

Mendocino Presbyterian Church Personnel Policies

I. Equal Employment Opportunity

MPC recruits, hires, calls, trains, and promotes all persons in all job classifications without regard to race; creed; color; national origin; gender; age; marital status; religious affiliation, except when after careful study religious affiliation is determined to be a bona fide occupational qualification; or physical, mental or medical disability (including non-sighted) unrelated to the ability to engage in job-related activities.

II. At-Will Employment

Employment with Mendocino Presbyterian Church is at-will. This means that employment is for an indefinite period of time and it is subject to termination by either the employee or Mendocino Presbyterian Church, with or without cause, with or without notice, and at any time.

III. Labor Laws

These Personnel Policies are designed to meet the requirements of the federal Fair Labor Standards Act (FLSA), the California Labor Code and Unemployment Insurance Code.

IV. Unemployment Insurance (UI), Employment Training Tax (ETT), State Disability Insurance (SDI)

The California Unemployment Insurance Code exempts churches and any organizations that operate primarily for religious purposes from providing these withholdings.

V. Minister Terms of Call

Mendocino Presbyterian Church establishes Terms of Call for its pastors. This Personnel Policy does not in any way apply to the pastor's agreed-upon Terms of Call.

VI. Employee vs Independent Contractor

Any person providing labor or services for remuneration to Mendocino Presbyterian Church is considered an employee rather than an independent contractor unless the following conditions are met:

1. The person is free from the control and direction of Mendocino Presbyterian Church in connection with the performance of the work, both under the contract for the performance of the work and in fact.
2. The person performs work that is outside the usual course of the hiring entity's business.
3. The person is customarily engaged in an independently established trade, occupation, or business of the same nature as that involved in the work performed.

VII. Full-Time, Part-Time, Exempt, Ministerial Exception, Non-Exempt, and Temporary Categories

Full-time employees (referred to as FTE) work between 30 – 40 hours a week. Part-time employees (referred to as PTE) work less than 30 hours a week. MPC job descriptions define whether a position is full-time or part-time.

The Fair Labor Standards Act defines an exempt employee: must (a) be paid at least \$35,568 per

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year (\$684 per week), and (b) be paid on a salary basis, and also (c) perform exempt job duties. An exempt employee is not required to be paid a minimum wage or overtime for hours worked in excess of the daily or weekly hours for which they are employed.

- Through the court systems, an exception from the FLSA exists for ministers, ministerial staff, and certain others. Mendocino Presbyterian Church honors this exception, and identifies in our job descriptions those positions/duties that fall under this exception. (Refer to Appendix 1: Lesser Known Exemptions: The Ministerial Exception to the FLSA.)

A non-exempt employee is paid at least the minimum wage for the position, provided meal and rest breaks, and overtime wages for hours worked in excess of daily or weekly hours for which they are employed. MPC job descriptions define whether the position is a ministerial exception or otherwise exempt or non-exempt.

A temporary employee is hired for a specific project or a finite period of time. This time is made clear at the very beginning of work. The MPC job description, work scope or verbal agreement with the pastor determines if the position is temporary.

VIII. Process of Employment

A written position description accurately reflecting the job functions will be developed by the Pastor Nominating Committee, or the pastor and the session Personnel Committee, depending on the position to be filled. All job descriptions are approved by the session.

Position descriptions may be rewritten in consultation with the new staff member four to six months following employment. Any changes are to be approved by the session.

If the position is advertised, it shall state that the Mendocino Presbyterian Church is an Equal Employment Opportunity employer. It may not carry such phrases as “minority preferred,” or “females will be given particular favor in interviews.”

The Equal Employment Opportunity policy of the church shall be followed in consideration of applicants for interviews and employment. Care shall be taken during the interviews to see that the privacy of the individual is protected. All questions shall be job-related.

References shall be kept for six months only from the date of employment in order to comply with the legal requirements for equal employment opportunity. They are to be destroyed thereafter.

IX. Orientation and Probationary Time Frames

Orientation is the on-boarding process of a newly hired employee in which they are advised of their employment status, rights, benefits, duties and responsibilities, and other employment related matters. MPC’s orientation period is 30 days, beginning from the date of employment to 29 days thereafter.

The probationary period is a defined time for new hires to learn information related to the specific job they are doing. MPC’s probationary period is 90 days. It begins from the date of employment

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to 89 days thereafter.

X. Workweek

A workweek is defined as any consecutive 7-day period, starting with the same calendar day each week. A workweek is considered a fixed and regularly recurring period of 168 hours, or 7 consecutive 24-hour periods.

XI. Benefits

1. Leaves and Pay

Sick Leave	<ul style="list-style-type: none"> • Accrual of sick leave begins after the orientation time. Employees are allowed to take sick leave following the probationary period. • A FTE earns 10 days of sick leave each 12 months of continuous employment. During the first 12 months of employment, sick leave time entitlement will be pro-rated according to the length of employment. (6 months worked=5 days sick leave). 5 days of unused sick leave can be carried over to the following year. • A PTE or temporary employee earns 1 hour of sick pay for every 30 hours worked. 8 hours of unused sick leave can be carried over to the following year. • Sick leave may also be used for personal medical attention, care of a family member, psychological counseling, or circumstances related to being a victim of domestic violence, sexual assault, or stalking. • Unused sick leave will not be paid upon separation from employment.
Emergency Leave	Emergency leave is granted at the Pastor's discretion, considering existing circumstances.
Jury Duty Leave	<ul style="list-style-type: none"> • In all cases the church allows for jury duty leave. • An FTE's compensation for lost time will be the difference between the employee's regular pay and any amount received for jury duty, excluding mileage allowance. • Pay will be not provided for a PTE or temporary employee.
Military Duty Leave	In all cases the church allows for military duty leave. No pay will be provided.
Pregnancy Leave	<ul style="list-style-type: none"> • FTE's and PTE's are provided with three months leave without pay following the probationary time. • Temporary employees are not provided with pregnancy leave.
Job Injury Leave	This is covered under Workers' Compensation.
Leave of Absence without Pay	Leave of absence without pay is granted at the pastor's discretion, considering existing circumstances
Unauthorized Leave	Any absence from work without prior authorization may be a basis for disciplinary action by the Pastor.

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Vacation Leave	<ul style="list-style-type: none"> An FTE earns 10 days of paid vacation leave after completing 12 continuous months of employment. During the first 12 months of employment, vacation time will be pro-rated according to the length of employment. Employees are encouraged to take their vacation in the year earned. Up to 20 days of vacation time may be carried over to the following year. No paid vacation leave is accrued or paid at anytime there are 20 unused hours. Upon termination of employment, earned and unused vacation time is converted to wages and paid to the employee. A PTE or temporary employee does not accrue vacation.
Holiday Leave	<ul style="list-style-type: none"> An FTE is allowed eight paid holidays ⁽¹⁾ based on normal hours worked that day. When a holiday falls on Sunday, the following Monday is observed as the official holiday. When a holiday falls on Saturday, the preceding Friday is observed as the official holiday. An employee must be employed on the last day preceding and on the day following a holiday, or the next day thereafter, to be eligible for holiday compensation. A PTE or temporary employee is not paid for holidays. At the pastor's discretion, employees may shift their work hours/days to accommodate the holiday.

