



## **THE DIOCESE OF SANTA ROSA**

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### **LAY EMPLOYEE HANDBOOK**

### **PERSONNEL POLICIES AND PROCEDURES**

Effective July 1, 2017

Updated July 1, 2023

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# Diocese of Santa Rosa

P.O. Box 1297  
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My Dear Coworkers:

I am pleased to present to you the Revised Employee Handbook for the Diocese of Santa Rosa. This document provides all of us with a sound personnel program and a helpful means of establishing a solid and well-ordered working relationship. The handbook reflects the teachings of the Church as well as the applicable employment standards established by our civil society.

The manual has been thoroughly studied and amended by our Diocesan Coordinator of Human Resources as well as our Diocesan Attorneys. Any recommendations for changes should be made through your pastor who will be responsible for transmitting these to the Coordinator of Human Resources.

As workers in the Catholic faith community, we must all strive to reflect in our work the mind and spirit of Christ who came to serve not to be served. As workers for the Church, we represent Christ and the Church to all whom we serve. I am blessed to have you as coworkers in the mission of the Church here in the Diocese of Santa Rosa. May God bless you and the work which you do for the sake of His Kingdom.

I pray that God continue to shower every good grace and blessing upon you.

Sincerely yours in Christ Jesus,

The Most Reverend Robert F. Vasa  
Bishop of Santa Rosa

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## **WELCOME AND INTRODUCTION**

The Diocese welcomes and values all of its employees. The Diocese employs a dedicated group of men and women, clergy, religious and lay people who are committed to living the Gospel Message and proclaiming the Good News of Salvation.

Throughout this Handbook the term “Diocese” includes the Parishes, Missions and other civil entities canonically linked to the Diocese.

The Diocese provides a positive work environment that contributes to genuine human development. The Diocese constantly strives to recognize achievement and promote employee growth to reach new levels of success and foster teamwork in service to the people of the Diocese. Successful employee contribution is integral in achieving the goals and fulfilling the mission of the Diocese and the Roman Catholic Church.

Employees want to know what they can expect from the Diocese and what it expects from them. This Employee Handbook ("Handbook") acquaints employees with the current policies, practices, benefits, and conditions of employment with the Diocese and its affiliated organizations. Employers and employees are encouraged to keep this Handbook handy as a reference guide. Employees are invited to ask questions of supervisors about this Handbook.

Supervisors will be happy to answer questions and help clarify needed information.

## PURPOSE OF THE LAY EMPLOYEE HANDBOOK

This Handbook is designed to acquaint employees with the Diocese and to provide a reference for answers to questions regarding employment with the Diocese. This Handbook constitutes only a summary of the personnel policies, employee benefits, employment regulations, and conditions of employment in effect at the time of publication and is not meant to be all inclusive or to explain every employment situation.

Other than the “at-will” agreement contained in the Employee Acknowledgment which employees are expected to sign, this Handbook is not meant to create any kind of employment contract or promise of continued employment for a definite term. The Diocese reserves the right to revise, modify, add or rescind any of the provisions of the policies, benefits, regulations and other working conditions at any time in its sole and absolute discretion.

Employment at the Diocese is “at-will;” therefore, employment may be terminated at any time by the employee or by the Diocese “with or without cause.” This Handbook should not be construed to alter the “at-will” nature of the employment. Nothing in it creates or is intended to create a promise or representation of continued employment for a definite term. Only the Bishop or his designate has the authority to enter into or authorize any agreement that modifies the “at-will” employment or supplement this Handbook. Any such agreement must be in writing and signed by the Bishop or his designate and the employee.

This Handbook supersedes all prior Handbooks and any and all written documents, summaries, or understandings including oral representations that contradict the “at-will” nature of the employment. This Handbook also supersedes all announcements, website posts, notices and advertisements that may refer to the “at-will” nature of Diocese employment.

The end of this Handbook contains a copy of the *Employee Handbook Acknowledgment of Receipt Form*. Please carefully read and review this Acknowledgement. All employees must return copies of these documents to their supervisor within ten (10) days of receiving this Handbook. Contact a supervisor or the Diocese Human Resources Department with any questions regarding the Acknowledgement form and/or this Handbook.

## **DIOCESE EMPLOYEE RELATIONS PHILOSOPHY**

Every employee presents the face of the Diocese to the people it serves. The Diocese relies on the loyalty, commitment and continued efforts of all of its employees in fulfillment of its mission.

### **Communication**

The Diocese of Santa Rosa believes that communication is an invaluable key to a successful employment relationship. The Diocese has developed a sound employee relations program which includes providing and maintaining good working conditions, competitive wages and benefits, open communication, and opportunities for positive employee involvement. Employees of the Diocese are in service to the Catholic Church and the world in which we live. Employee initiatives, creativity, and ideas to improve the delivery of services to the community are welcomed contributions to the working environment.

### **Concerns, Questions or Problems**

From time-to-time questions concerning an employee's job or this Handbook may arise. These issues should be discussed with the employee's supervisor and/or the Human Resources Department. Concerns that are not shared with the appropriate parties cannot be addressed.

The supervisor is the person responsible for the immediate work area and is in the best position to answer questions or give help. Questions, concerns, and problems should be addressed first to the supervisor. When the immediate supervisor cannot or has not satisfactorily resolved concerns presented, the employee should submit a written complaint within a timely manner to the senior site manager (i.e., the pastor, principal, administrator, or department director).

The written complaint should include:

- The nature of the grievance;
- Detailed information including evidence of the issue, witnesses, related policies, etc.;
- And a possible solution or desired outcome.

The supervisor should respond to the complaint in writing and copy other appropriate parties. If the immediate supervisor is the senior site supervisor or if the senior site supervisor cannot resolve the issue, the written complaint should be submitted to Human Resources.

Complaints of harassment, discrimination, or lack of work place accommodation are dealt with below in the sections of this Handbook that cover those policies. Employees may contact directly the Diocese Human Resources Department.

## **DIOCESE RESPONSIBILITIES AS AN EMPLOYER**

The Diocese follows all applicable civil and canon laws pertaining to the employment of Catholic Church personnel. Specifically, as canon 231 provides:

*"Lay persons who permanently or temporarily devote themselves to special service of the Church are obliged to acquire the appropriate formation required to fulfill their function properly and to carry out this function conscientiously, eagerly, and diligently. . . . (W)ith all the prescripts of civil law having been observed, lay persons have the right to decent remuneration appropriate to their condition so that they are able to provide decently for their own needs and those of their family. They also have a right for their social provision, social security, and health benefits to be duly provided."*

### **"At-Will" Employment**

All employment with the Diocese is "at-will." This means that the employee and/or the Diocese have the option to terminate employment at any time, with or without cause. Only the Bishop or his designate has the authority to modify the "at-will" nature of the employment relationship. The Bishop or his designate may make such modifications only if they are in writing and signed by both the Bishop or his designate and the employee.

### **Equal Employment Opportunity**

The Diocese is an equal opportunity employer. All employees and applicants are treated without discrimination relating to race, color, national origin, age, physical or mental disabilities or conditions, veteran status, marital status, or on-the-job injuries. As a religious organization; however, the Diocese retains its right to make employment decisions considering its religious beliefs and practices in accord with the teachings and laws of the Catholic Church.

Please note that, as a religious organization employer, the Diocese and each location is exempt from California's Fair Employment and Housing Act (FEHA).

### **Resolution of Discrimination Complaints and Non-Retaliation**

The Diocese recognizes the right of employees to address legitimate complaints of discrimination. Employees who believe that they have been subjected to any form of unlawful discrimination should immediately advise their supervisor. Employees should submit a detailed written statement at the time of their complaint.

Supervisors are required to report any instances or complaints of discrimination to their senior manager (i.e., pastor, principal, administrator, or department director) and to the Diocese Human Resources Department within one (1) business day. A timely and thorough investigation will be conducted. When it is determined that an offense has been committed, effective remedial action will be taken commensurate with the severity of the offense. The Diocese prohibits and will not tolerate any form of retaliation by management or co-workers against an employee who has filed a discrimination complaint.

### **ADA Compliance and Requests for Accommodation**

It is the policy of the Diocese to comply with the Americans with Disabilities Act (ADA) protecting qualified individuals with disabilities. The Diocese provides reasonable accommodations for known physical or mental disabilities to qualified individuals to the extent required by law, provided that the requested accommodations do not create undue hardships for the Diocese and/or do not pose direct threats to the health or safety of the requesting individuals and others in the workplace including parishioners, students, clients, and others served by the Diocese.

If an accommodation is required to perform the essential functions of one's job, the Human Resources Department must be notified. The Human Resources Department will then work with the employee to identify possible accommodations enabling performance of the essential functions of the job. Equal opportunity is extended to qualified persons with disabilities in all aspects of the employer-employee relationship, including recruitment, hiring, training, promotion, transfer, and compensation, and benefits, leaves of absence, discipline, and termination of employment.

Instances of non-compliance with these policies noted by the employee should be referred to the immediate supervisor or senior manager (i.e. pastor, principal, administrator or department director) and/or the Diocese Human Resources Department. The Diocese prohibits and will not tolerate any form of retaliation by management or co-workers against an employee who submits an ADA compliance request.

### **Policy Regarding Harassment**

The Diocese strictly prohibits all forms of workplace harassment including those based on: race, religion, color, sex, gender, gender identity, sexual orientation, national origin, ancestry, citizenship status, uniform service member status, marital status, pregnancy, protected medical condition, genetic information, disability, or any other category protected by applicable law. This policy applies to all employees in their dealings with each other as well as in their dealings with parishioners, students, clients, others we serve as well as vendors, independent contractors and others doing business with us. In addition, the Diocese does not tolerate employee harassment by parishioners, students, clients, vendors, independent contractors, and others doing business with the Diocese.

Forms of harassment include: verbal, physical or visual conduct that creates an offensive, hostile or intimidating work environment. It also includes such conduct that results in unreasonable interference with the ability to do one's job. Additionally, offensive or unwelcome jokes or pranks, racial or ethnic slurs or other conduct predicated upon one or more of the protected categories identified in this policy are prohibited.

## **Policy Regarding Sexual Harassment**

Sexual harassment is prohibited by the moral teachings of the Catholic Church as well as state and federal law. The Diocese strictly prohibits sexual harassment. The term sexual harassment encompasses a broad spectrum of prohibited conduct.

### **Examples of Prohibited Sexual Harassment**

By way of illustration and by no means exhaustive, the following are examples of unlawful and unacceptable behavior:

- unwanted verbal or physical sexual advances;
- offering an employment benefit in exchange for sexual favors, including the promise of increased compensation, promotion, or career assistance in exchange for sexual favors;
- threatening adverse employment actions such as termination, demotion, reduction in hours, or disciplinary action for an employee's resistance to engage in sexual activity;
- visual conduct which may include leering, sexual gestures, displaying sexually suggestive objects, pictures, cartoons, or posters including electronic media;
- verbal abuse of a sexual nature which may include graphic commentaries about a person's body, using sexually degrading words to describe an individual, suggestive, or obscene letters, notes, or invitations including emails or internet links to offensive sites;
- physical contact including touching, assault, impeding or blocking movements;
- physical or verbal abuse concerning a person's gender or the perception of the person's gender; and
- verbal abuse concerning a person's physical characteristics in relationship to their gender and or size or shape of a person's body or body parts.

### **Reporting and Complaint Procedures**

Any incident of sexual harassment to which one has been subjected or which has been observed should promptly be reported to one's supervisor. If the supervisor is the offender the Human Resources Department must be notified directly. The supervisor and/or Human Resources Department receiving the complaint or observing harassing conduct is to immediately inform the senior manager on site (i.e., pastor, principal, administrator or department director) who is obliged to report the incident to the Diocesan Director of Human Resources within twenty-four (24) hours of receiving the complaint. A prompt confidential and thorough investigation is to be initiated.

If the response of the supervisor, senior manager or on-site representative is unsatisfactory, one may call the Diocese Human Resource Director directly. Every reported complaint of harassment is taken seriously and will be acknowledged and thoroughly investigated in a timely and professional manner. No form of retaliation against an employee for making a good-faith complaint or for cooperating with the investigation of the complaint will be tolerated by the Diocese.

## **Discipline**

When harassment is determined, the Diocese will discipline the offending employee and advise the offended party that corrective action is being taken. Disciplinary action available to the Diocese for a violation of this policy ranges from oral to written warnings, up to and including, immediate termination of employment. Reasonable corrective action will be pursued by the Diocese in cases of acts of harassment by nonemployees.

## **Sexual Harassment Prevention Training**

California Government Code Section 12950.1 mandates Sexual Harassment Prevention Training for all employees who are actual supervisors or may be perceived to be supervisors. A supervisor is an employee who supervises and directs other employees or volunteers or has the authority or influence to hire employees, counsel employees or terminate employment.

California law requires that at least two (2) hours of sexual harassment prevention and anti-bullying training be provided for all new supervisors within six (6) months of hire and at least once every two (2) years thereafter.

**Effective January 1, 2019**, California law requires all **non-supervisory employees** to take Sexual Harassment Prevention Training. The class must be at least one (1) hour long and made available to all new non-supervisory employees within six (6) months of hire and at least every two (2) years thereafter.

The Diocese does not tolerate sexual harassment and provides and requires specialized training for all employees in compliance with laws regarding prevention of sexual harassment. Failure to participate in this training may lead to disciplinary action up to and including termination of employment.

## **Employee Classification**

### **Full-Time Benefit Eligible Employees**

Employees, regularly scheduled to work at least thirty (30) hours per week, are classified as full-time employee. Full-time employees are normally eligible for all applicable Diocese benefits as outlined in this Handbook and statutory benefits, including time away from work and leaves of absence as required by law.

### **Part-Time Employees**

Employees, regularly scheduled to work a minimum of twenty (20) but less than thirty (30) hours per week as determined by the Diocese, are classified as part-time employees. Part-time employees are eligible to participate in the Diocese pension plan according to its stated terms and are eligible for statutory benefits, including paid vacation and sick leave.



### **Short-Hour Employees**

Employees regularly scheduled to work less than twenty (20) hours per week as determined by the Diocese are classified as short-hour employees. Short-hour employees are eligible for statutory benefits including social security, workers' compensation, state disability insurance and state unemployment insurance. This includes paid sick leave.

### **Temporary Employees**

Temporary employees are employed to work on special projects or on a "fill-in" basis for short, set periods of time, usually not exceeding six (6) consecutive months. Temporary employees are eligible for statutory benefits including paid sick leave. No one may be a temporary employee for a period that exceeds one (1) year.

### **On-Call Employees**

An individual hired to work on an as-needed basis is classified as on-call. An on-call employee is hired as needed for a short duration of time, less than twenty (20) hours per week. When an on-call employee works twenty (20) hours or more per week for a period in excess of six months, the employee is to be re-classified to the appropriate status. On-call employees are eligible for statutory benefits, including paid sick leave.

### **Employees Providing Professional Services in Liturgy**

Music and choir directors, musicians, cantors, organists, and wedding coordinators, who are compensated for their services, should generally be on the parish payroll as full-time, part-time, short-hour, or on-call employees.

### **Employee Status Change**

Circumstances affecting the delivery of services (e.g., lower enrollment in schools, or discontinuance of a ministry or service) may result in loss of full-time status and consequently loss of eligibility for the Group Insurance Health Plan. In these cases, within thirty (30) days' notice of cancellation, the party may apply for COBRA insurance coverage.

### **Employee Categories**

#### **Non-Exempt Employees**

Non-exempt employees include those employees who perform duties other than those classified as executive, administrative, or professional as defined by the Federal Fair Labor Standards Act. All non-supervisory office and support positions fall into this category. Non-exempt employees are entitled to the premium pay or overtime provisions of the Federal Fair Labor Standards Act and any

applicable state or local laws; therefore, they receive premium pay (overtime) for work in excess of eight (8) hours in one day or forty (40) hours in a single workweek.

### **Exempt Employees**

Exempt employees, those in positions which have passed the CA Department of Industrial Relations Exemption from Overtime Laws test, i.e., hiring and firing decision making positions, regularly manage the work of two or more other employees, require professional certifications, etc. (e.g., department director, school administrator, teacher, licensed clinical social worker or CPA), are normally ineligible for the overtime provisions of the Federal Fair Labor Standards Act or applicable state laws and must earn a monthly salary equivalent to no less than two times the state minimum wage for full-time employment/40 hours per week.

### **Work Schedule**

#### **Standard Workweek**

The standard workweek is Monday through Sunday comprising a twenty-four (24) consecutive hour period of time beginning at midnight. Employee work schedules are based on this framework.

#### **Hours of Work**

Work hours vary by location and department. The appropriate management personnel establish work hours.

#### **Written Job Descriptions**

Supervisors are to give a clear written description of job duties including the expected levels of performance at the time of being hired. It is recommended that supervisors review individual job descriptions annually with the employee to ensure all expectations are clearly delineated and that the written description of job responsibilities remains current and accurate. This process is used to maintain open communication and productive collaboration.

#### **Performance Appraisals**

All Diocese employees deserve to know that their efforts are appreciated, what the standards of their expected performance are and how they are measuring up to those standards. The best way to accomplish sharing goals and objectives is through a system of annual performance appraisals. Therefore, it is recommended that the performance of each employee be reviewed at least once per year based upon job related criteria. Job related criteria include the written job description as well as standards of performance or goals to be accomplished during the performance review period.

The annual performance review is part of the continuing process of performance management. It is based on a foundation of ongoing communication between employee and supervisor regarding job performance. The annual performance review process includes self-assessment, supervisory assessment, and, where applicable, feedback from those served by the employee with a view to formulating a plan for continued excellence and growth in performance.

The Diocese Human Resources Department will provide general instructions and model instruments for use in the annual performance review. For school employees, faculty appraisals will be conducted according to the school's administrative policies and procedures promulgated by the Diocese Catholic Schools Department.

Normally, the written appraisals are prepared in duplicate, signed by the employee and the supervisor. The original is placed in the personnel file and the employee retains a copy. The signature of the employee on the written appraisal is an indication that the appraisal has been received and reviewed and is not an indication of agreement with its content. In cases of disagreement, the employee may submit a separate written response within ten (10) days of receiving the written performance appraisal. The written response must also be placed in the personnel file.

### **Transfers and Rehire**

Whenever possible, applications for new and vacant positions will be offered to existing and qualified Diocese employees in accordance with the following procedures.

#### **Transfers**

Transfers from one location or department to another may be requested by the employee or the immediate supervisor or senior manager (i.e. pastor, principal, administrator or department director). Employees may request a transfer after completing a minimum of six (6) months of employment. A request to transfer will be accepted when the senior manager and the Diocese Human Resources Department agree that the transfer is in the best interest of the employee and of the Diocese. The supervisor may seek to delay a transfer in order to allow a reasonable period of time to find a suitable replacement.

Transfers of faculty from one Catholic school to another must be approved by the Diocese Catholic Schools Department Superintendent.

#### **Effects of Transfer on Benefits**

Benefit eligible employees transferring to another benefit eligible position do not lose or have an interruption in benefits as a result of the transfer. Transfer to another benefit eligible position does not reduce one's benefit accrual rate because the benefit accrual rate is based on years of service. However, the number of hours accrued going forward will depend on the new work schedule. Vacation benefits, if any, are paid by the corresponding entity from which the employee was transferred at the time of transfer to the new post. Sick leave benefits (up to a maximum of 10 days)

and retirement vesting benefits, if any, transfer to the new location if the employee remains benefit eligible.

### **Guidelines**

Employees have the right to inquire without prejudice regarding the appropriate requirements for promotions, new positions, or transfers, prior to notifying one's supervisor.

