- (a) submission to or rejection of such advances, requests or conduct is made either explicitly or implicitly a term or condition of employment/assignment or as a basis for employment/assignment decisions; or
- (b) such advances, requests or conduct have the purpose or effect of unreasonably interfering with an individual's work performance by creating an intimidating, hostile, humiliating or sexually offensive work environment.

Under these definitions, direct or implied requests by a superior for sexual favors in exchange for actual or promised position benefits such as favorable reviews, salary increases, promotions, increased benefits, or continued employment constitutes sexual harassment.

The legal definition of sexual harassment is broad and in addition to the above examples, other unwelcome sexually oriented conduct that has the effect (whether it is intended or not) of creating a work place that is sexually hostile, offensive, intimidating or humiliating to male or female staff members, may also constitute sexual harassment.

While it is not possible to list all those additional circumstances that may constitute sexual harassment, the following are some examples of conduct which, if unwelcome, may constitute sexual harassment depending on the totality of the circumstances including the severity of the conduct and its pervasiveness:

- Unwelcome sexual advances - whether they involve physical touching or not;
- Sexual epithets, jokes, written or oral references to sexual conduct; gossip regarding one's sex life; sexually-oriented comments about an individual's

body; comments about an individual's sexual activity, deficiencies, or prowess;

- The display of sexually suggestive objects, pictures, cartoons, etc.;
- Sexually explicit voice mail, e-mail, graphics, downloaded material or websites in the workplace;
- Unwelcome leering, whistling, brushing against the body, sexual gestures, suggestive or insulting comments;
- Inquiries into one's sexual experiences; and
- Discussion of one's sexual activities.

#### Retaliation/Retaliatory Action:

All staff members should take special note that retaliation against an individual who has complained about sexual harassment, and retaliation against individuals for cooperating or assisting with an investigation of a sexual harassment complaint is unlawful and will not be tolerated.

For the purpose of this Policy, the terms "retaliation" and "retaliatory action" can include, but are not limited to (a) the denying or withholding of any tangible job benefits, *e.g.*, promotions, increases in compensation, benefits, and requested transfers or (b) the assessment of an adverse employment decision against the staff member, *e.g.*, job demotion, unfavorable job evaluation, withholding of a favorable recommendation, undesired transfer or change in work schedule, or other unfavorable change in the terms and conditions of employment. Retaliation can be any action that produces an injury or harm that a reasonable person would find materially adverse and/or which might dissuade a reasonable person from making or supporting a complaint of harassment. In addition to actions that are materially disadvantageous, retaliation also includes threats, intimidation, coercion, or other interference with employment directed toward a person because the person complained of harassment or assisted or encouraged another who complained of harassment.

#### **Process for Complaints of Sexual Harassment**

If you feel you have been subjected to sexual harassment, you should report the matter, either orally or in writing, to your department head or Pastor. Upon receipt of a complaint, it is the responsibility of the department head or Pastor to promptly notify Human Resources so that an appropriate investigation may be conducted.

If, for any reason, you feel that you cannot report the matter to your department head or Pastor, you should report the incident to Jim DiFrancesco, Director of Human Resources, 66 Brooks Drive, Braintree, MA 02184, 617-746-5829 or, Katelyn Perry, Human Resources Consultant, 66 Brooks Drive, Braintree, MA 02184, 617-746-5736. These individuals are available to discuss any concerns you may have and to provide information to you about our Policy on Sexual Harassment and our complaint process.

#### **Sexual Harassment Investigation**

When we receive a complaint, we will promptly investigate the allegation in a fair and expeditious manner. The investigation will be conducted in such a way as to maintain

confidentiality to the extent practicable under the circumstances. Our investigation will include a private interview with the person filing the complaint and with witnesses. We will also interview the person alleged to have committed harassment. When we have completed our investigation, we will, to the extent appropriate, inform the person filing the complaint and the person alleged to have committed the conduct of the results of that investigation.

If it is determined that inappropriate conduct has occurred, we will act promptly to eliminate the offending conduct, and where it is appropriate, we will impose disciplinary action.

### **Disciplinary Action**

If it is determined that inappropriate conduct has been committed by a staff member, we will take such action as is appropriate under the circumstances. Such action may range from counseling to termination of employment and/or assignment, and may include such other forms of disciplinary action as deemed to be appropriate under the circumstances.

### **State and Federal Remedies**

In addition to reporting violations of the Archdiocesan Sexual Harassment Policy to the persons named above, if you believe you have been subjected to sexual harassment, you may also file a formal complaint with either or both of the government agencies listed below:

The United States Equal Employment  
Opportunity Commission ("EEOC")  
475 Government Center  
Boston, MA 02203 phone: (800) 669-4000

The Massachusetts Commission Against  
Discrimination ("MCAD")  
One Ashburton Place – Room 601  
Boston, MA 02108  
phone: (617) 994-6000

Using the complaint process within the Archdiocese does not prohibit you from filing a complaint with these government agencies. Both agencies have a short time limitation (from the time of alleged harassment) in which you must file a formal complaint/claim: EEOC - 300 days; MCAD – 300 days.

*[required text]*

### **Unacceptable Conduct**

In addition to violations of the Code of Ministerial Conduct and the Code of Conduct and Conflict of Interest Policies, the following are further examples of conduct that is considered unacceptable and which may lead to immediate termination.

- ❑ Fighting
- ❑ Possession of weapons on Parish property
- ❑ Theft
- ❑ Violence or threats of violence
- ❑ Destruction of property
- ❑ Unlawful discrimination or harassment
- ❑ Possession of illegal drugs
- ❑ Working under the influence of alcohol or illegal drugs; use, possession or distribution of alcohol or illegal drugs while at work
- ❑ Dishonesty
- ❑ Falsification of records
- ❑ Insubordination
- ❑ Excessive or inappropriate use of personal cell phones, PDAs or other electronic devices
- ❑ Violation of the Electronic Use Policy
- ❑ Commission of a felony or other serious crime
- ❑ Personal conduct outside work time that is contrary to the moral teachings of the Catholic Church, as determined at the sole discretion of the Archbishop of Boston or his delegate (e.g., participation in public demonstration or personal action which openly conflicts with Church teaching, public criticism of the Archbishop, the Church or its teachings, etc.).
- ❑ Serious policy violations

In addition to this list, which is not exhaustive, any other form of disruptive, inappropriate and/or illegal behavior as determined by the Pastor and/or the Archdiocese will not be tolerated and may result in immediate termination.

*[suggested text]*

### **CORRECTIVE COUNSELING PROCESS**

The Parish encourages the use of the corrective counseling in the event that a staff member's performance or behavior falls outside the realm of Parish and/or Archdiocesan standards. However, there may be occasions when, in the carefully considered opinion of the Pastor, it serves the best interests of the Parish to temporarily relieve a staff member of his/her job duties. Such occasions include, but are not limited to, investigation of serious charges of job-related wrongdoing (e.g., financial impropriety, unlawful harassment, insubordination, serious policy violations, etc.) or personal conduct off the job which is contrary to the moral teachings of the Catholic Church, as determined at the sole discretion of the Archbishop of Boston or his delegate (e.g., participation in public demonstration or personal action which openly conflicts with Church teaching, charges of felonious or other criminal behavior, etc.).

*[suggested text]*

### **Media Statements/Inquiries**

All inquiries from the media must be referred to the Pastor, or at the Pastor's direction, to the Archdiocese Director of Communications and Public Affairs.

Staff members should be aware that public statements or comments, including comments made to the press or through Internet sites or other non-traditional media, which are critical of or disagree with the teachings of the Church or the policies of the Archdiocese, do not meet the standards of behavior required of Parish staff members.

*[suggested text]*

### **Attendance and Absenteeism**

Regular attendance and punctuality are important, not only to the operation of the organization but also as a courtesy to fellow staff members. Frequent or patterned absenteeism or lateness places an undue burden on fellow staff members.

If a staff member is unable to report to work or expects to be late, he/she must call and speak directly with the Pastor *[or with another person designated by the Pastor]*, advising him of the reason for the absence and the expected return date or arrival time. Verification of the reason for absence may be required at the discretion of the Pastor.

Absence without notification for three (3) consecutive workdays is considered a voluntary resignation.

*[suggested text]*

### **Confidentiality**

All Parish records and information relating to the Parish are considered confidential. Therefore, no Parish-related information, including without limitation, documents, notes, files, records, oral information, computer files or similar materials may be removed from Parish premises without permission from the Pastor (except in the ordinary course of performing duties on behalf of the Parish). Additionally, the contents of the Parish's records or information may not be disclosed to or shared with anyone, except where required for an authorized purpose.

The personal information (PI) of Massachusetts residents is also protected under state legislation enacted in 2007. Included are specific protocols in the event of a breach of the security regulations of PI.

Parish staff members who are unsure about the confidential nature of specific information, or who believe that the security of the PI of Massachusetts citizens may have been comprised, should speak to the Pastor for clarification.

*[suggested text]*

### **Gifts**

Staff members may not solicit or accept for personal benefit directly or indirectly any gift, loan, or any item of substantial monetary value from any person or company that is seeking to conduct or currently conducting business with the Parish or the Archdiocese. Meals and accommodations of a nominal value provided to staff members as part of their normal work duties on behalf of the Parish may be accepted. To avoid the appearance of impropriety, however, a staff member should notify the Pastor of the receipt of any such gifts. For more information, please refer to the Code of Conduct/Conflict of Interest Policy in the Appendix.

*[suggested text]*

### **Personal Appearance**

As representatives of the Parish, staff members are expected to present a professional image in terms of attire and grooming. Overly casual attire and extreme styles are not acceptable. Examples of unacceptable attire include jeans, sweats, T-shirts with printed logos, shorts, tank tops, athletic clothing, torn or patched clothing, etc. Exceptions to this policy include attire required for specific Parish functions, such as Youth Ministry events, etc.

*[suggested text]*

### **Solicitation/Distribution of Literature**

Staff members may not solicit, canvas, post or distribute literature of any kind during working time or in working areas without the express permission of the Pastor. Working time includes both working time of the staff member soliciting/distributing and working time of the staff member to whom such activity is directed. This policy applies to oral, written and electronic communication.

Endorsing or campaigning for political candidates is also prohibited at all times.

Solicitation, canvassing, posting or distribution of literature by persons not employed by the Parish or the Archdiocese is prohibited at all times.

*[optional text]*

## **RESIGNATION**

Staff members who resign from employment are requested to submit a written letter of resignation, with at least 2 weeks' notice. In the event of retirement, at least 3 months' advance written notice is requested in order to ensure a smooth transition and that all necessary paperwork is processed in a timely manner.

*[required text]*

### **Workplace Violence**

The Parish provides a safe workplace for all staff members. To that end, any type of workplace violence committed by or against staff members will not be tolerated. Staff members are prohibited from making threats or engaging in violent acts toward fellow staff members, parishioners or volunteers.

Any potentially dangerous situation must be reported immediately to the Pastor. Reports can be made anonymously, and all reported incidents will be investigated. Any staff member determined to have violated this policy will be subject to disciplinary action, up to and including termination.

[suggested text]

## HEALTH AND WELFARE BENEFITS

The Parish provides a broad range of benefits plans as part of the benefits available to all Archdiocese employees. Many of these plans are currently paid for in full by the Parish; others require employee contributions, specified below. Some of the plans highlighted in this Handbook include:

- Medical and Prescription Drug Coverage
- Dental Coverage
- Life Insurance
- Long-Term Disability
- 401k Plan
- Transition Assistance Program

The information in this handbook is designed to give a general overview of the many valuable benefits currently provided. Information regarding all Archdiocese benefits offered to lay employees, including Plan documents, is available at [www.bostoncatholicbenefits.org](http://www.bostoncatholicbenefits.org). Should there be a discrepancy between this handbook and the Plan documents, the Plan documents will prevail. Questions should be directed to the Benefits Office at (617) 746-5641 or [benefits@rcab.org](mailto:benefits@rcab.org).