⁽¹⁾ Paid Holidays include the following: New Years Day, Martin Luther King's Birthday, Presidents' Birthday (Third Monday in Feb), Memorial Day (last Monday in May), Independence Day (July 4th), Labor Day (first Monday in Sept), Thanksgiving Day, Christmas Day (Dec 25th).

2. Non-Exempt Rest Breaks, Meal Breaks and Overtime

Non-exempt employees receive 15 consecutive minutes of an uninterrupted paid rest break after the first 3.5 hours worked. A second rest break is provided after six hours of work. A third rest break is provided after ten hours of work.

Non-exempt employees receive a 30 minute unpaid lunch break when working at least 5 consecutive hours. Employees, in agreement with the pastor, may waive this unpaid lunch break if they do not work more than six consecutive hours. This meal break may be spent on-site or off campus. Employees receive a second 30 minute unpaid lunch break when working at least 10 consecutive hours. Employees, in agreement with the pastor, may waive this additional unpaid lunch break if they do not work more than 12 consecutive hours.

Non-exempt employees will be paid time and half for the hours worked in excess of eight and up to including 12 hours in any workday, over 40 hours in any workweek, and for the first eight hours worked on the seventh consecutive day of work in a workweek. Double time will be paid for time worked in excess of 12 hours in a day and for all hours worked in excess of eight on the seventh consecutive day of work in a workweek.

3. Social Security

All personnel are covered by the Federal Old Age and Survivors Benefits Act (Social Security). The employee's share of this tax is withheld from their compensation.

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4. Workers' Compensation Insurance

All employees are covered by California Workers' Compensation.

XII. Employee Safety and Health

Mendocino Presbyterian Church is committed to maintaining a work environment that is safe, healthy, and free from illness or injuries to all employees, volunteers and visitors. We have developed an Injury and Illness Prevention Program, as required by the State of California when there are ten or more employees at the worksite. Employees are provided training on the hazards they will most typically be exposed to, and will be instructed when there are new hazards for which they may not be familiar.

Refer to Appendix 2: Mendocino Presbyterian Church Injury and Illness Prevention Program

Any employee who becomes injured or ill at work is required to immediately seek medical attention and care. They must also notify either the pastor or the office administrator as to what occurred. An investigation into the incident will be conducted by the pastor and a member of the Personnel Committee to determine the causal factors and opportunities for correction.

XIII. Safe Church: Sexual Misconduct and Abuse Prevention Policy

It is the policy of this church to maintain a workplace free from any form of sexual misconduct or sexual harassment, by any employee, member, or friend of the congregation. The scope of this policy is not limited to the church building. It includes all contacts in carrying out this congregation's responsibilities and relationships with employees, volunteers, and others.

Any form of sexual misconduct or harassment is unacceptable behavior. All allegations will be taken seriously, investigated and appropriate corrective or disciplinary action taken as warranted.

Refer to Appendix 3: Mendocino Presbyterian Church Safe Church: Sexual Misconduct and Abuse Prevention Policy and Procedures. All employees are to read the policy and Appendices A –E. They must sign Appendix K, which is to be kept in the personnel files.

XIV. WhistleBlower Protection Policy

MPC wants its employees to feel free to report good faith concerns about possible unlawful activities in the workplace, including unlawful conduct by other associates, unsafe working conditions, and unfair labor practices. No employee, member of Session, staff, executive, or volunteer will face retaliation for violations reported according to this policy.

Refer to Appendix 4: WhistleBlower Protection Policy.

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XV. Grievances

Any problems arising from employment or conditions of employment are to be directed to the Pastor. In those cases where the solution to a problem has not been worked out in discussion with the Pastor, the employee may appeal to the Chair of the Personnel Committee. If the matter is still not resolved, the employee may appeal to Session directly in writing.

XII. Employee Files

A file is maintained in the Accounting Office, kept under lock and key, of all personnel records. Employees may access and review these files during MPC regular office hours in coordination with the office administrator.

XIII. Staff Meetings and Training

Staff meetings will be held at the discretion of the pastor. Typically these will be on a monthly basis, or more often as deemed necessary. All employees will be compensated for this time and are expected to attend these meetings.

Training may be offered to employees. All employees will be compensated for this time and are expected to attend these trainings.

XIV. Annual Performance Review

Every employee should have an annual performance review with the participation of the employee, pastor, and members of the Personnel Committee.

The Performance Review Process for all staff:

- Members of the congregation will provide confidential insights regarding the staff.
- For the pastor, the Chair of the Personnel Committee will compile the comments and share one-on-one with the pastor what is working well, and what could be improved. Opportunities for improvement, learning and development will be discussed.
- For all staff, except the pastor, the pastor will compile the comments and share with the employee.
- Following pastor conversations with staff, the Personnel Committee will meet with the pastor and employees to determine how they may assist and support the employee's working future with Mendocino Presbyterian Church. During this review the Personnel Committee will review any updated policies, along with the most current job description to ensure agreement with the employee.

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XV. Annual Compensation Review

The session's Personnel Committee is responsible for recommending to the session all salary increases. Salary levels should be maintained to be consistent internally, responsive to changes in the cost of living, and in keeping with the church's compensation standards. Salary scales for all non-exempt staff shall be in keeping with the provisions of Federal laws covering minimum wages.

The Personnel Committee should conduct an annual compensation review with each member of the staff at a time other than at the performance review and prior to the development of the annual budget; e.g., typically, they should be six months apart. Individual salaries shall be recommended to the session.

Compensation for the pastor is the responsibility of the congregation with the approval of the presbytery. Every two years the Personnel Committee will review the pastor's compensation with the salary range provided by the Presbytery. This information should be provided at the congregational meeting to assist in the discernment process.

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I have read, understood, and agree to abide by the Mendocino Presbyterian Church Personnel Policies.

Name

Date

Signature

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Appendix 1

Lesser Known Exemptions: The “Ministerial” Exception to the FLSA

By [Franczek Radelet](#) on April 7, 2015

POSTED IN [EXEMPTIONS](#)

Last week, [in my post](#) about the impact of the various iterations of the Religious Freedom Restoration Act (RFRA) on wage and hour law, we discussed the general rule that the FLSA does not contain blanket exceptions or exceptions for religious entities or individuals, with only a few exceptions. One potential caveat to this rule is an FLSA exception for ministers and clergy, the so-called “ministerial” exception. Under the FLSA itself (as well as other employment statutes, like Title VII), the only thing you need to know is that there is no ministerial exception in the statute. To the extent an exception from the FLSA exists for ministers, federal (and state) court judges have created it in the tradition of judge-made law under our common law system. Why? Courts have recognized the potential tension between the First Amendment’s establishment and free exercise clauses and government involvement in employment matters involving religious entities and their employees. In a range of areas of employment law, judges have interpreted the First Amendment to allow certain religious entities to ignore federal and state wage and hour and anti-discrimination language for ministers and clergy.