### **Rehire Provisions**

Employees, who terminate their "at-will" employment with the Diocese and are rehired by the Diocese within ninety (90) days, retain their original employment anniversary date as well as the associated accrual rate for vacation and sick leave.

Rehire after a separation of employment with the Diocese in excess of ninety (90) days will result in a new anniversary and benefit eligibility dates. These provisions do not apply to an approved leave of absence as further described under the Section titled **Leaves of Absence**.

### **Employment at More than One Location**

Concurrent employment at more than one Diocese location (e.g., parish, school, Pastoral Center, other centers or agencies) must be coordinated by the Diocese Human Resources Department to ensure compliance with applicable employment and benefit laws and Diocese policies and procedures.

In the case of concurrent employment involving schools, the approval of the Diocese Catholic Schools Department will be required. Employees and their supervisors must notify the Human Resources Department of each corresponding entity of the concurrent, dual or multiple, employment.

### **Meal Periods**

Hourly non-exempt employees, who work more than five (5) hours in a day, are required to take a thirty (30) minute duty-free meal period. This first meal period must be taken no later than the end of the employee's fifth hour of work. If an employee works a maximum of 6 hours a day, the employee may choose to not take a lunch break. A second meal period must be provided no later than the end of an employee's tenth hour of work (unless the first meal period is taken and the second meal period is properly waived). An employee who works over ten (10) hours in a day is required to take a second thirty (30) minute duty-free meal period. Only in very limited circumstances, as discussed below, can meal periods be waived.

Employees are completely relieved of their job responsibilities during their meal periods. For this reason, unless there is a written agreement for an on-duty meal period approved by the supervisor, a record must be made of the beginning and ending time of the meal period in the timekeeping system. Confirmation in writing may be required of the employee that daily meal periods during

the pertinent pay period have been provided, as well as identifying any meal periods missed. Employees may not alter or falsify any timekeeping records. Meal periods are not paid and are not treated as hours worked.

Neither the supervisor nor any Diocese senior manager (i.e., pastor, principal, administrator or department director) may instruct, require or approve foregoing a meal or rest period. Any instruction or approval to miss a meal period must be reported immediately to the onsite Human Resources representative or the Diocese Human Resources Department.

### **Waiver of Meal Period**

According to California state law, employees may waive their meal periods only under the following circumstances:

- if the work day is no more than six (6) hours; or
- if the employee works no more than twelve (12) hours in a day, the second meal period may be waived if the employee observed the first meal period.

In the presence of the above conditions, an employee may submit a written request and receive prior written authorization from their supervisor to waive a meal period. A waiver is not granted to shorten the workday or accumulate meal or rest periods for any other purpose. Further meal period waiver explanations and the necessary forms are available from the Diocese Human Resources Department.

### **On-Duty Meal Period**

According to California state law, certain designated employees in limited situations may be required to work an on-duty meal period due to the nature of the employee's duties. Only if the nature of the employee's job duties requires it, and the employee and the Diocese have agreed to an on-duty meal period in writing, will the employee be permitted to take an on-duty meal period. In this situation, the employee's on-duty meal period will be paid and treated as hours worked.

### **Rest Periods**

The Diocese and state law requires employees to take a ten (10) minute paid rest period for every four (4) hours worked (or major fraction thereof), which should be taken so far as practicable in the middle of each work period. Depending on location and duties, employees may be generally authorized and permitted to schedule rest periods at their discretion under these guidelines. A supervisor may require that rest periods be scheduled to best ensure the smooth delivery of service to parishioners, students, and clients. Rest periods may not be combined with meal periods.

Rest periods are counted as hours worked, and thus, are not required to be recorded in the timekeeping system. Neither supervisor nor senior manager (i.e., pastor, principal, administrator or department director) is authorized or allowed to instruct or permit an employee to waive a rest period. The approved rest period may not be used to shorten the workday or be accumulated for

any other purpose. Written confirmation of the employee may be required to confirm that obligatory rest periods were provided during the pertinent pay period.

### **Lactation Accommodation Policy**

The parish/school provides a reasonable amount of break time to accommodate an employee's need to express breast milk for the employee's infant child. The parish/school will make a reasonable effort to provide the employee with the use of a room or other location in close proximity to the employee's work area for the employee to express milk in private. Such space will meet the requirements of the California Labor Code including a surface to place a breast pump and personal items, a place to sit, access to electricity, a sink with running water, and a refrigerator for storing breast milk.

An employee may request an accommodation for lactation breaks by submitting a lactation accommodation request form to her supervisor. The supervisor must respond to the employee's accommodation request in writing on the same lactation accommodation request form submitted by the employee, indicating the approval or denial of the break request. The completed request form must be returned to the employee and a copy sent to the human resource department.

The requested break time should, if possible, be taken concurrently with other scheduled break periods. Nonexempt employees must clock out for any lactation breaks that do not run concurrently with normally scheduled rest periods. Any such breaks will be unpaid.

The parish/school reserves the right to deny, in writing, an employee's request for a lactation break if the additional break time will seriously disrupt operations. Employees have the right to file a complaint with the labor commissioner for any violation of rights provided under the California Labor Code regarding lactation accommodation.

### **Confidential Personnel Files and Information**

Personal information not generally available to the public will be considered private and confidential. That private and confidential information is normally maintained in individual personnel files. Access to one's personnel file is limited to that individual and those with proper authorization, including those who respond to criminal or civil subpoena. No documents will be released from a personnel file without the employee's consent, except pursuant to legal process.

Employees may review their own personnel file upon reasonable notice with an authorized representative of the Diocese Human Resources Department present. Copies of all documents to which the employee is entitled by law are available upon request. Personal information contained in the personnel file may be corrected or clarified by the employee. Employees have the right to respond in writing to items on file they consider to be false. Written responses of the employee are to be maintained in their personnel file.

### **Supervisory Treatment**

The Diocese requires all supervisors to treat employees they supervise with dignity and respect. Serious, continued or deliberate violations of this policy by any supervisor, at any level, shall be grounds for disciplinary action, including termination of employment.

It is incompatible with Diocese employment policy for supervisors to:

- publicly reprimand or criticize subordinate employees;
- make unreasonable demands which cannot humanly be met;
- retaliate against any subordinate employees who exercise their right to file work-related claims with a government agency, file claims for workers' compensation or relate grievances to the Diocese Human Resources Department or to higher levels of management; and
- communicate in ways that can be construed as haranguing or harassment.

All supervisors are expected to listen with courtesy and empathy to the concerns of their employees and provide adequate opportunity for employees to seek counsel or advice in connection with their work.

All supervisors are expected to communicate clearly their expectations for their employees, and the responsibilities for which the employees will be held accountable. They are also expected to cooperate with and assist employees who seek to clarify responsibilities, expectations, or instructions by asking questions, or by submitting a written summary of such instructions for the supervisor's confirmation and approval. Supervisors are supposed to allow employees to give, without undue interruption, their side of any dispute regarding their work.

Whenever necessary, correction or reprimand of an employee is to be administered privately and confidentially. Direction and criticism are to be given respectfully and courteously, without belittling or demeaning the employee. Any correction or reprimands of an employee must be documented and placed in the employee file. The employee should be given a copy of the document.

Employees being treated by their supervisor in a manner that violates this policy are encouraged to address the treatment with their supervisor for resolution. If the employee does not receive a satisfactory response, they should report the treatment to the Diocese Human Resources Department.

## **DIOCESE COMPENSATION AND BENEFITS**

The Diocese provides employees with reasonable compensation and specific benefits designed to sustain employees and their families against undue financial hardship. In addition to a fair and just wage, the Diocese offers employee benefits that may be modified as necessary.

## **Compensation**

Compensation is commensurate with one's qualifications, job description and expected level of performance taking into account the financial capabilities of the Diocese.

## **Compensation Administration**

### **Methods of Pay**

All non-exempt employees are paid on an hourly basis calculated on actual hours worked. Exempt employees are paid on a salary basis. All methods of payment will be administered in strict compliance with wage and hour laws and regulations.

### **Timekeeping Policy and Procedures for Non-Exempt Employees**

Unless otherwise notified, non-exempt employees will be required to accurately record the hours they worked for the Diocese using the approved time keeping system. Accurate recording of the hours worked is required to assure payment in accord with the law. It is against the law to work or volunteer "Off-clock" for the same work for which one is normally paid. No supervisor may require, request, instruct or otherwise expect an employee to work unpaid hours.

"Hours worked" is defined by state law as all the time an employee is subject to the control of an employer and includes all the time that an employee is permitted to work, whether or not required to do so.

Any changes or corrections to the record of one's time worked must be approved in writing by the employee and their supervisor. Under no circumstances may one employee record another employee's time.

### **Overtime**

"Overtime" refers to work in excess of eight (8) hours in one day or forty (40) hours in a single workweek. Only non-exempt employees are eligible to receive compensation for "overtime." "Overtime" hours must be pre-approved by one's supervisor. Employees are obliged to accurately record all "overtime" hours worked. Working beyond one's regularly scheduled work hours, including "overtime" and off schedule hours without one's supervisor's approval prior to working those hours may result in discipline, up to and including employment termination.

The Diocese or the corresponding entity where one is employed may periodically schedule "overtime" or weekend work in order to meet the needs of parishes, schools, and centers for special liturgical, educational or community events or projects. Employees may be required to work these "overtime" hours and will be given as much advance notice as possible.



### **Suggestions Program**

The Diocese encourages employees to share their ideas, initiatives, and creativity regarding more efficient and productive ways of serving parishioners, students, clients and other constituents. Suggestions that will enhance our services and their delivery to our constituents, regarding our effectiveness or that might reduce expenses, should be presented in writing to a supervisor who is to forward them to the appropriate senior manager.

## **INSURANCE AND RETIREMENT PLAN BENEFITS**

The following information is a summary of the insurance and retirement plan benefits offered by the Diocese. Those eligible for these benefits will be given detailed plan summaries or the information to access plan summaries online. Consult with the Diocese Employee Benefits Coordinator for details and specifics.

### **Health Plan Coverage - Medical, Dental and Vision Insurance**

Benefit eligible employees and their dependents are offered a medical health plan which may include dental and vision benefits. Additional information is available from the Employee Benefits Coordinator and/or the Diocese web site for current plan offerings.

- *Dates of coverage;*
- *Eligibility requirements;*
- *Coverage continuation during leaves of absence;*
- *Open enrollment periods;*
- *Any special provisions for school employees, i.e., "benefit eligible school employees, including contracted teachers and administrators and non-credentialed staff and aides, will receive health benefit continuation through summer recess/break, if they have a fully executed letter of intent, contract, or employment agreement (MOU) for the following year. If the school employee will not be returning for the following school year, benefits will terminate on the last day of the month during which termination of employment occurs."*

### **Life Insurance**

The Diocese offers life insurance coverage for benefit eligible employees. Consult the Diocese Employee Benefits Coordinator for additional information regarding life insurance.

## **Statutorily Mandated Insurance Benefit Programs**

### **Workers' Compensation Insurance**

The Diocese provides workers' compensation insurance. It requires employees to share the responsibility for personal safety and the safety of others.

#### **Coverage**

Pursuant to state law, the Diocese pays the entire premium amount for workers' compensation insurance coverage that provides benefits to employees who experience injury or illness arising out of the course and scope of their employment. State law governs workers' compensation benefits entitlements.

#### **Reporting Accidents – Employees or Volunteers**

It is the duty of each employee to report immediately to one's supervisor any incident, injury, or unsafe conditions. The supervisor is responsible to correct or sequester unsafe conditions immediately in order to avoid accidents. The supervisor is to report unsafe conditions to the Diocesan Property and Risk Management Director. All work-related accidents and injuries must be reported directly to the injured employee's supervisor no matter how minor the injuries may appear. If the injury requires medical attention, the supervisor should arrange transportation to the nearest medical clinic that is acceptable to the employee. If the injury is life threatening or appears serious, 911 Emergency Services is to be called. Any serious or life-threatening injuries should be also reported to Diocesan Counsel and the Diocesan CFO. All injuries should be reported to Church Mutual using the Workers' Compensation Claim Form DWC-1 found on the Diocese of Santa Rosa website. The supervisor completing the form should clearly document the accident and, if possible, take pictures of the area where the accident occurred. Accident reports are to be sent to the Diocesan Property and Risk Management Director. Employees and Supervisors must comply with all reporting procedures and timelines required by law and by the workers' compensation insurance carrier.

#### **False or Fraudulent Claims**

It is a crime under state law to knowingly file a false or fraudulent claim for workers' compensation benefits.

#### **Policy of Non-Retaliation**

The Diocese maintains a strict policy against discharging or threatening to discharge an employee for filing or making known the intention to file a claim for workers' compensation benefits. When an employee is convinced of being discriminated against in violation of this policy the Diocese Human Resources Department should be contacted.

### **State Disability Insurance (S.D.I.)**

By state law, the Diocese is required to deduct a certain amount from an employee's compensation for deposit in the employee's state disability insurance account or a state approved Voluntary Plan. S.D.I. benefits are payable when an employee cannot work because of illness or injury unrelated to one's employment. For information about S.D.I. benefits, contact the Diocese Employee Benefits Coordinator or the department of the state that administers the S.D.I. program.

### **Family Temporary Disability Insurance**

California state law requires the Diocese to withhold a certain percentage of one's wages pursuant to the Family Temporary Disability Insurance Act (FTDI) in order to fund the Paid Family Care Leave Program. FTDI is another program that is administered by California's Employment Development Department (E.D.D.) FTDI allows eligible employees to receive compensation for lost wages under defined circumstances and time periods for time away from work to care for a seriously ill child, spouse, parent, or member of one's household or to bond with a new child. This is not a leave program. It does not provide the employee with any entitlement to leave other than which they are entitled pursuant to Diocese policy. All FTDI claims are administered by the E.D.D. that will determine eligibility to receive FTDI benefits. Those receiving state disability insurance, unemployment compensation insurance or workers' compensation insurance benefits may not be eligible for FTDI benefits.

### **Social Security**

The Diocese, under the Federal Insurance Contributions Act, more commonly known as the Social Security Act, is required to deduct a percentage of employee wages, matched with an equal amount paid by the Diocese, to be deposited with the Social Security Administration. A more complete explanation of disability, survivor and retirement benefits provided under Social Security is available from your local Social Security Administration office.

### **Lay Employee Pension Plan**

The Diocese provides a defined contribution pension plan for all lay employees who regularly work twenty (20) or more hours per week as part of their job classification and category. Eligible employees will receive the plan summary from the Employee Benefits Coordinator. Eligibility is determined pursuant to the terms of the plan and generally begins following completion of the first full year of employment working twenty (20) or more hours per week.

The plan is known as a defined contribution plan. The Diocese makes annual base contributions of five and one-half percent (5.5%) of one's regular salary. Higher percentages may apply to certain long-standing employees. These contributions are in addition to one's regular earnings and are paid entirely by the Diocese. Although employees do not contribute to this plan, they are provided the opportunity to manage their own funds within the prescribed guidelines. Please consult the plan for vesting and management details.

### **403(b) Plan**

The Diocese does not, currently, contribute to employee 403(b) Plans. However, all employees of the Diocese are eligible to open a personal retirement 403(b) account with OneAmerica (cf. [www.oneamerica.com](http://www.oneamerica.com)). Following the specific instructions of the employee, the Diocese will be a conduit for authorizing payroll deductions for contributions to the personal 403(b) account. Individual personal financial consultants, or consultants associated with OneAmerica, can provide further information and assistance.

## **TIME AWAY FROM WORK**

The Diocese offers time away from work benefits to facilitate and foster a supportive working environment. The Diocese offers these benefits, many of which are not required by state law. All are subject to eligibility requirements as outlined in this section.

### **Paid Holidays**

Full or part-time (working at least 20 hours a week) employees will receive the following specific holidays off with pay any time they fall on a normally scheduled work day:

- New Year's Day
- Good Friday
- Memorial Day
- Independence Day
- Labor Day
- All Saints' Day (Optional)
- Thanksgiving Day
- Day After Thanksgiving
- Christmas Day
- Day after Christmas
- New Year's Eve Day

Each calendar year, the Diocese will distribute a schedule of the year's paid holidays. The Diocese retains the right to change the schedule or eliminate paid holidays with or without notice. Paid holidays must be taken when they occur. They do not accumulate or otherwise accrue. The appropriate manager may select an alternate date for a paid holiday when necessary.

### **Bereavement Days**

CA Employers with five (5) or more employees are required to provide bereavement leave. Benefit eligible full or part-time employees may receive up to five (5) days of paid bereavement leave in the event of the death or funeral of a member of one's immediate family (i.e., one's spouse, children, stepchildren, grandchildren, siblings, parents, grandparents, or spouse's parents). Short hour employees who work under 20 hours may be eligible for up to five (5) days of leave unpaid. This leave is only available to employees who have worked for the employer for at least 30 days prior to the commencement of the leave. Documentation may be required for this leave to be approved.

### **Civic Duty**

The Diocese assists its employees in performance of civic duties.

### **Jury Duty**

Supervisors are to be notified by the employee upon receipt of jury summons. Unless otherwise required by Federal or State Law, time served on jury duty up to ten (10) days will be paid time. A court certificate evidencing jury service is required. Jury service beyond (10) days will not be paid.

In the event of early release from jury service the employee is expected to call their supervisor as soon as possible to report for work for the remainder of the shift as needed.

### **Witness Duty**

An employee required to appear in court by subpoena as a witness must immediately notify their supervisor. Employees may be eligible to receive up to two (2) days' pay for serving witness duty. A court certificate evidencing service is required.

### **Voting**

For those unable to vote during non-work hours may arrange to take up to two (2) paid hours off to vote. To receive time off for voting, employees must obtain advanced approval from their supervisor and must take the time off to vote either at the beginning or end of the work shift. The Diocese reserves the right to request a copy of one's voter's receipt following any time off to vote.

### **Paid Vacation**

The Diocese provides paid vacation time to all benefit eligible employees except for Catholic schools' faculty and administrators who have entered into faculty/administrator employment agreements. In those cases, their agreements will provide the conditions of paid vacation time, if any.

## Eligibility

A benefit eligible employee regularly working twenty (20) or more hours per week may apply for accrued vacation days.

## Accrual

Vacation benefits start accruing from the time an employee becomes benefit eligible. By state law, earned vacation benefits are not subject to forfeiture. Vacation hours do not accrue during any leave of absence. Vacation time accrues at a rate that is proportionate to the actual hours worked per week as follows:

0-4 Years-	2 Weeks per year	= 80 hours if employed 40 hrs per week / 60 hours if employed 30 hrs per week
5-9 Years-	3 Weeks per year	= 120 hours if employed 40 hrs per week / 90 hours if employed 30 hrs per week
10-19 Years-	4 Weeks per year	= 160 hours if employed 40 hrs per week / 120 hours if employed 30 hrs per week
20 + Years-	5 Weeks per year	= 200 hours if employed 40 hrs per week / 150 hours if employed 30 hrs per week

## Accumulation Maximum

While not subject to forfeiture, vacation benefits are subject to a maximum accumulation of 1.5 times the yearly accrual amount. When this maximum accrual is reached additional vacation hours or days will not be earned until the accrued time has been reduced below the maximum. **Employees are encouraged to use vacation every year.**

## Requests to Use Vacation

It is required to request vacation time in writing to one's supervisor with sufficient advance notice for planning the work schedule, this may be no less than three (3) weeks prior to beginning the vacation period. Vacation requests will be accommodated considering department operations and staffing needs.