*\* All benefits plans, employee services, and programs are subject to periodic review and/or updating. For this reason, the Archdiocese of Boston retains the right, in its sole discretion, to change, amend, or discontinue employment benefits, programs and services at any time. The Boards of Trustees (or Plan Administrator where so designated) reserve the sole right to interpret and construe plan provisions, including eligibility requirements.*

## HEALTH CARE PLANS

Regular status employees who are scheduled to work at least 1,000 hours per year are eligible for a comprehensive Health Care Package, which includes Medical, Prescription Drug and Dental Coverage. Eligible employees may enroll in the Health Care Plans on the first of the month following hire and once a year during the September Open Enrollment Period. Enrollments should be completed by employees using the self-service portal, accessible at [www.bostoncatholicbenefits.org](http://www.bostoncatholicbenefits.org). Enrollment may also be allowed following certain qualifying events, such as loss of spousal coverage, birth of a child, or marriage. Please contact the Archdiocese Benefits Office at (617) 746-5641 or [benefits@rcab.org](mailto:benefits@rcab.org) for information regarding any of the health care plans.

***[Employees are required to pay for \_\_\_% of family coverage and \_% of individual coverage under the medical plan. They are required to pay for \_\_\_% of family coverage and \_\_\_% of individual coverage under the dental plan.]*** In order to allow employees to take advantage of tax savings under the Internal Revenue Code, the Archdiocese of Boston offers a Section 125 Pre-Tax Premium Payment Plan for medical and/or dental insurance programs. Election of a pre-tax deduction is available through the self-service portal.

## **HEALTH AND WELFARE BENEFITS (Continued)**

As the health and dental plans offered by the Archdiocese are not covered by ERISA, the provisions of COBRA do not apply to these plans. However, the Archdiocese has allowed departing staff members under age 65 to voluntarily elect to continue coverage under health plan for up to 12 months at the employee's expense. Departing employees of any age may elect to continue coverage under the dental plan for up to 12 months at the employee's expense.

### **PRIVACY OF MEDICAL INFORMATION**

The Parish and the Archdiocese of Boston comply with the Health Insurance Portability and Accountability Act (HIPAA) and have adopted a policy that protects the privacy and confidentiality of protected health information (PHI) whenever it is used by Parish and/or Archdiocese representatives. The private and confidential use of such information will be the responsibility of all individuals with job duties requiring access to PHI in the course of their jobs. Please contact the Archdiocese Benefits Department for more information regarding HIPAA.

### **LONG TERM DISABILITY PLAN**

Regular status employees who work at least 1,000 hours per year are enrolled in the Long-Term Disability plan following completion of one (1) year of service and 1,000 hours of work. The Long Term Disability (LTD) Plan provides a monthly income benefit of 60% of base weekly wages to a maximum of \$5,000 per month in the event of a disability exceeding 6 months. Benefits are not automatic and are subject to approval by the insurance carrier. The Parish presently pays the entire cost of the LTD Plan. For more information, please review the Highlights document at [www.bostoncatholicbenefits.org/LTD](http://www.bostoncatholicbenefits.org/LTD).

### **LIFE INSURANCE PLAN**

Regular status employees who work at least 1,000 hours per year are enrolled in the Life Insurance plan following completion of one (1) year of service and 1,000 hours of work. The Plan provides a basic benefit of two (2) times the annual salary of record, to a maximum of \$300,000. The basic benefit for employees age 65-70 is reduced to 1.6 times the annual salary of record; the benefit for employees age 70+ is reduced to 1.2 times the salary of record. Special provisions are made for accidental death and dismemberment.

The Parish presently pays the entire cost of the basic Life Insurance Plan. Employees are taxed on the value of the benefit in excess of \$50,000 per IRS regulations. For more information, please review the Highlights document at [www.bostoncatholicbenefits.org/Life](http://www.bostoncatholicbenefits.org/Life).

## **401(k) RETIREMENT SAVINGS PLAN**

All employees are eligible to participate in 401(k) Retirement Savings Plan. Contributions may be made on a pre-tax or Roth after tax basis through voluntary payroll deductions. All employees are eligible to enroll in the 401(k) program or change contribution amounts at the beginning of any pay period. Employees working at least 1,000 hours per year and with at least one (1) year of service are eligible for an employer contribution. Additional information is available at [www.catholicbenefits.org/401k](http://www.catholicbenefits.org/401k) or at [www.tiaa-cref.org/rcab](http://www.tiaa-cref.org/rcab).

*[required text – see also the required Poster available from the Office of Risk Management]*

### **WORKERS' COMPENSATION INSURANCE**

All Parish employees are covered by the Archdiocesan workers' compensation insurance, which compensates a employee for lost time, medical expenses, and loss of life or dismemberment from an injury arising out of or in the course of work. Any employee involved in an accident or injury must immediately report the incident to the Pastor so that the necessary paperwork may be completed.

*[required text]*

### **TRANSITION ASSISTANCE PROGRAM (TAP)**

As a religious institution, the Archdiocese is excluded from participation in the unemployment insurance programs provided by the Commonwealth of Massachusetts. Therefore, state unemployment benefits are not available to Archdiocese employees. As a matter of social justice, the Archdiocese instituted the Transition Assistance Program (TAP) program in its place to provide financial assistance and benefits continuation in the event of most involuntary job losses.

Employees with at least twelve (12) months of continuous service working for a Participating Employer a minimum of 20 hours per week (1,000 hours/year) are eligible for TAP benefits in the event of an involuntary job loss.

More information on TAP can be obtained from the Transition Assistance Program Summary Description, posted at [www.bostoncatholicbenefits.org/TAP](http://www.bostoncatholicbenefits.org/TAP), or by contacting the Archdiocese of Boston Human Resources Department at 617-746-5825.

*[suggested text]*

## **TIME AWAY FROM WORK**

Realizing that all staff members should strive toward a healthy balance between personal and professional lives, the Parish has developed a number of policies to facilitate this balance.

***[Paid time off benefits are available for all regular lay staff members, with benefits pro-rated for part-time staff (minimum 20 hours per week) based upon their regularly scheduled hours.]***

Service at another Parish or Office of the Archdiocese will be added to service at the \_\_\_\_\_ Parish for purposes of determining service levels for paid time off programs.

Staff members are required to receive approval from the Pastor before taking any scheduled time off.

*[Note: the following Sick Time plans are presented as possible options.]*

*[suggested text]*

### **Sick Time – Option A**

The Parish recognizes that employees will need time off from work on occasion when they are unable to work due to illness or injury. For this purpose, full-time staff members will accrue sick leave at a rate of ½ day per month. ***[Part-time staff members (those scheduled at least 20 hours/week) will accrue sick leave in a pro-rated amount based on the average hours worked per day. As an example, a staff member who works 30 hours/week, 6 hours/day, will earn 3 hours of sick time per month.]***

Employees may not use sick leave during their first 90 days of employment. Paid sick leave will not be paid out upon termination nor will it carry over from year to year.

When a staff member is on leave protected by the Family Medical Leave Act (FMLA), he/she will continue accruing sick time as long as the staff member is using paid leave benefits. If a staff member on FMLA leave uses all paid leave in accordance with the FMLA policy and remains unable to return to work, then the remainder of the FMLA leave will be unpaid. Sick time used during a qualifying leave of absence runs concurrently with time off under the Family and Medical Leave Act. Please see the FMLA Policy included in the Appendix for more information.

*[suggested text]*

**Sick Time – Option B**

The Parish recognizes that staff members will need time off from work on occasion when they are unable to work due to illness or injury. For this purpose, full-time staff members will earn sick time as follows, based on length of service as of January 1 of each year:

<b>Length of Service</b>	<b>Earning Level</b>
Less than one year	4 days
One to two years	5 days
Two to three years	6 days
Three to four years	7 days
Four to five years	8 days
More than five years	10 days

Staff members may not use sick leave during their first 90 days of employment. Paid sick leave will not be paid out upon termination nor will it carry over from year to year.

When a staff member is on leave protected by the Family Medical Leave Act (FMLA), he/she will continue accruing sick time as long as the staff member is using paid leave benefits. If a staff member on FMLA leave uses all paid leave in accordance with the FMLA policy and remains unable to return to work, then the remainder of the FMLA leave will be unpaid. Sick time used during a qualifying leave of absence runs concurrently with time off under the Family and Medical Leave Act. Please see the FMLA Policy included in the Appendix for more information.

*[Note: While Massachusetts law does not mandate that an employer give employees vacation pay, it is strongly recommended that you do so for social justice reasons. If vacation pay is given, Massachusetts law includes paid vacation time in its definition of “wages.” Therefore, Parishes are strongly encouraged to include a written policy defining vacation time. While there are no “standard” vacation levels that are specifically recommended by the Archdiocese, all of the following samples are equitable and market competitive policies which could be adopted as is.*

*[suggested text]*

### **Vacation Policy - Option A**

The Parish provides paid vacation for staff members to take time for rest and recuperation. The Parish encourages staff members to use available vacation time. If available vacation time is not used by the end of a calendar year, it does not carry over into the following year. Staff members must obtain approval from the Pastor before taking vacation time.

All full-time staff members are eligible for vacation leave benefits. ***[Part-time staff members (those scheduled at least 20 hours/week) will earn vacation on a pro-rated basis based on the average hours worked per week. As an example, a new staff member who works 30 hours/week, will earn 60 hours of vacation time per year.]*** Staff members who are not eligible for this benefit may take unpaid time off with prior approval from the Pastor.

Vacation is awarded as of January 1 each year according to the schedule below:

Years of Service	Hours per Year (Full-Time)
0-2	80 Hours
3-9	120 Hours
10+	160 Hours

If a holiday falls during the staff member’s vacation, the day will be charged to holiday pay, as applicable, rather than vacation pay.

Accrued unused vacation will be paid to a departing staff member upon separation.

[suggested text]

### **Vacation Policy - Option B (carryover allowed)**

The Parish provides paid vacation for staff members to take time for rest and recuperation.

All full-time staff members are eligible for vacation leave benefits. *[Part-time staff members (those scheduled at least 20 hours/week) will earn vacation on a pro-rated basis based on the average hours worked per week. As an example, a new staff member who works 30 hours/week, will earn 60 hours of vacation time per year.]* Staff members who are not eligible for this benefit may take unpaid time off with prior approval from the Pastor.

The Parish encourages staff members to use available vacation time. Vacation time does not expire but is subject to the following limitations. A staff member may maintain a maximum of 1.5 times his/her annual vacation accrual at any given time in his/her 'Available Bank' (see chart below). As a result, a staff member with an existing vacation balance as of January 1 will be awarded the difference between the existing balance and the maximum allowed balance. For example, if a staff member with 1 year of service has 64 hours of vacation as of January 1, he/she will be awarded 56 hours to bring them to the maximum allowed accrual of 120 hours.

Vacation is awarded as of January 1 each year according to the schedule below:

Years of Service	Hours per Year (Full-Time)	Maximum Accrual Hours (Full-Time)
0-2	80	120
3-9	120	180
10+	160	240

If a holiday falls during the staff member's vacation, the day will be charged to holiday pay, as applicable, rather than vacation pay.

Accrued unused vacation will be paid to a departing staff member upon separation.

Staff members must obtain approval from the Pastor before taking vacation time.

[suggested text]

### Vacation Policy - Option C (carryover allowed)

The Parish provides paid vacation for staff members to take time for rest and recuperation.