The ministerial exception from laws first appeared in cases before the turn of the 19th century. Since then, of course, Congress and state legislatures have passed a wide range of laws prohibiting discrimination and requiring the payment of a minimum wage and overtime. However, the ministerial exception has survived.

Ministers and clergy may often qualify for the white-collar exemptions to the FLSA ([administrative](#), [executive](#), and [professional](#)) if they meet the regular requirements. However, courts have also recognized a ministerial exception to the FLSA, such as the Fourth Circuit Court of Appeals, which first identified this exception in a 1990 case entitled [Dole v. Shenandoah Baptist Church](#). The court found that it could exclude a member of the clergy who worked for a religious entity from the definition of “employee” under the FLSA, which precluded his FLSA overtime claims. The court looked at Congressional floor debates and resulting guidelines that had appeared in the Department of Labor’s Wage and Hour Division’s Field Operations Handbook:

Persons such as nuns, monks, priests, lay brothers, ministers, deacons, and other members of religious orders who serve pursuant to their religious obligations in schools, hospitals, and other institutions operated by their church or religious order shall not be considered to be “employees.”

Relying on Title VII descriptions of “ministerial duties,” the Fourth Circuit used a “primary duties” test to determine whether the exception applies. Courts in many jurisdictions, however, applied other tests. The Second Circuit took into account all of the duties of a particular position, not just the primary duties. [The Fifth Circuit looked at](#) whether the employee was chosen for the position based “largely on religious criteria” and performed “some religious duties and responsibilities.” The Ninth Circuit [adopted a similar test](#) in finding a ministerial exception to Washington’s Minimum Wage Act.

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The factors used to evaluate ministerial exception claims did not become clear until January 2012, when the Supreme Court decided [*EEOC v. Hosanna-Tabor Evangelical Lutheran Church*](#). In that case involving a parochial school teacher who spent most of her work time on non-religious duties, the Court identified four factors in finding that the teacher in a religious school fit a ministerial exception to Title VII: that she was formally commissioned or ordained as a Lutheran “minister,” that she did perform “important religious functions” in addition to her teaching of lay subjects in the classroom, and that her non-religious duties, however extensive, did not make a difference. Chief Justice Roberts noted that the Court was unsure whether any church employee would ever exclusively perform religious duties. The Court rejected the Fourth Circuit’s “primary duties” test and excluded the Fifth Circuit’s focus on religious criteria from its test. The Court wrote that the ministerial exception question “is not one that can be resolved by a stopwatch. The amount of time an employee spends on particular activities is relevant in assessing that employee’s status, but that factor cannot be considered in isolation, without regard to the nature of the religious functions performed and the other considerations discussed above.”

The Court’s decision eliminates the patchwork of tests used by federal and state courts and broadens the exception beyond the limits set by many courts, but still leaves some questions. For example, how should courts weigh among the four factors? Does the weight given to each factor depend on the nature of the claim? Does the test apply to FLSA claims at all? What types of institutions may use the exception? These answers have yet to be litigated by the Supreme Court. As Chief Justice Roberts wrote near the end of the Court’s opinion, “There will be time enough to address the applicability of the exception to other circumstances if and when they arise.”

“Ministerial” Positions Under Case Law

Applying various, generally narrower tests over the years, courts have found a range of positions to be “ministerial” and therefore excepted from coverage under the FLSA and/or state wage and hour laws:

- A seminarian who assisted with Catholic Mass
- Church music/choir directors
- Ordained and non-ordained Baptist seminary faculty
- A Catholic diocese’s Director of Religious Formation
- A Mashgiach, who supervises the kashrut status of a facility, at a Jewish nursing home
- A religious hospital’s chaplain
- Salvation Army administrators who led worship and had separate duties at Salvation Army thrift shops
- A Catholic nun denied tenure for a canon law professor ship at Catholic University

Obviously, determining which positions are “ministerial” depends on the specific facts *and* the particular court interpreting those facts. However, religious entities do have some guidance. First, organizations must ensure that their governing/founding documents, policies, handbooks and other key documents demonstrate that they do have a clear religious purpose *and* that they adhere to them. Second, organizations should look to the Supreme Court’s factors to analyze whether a particular position might qualify for a ministerial exception to the FLSA (or other employment laws). Some positions, such as a Catholic priest or other congregational leader, likely fall squarely within the ministerial exception. Others, such as lay administrators, maintenance workers, office staff, or secular instructors, are a closer call. For instance, the Ninth Circuit has held that lay teachers at a church-owned school who neither

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attended to others' religious needs nor instructed students in religious doctrine did not fulfill the function of "ministers" for purposes of exemptions from anti-discrimination laws. Where there is uncertainty, religious entities should tread carefully before treating employees as exempt from the FLSA or state wage and hour laws. The ministerial exception to the FLSA (and other employment laws) is anything but a one-size-fits-all designation.

Like other employers, religious entities need to carefully examine and maintain job descriptions and monitor actual job functions to ensure that they match. You can expect courts to continue to construe this exception narrowly. Articulating a clear, reasonable and individualized basis for excluding someone from FLSA or state wage and hour laws will be the best defense to a wage and hour action challenging a ministerial exception.

<https://www.wagehourinsights.com/2015/04/lesser-known-exemptions-the-ministerial-exception-to-the-flsa/#>

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Appendix 2

Mendocino Presbyterian Church Illness and Injury Prevention Program

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Appendix 3

Mendocino Presbyterian Church Safe Church: Sexual Misconduct and Abuse Prevention Policy

I. POLICY STATEMENT

It is the policy of the Mendocino Presbyterian Church that all pastors, professionals, teachers, employees, contractors, members, and volunteers of this church maintain the integrity of ministerial, employment, and professional relationships at all times.

We need to make thoughtful and concrete efforts to protect every person of any age, including visitors, regular attendees and youth receiving care from this church from harm, including sexual misconduct (Appendix A), child abuse or neglect (Appendix A and Appendix B-II), elder abuse or neglect (Appendix B-II), or abuse of any nature . It is the spiritual and secular policy of this church to provide spiritual safety, emotional safety and physical safety to all of our members or visitors. Appendix C contains guidelines for appropriate and inappropriate affection and other behavior.

It is never permissible or acceptable for a Presbytery member, church member, officer, employee, contractor, volunteer, or visitor to engage in sexual misconduct or any form of abusive behavior. It is equally unacceptable for anyone to retaliate against someone for reporting or investigating a claim of such abuse.