## Payment

Vacation payment is made based on the vacation time accrued on the day the vacation begins. Payment of vacation benefits in lieu of taking time off is normally not permitted. The following are exceptions:

- During Leaves of Absence: Accrued vacation benefits during any approved leave of absence, in the event of an extended illness, injury or disability when sick leave is exhausted or in an integrated manner with workers' compensation benefits.
- Transfer or Termination of Employment: In the event of transfer to another location, a reduction of hours that excludes benefit eligibility or termination of employment for any reason, an employee may be compensated for all unused earned vacation hours up to the maximum

accumulation of six (6) weeks. Accumulated vacation will not normally be transferred to a new Diocese location.

- **Illness while on Vacation:** In the event of illness while on vacation incapacitating the employee for three (3) or more days, the employee may request to use accrued sick leave benefits instead of vacation pay. Verification from a healthcare provider must be submitted.

### **Sick Leave**

In order to help reduce the economic hardship which benefit eligible employees might face from short term illness, injury or medical emergencies, the Diocese offers sick leave benefits which may also be used for your medical appointments or for you to accompany members of your immediate household to medical appointments that cannot be scheduled outside of work hours or for medical emergencies. You may use up to one-half of your sick leave days per year to care for an ill child, spouse, parent, or member of your immediate household.

### **Accumulation**

For those employees who work **20 to 40 hours a week**, sick leave is accumulated at the rate of one (1) day per month from the date one first becomes benefit eligible on a pro-rata basis and proportional to the hours and days one is regularly scheduled to work per week.

For those who **regularly work less than 20 hours a week**, these people will receive a lump sum of 24 hours each year. There is no accrual. Once the 24 hours is gone, no more will be available until the next year.

For **occasional part time employees** (on call employees, for example), these people will receive 1 hour of sick leave for every 30 hours worked. As these employees are accruing sick leave, they will be allowed to carry over to a maximum of 48 hours. There is no accrual beyond 48 hours.

Sick leave benefits start as soon as an employee becomes benefit eligible. Sick leave benefits are subject to forfeiture at the time of termination of employment. Sick leave days do not accumulate during any leave of absence. Up to 10 days maximum (proportionate to the employee's new scheduled hours) of accrued sick leave benefits transfer to a new Diocesan location if the employee remains benefit eligible. Sick leave cannot be transferred from one employee to another.

### **Accumulation Maximum**

Sick leave benefits are subject to a maximum accumulation at any time of 36 work days. When one reaches this maximum accumulation allotment, one will not accumulate additional sick leave until the accumulated time has been reduced below the maximum.

### **Notification of Need for Sick Leave**

Employees are expected to notify their supervisor of the need for sick leave as soon as possible on the first day they become ill, usually within thirty (30) minutes of the regularly scheduled start time. Employees must check in with their supervisor daily whenever possible unless they have notified

their supervisor that they will be out for several days or are on an approved leave of absence. Use of sick leave will be documented in writing.

### **Verification**

Employees may only use sick leave benefits appropriately in the event of short-term illness, injury or medical emergencies. Sick leave may also be used for medical appointments or for you to accompany members of your immediate household to medical appointments. Sick leave may also be used to care for an ill family member. The Diocese reserves the right to require a written statement from a licensed health care provider verifying the need and length of the sick leave if the absence extends longer than three (3) days.

### **Payment**

Sick leave payment is made based on the available sick leave accumulated. Employees are required to record sick leave in the regular time keeping method in order to be paid. Employees may be paid sick leave for full or partial day increments. Employees may also use available sick leave benefits to supplement state disability or workers' compensation benefits as appropriate. Upon termination of employment, all unused sick leave is forfeited.

### **Compensatory Time Off**

Exempt employees are paid a base salary for all services rendered as opposed to payment of wages for actual time worked. Accordingly, exempt employees are not entitled to overtime pay or compensatory time off.

Rest and Recreation Time (R&R) is not considered compensatory time off, and accordingly **will not be given on the basis of an hour off for an hour worked**, but rather at the sole discretion of your supervisor or other designated person. Exempt employees are not entitled to R&R time, but rather are extended such time in consideration of exceptional service beyond what is normally expected.

### **Catholic Schools Breaks**

School calendars provide several breaks throughout the year when classes are not in session. With the exception of faculty who have stated agreements, these breaks are unpaid, unless specifically scheduled as vacation.

## **LEAVES OF ABSENCE**

The Diocese employment policy provides eligible employees with periods of absence from work. These include both paid and unpaid leaves of absence. A leave of absence may be granted for time away from work exceeding one (1) week for reasons such as extended injury or illness, child birth,



adoption, care of a seriously ill immediate family member, personal necessity, or military services. Employees who leave for unauthorized purposes will be subject to discipline up to and including termination of employment.

### **Policies Applicable to All Leaves of Absence**

Diocese policy regarding leaves of absence is not intended to expand or diminish federal and state law requirements.

#### **Eligibility**

Employees are eligible for a specific leave of absence according to their employment status.

#### **Notification**

Employees must request a specific leave of absence through notification to the appropriate supervisor in writing at least 30 days in advance when possible. The following information must be included in the written request:

- the reason for requesting the leave of absence (e.g. for a medical leave the nature of the medical condition does not have to be identified);
- the anticipated duration of the leave of absence indicating the precise beginning and conclusion; and
- the documentation required for each specific leave of absence as indicated below.

Employees are expected to provide periodic updates to their supervisor and business office regarding the status of their leave of absence. Any change to the duration of the leave of absence must be reported to one's supervisor immediately.

#### **Approval**

Subject to any applicable restrictions in the law or these policies, requests for leaves are considered on the basis of various factors, such as benefit-eligibility, length of service, responsibility level, reason for the request, needs of the location and other requirements as listed in this handbook.

#### **Employee Responsibilities**

Failure to comply with the specific requirements of the leave of absence or failure to return to work on the next regularly scheduled workday after the expiration of the leave, implies that the employee has chosen to terminate employment.

### **Health Plan Benefits**

The Diocese maintains the health plan benefits for a limited period of time during an approved leave of absence with the same terms as if one was continuously employed. Refer to the specific leave of absence for additional information. The employee continues to be responsible for the payment of health insurance premiums as follows:

- any share of a premium which was paid prior to taking the leave will continue to be the responsibility of the employee during the leave of absence;
- timely payment of dependent medical premiums during the leave of absence is the responsibility of the employee. Payments must be received by the first of each month in order to ensure continuation of coverage; and
- notification of an increase in insurance premiums will be communicated to the employee who will be responsible to pay their share of the premium increase.

### **Job Protection**

Job protection is provided for certain types of leaves by the Family and Medical Leave Act (FMLA) and applicable state mandated leaves of absence. Reasonable efforts will be made to hold an employee's position for the duration of an approved leave of absence not covered by the FMLA, or other state mandated programs.

### **Pay Status**

A leave of absence generally is not paid. Partial salary replacement during a leave of absence may be available through State Disability or Paid Family Leave. Accrued (sick leave first and then vacation) may be used for any part of the leave of absence.

### **Benefits**

Vacation and sick leave benefits do not accrue during a leave of absence. Retirement benefits do not accrue during a leave of absence with the exception of military service leave, which is applied after the employee returns to work. Employees are ineligible for holiday pay during a leave of absence.

### **Discretionary Medical Leaves of Absence**

An employee is eligible, subject to management approval, for up to four (4) weeks of unpaid leave of absence for medical reasons (e.g. illness, injury, or related medical and surgical procedures.) Approval for a medical leave of absence is not granted before receipt of a statement, acceptable to the Diocese, from the physician of the employee indicating their inability to perform their job and the anticipated date of their return to work. There is no obligation to divulge the diagnosis or treatment.

When the leave of absence exceeds the anticipated date of return, the employee is to provide further verification from their physician of their inability to perform their job and the revised anticipated date of return. Normally thirty (30) days advance notice to one's supervisor for the need of a leave of absence is required. When unforeseen circumstances make the thirty (30) day advance notice impossible, the employee must provide as much advance notice as possible. The Diocese may require employees requesting leave, or who are already on leave, to be examined by a physician chosen by the Diocese. The Diocese also may require periodic verification by a physician of the employee's inability to work.

Employees granted a medical leave of absence during their first twelve (12) months of employment may return to their regular job if it is available. When the regular job is not available, an attempt will be made to place the employee in a similar position. When these jobs are not available the employee may apply for another position in the Diocese.

For a period of thirty (30) days following the notification by the employee of their readiness to return to work, the Diocese will give priority to their employment request. If the employee is not placed in a position within the Diocese within the thirty (30) day period, their employment will be terminated. Medical insurance may be continued during the medical leave of absence in accordance with the applicable plan document and COBRA and as provided hereinabove.

#### **Leave for Victims of Felony Crimes**

To the extent required by law, employees who are victims of certain, specified felony crimes, or who are an immediate family member of a victim may receive unpaid time off from work to attend judicial proceedings related to that crime. To be eligible for this leave of absence the employee must provide the Diocese in advance with a copy of the notice of the proceeding. If advance notice is not possible, the employee must provide the Diocese with appropriate documentation evidencing the employee's attendance at the judicial proceeding upon return to work.

#### **Leave for Victims of Domestic & Sexual Assault**

To the extent required by law, employees who are victims of domestic violence or of sexual assault may receive unpaid leave to: 1) obtain services from a domestic violence shelter or rape crisis center; 2) seek medical attention for injuries caused by domestic violence or sexual assault; 3) obtain psychological counseling for the domestic violence or sexual assault; or 4) take action, such as relocation, to protect against future domestic violence or sexual assault.

To be eligible for this leave of absence the employee must provide the Diocese with advance notice of the leave. If advance notice is not possible, the employee must provide the Diocese with the following certification upon returning to work: 1) a police report showing that the employee was a victim of domestic violence or sexual assault; or 2) a court order protecting the employee from the perpetrator or other evidence from the court or prosecuting attorney that the employee appeared in court; or 3) documentation from a medical professional, domestic violence or sexual assault victim advocate, health care provider, or counselor showing that the employee's absence was due to treatment for injuries from domestic violence or sexual assault.

The employee may choose to use any accrued vacation or sick leave time, if available, for an absence described above.

### **Unpaid Family School Partnership Leave**

Parents, guardians, and grandparents with custody of school age children (K-12) are eligible for a maximum of forty (40) hours of unpaid leave each year, not to exceed eight hours in any calendar month of the year, to participate in school-related activities of their children and dependents as described herein, with fulfillment of the appropriate criteria. Employees must personally notify their supervisor and the onsite human resources representative as soon they learn of the need for the planned absence. Lack of adequate notice may result in a denial of the request. The Diocese may require verification of the school-related activity.

### **Leave for Organ and Bone Marrow Donors**

Employees donating an organ or bone marrow for required medical necessity are entitled to receive job protected paid leave of absence. Written verification and a continuous period of employment of at least ninety (90) days are required. Eligible organ donors are entitled to a leave of absence not to exceed thirty (30) days in any one-year period of time. Eligible bone marrow donors are entitled to a leave of absence not to exceed ten (10) days in any one-year period. Employees will be required to use up to five (5) days of their sick leave for bone marrow donor leave and up to two weeks of their sick leave for organ donor leave (except when doing so would violate a legal requirement).

### **Pregnancy Disability Leave of Absence**

Female employees may take a leave of absence up to four (4) months for disabilities relating to pregnancy, childbirth or related medical conditions. Employees who are granted leaves for pregnancy will be returned to their same or similar position to the extent required by state law. According to the advice of one's health care provider, the employee may be eligible for reasonable accommodation, to the extent required by law, for conditions related to pregnancy, childbirth or related medical conditions. The employee should promptly notify their senior manager (i.e. pastor, principal, administrator or department director) of the need for a reasonable accommodation. In addition, a transfer to a less strenuous or hazardous position or to less strenuous or hazardous duties may be available upon request, if such a transfer is medically advisable. It is the responsibility of the employee to give prompt and timely notification of such conditions to one's supervisor for application of these provisions.

A written notice to the Diocese from the health care provider of the employee verifying the inability to perform one's job and the anticipated date of return is required prior to the start of the leave. In the event this leave exceeds the anticipated date of return, it is the employee's responsibility to provide a new written verification from the health care provider of the inability to perform one's job and the revised anticipated date of return. Depending on eligibility, medical insurance may be continued during the leave in accordance with the appropriate insurance coverage, COBRA, or provisions of federal and state law relating to unpaid medical leave.

## **Family and Medical Leave Act/California Family Rights Act**

The Family and Medical Leave Act and California Family Rights Act ("FMLA/CFRA") provide eligible employees the opportunity to take unpaid, job-protected leave for certain specified reasons. The maximum amount of leave an employee may use is between twelve (12) and twenty-six (26) weeks within a twelve (12) month period depending on the reason for the leave.

### **Employee Eligibility**

Eligibility for FMLA and/or CFRA requires that the employee:

- work at least twelve (12) months for the Diocese in the preceding seven years (limited exceptions apply to the seven-year requirement);
- work at least 1,250 hours for the Diocese over the twelve (12) months preceding the date leave would commence; and
- be currently working at a location where there are at least 50 Employees within 75 miles.

### **Conditions Triggering Leave**

FMLA and/or CFRA leave may be taken for the following reasons:

- birth of a child, or to care for or to bond with a newly-born child;
- placement of a child with the employee for adoption or foster care or to care for or to bond with the child;
- to care for an immediate family member (i.e. spouse, child, or parent) with a serious health condition;
- serious health conditions that render an employee unable to perform their job;
- to care for a covered service member with a serious injury or illness related to certain types of military service (see: Military-Related FMLA Leave for more details); or
- to handle specific qualifying exigencies arising from one's spouse, son, daughter, or parent being on duty, under a call or order to active duty in the uniformed services, up to twelve (12) weeks (see: Military-Related FMLA Leave for more details).

The maximum amount of leave that may be taken in a twelve (12) month period for all reasons combined is twelve (12) weeks, with the following exception: for leave to care for a covered service member, the maximum combined leave entitlement is twenty-six (26) weeks, with leaves for all other reasons constituting no more than twelve (12) of those twenty-six (26) weeks.

In addition to leave available under the FMLA and CFRA, female employees may be eligible for leaves of absence during periods of disability associated with pregnancy or childbirth (see: Pregnancy Leave of Absence Policy for more details).

## **Definitions**

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:

- prevents one from performing job functions;
- prevents a qualified family member from participating in school;
- causes an incapacity of more than three (3) full calendar days and two (2) visits to a health care provider; or one (1) visit to a health care provider with a continuing regimen of care;
- causes an incapacity caused by pregnancy or prenatal visits;
- results in a chronic condition;
- results in permanent or long-term conditions; or
- requires absences due to multiple treatments.

Other situations may meet the definition of continuing treatment.

A “covered service member” is a member or veteran of the Armed Forces, including 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.

The term “serious injury or illness” means an injury or illness incurred by the member in the line of duty while on active duty in the Armed Forces that renders the member medically unfit to perform the duties of the member's office, grade, rank, or rating, or a condition that existed before the beginning of active duty and was aggravated by service in the line of duty while on active duty. With regard to veterans, the injury or illness manifests itself before or after the individual assumed veteran status.

“Qualifying exigencies” include activities such as short-notice deployment, military events, arranging alternative childcare, making financial and legal arrangements related to the deployment, rest and recuperation, counseling, and post-deployment debriefings.

## **Identifying the Twelve (12) Month Period**

The Diocese measures the twelve (12) month period in which leave is taken by the “rolling” twelve (12) month method, measured backward from the date of any FMLA and/or CFRA leave with the following exception: for leave to care for a covered service member, the Diocese calculates the twelve (12) month period beginning on the first day the eligible employee takes FMLA leave to care for a covered service member and ending twelve (12) months after that date. FMLA and/or CFRA leave for the birth or placement of a child for adoption or foster care must be concluded within twelve (12) months of the birth or placement.

## **Using Leave**

Eligible employees may take FMLA and/or CFRA leave in a single block of time, intermittently (in separate blocks of time), or by reducing the normal work schedule when medically necessary for the serious health condition of the employee or immediate family member, or in the case of a covered service member, his or her injury or illness. Eligible employees may also take intermittent or reduced-schedule leave for military qualifying exigencies. Intermittent leave is generally not permitted for birth of a child, to care for a newly born child or for placement of a child for adoption or foster care, and must be taken in at least two-week increments. Employees who require intermittent or reduced-schedule leave must try to schedule their leave so that it will not unduly disrupt their workplace operations.

## **Use of Accrued Paid Leave**

Depending on the purpose of the requested leave, the Diocese may require or the employee may choose to use accrued paid leave (e.g. sick leave or vacation), concurrently with some or all FMLA and/or CFRA leave. In order to substitute paid leave for FMLA and/or CFRA leave, the Diocese requires compliance with the normal procedures for the applicable paid-leave policy (e.g., call-in procedures, advance notice, etc.).

## **Maintenance of Health Benefits**

Participants in the Diocese group health plan maintain coverage during the FMLA and/or CFRA leave on the same terms as if one had continued to work. If applicable, arrangements to pay one's share of health plan premiums while on leave will be made. In some instances, the Diocese may recover premiums it paid to maintain health coverage or other benefits for the employee and their family. Use of this leave will not result in the loss of any employment benefit that accrued prior to the start of this leave.

## **Notice and Medical Certification**

When seeking FMLA and/or CFRA leave, the employee must provide:

- thirty (30) days advance notice of the necessity to take FMLA/CFRA leave, if it is foreseeable, or notice as soon as practical in the case of unforeseeable leave and in compliance with the Diocese's normal call-in procedures, absent unusual circumstances;
- medical certification verifying the necessity for leave due to a serious health condition affecting the employee or immediate family member within fifteen (15) calendar days of the Diocese's request to provide certification (additional time may be permitted in some circumstances).
- Failure to provide certification may delay the commencement of leave, withdraw any designation of an FMLA and/or CFRA leave, or deny the leave, in which case the leave of absence would be treated in accordance with standard leave of absence and attendance policies. Second or third medical opinions and periodic re-certifications may be required;

- periodic reports as deemed appropriate during the leave regarding one's status and intent to return to work; and
- medical certification of fitness for duty before returning to work, if the leave was due to a serious health condition. The Diocese requires this certification to verify the ability of the employee to perform the essential functions of the position.

Failure to comply with the foregoing requirements may result in the delay, denial of leave, or disciplinary action, up to and including termination of employment.

### **Diocese Responsibilities**

To the extent required by law, the Diocese informs employees of their eligibility under the FMLA and/or CFRA provisions for leave. When an employee is eligible, additional information required, as well as one's rights and responsibilities will be furnished by the Diocese. If employees are not eligible, reasons for the ineligibility will be provided by the Diocese. The Diocese will also inform employees when leave is designated as FMLA and/or CFRA leave, and note the amount of leave counted against leave entitlement to the extent possible. Notice will be given by the Diocese when the leave is not FMLA and/or CFRA protected.

### **Job Restoration**

Upon returning from an FMLA and/or CFRA leave, eligible employees will typically be restored to their original job or to an equivalent job with equivalent pay, benefits, and other employment terms and conditions.

### **Failure to Return after FMLA and/or CFRA Leave**

Any employee who fails to return to work as scheduled after FMLA and/or CFRA leave or exceeds the twelve (12) week FMLA and/or CFRA entitlement (or in the case of military caregiver leave, the twenty-six (26) week FMLA entitlement), will be subject to the Diocese's standard leave of absence and attendance policies. This may result in termination of employment if no other Diocese provided leave is available that applies to a continued absence. Likewise, following the conclusion of FMLA and/or CFRA leave, the obligation of the Diocese to maintain group health plan benefits ends (subject to any applicable COBRA rights).

### **Fraud**

Providing false or misleading information or omitting material information in connection with FMLA and/or CFRA leave will result in disciplinary action, up to and including immediate termination of employment.