The Parish encourages staff members to use available vacation time. Vacation time does not expire but is subject to the following limitations. A staff member may maintain a maximum of 1.5 times his/her annual vacation accrual at any given time in his/her 'Available Bank' (see chart below). For example, a full-time staff member with two years of service has an earning level of 80 hours of vacation time per year. The maximum vacation time this staff member could accrue is 120 hours (80 hours x 1.5). Once the 120 hour maximum accrual balance is reached, further accruals will cease until the accrued hours once again fall below the maximum allowed.

All full-time staff members are eligible for vacation leave benefits. *[Part-time staff members (those scheduled at least 20 hours/week) will earn vacation on a pro-rated basis based on the average hours worked per week. As an example, a new staff member who works 30 hours/week, would accrue 2.31 hours per biweekly pay period for a total 60 hours per year. (30/40=.75 x 3.08 = 2.31).* Staff members who are not eligible for this benefit may take unpaid time off with prior approval from the Pastor.

All full-time staff members are eligible for vacation leave benefits as follows:

Years of Service	Bi-Weekly Accrual	Hours per Year	Maximum Accrual Hours
0-5	3.08 hours	80	120
6-10	4.62 hours	120	180
11+	6.15 hours	160	240

If a holiday falls during the staff member's vacation, the day will be charged to holiday pay, as applicable, rather than vacation pay.

Accrued unused vacation will be paid to a departing staff member upon separation.

Staff members must obtain approval from the Pastor before taking vacation time.

*[suggested text]*

## **Holiday Policy**

All full-time staff members are eligible for holiday pay based on the schedule below. ***[Part-time, regular staff members (those scheduled at least 20 hours/week) are eligible for holiday pay only when their regular schedule includes a day that falls on a recognized holiday. Holiday pay will be based on the staff member's scheduled hours for that day.]*** Staff members who are not eligible for this benefit may take one of the days listed below without pay.

*[note: the days below have been designated as paid holidays for 201X for the Pastoral Center staff. This list should be modified to fit the needs of each Parish, which may require additions or deletions.]*

New Year's Day  
Martin Luther King, Jr. Day  
President's Day  
Good Friday  
Patriots Day  
Memorial Day  
Independence Day  
Labor Day  
Columbus Day  
Veteran's Day  
Thanksgiving Day  
Day after Thanksgiving  
Christmas Day

Should a holiday fall on a weekend, the holiday will be observed on the work day closest to the holiday. The following conditions apply to the Parish's holiday pay policy:

- Holiday pay will not be considered as time worked for the purpose of overtime calculations.
- Holiday pay is computed at an individual staff member's base rate of pay.
- If a staff member is scheduled to work on a holiday, he or she will be paid the staff member's regular rate of pay plus up to eight (8) hours of holiday pay, depending on hours worked.
- Holidays will not be paid to staff members on any type of unpaid leave.
- Holidays falling within an approved scheduled vacation will be recorded as holiday pay.

*[required text]*

## **FAMILY AND MEDICAL LEAVE/MATERNITY LEAVE**

Regular staff members are eligible for unpaid FMLA leave as outlined in the attached Appendix. In addition, under the Massachusetts Maternity Leave Law, certain staff members who do not meet service and/or hours requirements for FMLA are eligible for up to 8 weeks' of unpaid leave in the event of the birth of a child or adoption of a child under 18. Please see the FMLA and MMLA Policy Statements in the Appendix to this Handbook for further details.

For staff members eligible for FMLA, leave under the Massachusetts Maternity Leave Law and FMLA run concurrently.

*[required text]*

### **SMALL NECESSITIES LEAVE**

In addition to leave available under the FMLA and MMLA, eligible staff members may be entitled to time off under the Small Necessities Leave Act. Staff members who have completed 12 months of service and have worked 1,250 hours during the previous 12-month period are eligible for unpaid leave under the SNLA.

Up to 24 hours of unpaid leave in any 12-month period may be taken to:

- 1) Attend parent-teacher conferences or to participate in other school activities directly related to the educational advancement of the child of the staff member;
- 2) Accompany the staff member's minor child to routine medical or dental appointments; or
- 3) Accompany an elderly relative of the staff member to routine medical or dental services or appointments for other professional services related to the elderly relative's care.

Where the need for leave is foreseeable, staff members must give the Pastor seven (7) days prior notice of the need for SNLA leave when reasonably able to do so. If the need for leave is not foreseeable, the staff member should provide as much notice as practicable. Documentation may be required.

*[optional text]*

### **JURY DUTY LEAVE**

A staff member called for jury duty will be paid full base wages, excluding overtime, for the first 3 days of service. For jury duty beyond 3 days, the difference between jury duty compensation and regular base weekly earnings will be paid, provided the staff member reports for work when reasonably able to do so and presents the jury service voucher or check to the Pastor.

*[optional text]*

### **BEREAVEMENT LEAVE**

Recognizing that a death in a staff member's immediate family creates many hardships, staff members are allowed ***five (5)*** days off with pay in the event of the death of a ***[parent, spouse or child]*** and ***three (3)*** days off with pay for a ***[sibling, grandparent, grandchild, parent-in-law or sibling-in-law]***. Time away, with or without pay, to attend the funeral service for another relative or close associate may be granted at the discretion of the Pastor.

*[required text]*

## **MILITARY LEAVE**

Military leave is available for eligible staff members consistent with state and federal laws. For more details please contact the Archdiocesan Human Resources Department at 617-746-5825.

*[optional text]*

## **PERSONAL LEAVE**

Staff members with at least *[one year of service]* may request unpaid leave of up to *[three (3) months]* for compelling personal reasons. Such requests should be in writing and should include the reason for leave and expected dates of departure/return. Personal leave is granted only with the approval of the Pastor, taking into consideration the operational needs of the Parish. Such requests will be granted or denied at the sole discretion of the Pastor.

*[required]*

# **APPENDICES**

## **APPENDIX**

### **FAMILY AND MEDICAL LEAVE POLICY (FMLA)**

#### **PURPOSE**

The purpose of this policy is to provide leave consistent with the provisions of the Family and Medical Leave Act of 1993 (FMLA), and to help balance the demands of the workplace with the needs of families. As outlined in this policy, the FMLA provides Eligible Employees with unpaid leave time for certain family and medical reasons, and for Military Leave reasons. Note that for legal reasons, the term “employee” is used throughout this Policy to refer to all lay staff members.

For your reference, we have also included with this Handbook a copy of the U.S. Department of Labor, Wage and Hour Division, Notice to Employees of Rights and Responsibilities under the FMLA (“FMLA Notice”).

#### **ELIGIBLE EMPLOYEES**

Employees who have completed 12 months of service and have worked at least 1,250 hours during the 12 months immediately prior to the leave are eligible for FMLA.

#### **QUALIFYING REASONS/LEAVE ENTITLEMENT**

##### **Basic Leave Entitlement**

The FMLA provides Eligible employees with up to 12 workweeks of unpaid job-protected leave, in a 12-month period, for one or more of the following reasons:

- The birth of a son or daughter or placement of a son or daughter with the employee for adoption or foster care;
- To care for a spouse, son, daughter, or parent, who has a serious health condition;
- For a serious health condition that makes the employee unable to perform the essential functions of his/her job;
- For any qualifying exigency arising out of the fact that a spouse, son, daughter or parent is a military member on covered active duty or call to covered active duty status.

##### **Military Caregiver Leave Entitlements**

- Military caregiver leave allows an eligible employee who is the spouse, son, daughter, parent or next of kin of a covered service member or covered veteran with a

serious injury or illness to take up to a total of 26 workweeks of unpaid leave during a “single 12-month period” to provide care for the service member or veteran.

### **12-Month Leave Year**

As discussed, FMLA entitles Eligible Employees with up to 12 weeks (or 26 weeks as discussed above under Military Leave) of unpaid leave in a 12-month period. The 12-month period used by the Archdiocese for determining leave entitlement is a “rolling” 12 month period, measured forward from the date an Eligible employee’s first FMLA leave begins.

### **Employees Who Are Married to One Another**

Employees who are married to one another are limited to a combined total of 12 weeks of leave for the birth or placement of a child for adoption or foster care or to care for the employee’s parent with a serious health condition. Employees who are married to one another are limited to a combined total of 26 weeks of leave during the single 12-month period to care for a seriously ill or injured covered service member or veteran.

### **USE OF LEAVE**

Leave does not have to be taken in one block. When medically necessary, leave may be taken on an intermittent or reduced schedule basis. Leave due to a Qualifying Exigency may also be taken on an intermittent basis.

Employees must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt operations. Where the need for FMLA leave is foreseeable, and it is also based upon planned medical treatment, the Archdiocese may transfer the employee temporarily to an alternative position (with equivalent pay and benefits) if the alternative position would better accommodate the recurring periods of medical leave.

Unless otherwise approved, FMLA for the birth, adoption, or foster placement of a child, and to care for the child, may not be taken on an intermittent or reduced schedule basis. This does not apply, however, where the leave is needed on an intermittent or reduced schedule basis for medical reasons.

### **USE OF ACCRUED PAID LEAVE WHILE ON FMLA LEAVE**

The Archdiocese requires that employees use any available and applicable paid time off (e.g., sick time, vacation time, short-term disability) concurrently with their FMLA leave. This requirement *will not* apply, however, to any leave period that is also covered by the Massachusetts Maternity Leave Act (“MMLA”). In the case of a leave also protected by the MMLA, an employee has the option of using accrued available paid time off during the leave period, but is not required to use his/her paid time off during MMLA leave.

## **FMLA AND OTHER LEAVES RUN CONCURRENTLY**

Leave time under the FMLA will run concurrently with any other leave that the employee is eligible to receive. For instance, where applicable, FMLA and MMLA leave will run concurrently. Also, where applicable, FMLA leave will run concurrently with any available paid time off.

## **EMPLOYEE RESPONSIBILITIES**

When the need for leave is foreseeable, employees must provide 30 days advance notice of the need for leave. When 30 days advance notice is not possible, the employee must provide as much notice as is practicable under the circumstances.

Employees are required to provide enough information such that the Archdiocese may determine if the leave may qualify for FMLA protections and the expected timing and duration of the leave. This information may include, for instance, that the employee is not able to perform the functions of his/her job, that a family member is unable to perform daily activities, the need for continuation treatment by a health care provider or hospitalization, or the need for military leave.

Employees will, where applicable, be required to provide a medical certification supporting the need for leave. Employees must inform the Archdiocese if the leave that is being requested is for a reason for which FMLA was already taken and certified. Periodic recertification of the need for leave may be required, as permitted by the FMLA. Medical certifications will be handled in accordance with applicable FMLA regulations.

The Archdiocese currently uses the Medical Certification forms produced by the U.S. Department of Labor, and requires that it be completed in accordance with FMLA regulations. To the extent permitted, the Archdiocese may verify the authenticity of Medical Certification or seek clarification of the medical certification.

FMLA leave requests should be directed to the Pastor and/or to the business manager.

## **DEFINITIONS**

For further information regarding the meaning of various terms under the FMLA, employees should see the actual FMLA law and regulations, or feel free to contact Human Resources with questions.

Below we have provided a general overview of the definitions of a few of the terms used in this FMLA policy:

### ***Serious Health Condition (further defined in FMLA regulations):***

A “*serious health condition*,” (which is more fully defined by applicable FMLA Regulations) for purposes of entitling an employee to FMLA leave means an illness, injury, impairment or physical or mental condition that involves either (a) an overnight

stay in a hospital, hospice or residential medical facility, (including any period of incapacity or any subsequent treatment in connection with such inpatient care); or (b) continuing treatment by a health care provider for a condition that either prevents the employee from performing the essential functions of the employee's job, or prevents the qualified family member from participating in school or other daily activities.