II. MANDATORY REPORTING REQUIREMENT

“Any member of this church engaged in ordered ministry and any certified Christian educator employed by this church or its congregations, shall report to ecclesiastical and civil legal authorities knowledge of harm, or the risk of harm, related to the physical abuse, neglect, and/or sexual molestation or abuse of a minor or an adult who lacks mental capacity when (1) such information is gained outside of a confidential communication as defined in G-4.0301, (2) she or he is not bound by an obligation of privileged communication under law, or (3) she or he reasonably believes that there is risk of future physical harm or abuse.” (G-4.0302 of the 2011 – 2013 Book of Order)

The term “ordered ministry” includes the ordained offices of Ministers of the Word and Sacrament (teaching elders), Deacons, and Elders (ruling elders). See Appendices C, D, and E for further information relating to the reporting and response processes. Regarding any allegations against a member of the Presbytery, consultation with the Mission Presbyter/Stated Clerk is required as soon as possible.

III. MANDATORY TRAINING

Our church will ensure that **all** mandatory reporters (Pastor, Elders and Deacons), Sunday School teachers, employees and volunteers working with children are trained on this policy within six months of its adoption and every three years thereafter, as a

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minimum. Newly ordained mandatory reporters, new Sunday School teachers, employees and volunteers working with children will be trained within six months of their ordination, employment or beginning of their volunteer work. Waivers may be granted for those who have taken similar professional training, at the discretion of the Session.

IV. PRE-EMPLOYMENT/VOLUNTEER SCREENING

Everyone working or assisting with children and/or youth must complete the applicable application forms (Appendices F, G, H, I). Reference checks will be routinely done, and background checks (including fingerprinting) are required for all paid staff (including ministers) working with children/youth.

In cooperation with California laws, this church **prohibits registered sex offenders** from working with children or youth or being in close proximity to ministries with children or youth. This church also **prohibits the following persons** from working with children or youth or being in their close proximity (except for church intergenerational activities): anyone who has been convicted of a violent crime, any sexual offense (even if not registered as a sex offender), or has consented to entry of a court order involving the same.

Care should be taken before allowing such persons to hold a church office as such a role could involve supervision or ministries with children or youth and/or conflict with duties as a mandated reporter.

Where the reference and/or background search of a candidate indicates an item of reasonable concern to the Safe Church Coordinator (defined in Appendix A), the candidate and search results may be discussed with the Church pastor, and/or appropriate officer of the Presbytery of the Redwoods, and legal counsel, and further references may be checked. Upon due consideration of such officers and clergy, the candidate may be declined for service with the Church, or the candidate may be accepted for Church service if consistent with this policy.

Any volunteer who works with or supervises youth regularly shall be a member or active attendee of this church for at least six months prior to starting such activities.

Appendix J contains requirements for motor vehicle drivers of youth and children.

V. COMPLIANCE AND DISTRIBUTION

This policy will be given to all Teaching and Ruling Elders, Commissioned Lay Pastors, Deacons, employees and volunteers working with children and youth. Each recipient shall be required to sign a statement (Appendix K) acknowledging that they have received a copy of this document, read and understand it, and agree to conduct themselves in accordance with this policy.

It is the intent of this policy to be at minimum consistent with the policy, guidelines, and expectations of the Presbytery of the Redwoods, and the Presbyterian Church(USA).

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VI. RECORD KEEPING

This church is committed to good record keeping including, but not limited to, files on ministers, employees and volunteers involved in children or youth activities. The locked files should contain, as appropriate, applications for employment/volunteer work, background checks, references' responses, signed Acknowledgment Receipts and all other applicable documents, except records which may be required, by law, to be kept in separate files. Good faith effort will be made to follow this policy and to maintain the security and confidentiality of these records.

Access to personnel or other confidential files is limited to the Pastor, Clerk of Session, the Safe Church Coordinator, and other specified persons as identified and approved by the Session such as specific officers of the Presbytery of the Redwoods and legal counsel.

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APPENDIX A

DEFINITIONS

1. **Sexual Misconduct** is a comprehensive term used in this policy to include, but is not limited to:
 - a. child sexual abuse as defined in #2 below ;
 - b. rape or sexual contact by force, threat, or intimidation;
 - c. sexual malfeasance -- a breach of trust by a religious leader misusing that office/position to have sexual activities within a ministerial or professional/leadership relationship;
 - d. any risqué jokes, innuendo, unacceptable visual contact, unwelcome casual touch, unwelcome and inappropriate hugs and kisses;
 - e. production, accessing or distribution of pornography; or viewing pornography on church computers or on church premises.

2. **Child Sexual Abuse** includes, but is not limited to:
 - a. any sexual contact (may or may not involve touching) or sexual interaction between a child (under the age of eighteen years) and an adult;
 - a. any use of a child for the sexual stimulation of an adult, a third person, or the child;
 - b. any risqué jokes, innuendo, unacceptable visual contact, unwelcome casual touch, unwelcome and inappropriate hugs and kisses, and sexually suggestive pictures between an adult and a child, as deemed inappropriate by any reasonable adult.

3. **Sexual Abuse** as defined in the *Book of Order*. "Sexual abuse of another person is any offense involving sexual conduct in relation to (1) any person under the age of eighteen years or anyone over the age of eighteen years without the mental capacity to consent; or (2) any person when the conduct includes force, threat, coercion, intimidation, or misuse of ordered ministry or position" (Book of Order, D-10.0401c).

In the professional context, mutual expressions of affection do not abrogate the abusiveness of the relationship, for true consensuality may be considered, by definition, impossible between a professional and a person in that professional's care.

4. **Sexual Harassment** means unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

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- a. submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, or their continued status in this church; or,
- b. submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individuals; or,
- c. such conduct has the purpose or the effect of unreasonably interfering with an individual's work performance by creating an intimidating, hostile, or offensive working (either employment of volunteer based) environment based on the declared judgment of the affected individual. Lack of intent to harass is no defense.

Examples of sexual harassment include, but are not limited to:

- i. Verbal: sexual innuendoes, risqué jokes, sexually suggestive or insulting questions, comments, or sounds, jokes or teasing of a sexual nature, sexual propositions or threats, continuing to make sexual advances or comments or otherwise expressing personal interest after being informed that the interest is unwelcome, sexual remarks regarding clothing, body, or love life, or any type of subtle pressure for sexual activity.
 - ii. Visual: sexually suggestive or gender derogatory objects, pictures, computer software, posters, or letters; leering, whistling, or obscene or sexually suggestive gestures.
 - iii. Physical: unwanted physical contact, including touching, pinching, brushing the body, impeding or blocking movement, sexual intercourse or assault.
 - iv. Encouraging attitudes or patterns of verbal, visual, or physical conduct (may or may not be obviously directed at a particular person) which may be reasonably perceived as tending to legitimize, rationalize, or make light of unwanted sexual advances.
5. **Sexual conduct** includes offensive, obsessive or suggestive language or behavior, unacceptable visual contact, unwelcome touching or fondling that is injurious to the physical or emotional health of another.
 6. **Misuse of technology** involves the use of technology that results in sexually harassing or abusing another person, including texting or emailing suggestive messages and images to persons with whom one has a ministerial relationship. It is never appropriate to view pornography on church property. When this includes a person under the age of eighteen, it is considered child abuse. There is never an expectation of personal privacy when using technological equipment owned by a church or church entity or within the context of ministry.
 7. **Volunteer** is any person who provides services for this church or related organization within this church's jurisdiction without financial or material remuneration. (The volunteer may or may not be a member of this church.)
 8. **Employee** is any person receiving monetary compensation either from this church or another entity for services performed for this church or related organization within this church's jurisdiction, whether services are full time or part

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time, or continuing or short term, and includes staff, supervisors, and independent contractors.