### **Employers' Compliance with FMLA and/or CFRA and Employee's Enforcement Rights**

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

FMLA and/or CFRA regulations require that the Diocese advise employees that a complaint may be filed with the U.S. Department of Labor or that they may bring a private lawsuit against their employer.

The provisions of the FMLA and/or CFRA do not affect any federal or state law prohibiting discrimination, or supersede any state or local law or collective bargaining agreement which provides greater rights for family or medical leave.

### **Limited Nature of This Policy**

This policy should not be construed to confer any express or implied contractual relationship or right to any employee not expressly provided for by the FMLA and/or CFRA. The Diocese reserves the right to modify this or any other policy as necessary, at its sole discretion to the extent permitted by law. State or local leave laws may also apply.

### **Military-Related FMLA Leave**

FMLA leave may also be available to eligible employees in connection with certain service related medical and non-medical needs of family members. There are two forms of such leave. The first is military caregiver leave, and the second is qualifying exigency leave (detailed below).

### **Military Caregiver Leave**

Unpaid military caregiver leave allows eligible employees to care for certain family members who have sustained serious injuries or illnesses in the line of duty while on active duty. The family member must be a "covered service member," which means: 1) a current member or veteran of the Armed Forces, National Guard or Reserves, 2) who is undergoing medical treatment, recuperation, or therapy or, in the case of a veteran, who was a current member of the Armed Forces, National Guard or Reserves within five (5) years prior to the treatment for which an eligible employee requests; is otherwise in outpatient status; or is otherwise on the temporary disability retired list, 3) for a serious injury or illness that may render current member medically unfit to perform the duties of the member's office, grade, rank, or rating. Military caregiver leave is not available to care for service members on a permanent disability retired list.

To be eligible for military caregiver leave, the employee must be a spouse, son, daughter, parent, or next of kin of the covered service member. "Next of kin" means the nearest blood relative of the service member, other than the service member's spouse, parent, son, or daughter, in the following order of priority: blood relatives who have been granted legal custody of the service member by court decree or statutory provisions; brothers and sisters; grandparents; aunts and uncles; and first

cousins; unless the service member has specifically designated in writing another blood relative as his or her nearest blood relative for purposes of military caregiver leave. The employee must also meet all other eligibility standards as set forth within the FMLA Leave policy.

An eligible employee may take up to twenty-six (26) workweeks of military caregiver leave to care for a covered service member in a single twelve (12) month period. The “single twelve (12) month period” begins on the first day leave is taken to care for a covered service member and ends twelve (12) months thereafter, regardless of the method used to determine leave availability for other FMLA-qualifying reasons. If an employee does not exhaust his or her twenty-six (26) workweeks of military caregiver leave during this “single twelve (12) month period,” the remainder is forfeited.

Military caregiver leave applies on a per-injury basis for each service member. Consequently, an eligible employee may take separate periods of caregiver leave for each and every covered service member, and/or for each and every serious injury or illness of the same covered service member. A total of no more than twenty-six (26) workweeks of military caregiver leave; however, may be taken within a “single twelve (12) month period.”

Within the “single twelve (12) month period” described above, an eligible employee may take a combined total of twenty-six (26) weeks of FMLA leave including up to twelve (12) weeks of leave for any other FMLA-qualifying reason (i.e., birth or adoption of a child, serious health condition of the employee or close family member, or a qualifying exigency). For example during the “single twelve (12) month period,” an eligible employee may take up to sixteen (16) weeks of FMLA leave to care for a covered service member when combined with up to ten (10) weeks of FMLA leave to care for a newborn child.

An employee seeking military caregiver leave may be required to provide appropriate certification from the employee and/or covered service member and completed by an authorized health care provider within fifteen (15) days. Military caregiver leave is subject to the other provisions in our FMLA leave policy (requirements regarding employee eligibility, appropriate notice of the need for leave, use of accrued paid leave, etc.). Military caregiver leave will be governed by, and handled in accordance with, the FMLA and applicable regulations, and nothing within this policy should be construed to be inconsistent with those regulations.

### **Qualifying Exigency Leave**

Eligible employees may take unpaid “qualifying exigency leave” to tend to certain “exigencies” arising out of the duty under a call or order to active duty of a “covered military member” (i.e., the employee's spouse, son, daughter, or parent). Up to twelve (12) weeks of qualifying exigency leave is available in any twelve (12) month period, as measured by the same method that governs measurement of other forms of FMLA leave within the FMLA policy (with the exception of military caregiver leave, which is subject to a maximum of twenty-six (26) weeks of leave in a “single twelve (12) month period.”) Although qualifying exigency leave may be combined with leave for other FMLA-qualifying reasons, under no circumstances may the combined total exceed twelve (12) weeks in any twelve (12) month period (with the exception of military caregiver leave as set forth above). The employee must meet all other eligibility standards as set forth within the FMLA policy.

Persons who can be ordered to active duty include active and retired members of the Regular Armed Forces, certain members of the retired Reserve, and various other Reserve members including the Ready Reserve, the Selected Reserve, the Individual Ready Reserve, the National Guard, state military, Army Reserve, Navy Reserve, Marine Corps Reserve, Air National Guard, Air Force Reserve, and Coast Guard Reserve.

A call to active duty refers to a federal call to active duty, state calls to active duty are not covered unless under order of the President of the United States pursuant to certain laws.

Qualifying exigency leave is available under the following circumstances:

- Short-notice deployment. To address any issue that arises out of short notice (within seven (7) days or less) of an impending call or order to active duty.
- Military events and related activities. To attend any official military ceremony, program, or event related to active duty or a call to active duty status or to attend certain family support or assistance programs and informational briefings.
- Childcare and school activities. To arrange for alternative childcare; to provide childcare on an urgent, immediate need basis; to enroll in or transfer to a new school or daycare facility; or to attend meetings with staff at a school or daycare facility.
- Financial and legal arrangements. To make or update various financial or legal arrangements; or to act as a covered military member's representative before a federal, state, or local agency in connection with service benefits.
- Counseling. To attend counseling (by someone other than a health care provider) for the employee, the covered military member, or for a child or dependent when necessary as a result of duty under a call or order to active duty.
- Temporary rest and recuperation. To spend time with a covered military member who is on short-term, temporary rest and recuperation leave during the period of deployment. Eligible employees may take up to five days of leave for each instance of rest and recuperation.
- Post-deployment activities. To attend arrival ceremonies, reintegration briefings and events, and any other official ceremony or program sponsored by the military for a period of up to ninety (90) days following termination of the covered military member's active duty status. This also encompasses leave to address issues that arise from the death of a covered military member while on active duty status.
- Mutually agreed leave. Other events that arise from the close family member's duty under a call or order to active duty, provided that the Diocese and the employee agree that such leave shall qualify as an exigency and agree to both the timing and duration of such leave.

An employee seeking qualifying exigency leave may be required to submit appropriate supporting documentation in the form of a copy of the covered military member's active duty orders or other military documentation indicating the appropriate military status and the dates of active duty status, along with a statement setting forth the nature and details of the specific exigency, the amount of leave needed and the employee's relationship to the military member, within fifteen

(15) days. Qualifying exigency leave will be governed by, and handled in accordance with, the FMLA and applicable regulations, and nothing within the policy should be construed to be inconsistent with those regulations.

### **Personal Leave of Absence**

After completion of one (1) year of continuous employment, additional types of unpaid personal leaves of absence may be granted in the sole discretion of the Diocese, for up to a maximum of thirty (30) days. An extension beyond thirty (30) days will be considered on an individual basis.

Failure to report to work as scheduled following a leave of absence may result in discipline, including termination of employment. Time spent on personal leave of absence will not be used for computing benefits such as vacation, sick or holidays.

It is the responsibility of the employee to discuss directly with their supervisor and onsite Human Resources representative or the Diocese Human Resources Department prior to taking leave to ensure understanding of all the obligations to the Diocese while on leave (e.g. periodic reporting and re-verification obligations). Failure to comply with Diocese policies may substantially affect the ability to return to work under this policy.

### **Military Leave of Absence**

Employees who require time off from work to fulfill military duties will be treated in accordance with applicable requirements of state and federal laws. Employees are required to notify the Diocese of upcoming future military duty by providing their supervisor with a copy of applicable orders as soon as possible. In addition, spouses and immediate family members of military personnel who are home on leave during a period of military deployment may be qualified for up to ten (10) days of unpaid leave. Prior to utilizing a military leave of absence, the employee should review the pertinent policies with the onsite Human Resources representative or the Diocese Human Resources Department.

## **RESPONSIBILITIES OF THE DIOCESE EMPLOYEE**

Diocese employees are in service of the Catholic Church. Therefore, employees are expected to conduct themselves in a manner that is compatible with and supportive of the teachings of the Roman Catholic Church, the Diocese and in compliance with civil and canon law. Although not all positions within the Diocese require an employee be a baptized practicing Roman Catholic, employment with the Diocese is conditioned upon all employees demonstrating respect for the Catholic faith, the mission of the Diocese and the magisterium of the Roman Catholic Church. As a religious organization, the Diocese retains its right to consider religion as a factor in employment-related decisions.

The following policies provide basic rules that may not be violated under any circumstances. Violation of any of these basic rules, the policies in this handbook, or any other policy of the Diocese may lead to discipline, up to and including immediate termination of employment. Questions about the basic rules or expectations of employees may be addressed to one's immediate supervisor and/or the Diocese Human Resources Department.

These rules do not alter the "at-will" nature of employment with the Diocese. Both the Diocese and the employee retain the right to terminate employment at any time, with or without cause or notice.

### **Standards of Conduct and Behavior**

Employment related activities must be conducted lawfully, ethically, and morally consistent with the teachings of the Roman Catholic Church and the principles of professionalism, confidentiality and loyalty. The Diocese does not tolerate unprofessional and disrespectful behavior. Employees failing to observe these standards will be subject to disciplinary action, up to and including immediate termination of employment.

### **Examples of Unacceptable Conduct**

Examples of unacceptable conduct, which may lead to disciplinary action up to and including termination of employment, is provided below, though the list is not exhaustive:

- public conduct unsupportive of or conflicting with the teachings and mission of the Roman Catholic Church;
- dishonesty;
- unprofessional or immoral behavior;
- misconduct;
- conduct which does not support or which impedes the pastoral mission of the Diocese;
- commission of a felony or other crime involving violence or moral turpitude;
- criminal conduct whether work related or not;
- actual or threatened physical violence;
- unauthorized possession of firearms or other weapons on Diocese property;
- possession, distribution, sale, use or being under the influence of alcohol, illegal drugs and other controlled substances while on duty, on Diocesan property, or operating a motor vehicle or other potentially dangerous equipment owned or leased by the Diocese;
- unlawful discrimination;
- harassment;
- use of profane, abusive or offensive language;
- sexual abuse of or sexual misconduct with a minor;
- failure to report sexual abuse of or sexual misconduct with a minor;
- inappropriate physical contact with students, parishioners, co-workers, volunteers or clients;
- failure to provide a safe environment for students, employees, volunteers or the public;

- insubordination on work related matters;
- unauthorized disclosure of confidential and/or protected information;
- falsification or material omission on Diocese financial records, student records, sacramental records, employment applications, timesheets or any other Diocese record.

### **Personal Appearance**

Diocese employees are required to use good judgment in their personal appearance and dress. Employees should present a modest and professional image at all times. Employees are required to use good habits of grooming, personal hygiene, and dress that are consistent with the responsibilities of one's position and service to the Roman Catholic Church. Inappropriate attire for office workers includes, but is not limited to, jeans, athletic clothing, shorts, flip flops, inappropriate logos, immodest, revealing and/or provocative attire and other unprofessional items of clothing. Employees who report to work in unacceptable attire may be requested to leave work and return in acceptable attire. Such time away from work will generally be without pay.

### **Absenteeism and Tardiness**

Each employee is expected to be at his or her workstation on time each day and to remain there throughout the scheduled hours. Absenteeism or tardiness, even for good reasons, is disruptive of operations and interferes with the ability to serve parishes, schools, parishioners, students, clients, and co-workers. Absenteeism or tardiness can result in discipline, up to and including termination of employment.

Employees must personally notify one's supervisor as far in advance as possible when it is foreseen that they will be late or absent from work. It is understood that situations may arise in which prior notice cannot be given. In those circumstances, employees are expected to notify their immediate supervisor as soon as possible. Leaving a message, voice mail or sending an email does not qualify as the required notification of one's supervisor. The same requirements apply when an employee must leave work early and the employee must obtain permission of their supervisor. When absence is due to illness, appropriate medical documentation may be required.

Although an employee may be terminated at any time for failing to report to work without contacting the Diocese, if any employee fails to report for work or call in for three (3) consecutive calendar days they will be considered to have abandoned their job and their employment will be terminated.

### **Alcohol and Drug Free Workplace Policy**

The use of illegal drugs or unauthorized controlled substance or the unauthorized consumption of any alcoholic beverage is strictly prohibited during work hours. The consumption of alcohol by school personnel is strictly prohibited at all times while on duty, whether on or off school premises.

Diocese employees are prohibited from manufacturing, cultivating, distributing, dispensing, processing or using illegal drugs or other unauthorized or mind-altering or intoxicating substances while on Diocese, parish and school properties (including parking areas and grounds), or while

otherwise performing their work duties away from the Diocese. Lawful controlled substances, which have been illegally or improperly obtained, are included in this policy. This policy does not prohibit the possession and proper use of lawfully prescribed drugs taken in accordance with the prescription as long as the employee's performance and concern for the safety of him/herself and others is not impaired.

Employees are also prohibited from having any illegal or unauthorized controlled substance in their system while at work and from having excessive amounts of otherwise lawful controlled substance in their systems. This policy does not apply to the authorized dispensing or possession of legal drugs where such activity is a necessary part of an employee's assigned duties. Dispensing alcohol, illegal drugs, and otherwise lawfully prescribed drugs without proper medical authorization and procedure to students and minors is strictly prohibited and is grounds for immediate termination of employment.

Employees are prohibited from distributing, dispensing, possessing, or using alcohol while at work or on duty. Furthermore, off-duty alcohol or marijuana use, while generally not prohibited by this policy, must not interfere with any employee's ability to perform the essential functions of one's job. Although California has legalized the recreational use of marijuana, such use is still contrary to federal law. The Diocese has no obligation to reasonably accommodate the use of marijuana in the workplace. Further, the use or possession of marijuana and / or related paraphernalia at work, or being under the influence of marijuana at work, will be considered a violation of this policy.

### **Notification of Impairment**

Employees observing or having knowledge of another employee in a condition which impairs the employee in the performance of his/her job duties, or who presents a hazard to the safety and welfare of others, or who is otherwise in violation of this policy, have the strict responsibility to promptly report that fact to one's immediate supervisor.

### **Drug and Alcohol Testing**

Employees may be required to submit to drug/alcohol screening whenever the Diocese has a reasonable suspicion that they have violated any of the rules set forth in this policy. Reasonable suspicion may arise from, among other factors, supervisory observation, co-worker reports or complaints, performance decline, attendance or behavioral changes, results of drug searches or other detection methods, or involvement in a work related injury or accident.

Additionally, employees in safety sensitive positions or who work directly with students and other minors may be tested on random or periodic bases. Various job classifications are categorically subject to random or periodic drug testing to the extent permitted by applicable state and federal laws.

## **Discipline**

Violation of this policy or any of its provisions may result in discipline up to and including termination of employment.

## **Enforcement of the Alcohol/Drug Free Policy**

In order to enforce this policy and its procedures, the Diocese may investigate or cause to be investigated potential violations and require personnel to undergo drug/alcohol screening, including urinalysis, blood tests or other appropriate tests and, where appropriate, searches of all areas of the Diocese's physical premises, including, but not limited to work areas, desks, work stations, lockers, and personal and Diocese vehicles. Employees will be subject to discipline up to and including discharge for refusing to cooperate with searches or investigations, to submit to screening or for failing to execute consent forms when required by the Diocese.

When a supervisor or senior manager (i.e. pastor, principal, administrator, department director, etc.) has a reasonable suspicion that an employee has violated the substance abuse policy, the supervisor, or designee, may inspect lockers, work areas, desks, and other locations without prior notice, in order to ensure a work environment free of prohibited substances. An employee may be asked to be present and remove a personal lock. Locked areas or containers do not prevent the Diocese from searching that area. Where the employee is not present or refuses to remove a personal lock, the Diocese may do so for him/her, and compensate the employee for the lock. Any such searches will be coordinated with a representative of management. The Diocese may use unannounced drug detection methods to conduct searches.

## **Measures Taken for an Employee Testing Positive for Prohibited Substances**

Employees testing positive for prohibited substances will be subject to discipline, up to and including termination of employment. Any employee found in possession of controlled substances for distribution and/or sale will be subject to immediate termination of employment.

## **Background Screening**

The Diocese reserves the right to conduct sufficient background screening including fingerprinting on all applicants and employees. Background screening is viewed as a sound business and safety practice. It is not done as a reflection on the character of any particular employee.

The Diocese requires the effective and prudent practice of background screening of applicants and employees because it:

- ensures employees of the Diocese are qualified with a strong potential to be productive and successful;
- helps the Diocese maintain a safe and productive work environment free of any form of violence, harassment or misconduct; and
- assists in determining one's eligibility for promotion, re-assignment or retention.



The Diocese requires that all employees submit to a safe environment background screening in compliance with the standards of the Department of Justice guidelines for screening of employees working with children, the elderly or adults who lack adult use of reason or who are seriously cognitively impaired.

Additional information regarding Diocese background screening policy is available from the Diocese Human Resources Department.

### **Bulletin Boards**

Work locations (e.g. parish, school, center, agency, cemetery or Pastoral Center) may maintain bulletin boards as a source of employment related information. A bulletin board is to be used solely to post information approved by the Diocese regarding policies, governmental regulation, and other matters of concern to all employees and related to the employee's employment by the Diocese. No information may be placed on bulletin boards without the prior approval of the location's Human Resources representative.

### **"BYOD" Policy for Cellular Phones, PDA's and Other Handheld Electronic Devices**

Employees are expected to exercise the same discretion in using personal cellular phones, PDA's, and other electronic devices as is expected for the use of all Diocese supplied devices and equipment. These devices are collectively referred to as "handheld devices." Personal use of "handheld devices" during the workday interferes with employee productivity and is distracting to others. Employees should refrain from personal calls and emails, personal text messages, instant messages, Twitter, Instagram, Facebook and other electronic social media and means of electronic communications during work time. Employees should limit the use of "handheld devices" for personal use during working hours and ensure that friends and family members are aware of this policy. Meal breaks and rest periods are appropriate times to take care of personal matters. Flexibility will be provided in circumstances demanding immediate attention. The Diocese is not liable for the loss of personal handheld devices brought into the workplace.

### **Personal Use of Diocese Provided Handheld Devices**

The Diocese may issue a business-owned "handheld device" to an employee for work related communications. These "handheld devices" must be used in accordance with this policy. The Diocese reserves the right to deduct from the employee's paycheck any charges incurred for unauthorized use of the handheld devices.

### **Recording Devices**

The Diocese prohibits unauthorized photography, and audio or video recording of its employees or confidential documents. This prohibition includes the use of cell phones equipped with cameras

and audio/ video recording capabilities. Employees may not use a cell phone, camera phone, PDA or any other “handheld device” in a manner that violates the following policies: harassment, safe environment, equal employment opportunity, or any other policy of the Diocese. All employees are strictly prohibited from using personal “handheld devices” to photograph, video record or otherwise record any minor for any reason. Employees may not use a cell phone, camera phone, PDA or any other “handheld device” in any way that may be seen as insulting, disruptive, obscene, offensive, or harmful to morale. Employees are strictly prohibited from taking any unauthorized photographs or videos using any “handheld device” on Diocese premises, including all schools. Employees who violate this policy are subject to discipline, up to and including immediate termination of employment.