Subject to certain conditions, "***Continuing Treatment***" is met if:

- a. There is a period of incapacity of more than three consecutive full calendar days, and any subsequent treatment or period of incapacity relating to the same condition, *combined with*
  - i. At least two visits to a health care provider within 30 days of the first day of incapacity, unless extenuating circumstances exist (one must be an in-person visit within seven days of the day of incapacity), or
  - ii. Treatments by a health care provider on at least one occasion, which results in a regimen of continuing treatment under the supervision of the health care provider and at least one treatment (must include an in-person visit to a health care provider within seven days of the day of incapacity, or
- b. Any period of incapacity due to pregnancy, or for prenatal care.
- c. A period of incapacity or treatment for a chronic condition which requires periodic visits for treatment by a health care provider, over an extended period of time, and which may cause episodic rather than continuing incapacity.
- d. A period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective. Examples include Alzheimer's, a severe stroke or the terminal stages of a disease.
- e. Absences to receive multiple treatments for restorative surgery after an accident or injury, or for a condition that (in the absence of such treatment) would likely result in a period of incapacity of more than three consecutive calendar days.
- f. Absences attributable to incapacity under paragraph (b) or (c) of this section qualify for FMLA leave even though the employee or the covered family member does not receive treatment from a health care provider during the absence, and even if the absence does not last more than three consecutive, full calendar days. For example, an employee with asthma may be unable to report for work due to the onset of an asthma attack or because the employee's health care provider has advised the employee to stay home when the pollen count exceeds a certain level.

***Military Leave Definitions (further defined in the FMLA regulations)***

In the context of a military leave under this policy, the FMLA Notice provides that a “***Qualifying Exigency***” may include attending certain military events and related activities, arranging for childcare and related activities, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment activities, short notice deployments, certain rest and recuperation activities and any other event that the employee and employer agree upon

“***Active Duty***” for members of the regular Armed Forces is duty during deployment to a foreign country. For reserve components of the Armed Forces it is duty during deployment to a foreign country under a call or order to active duty in a contingency operation.

“***Covered Service Member***” is defined as a current member of the Armed Forces, including a member of the National Guard or Reserves, who has a serious injury or illness incurred in the line of duty on active duty that may render the service member medically unfit to perform his/her duties for which the service member is undergoing medical treatment, recuperation, or therapy; or is on an outpatient status, or is on the temporary disability retired list.

“***Covered Veteran***” is defined as an individual who was a member of the Armed Forces and was discharged or released under conditions other than dishonorable at any time during the five year period prior to the first date the eligible employee takes FMLA leave to care for the covered veteran.

“***Next of kin of a Covered Service Member***” means the nearest blood relative other than the Covered Service Member’s spouse, parent, son or daughter, in the order of priority outlined in the FMLA regulations.

(1) A “serious injury or illness” means an injury or illness incurred by a Covered Service Member or Veteran in the line of duty on active duty or that existed before active duty and was aggravated by service in the line of duty on active duty that may render the service member medically unfit to perform the duties of his/her office, grade, rank or rating.

(2) “Outpatient status,” with respect to a Covered Service Member, means the status of a member of the Armed Forces assigned to either a military medical treatment facility as an outpatient; or a unit established for the purpose of providing command and control of members of the Armed Forces receiving medical care as outpatients

**GROUP BENEFITS CONTINUATION**

Health insurance (medical and dental) in effect at the time of FMLA leave will be continued at normal payroll contribution rates for the duration of the approved FMLA leave. If the leave is

taken without pay, arrangements for securing the employee's contributions will be made before the employee begins a leave.

Life Insurance and Long Term Disability will be continued for the duration of the approved leave.

## **JOB PROTECTIONS WHILE ON LEAVE**

Upon return from FMLA leave, an employee will be reinstated in the same position or to an equivalent position with equivalent pay and benefits and terms and conditions of employment.

Under the FMLA, and as described further in the FMLA regulations, in certain limited circumstances the parish/school may deny restoration after leave to certain highly compensated employees. In addition, employees on a leave extension (beyond FMLA leave time) are not guaranteed reinstatement by the FMLA. These employee leaves will be handled in accordance with other applicable policies, and in accordance with any other applicable laws (if any) including, but not limited to, the ADA and/or the Massachusetts Handicap Discrimination laws.

Also, please note that an employee has no greater rights to reinstatement or to other benefits and conditions of employment than if he or she has been continuously employed during the FMLA leave period. An employee is denied reinstatement only if the employee would not otherwise have been employed at the end of the FMLA leave, when reinstatement is requested. For example, should there be a layoff while an employee is on FMLA leave, the employee will be treated the same way that he/she would have been treated if he/she were not on leave. Preferential treatment because of the leave will not be given nor will the leave be held against an employee when making a layoff selection.

Upon returning from FMLA leave, where applicable, employees will be required to provide a fitness-for-duty certificate.

## **NOTICE OF EMPLOYEE RIGHTS AND RESPONSIBILITIES**

Upon receiving a request for FMLA leave, or facts suggesting FMLA may apply, the parish/school will notify an employee of his/her eligibility under the FMLA. The notice will specify any additional information provided and will provide relevant information regarding rights and responsibilities under the FMLA. If the parish/school receives a request for FMLA leave, and an employee is not eligible, the employee will be notified of the reasons for the ineligibility.

## **UNLAWFUL ACTS UNDER THE FMLA**

The FMLA makes it unlawful for an employer to interfere, restrain, or deny an Eligible employee rights afforded by the FMLA. The FMLA also makes it unlawful for an employer to

retaliate against a person for opposing a practice made unlawful by the FMLA, or for the person involved in an FMLA-related proceeding.

If an employee feels that he or she has been denied rights protected by the FMLA, we urge the employee to contact Human Resources immediately at (617) 746-5825. The FMLA also permits employees to file a complaint with the U.S. Department of Labor or bring a private lawsuit against an employer.

## **ADDITIONAL INFORMATION**

This policy is intended to provide employees with some basic information about their rights and responsibilities under the FMLA. Employees are encouraged to seek additional information about the FMLA. For additional and more detailed information about the FMLA, employees may wish to look at the U.S. Department of Labor (DOL) Wage and Hour Division, website or contact the DOL information line. Employees may wish to review the applicable FMLA regulations or law. Employees should also feel free at any time to contact the Archdiocese Human Resource Department at (617) 746-5825.

### **EMPLOYEE RIGHTS AND RESPONSIBILITIES UNDER THE FAMILY AND MEDICAL LEAVE ACT**

#### **Basic Leave Entitlement**

FMLA requires covered employers to provide up to 12 weeks of unpaid, job-protected leave to eligible employees for the following reasons:

- for incapacity due to pregnancy, prenatal medical care or child birth;
- to care for the employee's child after birth, or placement for adoption or foster care;
- to care for the employee's spouse, son, daughter or parent, who has a serious health condition; or
- for a serious health condition that makes the employee unable to perform the employee's job.

#### **Military Family Leave Entitlements**

Eligible employees whose spouse, son, daughter or parent is on covered active duty or call to covered active duty status may use their 12-week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.

FMLA also includes a special leave entitlement that permits eligible employees to take up to 26 weeks of leave to care for a covered service- member during a single 12-month period. A covered service member is: (1) a current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness\*; or (2) a veteran who was discharged or released under conditions other than dishonorable at any time during the five-year period prior to the first date the eligible employee takes FMLA leave to care for the covered veteran, and who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness.\*

**\*The FMLA definitions of "serious injury or illness" for current service members and veterans are distinct from the FMLA definition of "serious health condition".**

#### **Benefits and Protections**

During FMLA leave, the employer must maintain the employee's health coverage under any "group health plan" on the same terms as if the employee had continued to work. Upon return from FMLA leave,

most employees must be restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms.

Use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee's leave.

### **Eligibility Requirements**

Employees are eligible if they have worked for a covered employer for at least 12 months, have 1,250 hours of service in the previous 12 months\*, and if at least 50 employees are employed by the employer within 75 miles.

**\*Special hours of service eligibility requirements apply to airline flight crew employees.**

### **Definition of Serious Health Condition**

A serious health condition is an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee's job, or prevents the qualified family member from participating in school or other daily activities.

Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than 3 consecutive calendar days combined with at least two visits to a health care provider or one visit and a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment.

### **Use of Leave**

An employee does not need to use this leave entitlement in one block. Leave can be taken intermittently or on a reduced leave schedule when medically necessary. Employees must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt the employer's operations. Leave due to qualifying exigencies may also be taken on an intermittent basis.

### **Substitution of Paid Leave for Unpaid Leave**

Employees may choose or employers may require use of accrued paid leave while taking FMLA leave. In order to use paid leave for FMLA leave, employees must comply with the employer's normal paid leave policies.

### **Employee Responsibilities**

Employees must provide 30 days advance notice of the need to take FMLA leave when the need is foreseeable. When 30 days notice is not possible, the employee must provide notice as soon as practicable and generally must comply with an employer's normal call-in procedures.

Employees must provide sufficient information for the employer to determine if the leave may qualify for FMLA protection and the anticipated timing and duration of the leave. Sufficient information may include that the employee is unable to perform job functions; the family member is unable to perform daily activities, the need for hospitalization or continuing treatment by a health care provider, or circumstances supporting the need for military family leave. Employees also must inform the employer if the requested leave is for a reason for which FMLA leave was previously taken or certified. Employees also may be required to provide a certification and periodic recertification supporting the need for leave.

### **Employer Responsibilities**

Covered employers must inform employees requesting leave whether they are eligible under FMLA. If they are, the notice must specify any additional information required as well as the employees' rights and responsibilities. If they are not eligible, the employer must provide a reason for the ineligibility.

Covered employers must inform employees if leave will be designated as FMLA-protected and the amount of leave counted against the employee's leave entitlement. If the employer determines that the leave is not FMLA-protected, the employer must notify the employee.

### **Unlawful Acts by Employers**

FMLA makes it unlawful for any employer to:

- interfere with, restrain, or deny the exercise of any right provided under FMLA; and
- discharge or discriminate against any person for opposing any practice made unlawful by FMLA or for involvement in any proceeding under or relating to FMLA.

### **Enforcement**

An employee may file a complaint with the U.S. Department of Labor or may bring a private lawsuit against an employer.

FMLA does not affect any Federal or State law prohibiting discrimination, or supersede any State or local law or collective bargaining agreement which provides greater family or medical leave rights.

**FMLA section 109 (29 U.S.C. § 2619) requires FMLA covered employers to post the text of this notice. Regulation 29 C.F.R. § 825.300(a) may require additional disclosures.**

## APPENDIX

### MASSACHUSETTS MATERNITY LEAVE ACT (MMLA)

#### ELIGIBILITY

Leave under the Massachusetts Maternity Leave Act (the “MMLA”) and our policy is provided to employees who meet the following eligibility criteria:

- 1) the employee must have completed the 90-day Orientation Period, and
- 2) where possible, the employee must provide at least two weeks’ written notice of his/her anticipated date of departure, and his/her intention to return at the end of his/her leave.

Note that for legal reasons, the term “employee” is used throughout this Policy to refer to all lay staff members.

#### PURPOSE AND LENGTH OF LEAVE

Eligible employees are entitled to eight (8) weeks of unpaid MMLA leave for the purpose of giving birth, or of adopting a child under the age of 18, or of adopting a child under the age of 23 if the child is mentally or physically disabled.

#### DESIGNATION OF LEAVE

The parish/school will designate any absence taken for an MMLA-qualifying reason as MMLA leave, and will count such absences against the employee’s 8-week entitlement.