9. **“Safe Church Coordinator** is the person designated by the Session, and recorded in the minutes, who is approved by Session to:
 - a. follow up on references, a task that can be shared by the Minister and/or any designated Session member;
 - b. receive background check information (e.g. technical background checks, references, and similar required information within the guidelines of this Safe Church Policy) of volunteers or employees whose clearance goes through the Session; and
 - c. respectfully and confidentially handle all Safe Church misconduct and abuse related confidential information (including mandated reports and any related appropriate documentation) as outlined in this Safe Church Policy.
10. **Mutual Consent** is not possible when one party is a clergy/ professional lay leader in a pastoral, counseling, employer or leadership position within the church, related organization, or sponsored activity in which the other party is a parishioner, member, counselee, employee; or, when one of the parties is a child. Ordinarily, Ruling Elders or Deacons would not be considered to have a power differential complication when dating a mutually consenting adult member of the same church. Consultation with the Committee on Ministry is encouraged if there are questions.

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APPENDIX B

Guidelines for Appropriate and Inappropriate Affection and Behavior

This church is committed to creating and promoting a positive, nurturing environment for our children's and youth ministries, one that protects our children and youth from abuse, and our Church Personnel and volunteers from misunderstandings. When creating safe boundaries for children and youth, it is important to establish what types of affection are appropriate and inappropriate; otherwise that decision is left to each individual. It also allows for such behaviors that are appropriate and thus allow Church volunteers and personnel to comfortably show positive affection in ministry, and yet identify individuals who are not maintaining safe boundaries with children or youth. The following guidelines are to be carefully followed by all Church Personnel working around or with children or youth.

1. Love and affection are part of church life and ministry. There are many ways to demonstrate affection while maintaining positive and safe boundaries with children and youth. Some **positive** and **appropriate** forms of affection are listed below:
 - Brief hugs.
 - Pats on the shoulder or back.
 - Handshakes.
 - "High-fives", "knuckle-bumping" and hand slapping.
 - Verbal praise.
 - Touching hands, faces, shoulders and arms of children or youth.
 - Arms around shoulders.
 - Holding hands while walking with small children.
 - Sitting beside small children.
 - Kneeling or bending down for hugs with small children.
 - Holding hands during prayer.
 - Pats on the head when culturally appropriate. (For example, this gesture should typically be avoided in some Asian communities).
2. The following forms of affection are considered **inappropriate** with children and youth in ministry setting because many of them are the behaviors that child molesters use to groom children or youth and their parents for later molestation or can be, in and of themselves, sexual abuse.
 - Full frontal or lengthy embraces.
 - Kisses on the mouth.
 - Holding children over three years old on the lap.
 - Touching bottoms, chests or genital areas other than for appropriate diapering or toileting of infants and toddlers.
 - Showing affection in isolated areas such as bedrooms, closets, staff only areas or other private rooms.
 - Occupying a bed with a child or youth

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- Touching knees or legs of children or youth.
- Wrestling with children or youth.
- Tickling children or youth.
- Piggyback rides.
- Any type of massage given by a child or youth to an adult, individually or in groups.
- Any type of massage given by an adult to a child or youth, individually or in groups.
- Any form of unwanted affection.
- Comments or compliments (spoken, written, or electronic) that relate to physique or body development. Examples would be, “You sure are developing,” or “You look really hot in those jeans.”
- Snapping bras or giving wedgies or similar touch of underwear whether or not it is covered by other clothing.
- Giving gifts or money to individual children or youth.
- Private meals with individual children or youth.
- Frequent calling visits.
- Frequent phone conversations.
- Extended time together.

3. The following is a more specific list of acts that are **absolutely prohibited** during any congregational or church related activity for children and youth.

- Any display or demonstration of sexual activity, abuse, insinuation of abuse, or evidence of abusive conduct toward a child or youth.
- Sexual advances or sexual activity of any kind between any adult and a child or youth.
- Infliction of physically abusive behavior or bodily injury to a child or youth.
- Physical neglect of a child or youth, including failure to provide adequate supervision in relation to congregational activities. Adequate supervision means the type of supervision a reasonable person would provide in the same or similar situation.
- Causing mental or emotional injury to a child or youth.
- Any kind of verbal remarks with sexual connotations, overtones, or innuendo directed to or about a child or youth.
- Possessing or accessing obscene or pornographic materials at any congregational activity.
- Possessing illegal drugs or being under the influence of any illegal drugs.
- Consuming or being under the influence of alcohol while participating in any congregational activity designed for children and youth.
- Carrying any type of weapon.

4. **Appropriate “best practices” of behavior:**

- The “rule of two” – use two adults or volunteers in activities with children

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whenever possible.

- Use “open rooms” (with clear visibility in and unlocked) and another adult in proximity when meeting with children and minors.
- Have a responsible supervisor (such as a Teaching or Ruling Elder, Deacon, church employee, volunteer, etc.) randomly monitor all activities that involve children or youth.

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APPENDIX C

MANDATED REPORTING and RECOGNIZING CHILD/ELDER ABUSE

I. MANDATED REPORTING

Mandatory reporters of child and elder abuse and neglect in California include “clergy members” and “custodian of records of a clergy member” (in the PCUSA this refers to clerks of session). Mandatory reporters as identified in the *Book of Order* include both Teaching and Ruling Elders, Deacons, Certified Christian educators, associate Christian educators.

Under current California Penal Code sec 11165.6(b), "Volunteers of public or private organizations whose duties require direct contact with and supervision of children are not mandated reporters, but are encouraged to obtain training in the identification and reporting of child abuse and neglect and are further encouraged to report known or suspected instances of child abuse or neglect."

Relevant Sections of California Penal Code 11165, 11166 and 15600

“A mandated reporter shall make a report to an agency (police or sheriff’s department, welfare department, Child Protective Services, Adult Protective Services) whenever the mandated reporter, in his or her professional capacity or within the scope of his or her employment, has knowledge of or observes a child whom the mandated reporter knows or reasonably suspects has been the victim of child abuse or neglect. The mandated reporter shall make an initial report to the agency immediately or as soon as practicably possible by telephone and the mandated reporter shall prepare and send, fax, or electronically transmit a written follow up report thereof within 36 hours of receiving the information concerning the incident.”

“Any mandated reporter who fails to report an incident of known or reasonably suspected child abuse or neglect as required by this section is guilty of a misdemeanor punishable by up to six months confinement in a county jail or by a fine of one thousand dollars (\$1,000) or by both that imprisonment and fine.”