### **Safety Issues for “Handheld Devices”**

Under no circumstances are employees allowed to place themselves or anyone else at risk to fulfill employment requirements. Employees are required to refrain from using their “handheld devices” while driving in connection with their job duties. All employees driving vehicles are required to pull over to the side of the road and safely stop the vehicle before using “handheld device.” If one needs to make a call while driving, one must use a hands-free device in a safe manner that does not impair your driving ability. Employees may not use an electronic wireless communications device to write, send, or read any text-based communication, including text messages, instant messages, and/or email messages while driving.

Employees charged with traffic violations resulting from the use of “handheld devices” while driving bear sole responsibility for all liabilities that result from such action. Employees who violate this policy will be subject to disciplinary action, up to and including termination of employment.

### **Special Responsibilities for Supervisorial and Managerial Staff**

Supervisory and management employees are expected to serve as role models for proper compliance with the provisions above and are encouraged to regularly remind employees of their responsibilities to comply with this policy.

### **Computers, E-Mail, Voice Mail and the Internet**

The following policy governs the use of all employer owned computers as well as personal computers used for Diocese business, e-mail and voice mail systems, and internet access via Diocese computers and/or data lines. Personal computers used in working for the Diocese or corresponding entity includes laptops or home computers that are connected with the Diocese or corresponding entity and/or its network on a regular or intermittent basis. This policy may not be changed except in a written document issued by the Diocese.

Employer provided computers, e-mail and voice mail facilities, and internet access accounts are the property of the Dioceses or corresponding entity. Information temporarily or permanently stored, transmitted or received with the aid of employer provided computers, e-mail (including personal password-protected web-based e-mail) and internet remains the sole and exclusive property of the

Diocese. Employees are required to know and understand that they have no expectation of privacy in connection with their access and use of such equipment and systems.

Employees should not use or access computers, voice mail, e-mail or internet systems of the Diocese or corresponding entity in any manner that is unlawful, inappropriate, wasteful of Church resources, or contrary to the best interest of the Diocese and its mission.

### **Employer Property**

All software that is installed on employer provided computers and personal computers used for Diocese business remains the property of the Diocese and may not be used for any non-business, unlawful or improper purpose. All data temporarily or permanently received, collected, downloaded, uploaded, copied and/or created on Diocese or other computers used for Diocese business is subject to monitoring by the Diocese, is the exclusive property of the Diocese and may not be copied or transmitted to any outside party or used for any purpose not directly related to the business of the Diocese. All messages composed, sent or received, including attachments, are and remain the property of the Diocese. They are not the private property of any employee regardless of the intended recipient.

Upon termination of employment, an employee shall not remove any software or data from employer provided computers and shall completely remove all data collected, downloaded and/or created on personal computers used for Diocese business that relate in any manner to the Diocese's business. Upon request of the Diocese, a terminating employee shall provide proof that such data has been removed from all personal computers used for Diocese business.

### **Proper Use**

Diocese employees are strictly prohibited from using Diocese computers, e-mail and voice mail systems, internet access accounts, or personal computers used for Diocese business for any improper purpose. The Diocese's Equal Employment Opportunity policy and policy against unlawful harassment and discrimination extend to the use of Diocese computers, e-mail, voice mail and internet systems and personal computers used for Diocese business. Use of Diocese computers, e-mail, voice mail or internet systems in violation of these policies will subject the offending employee to discipline, up to and including immediate termination of employment.

The following conduct, though not an exhaustive listing, is strictly prohibited:

- transmitting, retrieving, downloading, or storing inappropriate messages or images relating to race, religion, color, sex, national origin, citizenship status, age, disability, or other status protected under federal, state and local laws;
- using Diocese computers, e-mail, and voice mail and internet systems in any way that violate the policies of the Diocese regarding safe environment, sexual misconduct with a minor, unlawful harassment, and sexual harassment;
- making threatening or harassing statements to another employee, or to a vendor, customer, or other outside party;

- altering, transmitting, copying, downloading or removing any proprietary, confidential, trade secret or other information belonging to the Diocese or to one of its constituents;
- altering, transmitting, copying or downloading proprietary software, databases and other electronic files without proper and legally binding authorization;
- downloading, transmitting, or retrieving messages from multi-network gateways, real-time data and conversation programs including, but not limited to, instant messaging services (e.g. AOL Instant Messenger), internet chat rooms and bulletin boards during work hours, unless such activity is necessary for business purposes;
- using or allowing another individual to use Diocese computers, e-mail and internet systems for any purpose that damages or jeopardizes the reputation and mission of the Diocese or is detrimental to its interests;
- using Diocese computers, e-mail or internet systems in any manner that violates the federal Anti-SPAM law;
- violating or failing to comply with any laws applicable to trademarks, copyrights, patents and licenses to software and other electronically available information;
- sending, receiving, downloading, uploading or copying software or other copyrighted or otherwise legally protected information through Diocese computers, e-mail and internet systems without prior authorization;
- soliciting personal business opportunities or conducting personal advertising through Diocese computers, e-mail or internet systems;
- engaging in gambling of any kind, monitoring sports scores, or playing electronic games through Diocese computers, e-mail or internet systems;
- engaging in day trading or otherwise purchasing or selling stocks, bonds or other securities or transmitting, retrieving, downloading or storing messages or images related to the purchase or sale of stocks, bonds or other securities through Diocese computers, e-mail or internet systems;
- violating the social media, social networking and weblogs policy.

### **Unsolicited E-mail**

The Diocese complies with the federal "CAN-SPAM" law. All employees are responsible for complying with the federal Anti-Spam regulations and therefore may not use Diocese computers, servers, network or e-mail system to:

- transmit unsolicited commercial electronic mail promoting Diocese services without prior authorization from the Diocese Director of Communication or other appropriate manager;
- transmit unsolicited commercial electronic mail promoting the employee's personal business, goods, products and services;
- initiate a transmission of a commercial e-mail message that contains or is accompanied by false or misleading information.

Diocese employees are required to refrain from using employer provided computers to access any websites not directly related to Diocese business. Employees are also required to delete unfamiliar or suspicious e-mail messages received from outside the Diocese system without opening the message or downloading any attachments.

### **Monitoring**

Any information created, transmitted, downloaded, received, reviewed, viewed, typed, forwarded, or stored in Diocese computers or personal computers used for Diocese business, or on the Diocese's voicemail system may be accessed by the Diocese at any time without prior notice. Employees should not expect any privacy or confidentiality in such data, messages, or information (whether or not password-protected), or that deleted messages are necessarily removed from the system.

To the extent permitted by law, the Diocese's monitoring policy may include the physical inspection of an individual's hard drives, memory devices, and "handheld devices." The Diocese retains the right to review content passing through the Diocese network, data lines, and other systems, review of personal e-mail (including personal web-based password-protected e-mail) and text messages accessed using Diocese computers and/or Diocese connections; key loggers and other input monitoring mechanisms; and use of screen monitoring software, hardware, and video drives or other lawful monitoring methods.

### **System Integrity**

Employees may not use personal storage devices or copies of software or data in any form on any Diocese computer without both obtaining specific authorization from the appropriate manager and scanning the data for viruses. Any employee who introduces a virus into the Diocese's system via use of personal software or data shall be deemed guilty of gross negligence and/or willful misconduct and may be held responsible for the consequences, including cost of repair and lost productivity.

### **Enforcement**

Violations of this policy may result in disciplinary action, up to and including termination of employment. Employees who damage the Diocese computer system through its unauthorized use may additionally be liable for the costs resulting from such damage. Employees who misappropriate copyrighted or confidential and proprietary information, or who distribute harassing messages or information, may additionally be subject to criminal prosecution and/or substantial civil monetary damages.

### **Changes in Personnel Record Information**

Employees are required to promptly notify the local Human Resources representative of any change of name, address, phone number, number of dependents, emergency contact, or other relevant and pertinent information.

### **Confidentiality**

All records and files of the Diocese and all its locations are property of the Diocese and unless it is generally available to the public is considered confidential. No employee is authorized to copy or disclose any confidential file or record. In the event of doubt regarding the confidential nature of a file or record, one is to consult their supervisor. Access to records does not authorize employees to disclose their contents.

### **Conflict of Interest Policy**

Employees are required to behave always in the best interest of the Diocese and the mission of the Catholic Church. Employees are expected to use sound and loyal judgment in the performance of duties and avoid being swayed by personal interests. In the performance of duties as an employee of the Diocese, employees must avoid the fact or the appearance of a conflict of interest.

Conflicts of interest arise when a reasonable person would question whether one's motivations are aligned with the best interest of the Diocese and the people and ministries it serves. Questions of loyalty arise when an employee in the course of business uses Diocese information for private gain; becomes involved in activities that are in conflict with the teachings of the Catholic Church; uses spouses or relatives as vendors or suppliers; or accepts commissions, kickbacks, gifts or gratuities from suppliers. Employees must refrain from involving themselves in such conduct that could result in a conflict of interest or the appearance thereof.

The Diocese recommends that employees be active in their communities and charitable organizations. Generally, volunteer activities do not require prior approval of the Diocese because their goals are not in conflict with the Catholic Church; nevertheless there are occasions that compromise one's good judgment and prevent an employee from acting in the best interest of the Diocese or create an impression that one is objectively not doing so.

### **Conflict Resolution**

It is the policy of the Diocese to resolve conflicts between and among co-workers fairly and as informally as possible before such conflicts lead to a decay in work relationships, dissatisfaction with working conditions and declining efficiency. The Diocese takes the following steps when dealing with conflicts:

1. Employees in conflict should seek to resolve the matter on their own.
2. If they are unable to resolve the conflict on their own, each has an obligation to bring the matter to the attention of their immediate supervisor. When the immediate supervisor is involved in the conflict, the Human Resources Department should be notified.

3. If there is no resolution following the meeting with the immediate supervisor or Diocese Human Resources Department, the matter should be brought to the attention of the senior manager (i.e. pastor, principal, administrator or department director) and the Diocese Human Resources Department.
4. Conflicts involving employees and clergy should also be brought to the attention of the Vicar for Clergy Personnel for his assistance in the resolution process.

The Diocese strictly prohibits retaliation against any employee for initiating or participating in the conflict resolution process.

### **Courtesy**

All employees are expected to be courteous, polite and friendly at all times in the performance of their duties. No employee should be disrespectful, use profanity or any other objectionable speech that injures the image or reputation of the Diocese.

### **Damage to Property**

Deliberate or careless damage of Diocese property, as well as damage to the property of one's co-workers or clients will not be tolerated.

### **Discipline**

The Diocese addresses matters of discipline on a case-by-case basis in order to determine the best course of action for a particular incident (e.g. verbal and written warnings, probation, suspensions, demotion, and termination of employment). Employment with the Diocese is "at will" and there is no guarantee that any particular form of discipline will be used prior to termination of employment. The employee or the Diocese may terminate the employment at any time with or without advance notice or cause.

### **Employment of Relatives**

Employment of relatives or others that have the potential to cause problems of supervision, safety, security, appear to be a conflict of interest or negatively affect employee morale are prohibited. Employees may not be supervised relatives or have any decision making power with respect to their compensation, performance evaluation, promotion, assignment of job duties/responsibilities or transfer. An employee may not make an offer of employment to a "relative."

The term "relative" includes but is not limited to both blood and legal relations (e.g. spouses, children, grandchildren, siblings, parents, grandparents, "in-laws," aunts/uncles, and "step" relations.) The application of this policy is not limited to familial relationships but extends to those personal relationships that the Diocese, in its sole discretion, has determined to result in actual or perceived nepotism or a conflict of interest.

Employment of related parties should be reviewed in advance by the Diocese Department of Human Resources to ensure that it is not in violation of this policy.

### **Expense Reimbursement**

Employees will be reimbursed for their reasonable business expenses. The Diocese will reimburse expenses for pre-approved attendance and participation in work related meetings, conferences, and workshops that employees have been requested to attend as part of their employment. If an employee is required to travel in the course of one's job, they will be reimbursed for authorized travel expenses. Documentation and receipts are required for reimbursements and must comply with the specific financial policies promulgated by the Diocese.

Employees may use private vehicles to conduct work-related business and may be reimbursed for mileage expenses upon submission of a copy of a valid driver's license, vehicle description, proof of automobile third party liability insurance coverage for bodily injury and property damage, and written approval of one's supervisor. Mileage is compensated at a rate designated by the Diocese for all authorized work related travel. Transportation between residence and place of work is not reimbursable. When the Diocese or corresponding entity provides a vehicle for work related use, use of one's personal vehicle will not be reimbursed.

If the Diocese or corresponding entity provides a gasoline credit card, use of the card is limited exclusively to work related travel expenses. Contact the Diocese Financial Services Department for further information regarding the expense reimbursement policy

### **Facsimile and Copy Machines**

Employee use of Diocese facsimile and copy machines for non-work related purposes must be approved by one's supervisor. Employees may not use these machines for the purpose of transmitting, receiving or copying materials, which may be deemed offensive or insulting or are in conflict with the teachings of the Catholic Church. Receipt of such materials via facsimile transmission, the mail, or from any other source, should be reported immediately to one's supervisor.

### **Fraternization Policy**

The Diocese does not prohibit consensual relationships between employees that are not in direct conflict with the teachings of the Catholic Church, but it does impose the following restrictions:

- supervisors and managers are forbidden from engaging in amorous or sexual relationships with subordinates and are required to disclose the existence of any such relationship immediately. If such a relationship exists, supervisors and managers are required to take steps to resolve any potential conflict of interest or impropriety created by the relationship;
- employees who have influence or authority over participation in education, ministry, religious, athletic or community programs offered or sponsored by the Diocese may not engage in



amorous or sexual relationships with individuals who are participating or who may wish to participate in such programs;

- lay ministers and counselors are prohibited from engaging in amorous, sexual or otherwise inappropriate relationships with any co-worker or individual they serve or may be called upon to serve;
- employees are forbidden from engaging in amorous or sexual relationships with other employees that create conflicts of interest, potential charges of sexual harassment, or discord or distractions that interfere with other employees' productivity;
- employees are expected to behave in a professional manner and avoid inappropriate displays of affection, etc., in the work environment.

When the Diocese receives a complaint or has reason to suspect that this policy may have been violated, it will conduct an investigation and take appropriate corrective action. Employees are required to cooperate fully and truthfully in such investigations. Failure to do so will result in disciplinary action up to and including termination of employment. Concealing information or making false or misleading statements in connection with an investigation will result in disciplinary action up to and including termination of employment.

### **Fraud, Dishonesty and False Statements**

Employees or applicants may never falsify any application, medical history record, invoice, paperwork, time sheet, time card, investigative questionnaire or any other official document. Any employee found to have falsified or made material misrepresentations or omissions on these and other official documents will be subject to immediate termination of employment. Employees are required to report any such violations immediately to their supervisor or senior manager (i.e. pastor, principal, administrator or department director). If the person altering the record is one's supervisor or senior manager, the incident is to be reported to the Diocese Human Resources Department.

### **Hazardous and Toxic Materials**

Employees are required to comply with all laws, rules and regulations concerning the safe handling and disposal of hazardous or toxic materials. Questions regarding these materials should be directed to one's supervisor and/or the Diocese Risk Manager.

### **Honesty**

Diocese policy, in accord with the teachings of the Catholic Church and the precepts of divine law, as well as applicable federal and state law, prohibits employees from making deceitful and disingenuous representations in the course of business. Employees are required to be honest in their dealings with others including supervisors, co-workers, and those served by the Diocese.

### **Illegal or Immoral Activity**

Employees may not engage in any kind of illegal or immoral activity, which is in contradiction of the faith, teaching or mission of the Roman Catholic Church, whether on duty or off the job, which reflects detrimentally on the reputation of the Diocese. Violation of this policy is subject to disciplinary measures up to and including termination of employment.

### **Immigration Law Compliance**

All Diocese employees must provide proof of identity and eligibility to work in the United States pursuant to federal rules and regulations regarding immigration.

### **Insubordination**

Employees must follow the lawful and ethical directions of a supervisor or management official and may not act in an insubordinate manner in any respect. Employees must fully cooperate with investigations of the Diocese into potential misconduct. Refusal to fully disclose information in the course of a Diocese investigation constitutes insubordination and will not be tolerated. Failure to observe these provisions will lead to the application of disciplinary measures up to and including termination of employment.

### **Keys and Entry Cards**

Any Diocese employee to whom a key and/or entry card is given is responsible for proper use of that key and/or entry card and will be required to sign for it. A lost or misplaced key and/or entry card must be reported immediately to one's supervisor. Duplicating or loaning a key and/or entry card to anyone for any reason is forbidden. All keys and/or entry cards must be returned to the Diocese upon separation from employment. Employees who take a leave of absence must turn in any keys and/or entry cards to their supervisor prior to beginning their leave.

### **Maintenance of Work Areas**

Work areas must be maintained in a clean, healthy and orderly fashion to prevent unsafe working conditions, potential accidents, and to maintain an orderly appearance in the Diocese. It is each employee's responsibility to ensure that his or her work area is clean, orderly, and presentable at the completion of each scheduled work shift and to maintain a presentable work area throughout the day.

### **Meetings**

Individual or staff meetings may be held for the purpose of providing instruction, training, or counseling or to review Diocese operating policies. Employees are required to attend all meetings they are called upon to attend.

### **Misuse of Property**

Employees may not misuse, or use without authorization, equipment, vehicles or other property of the Diocese, clients, vendors, or other employees of the Diocese.

### **Off-Duty Use of Facilities**

Employees are prohibited from remaining on Diocese, parish, school and center properties or using these facilities for private purposes during non-working hours or when not on duty. Employees are expressly prohibited from accessing these facilities, property or equipment for personal use without appropriate advance supervisory authorization.

### **Outside Employment**

All outside employment must be disclosed to senior management (i.e. pastor, principal, administrator or department director) and the Diocese Human Resources Department in writing. Outside employment may be forbidden when it is determined that it interferes with fulfillment of Diocese employment duties. Additional work creating a potential conflict of interest, as described in this Handbook, requires advance written approval from senior management (i.e. pastor, principal, administrator or department director).

### **Parking**

Employees are required to park their vehicles in the areas designated for employee parking.

### **Personal Mail**

Mail addressed to an employee at work may be opened by office personnel and routed to their department. When an employee does not wish to have personal correspondence handled in this manner it is the responsibility of the employee to provide for it to be delivered elsewhere. Postage meters and Diocese letterhead may not be used for personal correspondence.

### **Personal Visits**

Personal visits by friends or relatives during work hours generally are prohibited. Non-business related visits from friends or relatives should be limited to meal or break periods and notification to one's supervisor. Non-employees generally are not permitted in restricted areas.

### **Record Retention Policy**

The Diocese retains records in accordance with civil and canon law. Questions regarding record retention should be directed to one's supervisor and/or the Diocese General Counsel or the Office of the Vicar General.

## **References and Verifications of Employment**

Responses to post-termination of employment inquiries into a former employee's work history by potential future employers will be limited to the dates worked for the Diocese and the position(s) held.

## **Safety**

Employees are urged to follow common sense safety practices and correct or report any unsafe conditions to their supervisor. Employees shall be instructed regarding the Diocese's injury prevention program. Employees are to assist the Diocese in maintaining safe working conditions. All accidents, including those that do not involve serious injury, must be reported immediately to one's supervisor.

## **Smoke Free Facility**

Smoking is prohibited in all Diocese parish, school and center buildings and vehicles. Employees who wish to smoke must limit their smoking to break and meal periods. Smoking is only permitted in designated outdoor smoking areas, away from entrances and exits.