MMLA leave time will run concurrently with any and all available leave under the FMLA, or other applicable laws, policies or benefit programs, to the full extent permitted by law.

#### COORDINATION OF MMLA LEAVE WITH AVAILABLE PAID TIME OFF

MMLA leave is unpaid leave. An employee may choose to utilize any or all of his/her available and applicable accrued paid time off (vacation, sick, etc) during his/her MMLA leave, but will not be required to do so.

Where an employee takes an extended leave (*i.e.*, longer than 8 weeks) that is also covered by the FMLA Policy, she/he will be subject to the mandatory coordination of leave provisions of the FMLA (as described above) for any portion of the leave that is not covered by the MMLA.

#### REINSTATEMENT

An employee returning to work at the completion of an MMLA leave (of 8 weeks or less) will be restored to his/her previous position or a similar position, with the same pay and conditions of employment as the position she or he held prior to the leave.

An employee will not be entitled to more favorable employment terms as a result of taking MMLA leave. Thus, the employee will be subject to any pay or benefit reductions or other adverse actions, including layoff that he or she would have experienced if he or she had not been on leave.

# APPENDIX

## CODE OF MINISTERIAL BEHAVIOR

### **On Ministerial Behavior**

Priests, deacons, pastoral ministers, administrators, staff, employees and volunteers in our parishes, religious communities, institutes, and organizations must uphold Christian values and conduct. The following Code of Pastoral Conduct provides a set of standards for conduct in pastoral situations.

### **1. Responsibility**

The public and private conduct of clergy, staff, and volunteers can inspire and motivate people, but it can also scandalize and undermine people's faith. Clergy, staff, and volunteers must, at all times, be aware of the responsibilities that accompany their work. They must also know that God's goodness and grace support them in their ministry.

We have a responsibility to witness in all relationships the chastity appropriate to our state in life, whether celibate, married or single. We must avoid any covert or overt sexual behaviors with those for whom we have a professional or pastoral responsibility. This includes seductive speech or gestures as well as physical contact that sexually abuses, exploits or harasses another person. We are to provide safe environments in parishes, schools and institutions where children and others can be assured that their boundaries will not be violated.

We should be aware of our own and other persons' vulnerability, especially when working alone with another, and be particularly aware that we bear the greater responsibility for maintaining sexual boundaries in a pastoral relationship, for we hold the greater power. We must not initiate sexual behavior, and must refuse it when another invites or consents to it.

We must give preference to the perspective and judgment of those who are vulnerable and dependent on us in order to determine whether touching would be an appropriate expression of pastoral care.

We must show prudent discretion before touching another person, since we cannot control how physical touch will be received. We strive for greater self-awareness in order to recognize the sexual dynamics at work for us in pastoral relationships and to heed the warning signs in our lives that indicate when we are approaching boundary violations. We assume the full burden of responsibility for establishing and maintaining clear, appropriate boundaries in all our relationships with others.

We should satisfy our needs for affection, intimacy, attraction, and affirmation outside the pastoral relationship. We should seek supervision, spiritual direction or other professional help to remain focused on our professional responsibilities and to hold firm to the sexual boundaries of the pastoral relationship.

We must intervene when there is evidence of or have reasonable cause to suspect that children are being abused in any way.

We must report any suspected abuse or other violations of sexual conduct to the appropriate civil and ecclesial authorities, and then do what we can to see that justice

is done for the victim, the offender, and the community from which the victim and minister come.

Responsibility for adherence to the Code of Pastoral Conduct rests with the individual. Clergy, staff, employees and volunteers who disregard this Code of Pastoral Conduct will be subject to remedial action by the Archdiocese. Corrective action may take various forms—from a verbal reproach to removal from the ministry/employment—depending on the specific nature and circumstances of the offense and the extent of the harm.

## **2. Code of Pastoral Conduct For Priests, Deacons, Pastoral Ministers, Administrators, Staff, Employees and Volunteers**

### **Conduct With Children and Youth**

Clergy, staff, employees and volunteers working with children and youth shall maintain an open and trustworthy relationship between them and their adult supervisors. All must be aware of their own and others' vulnerability when working alone with children. Always consider a team approach when working with children.

Physical contact with children can be misconstrued and should occur only when completely nonsexual and otherwise appropriate, and never in private. One-on-one meetings with a young person are best held in a public area, or if that is not appropriate, then the door to the room is left open, and someone on the parish staff is notified about the meeting.

Clergy, staff, employees and volunteers should refrain from the a) the illegal possession and/or illegal use of drugs and/or alcohol at all times, and b) the use of alcohol when working with youth. Adults should never buy alcohol, drugs, cigarettes, videos, or reading material that is inappropriate and give it to young people.

Clergy should not allow any young people to stay overnight in the cleric's private accommodations or residence. Youth ministers and all adults should always meet with young people in areas that are visible and accessible. It is always a safe practice to have two adults in the area where youth are present or when driving children home.

Parish staff, employees and volunteers should not provide shared, private, or overnight accommodation for individual young people including, but not limited to, accommodations in any Church owned facility, private residence, hotel room, or any other place where there is no other adult supervision present.

In rare, emergency situations, when accommodation is necessary for the health and wellbeing of the youth, the clergy, staff, or volunteer should take extraordinary care to protect all parties from the appearance of impropriety and from all risk of harm. Use a team approach to managing emergency situations.

### **Sexual Conduct**

Clergy, staff, employees and volunteers must not, for sexual gain or intimacy, exploit the trust placed in them by the faith community. Clergy, religious, staff, and volunteers who are committed to a celibate lifestyle are called to be an example of celibate chastity in all

relationships at all times.

Those who provide pastoral counseling or spiritual direction services must avoid developing inappropriate relationships with minors, other staff, or parishioners. Staff and volunteers must behave in a professionally supportive manner at all times. No clergy, employee, staff, or volunteer may exploit another person for sexual purposes.

Allegations of sexual misconduct should be taken seriously and reported to the appropriate civil and ecclesial authorities according to the policies and procedures of the Archdiocese of Boston. Clergy, staff, employees and volunteers should review and know the contents of the child abuse regulations and reporting requirements for the Commonwealth of Massachusetts and should follow those mandates.

### **Harassment**

Clergy, staff, and volunteers must not engage in physical, psychological, written, or verbal harassment of staff, volunteers, or parishioners and must not tolerate such harassment by other Church staff or volunteers (reference the current Sexual Harassment Policy of the Archdiocese of Boston).

Clergy, staff, and volunteers shall provide a professional work environment that is free from physical, psychological, written, or verbal intimidation or harassment.

Harassment encompasses a broad range of physical, written, or verbal behavior including, but not limited to: physical or mental abuse, racial insults, derogatory ethnic slurs, unwelcome sexual advances or touching, sexual comments or sexual jokes, requests for sexual favors used as a condition of employment, or to affect other personnel decisions, such as promotion or compensation, and the display of offensive materials. Harassment can be a single severe incident or a persistent pattern of behavior where the purpose or the effect is to create a hostile, offensive, or intimidating work environment.

Allegations of harassment should be taken seriously and reported immediately to the Secretary for Ministerial Personnel. The policies and procedures of the Archdiocese of Boston will be followed to protect the rights of all involved.

### **Conduct for Pastoral Counselors and Spiritual Directors**

Pastoral Counselors and Spiritual Directors are any clergy, staff, or volunteers who provide pastoral, spiritual, and/or therapeutic counseling services to individuals, families, or other groups. Pastoral Counselors and Spiritual Directors must respect the rights and protect the welfare of each person.

Pastoral Counselors and Spiritual Directors shall not step beyond their competence in Counseling situations and shall refer clients to other professionals when appropriate, and should carefully consider the possible consequences before entering into a counseling relationship with someone with whom they have a pre-existing relationship (i.e., employee, professional colleague, friend, or other pre-existing relationship).

Pastoral Counselors and Spiritual Directors must never engage in sexual intimacies with the persons they counsel. This includes consensual and nonconsensual contact, forced physical contact, and inappropriate sexual comments. Nor should Pastoral Counselors and Spiritual

Directors engage in sexual intimacies with individuals who are close to the client—such as relatives or friends of the client.

Pastoral Counselors and Spiritual Directors assume the full burden of responsibility for establishing and maintaining clear, appropriate boundaries in all counseling and counseling related relationships. Physical contact of any kind (i.e., touching, hugging, holding) between Pastoral Counselors or Spiritual Directors and the persons they counsel can be misconstrued and should be avoided.

Sessions should be conducted in appropriate settings at all times. Sessions should not be held at places or times that would tend to cause confusion about the nature of the relationship for the person being counseled. Pastoral Counselors and Spiritual Directors should maintain a log of the times and places of sessions with each person being counseled.

### **Confidentiality**

Information obtained in the course of sessions shall be confidential, except for compelling professional reasons or as required by law. If there is clear and imminent danger to the client or to others, the Pastoral Counselor or Spiritual Director may disclose only the information necessary to protect the parties affected and to prevent harm. Before disclosure is made, if feasible, the Pastoral Counselor or Spiritual Director should inform the person being counseled about the disclosure and the potential consequences.

Pastoral Counselors and Spiritual Directors should discuss the nature of confidentiality and its limitations with each person in counseling. Knowledge that arises from professional contact may be used in teaching, writing, homilies, or other public presentations only when effective measures are taken to absolutely safeguard both the individual's identity and the confidentiality of the disclosures.

While counseling a minor, if a Pastoral Counselor or Spiritual Director discovers a reasonable cause to believe that there is a serious threat to the minor's health or welfare, including sexual abuse or neglect, or a disclosure is made indicating that the minor child is being abused in any way, the Pastoral Counselor or Spiritual Director should contact the appropriate civil and ecclesial authorities and make a report according to these Policies and Procedures.

These obligations are independent of the confidentiality of the Sacrament of Confession. Under no circumstances whatsoever can there be any disclosure of information received solely through the Sacrament of Confession.

### **Conflicts of Interest**

Clergy, staff, employees and volunteers should avoid situations that might present a conflict of interest. Even the appearance of a conflict of interest can call integrity and professional conduct into question. Clergy, staff, employees and volunteers should disclose all relevant factors that potentially could create a conflict of interest.

Clergy, staff, employees and volunteers should inform all parties when a real or potential conflict of interest arises. Resolution of the issues must protect the persons involved in these relationships. No clergy, staff, or volunteer should take advantage of anyone to whom they are providing services in order to further their personal, religious, political, or business interests.

Pastoral counselors should not provide counseling services to anyone with whom they have a business, professional, or social relationship. When this is unavoidable, the client must be protected. The counselor must establish and maintain clear, appropriate boundaries.

When pastoral counseling or spiritual direction services are provided to two or more people who have a relationship with each other, the Pastoral Counselor or Spiritual Director must clarify with all parties the nature of each relationship, anticipate any conflict of interest, take appropriate actions to eliminate the conflict, and obtain from all parties written consent to continue services.

Conflicts of interest may also arise when a Pastoral Counselor's or Spiritual Director's independent judgment is impaired by prior dealings, becoming personally involved, or becoming an advocate for one (person) against another. In these circumstances, the Pastoral Counselor or Spiritual Director shall advise the parties that he or she can no longer provide services and refer them to another Pastoral Counselor or Spiritual Director.

### **Reporting Ethical or Professional Misconduct**

Clergy, staff, employees and volunteers have a duty to report their own ethical or professional misconduct and the misconduct of others.

The Archdiocese requires that clergy, staff, employees and volunteers contact the Department of Social Services when they have knowledge or reasonable cause to suspect that a person under 18 years of age is being or has been abused or neglected, and to follow that oral report with a written report within forty-eight hours.