The Welfare and Institutions Code section 15600 and the following sections provide for mandatory reporting of abuse of older adults age 65 and over and of dependent adults* ages 18-64. The law defines a “dependent adult” as someone ages 18-64 who has physical or mental limitations which restrict his/her ability to carry out normal activities or to protect his/her rights, including those whose abilities have diminished with age.

The current abuse reporting law applies to both older and dependent adults.

“Any mandated reporter, in his/her professional capacity, who has observed or has knowledge of an incident that reasonably appears to be abuse, or is told by the older or dependent adult that he/she has been abused, or reasonably suspects abuse must report the known or suspected abuse by telephone immediately, and by written report within two working days as described below.”

“If the known or suspected abuse is alleged to have occurred in a long term care facility such as a skilled nursing facility or a residential care facility, the abuse must be reported to

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the Long Term Care Ombudsman Program or the police. If the abuse occurred anywhere else, the report must be made to Adult Protective Services or the police.”

“Any person reporting abuse under this law is immune from civil or criminal liability, unless that person acted in bad faith or with malicious purpose.”

“However, failure to report physical abuse of an older or dependent adult is a misdemeanor punishable by not more than six months in county jail or by a fine of not more than \$1,000, or both. Willful failure to report serious abuse, where the abuse results in death or great bodily injury, may be punishable by up to one year in county jail, or a fine of up to \$5,000, or both.”

NOTICE: This document does not presume to have the most recent legal or relevant Sections of California Penal Code references or sections. It is important to consult the Presbytery of the Redwoods or appropriate legal counsel for the most current and relevant applicable information.

II. RECOGNIZING CHILD/ELDER ABUSE and NEGLECT

A. RECOGNIZING CHILD ABUSE and NEGLECT

California Penal Code section 11165 describes four categories of **child abuse or neglect**:

1. **Physical abuse:** unlawful corporate punishment or injury; willful harming or injuring of a child; or unjustifiable physical pain or endangering.
2. **Physical neglect:** malnutrition or failure to thrive; or general neglect in food, clothing, shelter, medical care, or supervision.
3. **Sexual abuse:** sexual assault (any sexual touching), or sexual exploitation (such as pornography or prostitution).
4. **Emotional abuse,** or unjustifiable mental suffering.

B. RECOGNIZING ELDER ABUSE and NEGLECT

California Welfare & Institutions Code section 15610 describes seven types of **elder abuse or neglect**:

1. **Physical abuse:** acts that injure the body as well as any sexual abuse.
2. **Neglect:** failure of whomever is caring for an elder or dependent adult to adequately provide food, clothing, medical care, or shelter.
3. **Abandonment:** leaving an elder or dependent adult alone when a reasonably competent person would not have left such a person alone.
4. **Abduction:** removing an elder or dependent adult from this State without proper consent, or preventing an elder or dependent adult from returning to this State.

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5. **Isolation:** preventing an elder or dependent adult from receiving mail, telephone calls, or visitors.
6. **Financial abuse:** wrongfully taking or retaining an elder's or dependent adult's personal or real property.
7. **Mental suffering:** fear, agitation, confusion, severe depression brought about by intimidation, threats, harassment, or deceptive acts made with malicious intent.

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Appendix D

THE REPORTING and RESPONSE PROCESS

This section includes guidelines and expectations once a reasonably suspected allegation of abuse is identified. **Consultation (as soon as practicable) with an appropriate church officer (e.g. Teaching or Ruling Elder) and the Presbytery of the Redwoods is our policy.**

In responding to allegations of abuse or sexual misconduct, we seek healing and the assurance of the protection and dignity of all persons. Where possible, the privacy of persons is to be respected and allegations should be responded to as matters of highest confidentiality both before and after appropriate action has been taken.

Allegations against church members, attendees, officers, employees, and volunteers must be inquired into so that, if proven, corrective action can be taken to ensure the safety of all within our community of faith. Even if the accused is no longer connected with our church, we have the duty to hear the allegations and to take measures (such as education and policy) to prevent future occurrences of harm. Administrative handling of an allegation by the church does not negate the state's mandatory reporting requirements. Full cooperation with both civil and ecclesiastical investigations is expected.

The first person to learn of an incident(s) of sexual misconduct should not conduct an inquiry alone, but should ask the person making the allegation if they would be willing to put it in writing and get as much specific information as possible about it. (Appendix D may be used for that purpose.) If the person is unwilling or unable to make a written statement, any member of the PC (USA) may make the statement. That would then automatically trigger the Rules of Discipline of the Book of Order if the alleged facts, if proven true, would likely result in disciplinary action.

Although there are no time limits for allegations of sexual abuse (D-10.0401), once a charge is filed, it must be immediately forwarded to the Clerk of Session or the Stated Clerk of Presbytery, as appropriate, for prompt investigation.

Following the guidelines of D-10.0106, administrative leave is appropriate if there is some likelihood that a similar offense (as that alleged) may occur during the period of investigation and/or trial; or if it appears necessary to preserve the peace and purity of the congregation, related organization, or sponsored activity. Administrative leave is preventative, not punitive as there is always a presumption of innocence. Pastoral care should be offered to the congregation, the alleged victim/accused and their families.

Please note that while certain persons are mandatory reporters (see Appendix B-I on mandated reporting), a church member or citizen can take similar actions to report and protect church members from abuse and mistreatment. In all cases involving a person associated with this church, immediate consultation is our policy guideline.

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- “Reasonable suspicion” of abuse/misconduct is detected. It is important for legally mandated reporters to understand that their standard to report is typically low and thus they do not need to have proof of the allegation to report; however they should have knowledge of or have observed what a reasonable person would find suspicious of abuse or misconduct. At this level, all mandated reporters are expected to seek consultation immediately. A person does not have to be a mandated reporter to report suspected abuse or seek consultation.
- Appropriate reporting agencies:
 - Police
 - Child Protective Services (CPS)
 - Adult Protective Services (APS)
- If the safety of the suspected victim is of immediate concern, the appropriate reporting agency (see above) should be immediately contacted by telephone.
- If the safety of the suspected victim is not of immediate concern:
 - Consult with an appropriate church officer (e.g. Teaching or Ruling Elder or Deacon). As a general guideline, mandated reporters are charged with reporting within 24 hours unless for some reason this is not possible or may lead to additional harm to the suspected victim.
 - Following consultation, the report is then made to one of the above agencies. Most times the agency will require a written report within the following 36 hours on a form that can be downloaded off the internet. Each local agency likely has its own particular instructions which should be followed. **Always document the agency contacted, the contact person, the date and the time of the contact.** To the extent possible be prepared to supply the reporting agency with the following information:
 - Name, birthday or age, and sex of suspected victim
 - Present location of suspected victim (including address and phone contact if known)
 - Home address and phone of suspected victim if known
 - If suspected victim is a minor, then the home address and phone number of each parent/guardian if known
 - Name, birthday or age if known, and sex of suspected abuser
 - Address and phone of suspected abuser and present location if known
 - A brief narrative of the suspected abuse
 - If a mandated reporter, your name, phone contact and relationship to the suspected victim (if not a mandated reporter,

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you are not necessarily required to identify yourself, but they may want to know something about how the suspected abuse came to your attention, etc.)