## **Social Media, Social Networking and Weblogs Policy**

Diocese employees must conduct themselves in a professional manner and exercise good, sound and moral judgment when using social media, social networking sites and/or blogs. Employees are strictly prohibited from:

- listing their employee e-mail address or employer issued phone numbers unless the social media, social networking site or blog is used solely for Diocese, parish, school, center, cemetery and Pastoral Center business and has been authorized by the employee's senior manager (i.e. pastor, principal, administrator or department director);
- using any social media, social networking, blogs or other form of online publishing or discussion activities while on Diocese time, property or business except if it is being done for Diocese business and with the written permission of employee's senior manager (i.e. pastor, principal, administrator or department director);
- posting any material that is obscene, vulgar, defamatory, threatening, discriminatory, harassing, abusive or hateful to another person or entity or in contradiction of the teachings of the Roman Catholic Church;
- posting or using a picture or likeness of a student, parishioner, volunteer, coworker, manager, supervisor, client or vendor without that individual's express advance permission; and
- engaging in activity that reflects or may reflect negatively on the Roman Catholic Church, the Diocese, its affiliates, employees, parishioners, students, clients, volunteers or others served or

contains any content prohibited by the Diocese's policies and procedures or which contradicts the teachings of the Roman Catholic Church.

Employees engaging in use of social media, social networking and blogging activities are subject to all of the Diocese policies and procedures, including but not limited to the Diocese's policies on: safe environment and child and youth protection; protecting the confidentiality of Diocese information and personnel, safeguarding Diocese property, the prohibition against unlawful discrimination and harassment, and the use of the Diocese's electronic systems.

The Diocese judiciously uses social media in limited circumstances for defined business and ministry purposes. Social media is a set of internet tools that aid in the facilitation of interaction between people online. Use of internet based programs such as Facebook, LinkedIn, and Twitter (this is not meant to be an exhaustive list) for business and ministry purposes must be carefully assessed. Employees should consult with their supervisor and/or the Diocese Human Resources Department with specific questions about which programs the Diocese deems to be social media that may be used in furtherance of Diocese goals. Employees are required to obtain written authorization from their supervisor in order to use internet based programs to perform job duties. Authorization is limited to business and ministry purposes. Personal use of these tools during work hours is prohibited and can result in discipline up to and including termination of employment.

Employees are expected to remain respectful of the Church, the Diocese, managers, supervisors and co-workers, the Diocese's services, affiliates, parishioners, students, clients, volunteers and others we serve and shall not post any material that is obscene, vulgar, defamatory, threatening, discriminatory, harassing, abusive, hateful or embarrassing to another person or entity, and shall not engage in activity that reflects or may reflect negatively on the Roman Catholic Church, the Diocese, its affiliates, employees, parishioners, students, clients, volunteers and others we serve or contains any content prohibited by the Diocese's policies and procedures and the teachings of the Roman Catholic Church.

Employees should have no expectation of privacy while using online social media, social networking sites and/or blogs while at work, on the Diocese networks or internet programs or using Diocese equipment. Employees should expect that any information created, transmitted, downloaded, exchanged or discussed in online media, social networking sites and/or blogs may be accessed by the Diocese at any time without prior notice. Employees are personally responsible for the commentary they express and the material they post while engaging in online social networking and blogging activities.

The Diocese will not construe or apply this policy in any manner that interferes with or limits employees' rights under federal and state laws, including their right to communicate with one another about work-related issues as provided by Section 7 of the National Labor Relations Act.

Violations of this policy may result in disciplinary action, up to and including termination of employment.

### **Solicitation and Distribution**

Employees are prohibited from making solicitations, advertising and distributions in the workplace that interfere with normal operations or are deemed inappropriate by the Diocese.

### **Unauthorized Interviews**

Employees are not permitted to participate in interviews or questioning, not previously authorized, involving individuals not employed by the Diocese. Employees questioned about the Diocese or its current or former employees are to refer all such questions to senior managers (i.e. pastors, principals, administrators or department directors).

The senior manager will determine the advisability of granting an interview. Employees are also required to advise their supervisor immediately when they are aware of an unauthorized interview in progress.

All media requests for interviews should be referred to the Diocese Director of Communications and Media Relations.

### **Use of Employee Image or Likeness**

The Diocese retains the right to photograph, audio/video record, film or broadcast gatherings in public places of worship or education, meetings, and social events. Employees may also be photographed or subjects of audio/video recording, filming or broadcasting without prior notification. The Diocese may use its previously acquired photographs, film, or audio/video recordings in any form or in any medium for advertising and/or promotion of the mission of the Diocese.

Employees may request in writing to their supervisor that they do not wish to be photographed, filmed, broadcast, or audio/video recorded. Employees are not required to indicate a reason for their request. Such requests will not have an adverse effect on their employment.

### **Workplace Violence Zero-Tolerance Policy**

The Diocese does not tolerate violent acts or threats of violence against its employees or those served by the Diocese. All reported threats of violence will be thoroughly investigated. Those reporting these incidents may do so confidentially when circumstances permit. Unauthorized weapons of any kind are strictly prohibited and are not permitted on any Diocese premises. When weapons are discovered in the work place, law enforcement will be called immediately.

Acts of violence and threats of violence by an employee are grounds for immediate termination of employment, including discussions of the use of dangerous weapons, even in a joking manner.

An employee who is the victim of or threatened with violence by a co-worker, customer or vendor, or is aware of another individual, who has been the victim of or threatened with violence, is to report this information to their supervisor immediately or as soon as possible. Law enforcement shall be called upon as deemed necessary for safety and protection.

## **SAFE ENVIRONMENT FOR CHILDREN AND YOUTH POLICY**

### **Policy Regarding Sexual Misconduct with Minors**

Sexual misconduct with minors is both a sin and a crime. The Diocese strictly prohibits inappropriate contact with minors. The Diocese will take appropriate decisive action on all accusations of sexual misconduct with minors in accordance with the applicable provisions of civil and canon law. Credible evidence of sexual misconduct with minors is grounds for immediate termination of employment and the civil authorities will be notified.

In this policy every reference to children is understood to include those who lack adult use of reason or who are seriously cognitively impaired.

Every employee of the Diocese is to receive or access a copy of the *“Policy for the Protection of Children and Young People”*. (See the Santa Rosa Diocese web site for an updated copy).

Failure to abide by any part of the Diocese Policy for the Protection of Children and Young People is grounds for immediate termination of employment.

### **Safe Environment for Children and Youth**

The Bishop has committed his diligent efforts and faithful vigilance to the protection of children, youth, and individuals who lack adult use of reason or who are seriously cognitively impaired in the Diocese and to following the mandates of the *United States Conference of Catholic Bishops Charter for the Protection of Children and Young People and Essential Norms* that was revised in June 2018. Policies and procedures safeguarding youth are in place and it is the responsibility of each employee to strictly follow them as well as to immediately report any violation that one may observe or otherwise witness. A copy of the USCCB Charter is available online to each employee. The Charter may be accessed online at <http://www.usccb.org/issues-and-action/child-and-youth-protection/charter.cfm>.

### **Purpose of Our Safe Environment Policy**

The purpose of this policy is to apply the laws of Church and state in these matters to this Diocese, doing all that is possible to create a safe environment within this Diocese for children and youth. This is a specific commitment of the United States Conference of Catholic Bishops, reprised in its 2018 document, *“The Charter for the Protection of Children and Young People”* (the “Charter”) as well as the commitment of the Diocesan Bishop to protect children, youth, and those who lack adult use of reason or who are seriously cognitively impaired in this Diocese.

The “Charter” requires that “Diocese/eparchies are to maintain 'safe environment' programs which the diocesan/eparchial Bishop deems to be in accord with Catholic moral principles. They are to be conducted cooperatively with parents, civil authorities, educators, and community organizations to

provide education and training for children, youth, parents, ministers, educators, volunteers, and others about ways to make and maintain a safe environment for children and young people. Dioceses/eparchies are to make clear to clergy and all members of the community the standards of conduct for clergy and other persons in positions of trust with regard to children.”

This policy is the fulfillment of the commitment and stated requirements of the “Charter” stated above for this Diocese.

### **Policy**

Any and all forms of conduct either defined in the “Charter” as sexual misconduct with minors or as understood by civil authorities as sexual misconduct with minors is strictly prohibited. Any inappropriate contact with minors is unacceptable and will not be tolerated. Diocese employees are prohibited from taking vacations, trips and outings alone with non-relative minors whom they have been employed to teach, counsel, minister, direct, guide, supervise or otherwise serve. No Diocese employee is to participate in field trips or other outings with minors without parents or additional authorized adults being present with appropriate consent forms having been submitted.

Diocese employees in positions of trust with minors are to be trained regarding the prevention and identification of sexual abuse of minors, as well as responding to and reporting suspected cases of sexual abuse of minors. Some employees are considered “mandated reporters” in law. They are responsible for following the reporting procedures outlined in the Diocese Reporting Requirements below.

For purposes of this policy, the term “sexual misconduct” refers to any conduct contrary to the teachings of the Catholic Church regarding the sixth commandment of the Decalogue as well as those matters specifically covered in pertinent legislation of state, civil and criminal law. Such misconduct includes, but is not limited to, sexual abuse, sexual assault, sexual battery, sexual exploitation, sexual molestation and sexual harassment. Physical, verbal, written, telephonic, electronic, internet, text messaging, email, voicemail and other forms of social media attempts at such conduct are also included in this definition.

Failure to strictly abide by this policy is grounds for immediate termination of employment and the civil authorities will be notified.

### **Diocese Reporting Requirements**

All Diocese employees, “mandated reporters” or not, having knowledge of or possessing a reasonable suspicion of an incident of sexual misconduct with a minor by anyone (e.g. clergy, non-ordained religious, lay personnel or volunteer of the Diocese, or someone not employed by the Diocese) shall first comply with all applicable State reporting requirements. This includes notifying law enforcement and providing an immediate report of the incident to one’s supervisor or senior manager. The incident must also be promptly and thoroughly reported to the Diocese Office of Child and Youth Protection. The “mandated reporter” is always responsible for filing a report. Supervisors and administrators may not impede or inhibit this reporting in any way.



### **Mandatory Child Abuse Reporting Requirements**

State law requires that a “mandated reporter” must file a report with the proper authorities regarding a possible instance of sexual misconduct with a minor. Section 11166 of the California Penal Code requires any “mandated reporter” who has knowledge or reasonably suspects a child is or has been the victim of child abuse to report the known or suspected instance of child abuse to a child protective agency or local law enforcement immediately or as soon as practically possible by telephone and to prepare and send a written report on California form SS 8572 ([https://oag.ca.gov/sites/all/files/agweb/pdfs/childabuse/ss\\_8572.pdf](https://oag.ca.gov/sites/all/files/agweb/pdfs/childabuse/ss_8572.pdf)) within thirty-six (36) hours of receiving the information concerning the incident. Prior to and as a condition of employment, all individuals employed in a parish or school in the Diocese must read and initial where appropriate on the Acknowledgement of Receipt of Employee Handbook, indicating that he/she has knowledge of this reporting provision of Section 11166 of the California Child Abuse and Neglect Reporting Act and will comply with its requirements. To view the complete section of this law, visit the Legislative Counsel of California website at <https://leginfo.legislature.ca.gov/>. Select "California Law," "Penal Code," and select Part 4. Prevention of Crimes and Apprehension of Criminals which includes Sections 11164-11174.3. Child abuse includes physical and sexual abuse in all its forms, neglect, and emotional abuse.

### **Elder and Dependent Adult Abuse Reporting Requirements - California**

Section 15630 of the California Welfare and Institutions Code requires that care custodians, health practitioners, mental health counselors, employees of adult protective services agencies, or local law enforcement agencies who (in their professional capacity or within the scope of their employment) observe evidence of or have been told by an elder or dependent adult (those who lack adult use of reason or who are seriously cognitively impaired) that he/she is a victim of physical abuse must report (Report of Suspected Dependent Adult/Elder Abuse form SOC 341) this to County Adult Protective Services or a local law enforcement agency immediately, or as soon as possible, by telephone with a subsequent written report submitted within two (2) working days (see form <https://www.cdss.ca.gov/Portals/9/Additional-Resources/Forms-and-Brochures/2020/Q-T/SOC341.pdf?ver=2022-11-02-133527-590>). California State law permits reporting of other types of abuse such as neglect, intimidation, fiduciary abuse, abandonment, isolation, or other treatment that results in physical harm, pain or mental suffering when the reporter has knowledge of or reasonably suspects one or more of these types of abuse have occurred. Elders are defined as persons 65 years or older and dependent adults are defined as persons between the ages of 18 and 64 whose physical or mental limitations restrict their ability to care for themselves or to make their own report.

### **Background Screening and Fingerprinting**

Adult employees of the Diocese are subject to a criminal background check including a fingerprinting process. The Diocese is to be provided with subsequent arrest notification for all employees for the duration of employment with the Diocese.

It is the responsibility of the Safe Environment Coordinator at each corresponding entity to coordinate the fingerprinting and background check process with the employee. The corresponding entity is responsible for the expenses of these reports for employees and may also cover the expenses for volunteer reports.

Employees and applicants subject to this screening process may not work with or be around minors until successful completion of the screening process allowing them to work. Any employee or applicant subject to this policy refusing to be fingerprinted will not be employed.

### **Safe Environment Training**

Safe Environment training must take place prior to the start of employment and, whenever renewal is required, this training must be repeated or updated within 14 days. All employees and most volunteers are required to complete a criminal background check and Safe Environment training.

The following is a partial list of volunteers required to complete a criminal background check and Safe Environment training:

- all individuals volunteering in a Catholic school;
- parish directors/coordinators of religious education;
- youth Ministers;
- directors of Children's Liturgy of the Word and volunteers;
- directors of Catechumenate for children, all aides and volunteers;
- catechist for Catechumenate for children;
- catechist aides;
- volunteer catechists;
- volunteer facilitators, leaders, and aides;
- religious education/youth ministry office volunteers;
- parish business managers;
- parish secretaries/bookkeepers;
- parish office volunteers
- parish janitors, maintenance, handy workers, gardeners;
- child care providers;
- altar server trainers/coordinators and assistants/sacristans;
- full-time/part-time liturgy, music, choir directors;
- quinceañera coordinators;
- Boy Scout/Girl Scout leaders;
- drivers and chaperones;

- coaches and assistant coaches of youth sports;
- Youth and Dependent Adult (adults who lack adult use of reason or who are seriously cognitively impaired) camp or day care counselors; and
- in-home classes' facilitators including the principal adult occupants of the home.

The Diocese Office of Child and Youth Protection may require other volunteers not listed above to complete Safe Environment training.

The Diocese Office of Child and Youth Protection is the appropriate office to provide additional information and answers to specific questions regarding this policy.

Given the serious nature these matters, employees should report their suspicions even when in doubt.

## **SEPARATION AND TRANSITION**

Employment with the Diocese is “at-will” and may last for an unspecified duration. The Diocese or the employee can terminate employment with or without demonstrating cause or providing advance notice. The Diocese intends the transition process to be as smooth as possible for both the employee and the Diocese when employment is terminated either by voluntary resignation or by action of the Diocese.

### **Voluntary Resignation**

When an employee decides to resign voluntarily from employment with the Diocese, the following steps will provide for a smooth and orderly transition and to protect one’s earned benefits and rights.

### **Notice of Resignation**

Employees are expected to provide the Diocese with at least two (2) weeks written notice of resignation. During this period, the employee is responsible for returning Diocese property in their possession or for which they have been responsible.

### **Exit Interview**

An employee terminating employment with the Diocese may be required to participate in an exit interview conducted by their employee’s supervisor or senior manager (i.e. pastor, principal, administrator or department director).

### **Bridged Service**

When an employee returns in ninety (90) days or less to resume employment with the Diocese, the original date of hire will be reinstated. An employee returning to work after ninety (90) days or more from the date of termination is considered a new hire.

### **Termination of Employment by the Diocese**

All employees of the Diocese are “at-will” employees. The Diocese therefore may terminate its employees with or without cause. Nevertheless, some causes for termination of employment by the Diocese include but, are not limited to, poor job performance or misconduct; likewise, staff reductions necessitated by economic, organizational, or other factors are among those circumstances motivating termination of employment. Termination, regardless of the reason, should not proceed without thorough and ongoing consultation with a recognized Diocesan Director of Human Resources and/or the attorney for the Diocese. Failure to follow this policy may invalidate insurance coverage.

### **Final Paycheck**

On termination of employment, the employee will receive all wages due for work completed through the last day worked pursuant to wage and hour laws as discussed below.

### **Termination of Employment by the Diocese**

When an individual's employment is terminated by the Diocese, the employee is provided with a final paycheck, including any accrued but unused vacation on the employee's last day of work. This check will be available at the employee's normal work site. In the event the employee is unable to receive the paycheck in person, notification of the immediate supervisor and request in writing to forward the paycheck by mail is required.

### **Voluntary Termination of Employment with Notice**

Voluntary termination of employment by the employee requires at least seventy-two (72) hours' notice; final pay including accrued but unused vacation is available on the last day of work.

### **Voluntary Termination of Employment without Notice**

When an employee fails to provide advance notice of voluntary termination of employment final payment of wages will be provided within seventy-two (72) hours of the Diocese learning of the voluntary termination of employment.

## **Termination of Benefits**

### **Health Insurance**

Health plan coverage terminates on the last day of the month during which termination of employment occurs.

### **Consolidated Omnibus Budget Reconciliation Act (COBRA)**

An employee covered under a health plan has the right to continue coverage at their own expense through COBRA at the group rate for a period of eighteen (18) months after the termination of benefits. The appropriate supervisor at the corresponding entity will inform the Diocese Insurance Coordinator of the termination of benefits. This will result in COBRA notification being sent, approximately two weeks after termination of coverage, to the employee's home with advice regarding COBRA rights.

### **Life Insurance**

Life insurance coverage terminates on the last day of the month during which termination of employment occurs.

### **Vacation**

Upon termination of employment, transfer to another corresponding entity, or loss of benefit-eligibility, employees are to be compensated for all unused vacation hours up to the maximum accumulation.

### **Sick Leave**

Unused sick leave is forfeited at the time of termination of employment or loss of benefit-eligibility through a reduction in hours.

### **Lay Employee Retirement Pension Plan**

Employees no longer working for the Diocese may receive distributions from their pension plan account. To begin the distribution process, employees must contact the Diocese Retirement Plan Coordinator.

### **Return of Diocesan Property**

One's supervisor and the employee are obliged to verify the return of all badges, keys, entry cards, cellular phones and other electronic devices, equipment, documents, and other Diocese property prior to the end of the employee's last day of work.

## **ADVANCING THE MISSION OF THE CATHOLIC CHURCH**

This Handbook highlights Diocesan and Parochial employee opportunities and responsibilities. It is intended to be a guide to one's successful future here. By always keeping the contents of this Handbook in mind, employees will be successful in their partnership with the Diocese and its Parishes in advancing the mission of the Catholic Church.

All employees must sign the Employee Handbook Acknowledgement of Receipt. A copy of this is provided in this Handbook. The Acknowledgement of Receipt is to be kept in the personnel file of the employee. The employee is encouraged to keep a copy of the signed form as well.

## **LAY EMPLOYEE HANDBOOK ACKNOWLEDGMENT OF RECEIPT**

### **Employee Handbook**

I have received a copy, or elected to view a copy on-line, of the Lay Employee Handbook – Personnel Policies and Procedures for the Diocese. I understand this Handbook contains important information regarding policies as well as my privileges and obligations as an employee. I agree to read this handbook within ten (10) days of receipt and to contact my supervisor and senior manager (i.e. pastor, principal, administrator, department director, local human resource representative or the Diocesan Human Resources Department) with questions I may have regarding the provisions contained in the Lay Employee Handbook.