Clergy, staff, employees and volunteers must hold each other accountable for maintaining the highest ethical and professional standards. When there is an indication of any illegal action by clergy, staff, or volunteers, the proper civil authorities should be notified immediately. Also notify the Secretary for Ministerial Personnel.

When an uncertainty exists about whether a situation or course of conduct violates this Code of Pastoral Conduct or other religious, moral, or ethical principles, consult with your supervisor, peers, others knowledgeable about ethical issues, or the appropriate Chancery office as listed above.

### **Administration**

Employers and supervisors shall treat clergy, staff, and volunteers justly in the day-to-day administrative operations of their ministries. Personnel and other administrative decisions made by clergy, staff, and volunteers shall meet civil and canon law obligations and also reflect Catholic social teachings and this Code of Pastoral Conduct.

No clergy, staff, or volunteer shall use his or her position to exercise unreasonable or inappropriate power and authority.

Each volunteer providing services to children and youth must read and sign the Volunteer Code of Conduct before providing services.

### **Clergy, Staff or Volunteer Well-being**

Clergy, staff, employees and volunteers have the duty to be responsible for their own spiritual, physical, mental, and emotional health. They should be aware of warning signs that indicate potential problems with their own spiritual, physical, mental, and/or emotional health, and seek help immediately whenever they notice behavioral or emotional warning signs in their own professional and/or personal lives.

Clergy, staff, and volunteers must address their own spiritual needs. Support from a Spiritual Director is highly recommended.

### **Code of Conduct: Statement of Agreement**

I promise to strictly follow the rules and guidelines in this Code of Conduct as a condition of my providing services to the children and youth of the Archdiocese of Boston.

#### **I will:**

Treat everyone with respect, loyalty, patience, integrity, courtesy, dignity, and consideration.

Never be alone with children and/or youth at Church activities.

Use positive reinforcement rather than criticism, competition, or comparison when working with children and/or youth.

Maintain confidentiality in all matters related to normal parish business.

Comply with the mandatory reporting regulations of the Commonwealth of Massachusetts and with the Archdiocesan Policies and Procedures to report suspected child abuse. I understand that failure to report suspected child abuse to civil authorities is against the law.

Cooperate fully in any investigation of abuse of children and/or youth.

#### **I will not:**

Touch or speak to a child and/or youth in a sexual or other inappropriate manner.

Inflict any physical or emotional abuse such as striking, spanking, shaking, slapping, humiliating, ridiculing, threatening, or degrading children and/or youth.

Smoke or use tobacco products while engaging in activities with children and/or youth.

Accept or give gifts to children or youth without the knowledge of their parents or guardians.

Possess, or be under the influence of alcohol at any time while working with children and/or youth.

Possess, or be under the influence of illegal drugs at any time.

Use profanity in the presence of children and/or youth at any time.

I understand that I am subject to a criminal history background check. My signature confirms that I have read this Code of Conduct and I agree to follow these standards. I understand that any action inconsistent with this Code of Conduct, or failure to take action mandated by this Code of Conduct, may result in my removal from ministry.

Printed Name: \_\_\_\_\_

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

Witness Signature: \_\_\_\_\_ Date: \_\_\_\_\_



## APPENDIX Archdiocese of Boston

### Code of Conduct and Conflict of Interest Policy

#### Preamble

The Roman Catholic Archbishop of Boston, a Corporation Sole, organized and existing under the laws of the Commonwealth of Massachusetts, Chapter 506 of the Special Acts of 1897, (hereafter, “the Archdiocese”) places the highest value on the integrity and high moral standards of each of the bishops, priests, deacons, religious, seminarians, pastoral ministers, administrators, lay employees, officers, directors, trustees, governors, members, and volunteers (collectively, “Church Personnel”) in our parishes, agencies, schools and organizations sponsored by the Archdiocese or for which the Archdiocese or the Roman Catholic Archbishop of Boston (the “Archbishop”) has the direct or indirect right (whether alone or in conjunction with others) to elect or appoint officers, directors, trustees, governors and/or members (collectively, “Archdiocesan Affiliated Organizations”). All Church Personnel are responsible for complying with (i) all applicable federal and Massachusetts laws, rules and regulations, (iii) the *Code of Canon Law*, (ii) this Code of Conduct and Conflict of Interest Policy of the Archdiocese of Boston (hereafter the “Code”) and (iv) all other applicable policies of the Archdiocese and applicable Archdiocesan Affiliated Organizations. All Church Personnel must uphold Christian values and conduct and work diligently to serve and enhance the mission of the Church. This Code provides a set of standards for conduct in certain situations and is designed to deter wrongdoing and to promote honest and ethical conduct.

The public and private conduct of Church Personnel can be a source of inspiration and motivation, but it can also scandalize and undermine the faith of the people that are served. Church Personnel must at all times be aware of the responsibilities that accompany their work. It is essential, therefore, that anyone who undertakes a position of ministry, employment or leadership in the Archdiocese or for any Archdiocesan Affiliated Organization, be ever mindful of the trust that has been placed in him or her. The faithful discharge of the responsibilities that accompany this work requires constant and prayerful reflection since all of us must be sustained by God’s goodness and grace.

Responsibility for adherence to the Code rests with each individual. This responsibility requires all Church Personnel to periodically take a personal inventory. It is hoped that the Code will assist in this task. Church Personnel who disregard or violate this Code will be subject to remedial action. This action can take several forms, from an oral or written warning to removal and termination of employment or services, depending on the nature and circumstances of the offense.

While no policy can anticipate all of the challenges and situations that may arise, the Code communicates key guidelines and will assist in making decisions that are ethical and in accordance with applicable legal requirements, and, to the extent applicable to various Church Personnel, the Archdiocesan Code of Ministerial Behavior, the Pastoral Center Staff Handbook, the Archdiocesan Finance Council Charter, the Parish Administration Manual, the governing documents and policies of Archdiocesan Affiliated Organizations and other Archdiocesan policies. Each year all Church Personnel will read or have read to them or listen on CD or tape to, this Code and sign the proper acknowledgement of receipt form attached to this Code and submit such form to their Human Resource Department or to such other person as may be designated in writing.

### **Principles of Ethics and Integrity**

As representatives of the Archdiocese or any Archdiocesan Affiliated Organization, and regardless of the pressures inherent in conducting Church affairs, all Church Personnel must act responsibly and in a manner that will reflect favorably on the Archdiocese. Accordingly:

- Church Personnel will conduct themselves in a manner that is consistent with the teachings of the Roman Catholic Church as enunciated by the Holy Father and the Bishops in communion with him; more specifically, Church Personnel shall, in all such matters, accept, rely upon and defer to the teaching authority of the Archbishop in all matters of faith and morals.
- Church Personnel will exhibit the highest Christian ethical standards and personal integrity.
- Church Personnel will continually and objectively examine and evaluate their own actions and intentions to ensure that their behavior promotes the welfare of the Archdiocese and each applicable Archdiocesan Affiliated Organization and exemplifies the moral traditions of the Church.
- Church personnel will always be in compliance with applicable law.
- Church Personnel will establish clear, appropriate boundaries with anyone with whom they have a ministerial, business, professional or social relationship.
- Church Personnel will provide an environment that is free from physical, psychological, emotional, written or oral intimidation or harassment.

- Church Personnel will conduct their relationships with others in a manner that is free of deception, manipulation and/or exploitation.
- Church Personnel will not take unfair advantage of a counseling relationship for their personal benefit.
- Church Personnel will not use their position to exercise unreasonable or inappropriate power, influence or authority.
- Church Personnel are never to offer or accept inducements or gratuities that can subject them or the Archdiocese or any Archdiocesan Affiliated Organization to criminal or civil penalties.
- Personal loans from the Archdiocese or any Archdiocesan Affiliated Organization to any board member of any Archdiocesan Affiliated Organization are strictly prohibited.
- Church Personnel may never authorize payment knowing that any part of the payment will be used for any purpose other than what is described in documents supporting the payment.
- Church Personnel will be responsible stewards of the resources, human and financial, of the Archdiocese and any Archdiocesan Affiliated Organization with which they are associated, observing both canon and civil law, and making decisions concerning the disposition of resources that reflect Catholic social teaching.
- Church Personnel will not make false accusations against another, or reveal the faults and failings of others to anyone who is not in a position that necessitates a need to know.
- Church Personnel will share concerns about suspicions of inappropriate behavior with the appropriate supervisory or management representative.

## **Confidentiality**

All records and information of the Archdiocese and each Archdiocesan Affiliated Organization (“Archdiocesan Information”) are considered confidential. Therefore, Church Personnel must treat all Archdiocesan Information accordingly. No Archdiocesan Information, including, without limitation, documents, notes, files, records, oral

information, computer files or similar materials may be removed, copied or forwarded from the premises of the Archdiocese or any Archdiocesan Affiliated Organization without permission from an appropriate supervisory or management representative or except in the ordinary course of performing duties on behalf of the Archdiocese.

Church Personnel may not disclose or forward any confidential information, purposefully or inadvertently through casual conversation, to any unauthorized person inside or outside the Archdiocese or any Archdiocesan Affiliated Organization. Church Personnel who are unsure about the confidential nature of specific information should ask an appropriate supervisory or management representative for clarification.

### **Accountability**

The Archdiocese and all Archdiocesan Affiliated Organizations are responsible to their respective stakeholders, which include donors and others who have placed their trust in the Church. To uphold this trust, all Church Personnel will:

- Promote responsible stewardship of all resources of the Archdiocese and Archdiocesan Affiliated Organizations, including donations, grants, program fees, and all financial support.
- Use all resources of the Archdiocese and Archdiocesan Affiliated Organizations only for Church-related purposes. Church resources are never to be used for personal purposes, even if the use is intended to be temporary.
- Use all resources of the Archdiocese and Archdiocesan Affiliated Organizations in a prudent-like manner, avoiding unnecessary and excessive spending and wastefulness.
- Use credit cards, vendor relationships and lines of credit of the Archdiocese and Archdiocesan Affiliated Organizations only for their permitted purposes. They are never to be used for personal transactions, even if it is intended that funds of the Archdiocese and Archdiocesan Affiliated Organizations will not be used for payment.
- Not be a party to any fraud or embezzlement, or neglect their duty to safeguard all assets of the Archdiocese and Archdiocesan Affiliated Organizations.

## Conflicts of Interest

All Church Personnel, as well as members of their Immediate Family (as defined below), should avoid any situation that may *create or appear to create* a conflict between his or her personal interests and the interests of the Archdiocese or any Archdiocesan Affiliated Organization.

- A conflict of interest can exist when persons employed by the Archdiocese (such as parishes, parish schools, the Pastoral Center) or an Archdiocesan Affiliated Organization (such as an independent school sponsored by the Archdiocese or a corporation or organization under the auspices of the Archdiocese), or volunteering for the Archdiocese or an Archdiocesan Affiliated Organization by serving as a trustee, director, governor, officer or having other governance authority or by serving on advisory or consultative boards or committees have a direct or indirect “financial interest” as defined below.
- A person has a “financial interest” if the person has, directly or indirectly, through business, investment or Immediate Family ( “Immediate Family” meaning such person’s spouse, parents, stepparents, children, stepchildren, siblings, mothers and fathers-in-law, sons and daughters-in-law, and brothers and sisters-in-law and any person sharing the household of such person (other than a tenant or employee). any one of the following:
  - An ownership or investment interest in any entity or individual with which the Archdiocese or an Archdiocesan Affiliated Organization has a transaction or arrangement.
  - A compensation arrangement with the Archdiocese or an Archdiocesan Affiliated Organization or with any entity or individual with whom the Archdiocese and/or any Archdiocesan Affiliated Organization has a transaction or arrangement.
  - A potential ownership or investment interest in, or compensation arrangement with, any entity or individual with whom the Archdiocese or an Archdiocesan Affiliated Organization is negotiating a transaction or arrangement.
  - Compensation includes direct and indirect remuneration as well as gifts or favors that are substantial in nature.