- Make one photocopy of the report and submit via U.S. Mail or fax or as directed by the reporting agency. The photocopy is to be handled with prayerful protection and given in a sealed envelope to the appropriate church officer (Ruling Elder, Safe Church Coordinator, Clerk of Session or Presbytery of the Redwoods as appropriate). This document as well as any other applicable documentation is then kept according to the Recordkeeping guidelines in the main Safe Church Policy .

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Appendix E

Suspected Sexual Misconduct Report Form

1. **Date of Report:** _____
2. **Reporter's Name:** _____
Address _____
City, State, and Zip Code _____
Phone Number (including area code) _____
3. **Alleged Victim's Name** (if other than reporter) _____
Address _____
City, State, and Zip Code _____
Phone Number (including area code) _____
4. **Name of Person suspected of misconduct:** _____
Address _____
City, State, and Zip Code _____
Phone Number (including area code) _____
5. **Name(s) of Other Person(s) involved:** _____
Address _____
City, State, and Zip Code _____
Phone Number (including area code) _____
(Witness or other alleged victim?) Circle appropriate choice(s).

Name: _____
Address _____
City, State, and Zip Code _____
Phone Number (including area code) _____
(Witness or other alleged victim?) Circle appropriate choice(s).

Name: _____
Address _____
City, State, and Zip Code _____
Phone Number (including area code) _____
(Witness or other alleged victim?) Circle appropriate choice(s).

6. Report of Suspected Sexual Misconduct

Describe incident(s) of suspected sexual misconduct, including date(s), time(s), and location(s). Please be as specific as possible and continue on the back of this page or attach additional paper. Include all information that might be helpful, including any other people who may have further pertinent information.

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APPENDIX F Children and Youth Ministries Application Form - Adults

It is the goal of _____ Presbyterian Church to create a safe and secure atmosphere for all children who participate in activities of this church. In this spirit, it is necessary to gather certain information from individuals offering paid or volunteer services involving children and youths. This information will be used for the sole purpose of helping the church provide a safe and secure environment for those children who participate in our programs and use our facilities and will be maintained by standards of confidentiality.

Personal Information

Name: _____ Date: _____	
(first) (middle) (last)	
Other name(s) you have been known by:	
Address:	
Telephone:	Email:
Date of Birth:	Social Security No:
CA Drivers License:	
Ministry Area: <input type="checkbox"/> Children's <input type="checkbox"/> Youth <input type="checkbox"/> Facilities <input type="checkbox"/> other: Description: <input type="checkbox"/> Leader <input type="checkbox"/> Assistant <input type="checkbox"/> Driver	

References List three references that are not related to you by birth or marriage.

References that know of your work with youth or children are preferable. At least one reference must be a _____ Presbyterian Church member.

	Reference 1	Reference 2	Reference 3
Name			
Title/Position			
Relationship to you (no relatives)			
Telephone (daytime and evening phone numbers when possible)			
Known how long?			

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Office Use Only:			
Office Use Only			

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APPENDIX G

Children and Youth Ministries Volunteer Application Form - Minors

It is the goal _____ Presbyterian Church to create a safe and secure atmosphere for all children who participate in activities of this church. In this spirit it is necessary to gather certain information from individuals offering volunteer services involving children and youths. This information will be used for the sole purpose of helping the church provide a safe and secure environment for those children who participate in our programs and use our facilities and will be maintained by standards of confidentiality.

Personal Information

Name:	Date:
(first) (middle)	(last)
Address:	
Telephone:	Email:
Date of Birth:	CA Drivers License:
Ministry Area: <input type="checkbox"/> Children's <input type="checkbox"/> Youth <input type="checkbox"/> Facilities <input type="checkbox"/> Other	

References

List three references that are not related to you. References that know of your work with youth or children are preferable. At least one reference must be a _____ Presbyterian Church member.

	Reference 1	Reference 2	Reference 3
Name			
Title/Position			
Relationship to you (no relatives)			
Telephone (daytime and evening phone numbers when possible)			
Known how long?			

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Appendix H
Pre-employment Screening Certification Questionnaire

Name: First Middle Last

Address:

City, State, Zip Code:

Phone:

Mobile:

Have you ever been known by any other name?

- No
Yes, please provide other name(s):

Please complete the following certification:

I certify that (a) no civil, criminal, ecclesiastical complaint has ever been sustained or is pending against me for sexual misconduct; (b) I have never resigned or been terminated from a position for reasons related to sexual misconduct; and, (c) I have never been required to receive professional treatment for reasons related to sexual misconduct on my part.

Signature Date

Name (Printed)

Note: If you are unable to make the above certifications, you may provide, in the space provided below, a description of the complaint, termination, or course of treatment you have been involved in, giving dates, names, and addresses of employers and physicians, the outcome of the situation, and any explanatory comments you care to add:

Four horizontal lines for providing a description of the complaint or course of treatment.

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Appendix I

CONSENT TO BACKGROUND SREENING

I hereby authorize _____ Presbyterian Church (the "Church") and or its agents to make an independent investigation of my background, references, past employment, education, adult criminal or police records, civil judicial records pertaining to sexual misconduct or child abuse/neglect, and motor vehicle records, maintained by any private or public organization, for the purpose of confirming information which may be material to my qualifications for service with the Church, whether paid or volunteer, during the tenure of my service with the Church.

I understand that background screening may include (but not be limited to) multi-state criminal background check, individual county background check, national or state sex offender registry check, alias search, social security number trace, motor vehicles records search, and fingerprints check.

I release the Church and its agents and any person or entity (including any law enforcement agency or judicial authority or ecclesiastical governing body), which provides information pursuant to this consent, from any and all claims, liabilities and legal actions with regard to the information obtained from any of the above sources.

The Church has disclosed that it shall maintain such information in separate files, and that good faith efforts will be made to maintain the security and confidentiality of these records. Access to this consent, my service application form, and any information obtained from background searches shall be limited to the Church pastor, president of the Church Session, the Safe Church Coordinator appointed by the Session, and specific officers of Presbytery of the Redwoods, and legal counsel for such persons or entities.

The following is my true and correct name and information to the best of my knowledge.