I acknowledge that it is my responsibility to read and become familiar with this Handbook, which includes the Safe Environment for Children and Youth Policy and I agree to request clarification of any provision that I do not understand. If I elected to view the handbook on-line, I understand I may request and keep a printed copy at any time. I further agree to follow all of the policies in the Handbook and any subsequent policies or policy changes communicated to me either verbally or in writing.

\_\_\_\_\_ *Please initial to indicate you have read, understand and agree.*

### **At-Will Employment**

I understand and agree that my employment at the Diocese is not for a fixed period of time, and that my employment can be terminated at the will of either myself or the Diocese at any time, with or without notice, and with or without cause.

I understand and agree that there are no agreements between anyone at the Diocese and me contrary to my at-will status. I further understand and agree that no senior manager (i.e. pastor, principal, administrator, manager, supervisor, department director, employee or agent of the Diocese) is authorized to alter my “at-will” status. The authority to modify “at-will” status of my employment must come directly from the Bishop (or his designee), and only in writing signed by both the Bishop, or his designee, and me. I understand and acknowledge that I should neither assume nor imply any promise of employment for any specified period of time except through such a signed writing. This “at-will” statement sets forth the entire agreement between the Diocese and me regarding the circumstances under which my employment may be terminated.

\_\_\_\_\_ *Please initial to indicate you have read, understand and agree.*

### **Confidentiality**

I understand and agree that information obtained in the course of employment, that is not generally available to the public, is considered confidential and should not be disclosed to anyone not authorized by the Diocese or who does not have a legal right to know.

\_\_\_\_\_ *Please initial to indicate you have read, understand and agree.*

\_\_\_\_\_  
Name (Please Print Clearly)

\_\_\_\_\_  
Employee's Signature

\_\_\_\_\_  
Date

cc: Personnel File

**DIOCESE OF SANTA ROSA**

**POLICY FOR THE PROTECTION**

**OF CHILDREN AND YOUNG PEOPLE**



Serving the Diocese of Santa Rosa in California  
Sonoma; Napa; Mendocino; Lake; Humboldt and Del Norte Counties

April 2023



# Office of the Bishop

Phone: (707) 566-3325  
Email: BpVasa@SRDiocese.org



# Diocese of Santa Rosa

P.O. Box 1297  
Santa Rosa, California 95402

April 2023

To the People of God of the Diocese of Santa Rosa:

In the past, a number of children and young people have been subjected to various forms and degrees of abuse by clergy and other representatives of the Church of the Diocese of Santa Rosa. This is extremely distressing. Fortunately, the efforts of the Church have resulted in much better policies, programs and procedures all of which result in greater protection for children. While much progress, thanks be to God, has been made, it is clear to me that we cannot rest or grow complacent about the role which every one of us needs to play in the important work of keeping children safe.

The work of assuring the safety and well-being of the children entrusted to our care belongs to us all. The protection of the children of the Diocese cannot be effective without your active assistance and so, I ask of you five things:

- 1) Pray for holiness for clergy, religious and those who work with the Church.
- 2) Read, study and take to heart this Diocesan Policy and pray for its ongoing success.
- 3) Be vigilant about your Parish Volunteers, Employees and Visiting Presenters.
- 4) Voluntarily participate in the mandated training for your own education.
- 5) Report to appropriate civil authorities any instances of suspected child abuse or neglect of which you are aware. In addition, please notify me if this involves someone connected with the Diocese.

I hereby declare that the Circle of Grace, Child Education Program, is the Official Program of the Diocese of Santa Rosa. I further declare that this 2023 Policy is the Official Policy of the Diocese of Santa Rosa and it is to be faithfully followed by all Clergy, Employees and Volunteers in our Parishes, Schools and CCD Programs.

I offer to you this revised (2023) *Diocesan Policy for the Protection of Children and Young People*, not because the previous versions were inadequate but rather to keep the importance of this protection fresh and alive. In order for any Diocesan Policy to work, I need your help and active participation. Please study this policy, not as a set of rules which you must follow as a kind of formality, but rather as an expression of a desire to keep all children safe. This must stand at the forefront of every youth activity and program sponsored by the Church. If we fail to take these statutes seriously then we fail the children.

Asking every good blessing and grace of God upon you, I am,

Sincerely yours in Christ Jesus,

The Most Reverend Robert F. Vasa  
Bishop of Santa Rosa

## **PREAMBLE:**

Children are a most precious gift from God and it is most distressing to acknowledge that these precious gifts have sometimes been abused and even sexually abused by those whom they have been encouraged to trust. Recent efforts by the Church to deal effectively with this problem have been very successful thanks to the dedicated employees and volunteers who are now part of the solution. However, it is not time to rest.

The Diocese of Santa Rosa has had previous policies designed to prevent and properly deal with sexual misconduct by Church personnel. Those policies have been effective in helping promote stronger measures for protecting children and assuring prompt reporting. This progress, however, does not justify any type of complacency. There is still much to be done. Ongoing education for staff and parishioners is needed. Policy standards for hiring need to be followed. Greater conscientiousness about the screening required for volunteers and employees is needed. Reminders of the need for vigilance on the part of all relative to any abuse of children must become more frequent. Further, we need to be reminded that not only those who are children but also those who lack adult use of reason or who are seriously cognitively impaired must be regarded as persons deserving of our particular care. In this Revised Policy we use the words child or children but, in every instance, it is to be understood that the terms include those adults who lack adult use of reason or who are seriously cognitively impaired. This Policy will be most strictly observed, and while every attempt will be made to avoid harm to innocent employees and volunteers, our first duty is to avoid any harm to the innocent persons entrusted to our care.

In light of the Charter for the Protection of Children and Young People, as revised by the United States Conference of Catholic Bishops (USCCB) in June 2018, we have reviewed and revised the Policy for the Diocese of Santa Rosa. The goal of this revised policy is multifaceted. The first and primary goal is to keep children safe from harm. With this in mind we seek to minimize the possibility of any abuse by any cleric, employee or volunteer of the Church by establishing well defined procedures for employee screening and education. We also desire to be supportive of those who have experienced some form of abuse. Thus, the policy also includes reporting of abuse, dealing with perpetrators and assisting those injured. Finally, the publication of this policy is intended to be instructive for the wider community by making them more aware of the vigilance which they need to exercise in helping to keep children safe.

While this policy is designed especially for the protection of children and young people from sexual misconduct, it also includes other illegal or immoral behavior including the possession, distribution or viewing of pornography regardless of whether the images depict children or adults or adults disguised as children. Also expressly prohibited is any unethical sexual conduct committed by employees or volunteers. Any time Church personnel use the influence of their role to engage in sexual activity with parishioners or clients, young or adult, they involve themselves in irresponsible, unethical and unacceptable behavior. Such behavior will not be tolerated.

Child abuse is absolutely contrary to the Gospel values of care and concern that Jesus commands us to have for one another. Child abuse is contrary to all that the Catholic Church believes and professes about the dignity of the human person. It is never to be tolerated. Diocesan Personnel is defined as clergy, religious, employees and volunteers – of the Diocese or its related Parishes, Schools, and Institutions. Diocesan Personnel are bound to maintain the strictest legal and moral standards in their ministerial relationships, especially with regard to children and young people. Abusive conduct toward children or young people is not only a crime it also violates the moral teaching of the Church.

Vigilance is necessary in order to prevent abuse and to see that no child, not one, is victimized by such sinful and hurtful behavior. The Diocese of Santa Rosa promulgates this Policy for the Protection of Children and Young People with the goal of fostering that vigilance.

\* \* \* \* \*

### **PREVENTING CHILD ABUSE**

The Diocese of Santa Rosa shall implement the following actions to prevent the abuse of children and to recognize the signs of this abuse. In this policy every reference to children is understood to include those who lack adult use of reason or who are seriously cognitively impaired.

**SCREENING AND EDUCATION:** All Diocesan personnel, clergy, members of religious orders, lay employees and volunteers, who in any manner have access to children or young people shall submit to a background check by way of fingerprinting to ensure that no past reported events which could pose a future risk to children are present. The Diocese, each Parish, School and Institution shall retain files on the results of the background checks. This information, though public, will be kept confidential. These same Diocesan personnel will be required to attend presentations and training dealing with the prevention, recognition and reporting requirements for child abuse.

**EDUCATION FOR CHILDREN:** A curriculum for all children in our Diocesan Catholic Schools and Religious Education Programs will include teaching children about personal dignity and respect, instructing them about appropriate boundaries with adults, and giving them support and guidance about reporting abuse to trusted adults. The program presently implemented in the Diocese of Santa Rosa is **Circle of Grace**.

**DIOCESAN REVIEW BOARD:** A Board composed of not less than five members shall be maintained. The majority of the Board shall be members of the laity, who are not employees of the Diocese of Santa Rosa. The Board shall be appointed by the bishop of the Diocese of Santa Rosa and its members shall have expertise in matters related to child abuse such as reporting laws, counseling, and survivor assistance and offender treatment. The Board shall meet at regular intervals, not less than annually, to assist the bishop of the Diocese of Santa Rosa in implementing the *Diocesan Policy for the Protection of Children and Young People*. The Board may be asked to review allegations of child abuse by Diocesan personnel, help determine a suitable course of action and oversee that action.

### **REPORTING CHILD ABUSE**

An accusation of sexual misconduct with a child or any kind of child abuse is extremely damaging to an individual's good name and reputation. Great care must be taken at the beginning of the process to ensure the rights of both the accuser and the accused. Failure to act on a founded report is irresponsible. Since law enforcement is better equipped to investigate any allegation in an objective way the Policy is to report accusations to civil authorities. In this Policy every reference to child abuse includes the use, possession or distribution of child pornography.

Each allegation of child abuse, whether sexual or physical, will be taken most seriously. Every allegation will be reported to proper civil authorities. The individual who is first apprised of the alleged abuse is primarily responsible for making a report to civil authorities. Our Diocesan Director for the Office of Child and Youth Protection (DDOCYP) may be contacted to

help determine the suitable agency for the Report or the mechanism by which the report is to be made but in all cases the presumption is that a Report will be made to civil authorities.

Child abuse of any kind, is a violation of the laws of the State of California. Whether the perpetrator is an adult or a minor, when the survivor is a child under the age of 18, child abuse statutes apply. Child sexual abuse may be as overt as sexual assault and sexual exploitation but can also include sexual touching for purposes of sexual arousal or gratification. Physical or emotional child abuse, which is reportable, is defined as neglect, willful cruelty or unjustified punishment, unlawful corporal punishment or injury, physical injury or traumatic condition inflicted by other than accidental means (*California Penal Code 11165 and following*). Some public or private officials, including the clergy and teachers, are required by law to report suspected child abuse to the civil authorities. **The clergy are not required nor are they allowed to report a penitential communication intended to be entirely confidential. Clergy, in these types of circumstances, are to try to convince the survivor to bring the accusation to the priest or others outside of the confessional setting so that it can be reported.** The Diocese of Santa Rosa will comply with the child abuse statutes of the State of California. (<http://www.leginfo.ca.gov/cgi-bin/displaycode?section=pen&group=11001-12000&file=11164-11174.3>).

## **REPORTING CHILD ABUSE TO CIVIL AUTHORITIES**

**MANDATED REPORTERS:** All officials in the Diocese of Santa Rosa who are mandated reporters shall report any suspected child abuse and any allegation of child abuse to the civil authorities pursuant to law. The Diocese will provide training to mandated reporters periodically.

**VOLUNTARY REPORTERS:** All other Diocesan personnel, who are **not** mandated reporters, are encouraged to voluntarily report suspected child abuse and any allegation of child abuse to the civil authorities. Voluntary reporters are encouraged to attend mandated reporter training.

## **REPORTING TO CHURCH AUTHORITIES**

All Diocesan personnel shall also report any suspected child abuse by Diocesan personnel to the bishop of the Diocese of Santa Rosa or to the Diocesan Director for the Office of Child and Youth Protection (DDOCYP). Persons reporting abuse to the bishop or DDOCYP may, in addition, also report any suspected child abuse by Diocesan personnel to any member of the Diocesan Review Board. If it is determined that a report has not yet been submitted to civil authorities, either the bishop or the DDOCYP is to make such a report. It is the responsibility of the bishop to verify that such a report has been submitted.

## **THE INVESTIGATION**

**CIVIL INVESTIGATION:** Once a report has been submitted to civil authorities the Diocese, Parish, School or Institution will cooperate fully with the investigation by civil authorities.

**ADMINISTRATIVE LEAVE:** During the investigation, whether civil or canonical, the accused enjoys the presumption of innocence, and all appropriate steps shall be taken to protect his reputation. The accused will be encouraged to retain the assistance of civil and canonical counsel and will be promptly notified of the results of the investigation unless such actions would compromise a civil investigation. When there is sufficient evidence that sexual abuse of a

minor has occurred, the Dicastery for the Doctrine of the Faith shall be notified. The bishop shall then apply the precautionary measures mentioned in CIC, canon 1722 – i.e., withdraw the accused from exercising the sacred ministry by placing him on Administrative Leave.

**ECCLESIAL INVESTIGATION:** If, following the civil investigation, a separate ecclesial investigation is deemed advisable; members of the Diocesan Review Board will oversee any investigation of allegations and will prepare a written report for the bishop. Should the Diocesan Review Board desire, an independent investigator may be recommended to the bishop for appointment to assist in this task. The investigation by the Diocese shall in no way interfere with the state criminal investigation and will be conducted, in most cases, subsequent to the criminal investigation, even if the civil authorities determine that there is insufficient evidence to pursue state criminal charges.

The ecclesiastical investigation shall be conducted in a manner that avoids undue hardship to any of the parties involved in the filing of the complaint.

**CONFIDENTIALITY:** The findings of the Diocesan investigation and report shall be confidential from the public at large, but shall be available to the Diocesan Review Board and to civil authorities concerning the same matter. If the allegations are judged by the Diocesan Review Board or by civil authorities to be substantiated, then appropriate reports shall be made to the Parish and the related School or Institution if applicable. Confidentiality laws preclude releasing information following a conclusion by civil authorities that the allegation is unfounded or unsubstantiated.

#### **RESPONSE BY THE SURVIVOR ASSISTANCE COORDINATOR**

When either a civil or ecclesial investigation proves that a child has been harmed by Diocesan Personnel, great efforts shall be exerted on behalf of the survivor and the survivor's family to facilitate healing, rehabilitation and reconciliation. Even if evidence indicates that neither the Diocese nor the Parish was, in fact, negligent, the Diocese may voluntarily provide the necessary pastoral care, compensation for uninsured medical treatment and uninsured psychological counseling reasonably required by the survivor.

The Diocese, through its Survivor Assistance Coordinator, shall establish contact with survivors who are still minors and their families and demonstrate a sincere commitment to their spiritual and emotional well-being. The bishop of the Diocese will offer to meet personally with survivors and their families.

For accusations brought forward by those who are no longer minors reasonable attempts shall be made to establish a pastoral relationship and to offer counseling.

**CONFIDENTIALITY:** The Diocese will not enter into confidentiality agreements, except for grave and substantial reasons brought forth by the survivor and noted in the text of the agreement.

## **PENALTIES and CONSEQUENCES**

**CLERICS OF THE DIOCESE ACCUSED OF CHILD SEXUAL ABUSE:** Any cleric proven to have committed even a single act of child sexual abuse shall be permanently removed from ministry in or for the Diocese of Santa Rosa in accord with the provisions of Canon Law. An offending cleric may be offered professional assistance for his own healing and well-being as well as for the purpose of prevention if this is deemed to be warranted by the Diocesan Review Board. A successful completion of such professional assistance does not mean a possibility of return to ministry.

**CLERICS ACCUSED OF NON-SEXUAL ABUSE:** Any cleric proven to have physically or emotionally abused or mistreated a minor shall be temporarily removed from office, offered professional counseling and thoroughly evaluated for fitness for ecclesiastical duties. Such a cleric will not be offered another assignment in the Diocese of Santa Rosa unless it is clear, after proper evaluation, that in such an assignment he represents no threat to the wellbeing of children. If the cleric belongs to another Religious Community or Diocese, the Major Superior or Bishop of the cleric will be fully informed of the nature of the allegations and proofs brought against him so that prudent decisions may be made in his regard by them.

**CLERICS SERVING IN THE DIOCESE BUT BELONGING TO ANOTHER DIOCESE OR RELIGIOUS COMMUNITY:** Any cleric belonging to another jurisdiction proven to have committed even a single act of child sexual abuse either while serving in the Diocese of Santa Rosa or prior to coming to the Diocese of Santa Rosa shall be permanently removed from ministry in or for the Diocese of Santa Rosa in accord with the provisions of Canon Law. An offending cleric may be offered professional assistance by his own Diocese or Religious Community if this is deemed to be warranted by his own proper superiors. The Major Superior or Bishop of the cleric will be fully informed of any allegations and proofs brought against him in the Diocese of Santa Rosa to help assure, to the best of the ability of the Diocese of Santa Rosa, that he is not proposed for another assignment, transfer, or residence without the full knowledge of the receiving superior.

**OTHER DIOCESAN PERSONNEL ACCUSED OF SEXUAL ABUSE:** Any Diocesan Personnel, other than clerics, proven to have committed an act of child sexual abuse, shall not be allowed to hold any positions in the Diocese which would involve children or young people. Continued employment is not guaranteed.

**OTHER DIOCESAN PERSONNEL ACCUSED OF NON-SEXUAL ABUSE:** Any Diocesan Personnel, other than clerics, credibly accused of having physically or emotionally abused or mistreated a minor shall not be allowed to hold any positions in the Diocese which would involve direct and unsupervised contact with children or young people. Such a person will not be offered another assignment in the Diocese of Santa Rosa unless, after proper evaluation, it is clear that he or she represents no threat to the wellbeing of children. Continued employment is not guaranteed.

## **RELATED CONCERNS**

While this Policy concerns the abuse of children, it likewise forbids any unethical sexual conduct, including viewing, downloading or distributing pornography of any kind (even if “legal”) on the part of clergy, including the bishop, religious, employees and volunteers of the Diocese of Santa Rosa. Misconduct in this area shall not be tolerated. Substantiated reports of illicit sexual relationships shall result in penalties and consequences comparable to those directed by this policy for the abuse of children.

## **CONCLUSION**

The maintenance of the strictest standards of conduct relative to children and young people is of supreme importance. This Policy is a set of propositions which will be only as effective as their implementation. The concerted effort and continued vigilance on the part of clergy, religious and laity is necessary if the evil of child abuse is to be eliminated. This Policy represents a firm commitment on the part of the Diocese of Santa Rosa and its personnel to be proactive in our protection of children and young people. It reiterates our insistence on the necessity of prompt and consistent reporting to civil authorities. It holds those guilty of abuse accountable for their immoral and illegal behaviors. It manifests our desire to restore genuine trust in the institution of the Catholic Church.

## **APPENDIX I**

### **MAKING A REPORT OF CHILD ABUSE TO CIVIL AUTHORITIES**

When there is *reasonable suspicion or an allegation* that a child has been or is being abused either by a *family member* or by a *non-family member* a report is to be made to the *law enforcement agency* where the alleged abuse occurred or is occurring. Reports are to be telephoned *immediately* and followed up by a written account within 36 hours of the telephone report. Contact information for Child Protective Services is also listed but it is preferable in all cases that initial reports be provided to law enforcement who will contact CPS if applicable.

The following telephone numbers are subject to change. For a current listing of numbers go to: **[www.dss.cahwnet.gov/cdssweb/pg20.htm](http://www.dss.cahwnet.gov/cdssweb/pg20.htm)**.