In order to avoid any situation that may create or appear to create a conflict between his or her personal interests and the interests of the Archdiocese or any Archdiocesan Affiliated Organization, the following general guidelines shall be followed:

- Church Personnel are not to take advantage of anyone to whom they are providing ministry or service in order to further their own personal, religious, political, business or economic interests.
- Church Personnel are not to solicit, accept or give any personal gifts, favors, or things of value which could influence, or which could be construed as influencing any decision or obligation to the performance of one's duties.
- Except as set forth below, reasonable business-related entertainment and gifts from business relationships of not more than \$50 are permitted, including traditional promotional events, as long as what is offered is consistent with usual business practice, cannot be construed as a bribe or a payoff, is not in violation of any law, and would not embarrass the Archdiocese, any Archdiocesan Affiliated Organization or the individual if disclosed publicly. If there is any reasonable doubt concerning the propriety of business-related entertainment and gifts, the matter should be discussed in advance with the individual's supervisor or the Archdiocesan General Counsel.
- It is to be noted that the restrictions contained in the preceding bullet are *not* intended to interfere with, or prevent, traditional arrangements, accommodations and relationships between bishops, priests, deacons and other religious, on the one hand, and those to whom they minister, on the other hand. In such cases, of course, reflective pastoral discretion is encouraged, especially in cases where the person to whom they minister may also be a supplier or vendor or potential supplier or vendor to the Archdiocesan Affiliated Organization with which the bishop, priest, deacon or other religious may be associated.
- In no event should a gift be accepted from a supplier or vendor or potential supplier or vendor during, or in connection with, contract negotiations with such person.
- In addition to the foregoing, an occasional meal or entertainment in the normal course of activities and business relations on behalf of the Archdiocese or any Archdiocesan Affiliated Organization, paid for by a business partner, is permitted provided that such hospitality is not excessive or unusual in nature.

- It is never acceptable to solicit gifts, gratuities or business courtesies for the benefit of any Church Personnel, Immediate Family member or friend.
  
- Church Personnel are not to knowingly take any action or make any statement that is intended to influence any undertaking of the Archdiocese or any Archdiocesan Affiliated Organization in such a way as to confer any benefit on such individual or anyone in the individual's Immediate Family or business.
  
- No Church Personnel serving on a board or committee of the Archdiocese or any Archdiocesan Affiliated Organization is to vote in connection with any decision that may constitute a conflict of interest; provided, however, that following a full and fair disclosure of such conflict of interest to the board or committee, the other members of such board or committee may permit the disclosing person to participate in the discussion of the matter. In addition, nothing in this Code is intended to preclude any Church Personnel from serving on one or more boards or committees (whether or not they are associated with the Archdiocese or any Archdiocesan Affiliated Organization) provided that, when appropriate, full and fair disclosure of such multiple relationships is made to each such board and committee.
  
- If any Church Personnel have any question about a possible conflict of interest, he or she is encouraged to talk with his or her supervisor and, if the circumstances require further interpretation, then with the Archdiocesan General Counsel.
  
- The Archdiocesan General Counsel will be the authority to determine, in the exercise of his sole discretion, if a conflict of interest or an appearance of a conflict of interest exists.
  
- General oversight of the Archdiocesan Administration of the Code of Conduct and Conflict of Interest Policy shall be the responsibility of the Audit Committee of the Archdiocesan Finance Council.

## Political Activity

The Archdiocese encourages individual participation in civic affairs. However, Church Personnel are not to engage in political activities in a manner that may create the appearance that such activity is by or on behalf of the diocese. In this regard:

- Funds of the Archdiocese or any Archdiocesan Affiliated Organization may not be used for political contributions, directly or indirectly, in support of any party or candidate.
- Wherever lawful, however, the Archdiocese or any Archdiocesan Affiliated Organization may contribute to an occasional local initiative where the charitable works or purposes and goals of the Catholic Church are furthered. However, no such contribution can and must not favor a candidate nor support a political campaign. Contributions to local initiatives must obtain advance permission from the Vicar General and Moderator of the Curia of the Archdiocese and the Archdiocesan General Counsel.
- Church Personnel are not to use any facilities, financial resources, or personnel of the Archdiocese or any Archdiocesan Affiliated Organization to endorse or oppose a candidate for public office.
- As interested citizens, Church Personnel are free to make lawful, individual, personal contributions to political candidates or campaigns but are in no way to do so in their capacity as employees, agents or representatives of the Archdiocese or any Archdiocesan Affiliated Organization.
- Before any Church Personnel who are employees of the Archdiocese or any Archdiocesan Affiliated Organization seeks any elected or appointed political office, including a local position (such as school board member), he or she must discuss this matter with the Vicar General and Moderator of the Curia's Office to ensure that no potential conflict of interest exists or appears to exist.

## **Disclosure**

In connection with any actual or possible conflict of interest, an interested person must disclose the existence and nature of his or her financial interest and all material facts. In the event that an individual is uncertain whether an actual or potential conflict of interest exists, the individual should make disclosure of the circumstances that may give rise to an actual or potential conflict. Employees must make initial disclosure to their respective human resources office and clergy and volunteers should make initial disclosure to the Cabinet Secretary overseeing their Archdiocesan Affiliated Organization's activities.

A Disclosure Questionnaire (see **Exhibit A**) will be filled out annually by all individuals subject to this Code in order to determine actual or possible conflicts of interest.

## **Reporting/Confidentiality/No Retaliation**

All Church Personnel are required to report any reasonably perceived violation of: (a) federal, state or local laws, rules and/or regulations; (b) this Code; (c) the Archdiocesan Code of Ministerial Behavior; (d) Archdiocesan personnel policies; (e) Archdiocesan financial policies, including questionable or improper accounting or auditing matters; as well as gross mismanagement, waste, fraud, embezzlement, neglect of duty; and actions that threaten or are viewed as harmful to the health, safety and welfare of others and any other financial, legal or canonical concerns (hereinafter collectively referred to as "Concerns").

- Reports of Concerns should be made to the pastor, principal, Vicar General, Chancellor, and/or Archdiocesan General Counsel or may be made to the independent and confidential service described on the attached **Exhibit B**. Reports made to pastors and principals are to be reported to the Vicar General and Moderator of the Curia and the Chancellor. All Concerns are to be reported as soon as possible. Reports of Concerns should include all relevant information about the suspected act, including any material evidence that exists.
- Anyone reporting a Concern must act in good faith and have reasonable grounds for believing the information disclosed is reliable. The act of making allegations that prove to be unsubstantiated, and that prove to have been made maliciously, recklessly, or with the foreknowledge that the allegations are false, will be viewed as a serious disciplinary offense and may result in discipline, up to and including dismissal from their position with the Archdiocese and/or the Archdiocesan Affiliated Organization, as the case may be. Such conduct may also give rise to other actions, including civil lawsuits.

- Reports of Concerns, and investigations pertaining thereto, shall be kept confidential when permitted by law, consistent with the need to conduct an adequate investigation. Disclosure of reports of Concerns to individuals not involved in the investigation will be viewed as a serious disciplinary offense and may result in discipline, up to and including termination of the violator's position with the Archdiocese and/or the Archdiocesan Affiliated Organization, as the case may be. Such conduct may also give rise to other actions, including civil lawsuits.
- Church Personnel may confront an ethical issue where this Code or any other policy of the Archdiocese or Archdiocesan Affiliated Organization does not expressly provide an answer. Individuals should feel comfortable contacting the Archdiocesan General Counsel or using one of the other authorities described in this section.
- All reported violations of this Code will be investigated by the appropriate authority and, where appropriate, reported, including actions taken, to the Audit Committee of the Finance Council.
- The Archdiocese prohibits retaliation against Church Personnel who, in good faith, report or participate in the investigation of any Concerns. If any Church Personnel believe that they or others are the subject of retaliation for reporting Concerns or participating in an investigation, he or she must report it to the Vicar General and Moderator of the Curia, the Chancellor, and/or Archdiocesan General Counsel.
- All Church Personnel must cooperate completely in any investigation relating to the Archdiocese or any Archdiocesan Affiliated Organization, and must be truthful at all times. Church Personnel may never interfere with or obstruct an investigation conducted by the Archdiocese or any Archdiocesan Affiliated Organization or any government agency. In addition, Church Personnel may never disclose or discuss an investigation with unauthorized persons.

#### Legal Notice

This Code is not an employment contract. Adherence to the standards of the Code is, however, a condition of continued employment or other service to the Archdiocese and its Archdiocesan Affiliated Organizations. This Code does not give Church Personnel rights of any kind, and may be changed by the Archdiocese at any time without notice.

Failure to comply with any responsibilities established by this Code may result in disciplinary action, up to and including termination of employment or service, as the case may be, as appropriate, and may also require restitution or reimbursement from the

Church Personnel involved and referral of the matter to government authorities under the guidance of the Archbishop, the Vicar General and Moderator of the Curia, the Archdiocesan General Counsel or their respective delegate.

ROMAN CATHOLIC ARCHBISHOP OF BOSTON

By:   
Sean Cardinal O'Malley, O.F.M.  
Archbishop of Boston

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

  
James P. McDonough  
By: Chancellor and Assistant Clerk

Date: February 28, 2001

**Acknowledgement of Receipt**

**Archdiocese of Boston Code of Conduct and Conflict of Interest Policy**

This will acknowledge that I have personally received a copy of the Archdiocese of Boston Code of Conduct and Conflict of Interest Policy, and that I have read it, had it read to me, or listened to it on CD or tape. I understand the contents of the Code and agree to comply with them.

\_\_\_\_\_  
Signature

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

\_\_\_\_\_  
Printed Name

Name of Employer or Name of Archdiocesan Affiliated Organization with which you are serving as an officer, Trustee, director, governor, member, volunteer, etc.:

\_\_\_\_\_



## **Exhibit A**

### **Archdiocese of Boston**

### **Code of Conduct and Conflict of Interest Policy**

### **Disclosure Questionnaire**

Name: \_\_\_\_\_

Name of Employer or Name of Archdiocesan Affiliated Organization with which you are serving as an employee, officer, Trustee, director, governor, member, volunteer, etc.:

\_\_\_\_\_

Capitalized terms used herein and not defined herein shall have the respective meanings set forth in the Archdiocese of Boston Code of Conduct and Conflict of Interest Policy (the "Code").

Describe your job or position: \_\_\_\_\_

1. Are you or any member of your Immediate Family an officer, director, trustee, partner (general or limited), employee or regularly retained consultant of any company, firm, organization or other entity that presently has business dealings with the Archdiocese or any Archdiocesan Affiliated Organization or which might reasonably be expected to have business dealings with the Archdiocese or any Archdiocesan Affiliated Organization in the coming year? If so, please list the name of the company, firm, organization or other entity, the position held and the nature of the business.

2. Do you or does any member of your Immediate Family have a financial or personal interest in any company, firm, organization or other entity in which the Archdiocese or any Archdiocesan Affiliated Organization has a financial or other business interest?
  
3. Have you or any member of your Immediate Family accepted gifts, gratuities, lodging, dining or entertainment that might reasonably appear to influence your judgment or actions concerning the business of the Archdiocese or any Archdiocesan Affiliated Organization or were otherwise in violation of the Code ?
  