Signature: _____

Date: _____

Print Legal Name: _____

Former or Other Names: _____

Social Security Number: _____

Drivers License State and Number: _____

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Appendix J

Requirements for Motor Vehicle Drivers of Children and Youth

- 1 The following rules apply when transportation by volunteers is being provided for children or youth for designated church activities.
 - a. One of the designated leaders of the event must know the driver.
 - b. Driver must be at least 25 years of age and under 70 years of age.
 - c. Driver must have a valid California's driver's license for the vehicle being operated.
 - d. Driver must have proof of insurance.
 - e. Driver must sign an acknowledgment form indicating that they have read the Children and Youth Safety Policies and Procedures for Volunteers and will abide by the procedures.
 - f. The designated leaders of the event will not permit anyone to drive who appears to be under the influence of alcohol or drugs.
 - g. There must be at least three people in the vehicle, either two adults and one child or youth or one adult and two children or youth. A volunteer or employee may drive a single child or youth only with the prior permission of the parent of the child or youth.
- 2 The applicant must be clear for the past three years of the following: reckless driving, driving under the influence of drugs or alcohol, leaving the scene of an accident or other similarly serious offenses. The applicant's history of speeding violations and at-fault accidents will also be taken into account prior to approving them to become a volunteer driver.
- 3 A copy of the driver's valid unrestricted California license and current automobile insurance policy declarations must be filed with the Church Office Coordinator, before a driver is approved to drive on church sponsored children or youth activities. Drivers must submit a copy of their insurance policy declarations to the church office annually, in January of each year.
- 4 All vehicles used to transport children and youth for designated church activities must be covered by a current automobile insurance policy with the following minimum coverages: liability insurance \$100,000/\$300,000; property damage \$50,000; medical coverage for passengers \$5,000.
- 5 All drivers are advised that in the event of an accident (by insurance rules), their insurance company is considered primary and the Church's insurance company is secondary.
6. Drivers are responsible for providing a safe vehicle, including but not limited to the following:
 - Minimum tread on tires (not bald or worn)
 - Seat belts for all passengers
 - Working lights, turn signals, mirrors
 - Appropriate spare tire, highway flares or reflectors
 - Normally operating engine
 - Normal interior and exterior
 - Normal mechanical systems, including steering and brakes

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If the vehicle does not meet these safety expectations, it cannot be used to transport children or youth for designated church activities. It is the responsibility of the designated leaders of the event to decline the use of a vehicle that shows evidence of not meeting the above criteria.

7. The driver must confirm that all seat belts are fastened prior to departing and while the vehicle is in motion.
8. To drive a 10 passenger or more vehicle, the driver must have a current, valid California Commercial Class B or Class A driver's license.

Vehicle Information

The following information must be provided by anyone that is volunteering to drive children or youth for church sponsored events or activities.

Vehicle(s) to be driven	
Manufacturer & Model	Manufacturer & Model
Year	Year
License Plate	License Plate
Registration Expiration	Registration Expiration
Insurance Company	Insurance Company
Policy Number	Policy Number

I declare that my driving record has been clear for the past three years of the following: reckless driving, driving under the influence of drugs or alcohol, leaving the scene of an accident or other similarly serious offenses.

Applicant Signature: _____

Print Applicant Name: _____

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APPENDIX K

Mendocino Presbyterian Church Safe Church Misconduct and Abuse Prevention Policy Acknowledgment Receipt

I hereby acknowledge that I received on _____ (*date*) a copy of the _____ Presbyterian Church Safe Church Misconduct and Abuse Prevention Policy, dated _____, and that I have read the policy, understand its meaning, and agree to conduct myself in accordance with the policy, including but not limited to all forms of child abuse and elder abuse.

I attest that I have read and understand the mandatory reporter provisions of the Penal Code of the State of California which are stated in this document and the “duty to report” mandates of the constitution of the Presbyterian Church (USA) and that I will comply with those provisions.

Signature *Date*

Name (Printed)

Note: This Acknowledgment should be re-affirmed at such times as amendments or revisions to the Policy are made and distributed.

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Appendix 4

MENDOCINO PRESBYTERIAN CHURCH WHISTLEBLOWER PROTECTION POLICY

1. Effective Date

This Mendocino Presbyterian Church (MPC) whistleblower protection policy is made effective as of September 1, 2018.

2. PURPOSE

MPC wants its employees to feel free to report good faith concerns about possible unlawful activities in the workplace, including unlawful conduct by other associates, unsafe working conditions, and unfair labor practices. No employee, member of Session, staff, executive, or volunteer will face retaliation for violations reported according to this policy.

3. REPORTING VIOLATIONS

To report suspected violations, please write, email, or call one of the following sources.

(a) Compliance officers. Compliance officers are individuals who are responsible for reviewing and investigating reported violations. MPC has appointed the following associates to serve as compliance officers. Suspected violations can be reported to one the following compliance officers.

- (i) Chair of Personnel Committee
- (ii) Office manager

(b) Alternative Reporting Options. If you feel uncomfortable reporting suspected violations to one of the compliance officers, or feel that your report has not been addressed properly, contact Matthew Davis, Pastor.

4. ANONYMOUS REPORTS

(a) Reporters seeking 100% anonymity should report suspected violations by letter with no identifying details.

(b) Although MPC will use its best efforts to maintain the anonymity of reporters, in certain cases an individual's identity may need to be disclosed to conduct a thorough investigation, to comply with the law, or to provide the accused individuals their legal rights of defense.

5. CONTENTS OF REPORT

In general, a report should contain as much information as possible, including the facts and dates that led you to suspect that a violation occurred. Although you are not required to give your name in your report, contact information will allow the compliance officer to follow up with you with further questions.

6. ANONYMITY AND CONFIDENTIALITY

Regardless of the method you use to report suspected violations, MPC will make every effort to keep your report confidential. However, the degree of anonymity possible will depend on the reporting method you choose. For example, if you report a suspected violation by telephone, the compliance

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officer may recognize your voice. Please select the reporting method that supports your desired level of anonymity.

7. INVESTIGATING AND RESOLVING REPORTS

(a) Documentation. When a report is received, the compliance officer will create a file for the suspected violation and will keep all documentation in that file.

(c) Timeframe. Investigation of violations shall begin within three days of receipt of the report. Every effort shall be made to investigate and resolve reports promptly.

8. COMPLIANCE OFFICERS' DUTIES

Compliance officers shall use their best efforts to investigate thoroughly and with consideration for the reporter all reports of suspected violations. Compliance officers must report annually on the submission and resolution of these matters to the Session of MPC and the Treasurer of MPC.

9. CONFIRMATION

If your report is not anonymous, the compliance officer will notify you that your report has been received and keep you updated on the status and results of the investigation.

10. GOOD FAITH

MPC encourages all of its associates to report workplace conduct that they believe violates applicable laws and regulations. MPC may take disciplinary actions against associates who make unfounded allegations proved to have been falsely or maliciously made.

11. NO RETALIATION

MPC will not tolerate retaliation against associates who report violations pursuant to this policy. Good faith reporters can be assured that no matter the investigation's outcome, they will not face adverse employment consequences, discrimination, harassment, or threats as a result of their reports. A whistleblower who believes that he or she is being retaliated against must contact Grace Sharples, chair of Personnel Committee, or Matthew Davis, Pastor. A whistleblower's entitlement to protection against retaliation does not include immunity for personal wrongdoing that is alleged and investigated.

12. OTHER LAW

Nothing in this policy may be construed in a way that conflicts with any reporting obligations or protections afforded by state or federal law.