### **DEL NORTE COUNTY LAW ENFORCEMENT JURISDICTIONS**

#### **A. If inside the city limits call the following:**

Crescent City PD 464-2133 686 G St., Crescent City 95531

#### **B. If outside the city limits (i.e., unincorporated areas) call the following:**

Del Norte County Sheriff 464-4191 650 5th St., Crescent City 95531

**C. CPS** Child Protective Services 464-3191 880 Northcrest Dr., Crescent City 95531

### **HUMBOLDT COUNTY LAW ENFORCEMENT JURISDICTIONS**

#### **A. If inside the city limits call the following:**

Arcata PD 822-2424 736 F Street, Arcata 95521

Blue Lake PD 445-7251 111 Greenwood Rd., Blue Lake 95525  
HSU-Arcata 826-5555 #1 Harpst St., Arcata 95521  
Eureka PD 441-4060 604 C Street, Eureka 95501  
Ferndale PD 786-4025 600 Berding, Ferndale 95536  
Fortuna 725-7550 621 11th St., Fortuna 95540  
Rio Dell PD 764-5642 675 Wildwood Ave., Rio Dell 95562  
Scotia 445-7251 736 F Street, Arcata 95521  
Garberville 445-7251 736 F Street, Arcata 95521  
Trinidad PD 445-7251 463 Trinity St., Trinidad 95570

**B. If outside the city limits (i.e., unincorporated areas) call the following:**

Humboldt County Sheriff 445-7251 736 F Street, Arcata 95521

**C. CPS** Child Welfare Services 445-6180 929 Koster Street, Eureka 95501

**LAKE COUNTY LAW ENFORCEMENT JURISDICTIONS**

**A. If inside city limits call the following:**

Lakeport Sheriff 263-2690 1220 Martin St., Lakeport 95453  
Clearlake PD 994-8251 14050 Olympic Dr., Clearlake 95422  
Middletown 263-2690 1220 Martin St., Middletown 95453

**B. If outside the city limits (i.e., unincorporated areas) call the following:**

Lake County Sheriff 263-2690 1220 Martin St., Lakeport 95453

**C. CPS** Child Welfare Services 262-0235 926 S. Forbes Street, Lakeport, 95453  
800-386-4090

**MENDOCINO COUNTY LAW ENFORCEMENT JURISDICTIONS**

**A. If inside the city limits call the following:**

Ukiah PD 463-6262 300 Seminary Ave., Ukiah 95482  
Willits PD 459-6122 125 E. Commercial #150, Willits 95490  
Ft. Bragg PD 964-0200 250 Cypress St., Ft. Bragg 95437  
Mendocino Sheriff 463-4411 951 Low Gap Rd., Ukiah 95482  
Pt. Arena Sheriff 961-2421 700 S. Franklin St. #110, Ft. Bragg 95437  
Gualala Sheriff 961-2421 700 S. Franklin St. #110, Ft. Bragg 95437

**B. If outside the city limits (i.e., unincorporated) areas:**

Mendocino County Sheriff 463-4086 125 E. Commercial St. #200, Willits 95490

**C. CPS** Child Protective Services 463-7992 727 So. State Street, Ukiah 95482

**NAPA COUNTY LAW ENFORCEMENT JURISDICTIONS**

**A. If inside the city limits call the following:**

American Canyon PD 253-4452 911 Donaldson Way East, American Canyon 95403



Calistoga PD 942-2810 1235 Washington St., Calistoga 94515  
Napa PD 257-9223 1539 1st St., Napa 94558  
St. Helena PD 967-2850 1480 Main St., St. Helena 94574  
Yountville 253-4451 1535 Airport Blvd., Napa 94558 (Sheriff)

**B. If outside the city limits (i.e., unincorporated areas) call the following:**

Napa County Sheriff 253-4451 1535 Airport Blvd., Napa 94558

**C. CPS** Child Welfare Services 253-4261 2344 Old Sonoma Road, Napa 94559

**SONOMA COUNTY LAW ENFORCEMENT JURISDICTIONS**

**A. If inside the city limits call the following:**

Cloverdale PD 894-2150 112 Broad St., Cloverdale 95425  
Cotati PD 792-4611 201 W. Sierra Ave., Cotati 94931  
Healdsburg PD 431-3377 238 Center St., Healdsburg 95448  
Petaluma PD 778-4372 969 Petaluma Blvd. North, Petaluma 94952  
Rohnert Park PD 584-2611 500 City Center Dr., Rohnert Park 94928  
Santa Rosa PD 528-5222 965 Sonoma Ave., Santa Rosa 95404  
Sebastopol PD 829-4400 6850 Laguna Park Way, Sebastopol 95472  
Sonoma PD 996-3601 175 1st St. West, Sonoma 95476  
SSU-Rohnert Park 664-4444 1801 E. Cotati Ave., Rohnert Park 94928  
Windsor PD 838-1234 9291 Old Redwood Hwy Bldg. 300 B, Windsor 95492

**B. If outside the city limits (i.e., unincorporated areas) call the following:**

Sonoma County Sheriff 565-2121 2796 Ventura Ave., Santa Rosa 95403

**C. CPS** Child Protective Services 565-4304 1202 Apollo Way, Santa Rosa 95407  
800-870-7064

**MAKING A SUPPLEMENTAL REPORT TO CHURCH AUTHORITIES**

A supplemental report may also be filed with the Diocese of Santa Rosa.

Director, Child/Youth Protection: Fatima Jimenez (707) 566-3308 [FJimenez@SRDiocese.org](mailto:FJimenez@SRDiocese.org)  
P.O. Box 1297  
Santa Rosa, California 95402

**OR**

Bishop Robert Vasa (707) 566-3325  
P.O. Box 1297  
Santa Rosa, California 95402

**WHAT IS NEEDED FOR THE REPORT?**

**CIVIL AUTHORITIES:** A mandated reporter shall make a report when he or she receives an allegation of abuse or observes, knows or has reasonable suspicion that a child has been the survivor of abuse or neglect. Having a reasonable suspicion means that a person observes certain

specific facts that could cause a reasonable person in a similar position to suspect child abuse or neglect. A report of suspected child abuse should provide the name, age, and address of the child, parent information and incident information.

**CHURCH AUTHORITIES:** After a mandated reporter has submitted the suspected child abuse or neglect report to the civil authorities, he or she is to provide a written account of the suspected child abuse or neglect to the Diocesan Director of the Child and Youth Protection Office or to the Diocesan Bishop. The person filing the report will not be identified to the child, the parents, or to the perpetrator.

**WHEN SHOULD AN INCIDENT BE REPORTED?** For mandated reporters, the laws of the State of California require that the report be made as soon as is reasonably possible and followed up with a written report within 36 hours.

## **APPENDIX II -- PROCEDURES FOR THE DIOCESAN REVIEW BOARD**

**CURRENT ACCUSATION OF *RECENT* CHILD ABUSE:** When a report is received that a child has been the victim of abuse by any current Diocesan Personnel, the matter shall immediately be referred to the proper civil authorities.

The Diocesan Review Board shall be informed of the allegation. Names of both the victim and the accused shall be omitted as far as is feasible.

Consultation with the Diocesan Review Board shall take place, as needed, to help determine what intermediate steps (if any) need to be taken in regard to a Diocesan employee or volunteer pending the outcome of the civil investigation. A member of the Diocesan Review Board may be asked to contact law enforcement to ensure that the actions of the Diocese do not interfere with those of the civil authorities.

When the criminal and the initial ecclesial investigations are completed the Diocesan Review Board shall be convened to discuss and give counsel regarding the future of the accused. While the Board's recommendations are not binding on the bishop, he is not to act contrary to their advice unless he is able to present to them good and objectively valid reasons for doing so. At all times Civil Law, the Articles of the Charter for the Protection of Children and Young People, The Essential Norms for Allegations of Sexual Abuse of Minors and The Code of Canon Law are to be observed.

**CURRENT ACCUSATION OF *PAST* CHILD ABUSE:** When a report is received from an adult who claims to have been the subject of abuse as a child by someone affiliated with the Diocese of Santa Rosa, the matter shall be immediately reported to the appropriate civil authorities regardless of the statute of limitations.

The accused enjoys the presumption of innocence, and all appropriate steps shall be taken to protect his reputation. The accused will be encouraged to retain the assistance of civil and canonical counsel and will be promptly notified of the results of the investigation. If the Bishop, after consultation with the Diocesan Review Board, determines that there is sufficient evidence that sexual abuse of a minor has occurred, he is to notify the Dicastery for the Doctrine of the Faith. The bishop shall then apply the precautionary measures mentioned in CIC, canon 1722 – i.e., withdraw the accused from exercising sacred ministry by placing him on Administrative Leave.

When sufficient information has been collected the Diocesan Review Board shall be convened to discuss and give counsel regarding the assessment of the accusation and the future of the accused. While the Review Board's recommendations are not binding upon the bishop, he is not to act contrary to their advice unless he is able to present to them good and objectively valid reasons for doing so. At all times Civil Law, the Articles of the Charter for the Protection of Children and Young People, The Essential Norms for Allegations of Sexual Abuse of Minors and The Code of Canon Law are to be observed.

Accurate summaries of meetings and accurate records of decisions made at the Diocesan Review Board meetings whether held in person, by phone or through e-mail are to be kept at the Chancery.

Reasonable attempts shall be made to establish a pastoral relationship and to offer counseling for those troubled by the effects of past abuse.

### **PASTORAL ASSISTANCE FOR THOSE WHO SUFFERED PAST CHILD ABUSE**

When a report is received by an adult who claims to have been the subject of abuse as a child either by someone in another Diocese or by someone now deceased the matter shall be immediately reported to the appropriate civil authorities regardless of the statute of limitations. The bishop shall then notify the Diocesan Review Board and seek counsel.

The Survivor Assistance Coordinator (VAC) shall seek out available help, and shall make contact with the Survivor Assistance Coordinator of the Diocese or Religious Community involved. The VAC shall contact the person and offer to meet with them to help assess their needs and to facilitate a meeting, if desirable, with the local bishop or with the Bishop or Religious Superior of the offending person.

If the accused is still serving in some capacity in another Diocese, the bishop of that Diocese shall immediately be apprised of the allegation. All pertinent information shall be made available to that bishop so that he and his own Review Board may adequately consider the matter.

The Survivor Assistance Coordinator shall maintain contact with the Survivor Assistance Coordinator of the other Diocese or Religious Community and shall offer, as far as feasible, the services of the Diocesan Review Board. At all times Civil Law, the Articles of the Charter for the Protection of Children and Young People, The Essential Norms for Allegations of Sexual Abuse of Minors and The Code of Canon Law are to be observed.

The Survivor Assistance Coordinator shall keep accurate summaries of meetings and accurate records of decisions made at meetings, whether held in person, by phone or through e-mail. These summaries and records are to be kept at the Chancery and forwarded to the pertinent Diocese or Religious Community.

### **APPENDIX III -- DIOCESAN COMMUNICATION POLICY**

In keeping with the recommendation of the Charter for the Protection of Children and Young People, it is the general policy of the Diocese of Santa Rosa that information it possesses is shared unless there are compelling reasons to maintain a higher degree of confidentiality. Matters under litigation, unfounded or unsubstantiated allegations, sensitive matters about deceased persons, information which affects a minor or information which a survivor has asked the Diocese to keep private would all qualify as possible exceptions to the general policy of transparency.

The Diocese will communicate any information it has to the proper law enforcement authorities when there is a possibility of danger to the health or wellbeing of children or other

illegal activity. The Diocese, in consultation with the Diocesan Review Board for those matters relating to the wellbeing of children, will issue suitable and explanatory Press Releases and host Press Conferences if this seems advisable. If the name of the survivor is not released by civil authorities the Diocese will not reveal the name. If the name of the accused is not revealed by civil authorities and if the accused has not been removed from any Diocesan position pending a thorough investigation, then this name will likewise not be released. Even an unfounded allegation of child sexual abuse can have dire consequences for the life of the accused and such individuals have a right to maintain their reputation pending a more thorough investigation of the matter.

In the event that the name of someone accused is revealed and the accusation proves to be unfounded or unsubstantiated then the Diocese shall publish information about the unfounded or unsubstantiated allegation careful to maintain the confidentiality of the accuser.

The Diocese shall seek the assistance of the Media as well as its own internal communication media to publicize the presentation of its Safe Environment Programs in the Parishes, Schools, and Institutions of the Diocese of Santa Rosa. As a general rule the spokesperson for the Diocese of Santa Rosa shall be the Diocesan Bishop or another appropriate Staff person designated by him. In general, an advance statement will be prepared and further questions clarified as necessary.

A complete list of the various local Media, including television and radio, which cover news matters affecting Northern California and the designated Media Representatives shall be maintained at the Chancery to assure the ability to deliver news matters to them in a timely fashion.

#### **APPENDIX IV -- DIOCESAN REVIEW BOARD**

In the past, the members of the Board were not identified but in the present moment it seems good to identify them. This is not a body of men and women who simply rubber stamp whatever the Bishop wants. They are conscientious, dedicated men and women with areas of expertise which uniquely qualify them for a role of advisors to the Bishop on these most significant matters. I am most grateful to them for their dedicated service and rely greatly upon their expert advice.

Chair: John Storm, Permanent Deacon, Catholic Restorative Justice Ministry (Employee)  
Richard Ortiz, Probation Officer (Retired)  
George Berg, Police Officer  
Dr. Lori Pandolfo, Psy.D., Licensed Clinical Psychologist  
Honorable Charlotte Walter Woolard, Retired Judge of the California Superior Court  
Honorable Daniel (Mike) Hanlon, Retired Justice of the California Court of Appeal  
Mr. Adam Peacocke, Community Representative

Advisors:

Dan Galvin, Diocesan Attorney  
Reverend Samuel Moses Brown, Vicar for Clergy  
Fatima Jimenez, Diocesan Director of the Office of Child and Youth Protection

# **Code of conduct for diocesan personnel in ministry or in pastoral counseling with children, young people or the cognitively impaired.** (Updated June 26, 2023)

## **MINISTRY WITH MINORS AND THOSE WHO LACK ADULT USE OF REASON OR WHO ARE SERIOUSLY COGNITIVELY IMPAIRED**

**Note:** Throughout this Code of Conduct, the use of the terms “minor”, “child” or “children” also include, even if not explicitly referenced, those adults who habitually lack the use of adult reason, those who are seriously cognitively impaired or those who are subject to ‘custodial’ care.

1. Minors are to be considered as restricted individuals. That is, they are *not* independent. Wherever they are and whatever they do must be with the explicit knowledge and consent of their parents or guardians. They are not adults and are not permitted unfettered decisions.
2. Clergy, religious, employed personnel and volunteers are to avoid all situations which place them in a position to be alone with a minor in the rectory, school or in an enclosed space (including autos) except for a priest when hearing confessions in the confessional.
3. In meeting and pastoral counseling involving a minor, excluding the Sacrament of Penance (Confession/Reconciliation), the presence or proximity of another adult is encouraged. However, where the presence of another adult is unusual or not practical (piano lessons, disciplinary meeting with an administrator, etc.):
  - another adult should know the meeting is to take place,
  - the meeting place is accessible, not secluded, well-lit with clear lines of sight into the room
  - the door must be open unless there is a clear window in the door of the meeting place.
4. An unaccompanied minor is allowed only in the professional section of the rectory or parish center. An unaccompanied minor is NEVER permitted to be in the living quarters.
5. Minors, age 16 and over, are permitted to work in the rectory, parish residence, school or parish facility, if two adults (over 21 years old) are present. Minors under age 16 are *not* to be hired to work in any capacity for a parish, school or diocese.
6. All adult participants in ministry with minors must comply with all diocesan safe environment policies. Clearance should be verified by the Safe Environment Coordinator for the parish/school/agency of the diocese.
7. At least two adults over the age of 21 (and one the same sex as the participants) must be present when a group of minors engage in organized events or sports activities.
8. Clergy, religious, employed personnel and volunteers must avoid being the only adult in a bathroom, shower room, locker room, or other dressing areas whenever minors are using such facilities.
9. Youth trips of any kind must have a minimum of two adult chaperones, at least one of whom should be of the same sex as the young people. Larger groups must have at least one adult chaperone for every eight to ten minors.

**Note:** A young adult between the ages of 18 and 21 is not permitted to supervise minors; however, under the supervision of an adult over the age of 21 he or she can participate in a supervisory capacity.

10. While on trips or program activities, the adults as well as the minors may not use alcohol or controlled substances, and anyone under the influence of such substances cannot participate.
11. While on youth trips, clergy, religious, employed personnel and volunteers are never to drive alone or stay alone in the same motel/hotel room with a minor or minors. One adult alone is not to engage in a trip with a minor or minors.
12. The sacristy door is always to be open whenever minors are present in the sacristy.
13. Comments of a sexual nature are not to be made to any minor except in response to specific classroom or otherwise legitimate questions from a minor.
14. Topics or vocabulary, such as profanity, cursing, or vulgar humor, which could not comfortably be used in the presence of parish/school administrators, parents/guardians, or another adult, are not to be used in the presence of a minor/minors.
15. Clergy, religious, employed personnel and volunteers are absolutely prohibited from serving or supplying alcohol, tobacco products, controlled substances or pornographic or other inappropriate reading materials to minors.
16. Clergy, religious, employed personnel and volunteers are absolutely prohibited from possessing or distributing to anyone controlled substances or viewing, possessing or distributing to anyone pornographic or other inappropriate viewing or reading materials even if such actions do not violate civil law.
17. Audiovisual, music (including its lyrics), internet, and print resources must be screened prior to use to ensure their appropriateness for the participants. It is not appropriate to use an “R”-rated movie without explicit written parent permission. Movies with a stronger designation are forbidden.
18. Careful boundaries concerning physical contact with minors must be observed at all times and should only occur under public circumstances. Prudent discretion and respect must be shown before touching another person in any way.
19. Clergy, religious, employed personnel and volunteers must refrain from giving regular and/or expensive gifts to children and young people without prior approval from the parents or guardian and the pastor or administrator.
20. It is never appropriate to require children and young people to keep “secrets” from their parents, police, etc. under threat of physical harm, “punishment by God”, or any other threat.
21. The use of social media or electronic communication (for example Facebook, Instagram, Snapchat, texting, emails etc.) should comply with all applicable state laws and follow appropriate boundaries. Any communication with minors via social media should be with the express permission of parents or guardians and pertain strictly to those things related to ministry.
22. No pictures of, or personal information about minors may be posted on the internet without the express written permission of their parents or guardians.
23. Should an emergency situation arise that involves a minor, appropriate authorities are to be contacted.

**PASTORAL COUNSELING WITH MINORS:**

1. Pastoral counseling must take place only in the professional portion of a rectory or parish facility, never in the living quarters.
2. Offices or classrooms used for pastoral counseling must have a window in the door or the door must be open during the counseling session.
3. Unless the subject matter precludes their presence and/or knowledge, parents or guardians of minors should be made aware of the counseling session.
4. If counseling is expected to extend beyond one session with a minor, evaluation of the situation should be made with the parents or guardians.
5. Clergy, religious, employed personnel and volunteers are responsible to recognize any personal/physical attraction to or from a minor. In such a situation, the minor should be immediately referred to another qualified adult or licensed professional!
6. The sacrament of penance (confession/reconciliation) must be celebrated in the confessional or reconciliation chapel or at the designated station during a penance service.

Clear violations of the code of conduct, with minors outlined herein, must be reported immediately to the appropriate parish, school, civil and diocesan (director for the Protection of Children and Young People) authorities, in accordance with civil law and this diocesan policy.