4. Do you have any other interest or role in any company, firm, organization or other entity where that interest or relationship might reasonably be expected to create an impression or suspicion among the public having knowledge of your acts that you engaged in conduct in violation of the Code or your trust as a bishop, priest, deacon, religious, seminarian, pastoral minister, administrator, lay employee, officer, director, trustee, governor, member or volunteer, as the case may be?

Signature: \_\_\_\_\_

Print name: \_\_\_\_\_

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

## **Exhibit B**

### **Reporting to EthicsPoint® of Violations of the Code of Conduct and Conflict of Interest Policy**

The Archdiocese of Boston has a firm commitment to financial transparency and fiscal responsibility. In recent years we have strengthened this commitment in a variety of ways, from publishing annual reports, requiring parish audits, undergoing a consultative budget process and more. We have also provided numerous policies, procedures and training to assist our clergy, religious, employees, staff and volunteers to be better financial stewards.

Another important way that we can remain good stewards of the financial resources entrusted to us is to provide a confidential method of reporting suspected ethics violations, financial improprieties or other such matters to an independent third party. EthicsPoint® will assist the Archdiocese by providing that support, allowing our employees to report their concerns in a confidential manner.

Reports may be filed either via the internet at [www.rcab.ethicspoint.com](http://www.rcab.ethicspoint.com)\* or via one of EthicsPoint's® trained specialists at 1-866-491-5283.

We pray that this may remind us all of our duty to be good stewards of the gifts that God has given to us.

*\*Attention: This website is hosted on EthicsPoint's® secure servers and is not part of the Roman Catholic Archdiocese of Boston website or intranet.*

## **APPENDIX**

### **ELECTRONIC USE POLICY**

#### **PARISH NETWORK AND COMPUTER SYSTEMS**

All Parish network and computer systems are property of the Parish and/or the Archdiocese. Staff members have no right of personal privacy in any matter stored in, created, received, or sent through these systems. The Parish, in its discretion as owner of system, reserves and may exercise the right to monitor, access, retrieve, and delete any matter stored in, created, received, or sent using the system, for any reason and without the permission of any staff member. Use of passwords or other security measures does not in any way diminish the Parish's rights to access materials on its system, or create any privacy rights of staff members in the messages and files on the system. Any password used by staff members must be revealed to the Parish upon request as e-mail files may need to be accessed in a staff member's absence.

#### **E-MAIL USE**

Every Parish staff member is responsible for using the electronic mail (e-mail) system properly and in accordance with this policy. Any questions about this policy should be addressed to the Pastor or Business Manager.

The Parish e-mail system and any e-mail accounts set up outside the system in the Parish's name or for its use are the property of the Parish. The e-mail system has been provided by the Parish for use in conducting its ministries. All communications and information transmitted by, received from, or stored in this system are property of the Parish. The e-mail system is to be used for Parish purposes only. Use of the e-mail system for personal purposes is prohibited.

Staff members have no right of personal privacy in any matter stored in, created, received, or sent over the Parish e-mail system. The Archdiocese, in its discretion as owner of the e-mail system, reserves and may exercise the right to monitor, access, retrieve, and delete any matter stored in, created, received, or sent over the e-mail system, for any reason and without the permission of any staff member. Use of passwords or other security measures does not in any way diminish the Parish's rights to access materials on its system, or create any privacy rights of staff members in the messages and files on the system. Any password used by staff members must be revealed to the Parish upon request as e-mail files may need to be accessed in a staff member's absence.

Even though the Parish has the right to retrieve and read any e-mail messages, those messages should still be treated as confidential by other staff members and accessed only by the intended recipient. Staff members are not authorized to retrieve or read any e-mail messages that are not sent to them.

The Parish policies against sexual or other harassment apply fully to the e-mail system, and any violation of those policies is grounds for discipline up to and including discharge. Therefore, no e-mail messages should be created, sent, or received if they contain intimidating, hostile, or offensive material concerning race, color, religion, sex, age, national origin, disability or any other classification protected by law.

The e-mail system may not be used to solicit for personal religious or political causes, commercial enterprises, outside organizations, or other non-job related solicitations.

The e-mail system shall not be used to send (upload) or receive (download) copyrighted materials, trade secrets, proprietary financial information, or similar materials without prior authorization from MIS. If uncertain about whether certain information is copyrighted, proprietary, or otherwise inappropriate for transfer, a staff member should resolve all doubts in favor of not transferring the information and consult the MIS Help Desk.

Staff members should routinely delete outdated or otherwise unnecessary e-mails and computer files. These deletions will help keep the system running smoothly and effectively, as well as minimize maintenance costs.

Staff members are reminded to be courteous to other users of the system and always to conduct themselves in a professional manner. E-mails are sometimes misdirected or forwarded and may be viewed by persons other than the intended recipient. Users should write e-mail communications with no less care, judgment and responsibility than they would use for letters or internal memoranda written on Archdiocesan letterhead. All staff members should include contact information on the bottom of each e-mail sent, including e-mail address, street address, job title and direct dial telephone number.

Staff members should take extra care when sending confidential information via e-mail to ensure that the recipient's address has been correctly entered and that passwords or encryption software are used when necessary. Please note that HIPAA privacy rules apply to emails containing personal health information.

## **INTERNET ACCESS**

Although the Parish recognizes that the Internet may have useful applications to our ministry, staff members may not engage in Internet use unless a specific job-related purpose requires such use.

The Pastor's approval is required before any staff member may post any information on commercial on-line systems or the Internet. Any approved material that is posted should obtain all proper copyright and trademark notices.

Staff members should not waste computer resources or unfairly monopolize resources to the exclusion of others. These acts include, but are not limited to, sending mass mailings or chain letters, spending excessive amounts of time on the Internet, playing games, engaging in online chat groups, streaming audio, printing multiple copies of documents, or otherwise creating unnecessary network traffic. Because audio, video and picture files require significant storage space, files of this or any other sort may not be downloaded unless they are job-related.

The Parish has the right to monitor any and all of the aspects of its computer system, including, but not limited to, monitoring sites visited by staff members on the Internet, monitoring chat groups and news groups, reviewing material downloaded or uploaded by users to the Internet, and reviewing e-mail sent and received by users.

The Parish may use software to identify and block inappropriate Internet sites. In the event a staff member nonetheless encounters inappropriate or sexually explicit material while browsing on the Internet, he/she should immediately close the site, regardless of whether the site was subject to company blocking software.

Material that is fraudulent, harassing, embarrassing, sexually explicit, profane, obscene, intimidating, defamatory, or otherwise unlawful, inappropriate, offensive (including offensive material concerning sex, race, color, national origin, religion, age, disability, or other characteristic protected by law), or violative of the Archdiocesan equal employment opportunity policy and its policies against sexual or other harassment may not be downloaded from the Internet or displayed or stored in the Archdiocese's computers. Staff members encountering or receiving this kind of material should immediately report the incident to a department head or the Pastor. The Parish equal employment opportunity policy and its policies against sexual or other harassment apply fully to the use of the Internet and any violation of those policies is grounds for discipline up to and including discharge.

### **INTERNET DOMAIN NAME REGISTRATION**

Domain name registration for any Parish content requires approval by the Pastor. Any hosting of web content also requires review and approval by the Pastor.

### **COPYRIGHTS**

Staff members may not illegally copy material protected under copyright law or make that material available to others for copying. A staff member is responsible for complying with copyright law and applicable licenses that may apply to software, files, graphics, documents, messages, and other material available for download or copying. A staff member may not agree to a license or download any material for which a registration fee is charged without first obtaining the express written permission of the Pastor.

### **VIRUS DETECTION**

Files obtained from sources outside the Archdiocese, including disks brought from home; files downloaded from the Internet, new groups, bulletin boards, or other online services; files attached to e-mail; and files provided by customers or vendors may contain dangerous computer viruses that may damage the Parish's computer network. Staff members should never download files from the Internet, accept e-mail attachments from outsiders, or use disks from non-Parish sources, without first scanning the material with approved virus checking software. If a staff member suspects that a virus has been introduced into the network, they should notify the business manager immediately.

### **UNAUTHORIZED HARDWARE, SOFTWARE, AND APPLICATIONS**

The Parish provides all necessary computer equipment, software and applications to Parish staff members. No staff member is authorized to use equipment purchased through an outside vendor without first consulting with the business manager or Pastor, nor is any staff member permitted to connect unauthorized equipment to the Parish computer network.

### **PERSONAL ELECTRONIC DEVICES**

Staff members who have personal cell phones, PDAs or other portable electronic devices should use them during non-working time and outside work areas.

## **APPENDIX TRANSITION ASSISTANCE PROGRAM**

### **Eligible Population**

Lay staff with at least 12 months of continuous service who work at least 20 hours per week (schools/other 10-month assignments require 24 hours per week) in parishes, Corporation Sole entities, and other enrolled Archdiocesan entities, who are not covered by Massachusetts unemployment compensation insurance.

### **Precipitating Events**

Any involuntary job loss except for cause or by reason of death, disability, or retirement. An involuntary job loss is any separation initiated by the employing unit. This includes, but is not necessarily limited to, reduction in force, job restructure/elimination, institution closing, and termination due to performance issues other than for cause. Cause is defined as (i) a material or willful violation of a federal or state law or regulation applicable to the Participating employer, (ii) a willful act by the Participant that constitutes gross misconduct, or (iii) any other gross or willful misconduct or gross or willful inattention to duties. Examples of “willful acts” include, but are not limited to, theft, destruction of property, insubordination, falsification of records, violence, harassment, serious policy violations such as violations of the Code of Ministerial Behavior, etc.

### **Benefit Level**

50% of base weekly wage\* to a maximum adjusted annually to reflect the Massachusetts unemployment benefit maximum. Benefits are payable bi-weekly for a maximum duration of 30 calendar weeks. FICA, Medicare, Federal and State taxes are withheld. Voluntary deductions (*i.e.*, health benefits, 403(b), etc.) are not available. W-2 forms are issued at year’s end.

### **When Benefits are Payable**

Benefits are not automatic. A Notification of Separation form must be filed with Human Resources. All claims are subject to review and approval by the Program Administrator.

There is a Waiting Period for TAP benefits. The Waiting Period commences on the Termination Date and ends (but excludes) the first Sunday following the expiration of 7 calendar days after the Termination Date. Benefits will also be delayed to take into account other payments, including, but not limited to, payouts for unused vacation, severance benefits, or other contractual payments. In cases where severance payments have been made to a Participant, TAP benefits will begin immediately following the expiration of the severance payment period. In schools or other environments with a shortened work year, benefits are generally not payable until the beginning of the next work year, usually after September 1.

Continued payment is contingent upon periodic verification of an active job search. Benefits will cease when the staff member fails to meet the active job search requirements, verified through bi-weekly submission of a completed affidavit OR when the staff member obtains comparable employment. It is the responsibility of the staff member to notify Human Resources upon obtaining employment. In the event employment is accepted that is not comparable to previous employment, the staff member may be eligible for pro-rated benefits. Earnings exclusions up to the weekly benefit rate may be applied.

In accordance with the TAP Plan Document, no Participant shall be eligible to receive benefits under the Program after the one (1) year anniversary of the Termination Date.”

\*Base weekly wage calculation is based on the reported annual salary divided by 52 weeks.

*[required]*

**Staff Member Handbook/Anti-Harassment Receipt Acknowledgment Form**

I acknowledge that I have received, read, and understand the policies outlined in the Parish Staff Handbook. I understand that \_\_\_\_\_ Parish has the right to change the Handbook without notice. I also understand and agree that the information contained in these materials does not constitute an employment contract between the Parish and me, and that either the Parish or I may terminate our employment relationship at any time, with or without cause.

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Staff Member Signature

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Staff Member Name (please print)

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Date