

Archdiocese of Indianapolis

**Employment
Law
Manual**

For Parish, School, and Deanery Employees

May 2002

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Dear Sisters and Brothers in Christ,

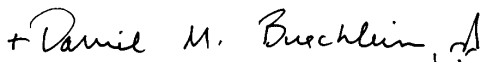
I feel tremendously blessed to have you join me in serving the people of the Archdiocese of Indianapolis. Through your work as an employee, you are helping to bring the message of the Gospel to the people of central and southern Indiana.

After many months of meetings, consultations, and revisions, these human resources policies are being presented to you for promulgation and implementation. This manual supersedes all previous policies issued by the Archdiocese. It is my hope that these policies will clarify the rights, obligations, and responsibilities of the Archdiocese as an employer and you as an employee in Church service.

Above all, it is my intention that these policies support the values in the mission statement of our Archdiocese – compassion and respect for human life, justice, stewardship, lifelong learning and spiritual growth. With this manual, we articulate our belief that you as an employee are a highly valued and respected co-worker in the Archdiocese of Indianapolis.

Please accept my personal thanks for your dedicated service.

Sincerely yours in Christ,

A handwritten signature in cursive script that reads "+ Daniel M. Buechlein, O.S.B." with a small flourish at the end.

Most Reverend Daniel M. Buechlein, O.S.B.
Archbishop of Indianapolis

Mission Statement of the Archdiocese of Indianapolis

We the Church in Central and Southern Indiana, called to faith and salvation in Jesus Christ in the Roman Catholic tradition, strive to live the Gospel by:

- Worshiping God in word and sacrament
- Learning, teaching and sharing our faith
- Serving human needs

We commit ourselves to generosity and to the responsible use of our spiritual and material resources.

Values

- Prayer and spiritual growth
- Life-long learning and sharing our faith
- Parish and family, the individual and community
- Justice and consistent moral standards
- Pro-active leadership and shared responsibility
- Vital presence in urban, suburban, and rural neighborhoods
- Stewardship

Goals

- Foster spiritual and sacramental life
- Teach and share Catholic beliefs, traditions, and values
- Provide for the pastoral and leadership needs of the people of the Archdiocese
- Work for peace and social justice through service and advocacy
- Promote generous sharing and responsible use of all human and material resources

Introduction

As an employer, the Archdiocese of Indianapolis is committed to abiding by all applicable federal, state, and local laws. This Employment Law Manual contains legally required policies with which members of our staff should be familiar. The Archdiocese reserves the right to change any of these policies at any time.

Just as you retain the right to terminate your employment at any time, for any reason, the Archdiocese retains a similar right. No policy or practice of the Archdiocese should be construed to change this relationship. Only pastors, principals and other administrators have the right to modify or change this practice and issue written employment contracts in specific situations.

The language in this manual is not intended to create a contract between the Archdiocese and any or all of its employees. The intent of the manual is to establish policies that embrace our values as a Church and promote the just and fair treatment of our employees.

The Director of Human Resources is responsible for the overall administration and interpretation of these policies, and any questions should be directed to the Human Resources Office.

Definitions

1. *Archdiocese* - The term “archdiocese” as used in this manual refers collectively to all of the parishes, schools, and other institutions of the Archdiocese of Indianapolis, not specifically to the administrative offices of the Archdiocese. Therefore, the duties and responsibilities assigned to the archdiocese in this manual would typically be performed by the parish, school, or other institution for whom the employee works.
2. *Regular Full-Time Employees* - Employees who are regularly scheduled to work 35 to 40 hours per week.
3. *Regular Part-Time Employees* - Employees who are regularly scheduled to work 20 or more hours per week, but less than 35 hours per week.
4. *Limited Part-Time Employees* - Employees who are regularly scheduled to work less than 20 hours per week.
5. *Temporary Employees* - Employees who are hired to perform a designated function for a definite period of time, which generally does not exceed six months.
6. *Non-Exempt and Exempt Employees* - All employees of the Archdiocese are either non-exempt or exempt.
 - a. *Non-Exempt Employees* - Employees who are compensated for working overtime. Generally, this category includes secretaries, receptionists, administrative assistants, clerks, bookkeepers, custodians, housekeepers, and cooks.
 - b. *Exempt Employees* - Employees who are not compensated for working overtime. Generally, this category includes administrators, agency directors, teachers, and other licensed professionals.
7. *Religious Employees* - Men and women who are members of religious communities in the Catholic Church and who work full- or part-time positions at an employing location of the Archdiocese.
8. *Lay Employees* - For the purposes of these policies, lay employees include employees who are not ordained and who are not members of religious communities.
9. *Independent Contractors* - Individuals who are contracted to perform specific and specialized services for the Archdiocese or Archdiocesan institutions. They are paid at the completion of a project or service based upon the terms of a contract. Independent contractors are not employees of the Archdiocese and are not covered by the personnel policies of the Archdiocese.

Application

The policies in this manual apply to all lay and religious employees of the Archdiocese of Indianapolis who are employed in parishes, schools, deanery centers, and other institutions.

The Sacredness of Every Person

As a Church, we honor and reverence the sacredness of every person and value compassion and respect for all people. We are committed, as followers of Jesus Christ, to justice and fairness in all dealings with our employees.

Diversity Policy

Since the Archdiocese values diversity, it is our policy and goal as an employer and organization that everyone be respectful of the heritage and culture of the various groups represented at each work site. We also demand this same respect for the uniqueness of each individual.

As followers of Christ, we have a moral and social obligation to treat everyone fairly and with respect. If we are to help create an inclusive work place and Church, everyone who works for the Archdiocese must be personally committed to this policy.

All of us must strive to reach beyond our own experience to understand and to interact effectively with a wide range of others who are truly different from ourselves. Our organizational practices and norms will include many styles and approaches in the pursuit of our Archdiocesan Mission. Thus, everyone will be able to contribute in his/her own unique way. This encompasses a wide range of significant differences including race, gender, socioeconomic class, nationality, native language, psychological makeup, religion, and more.

We focus on our ability to build a work environment where the inclusion of many kinds of people leads to excellence in ministry, service, and organizational climate. This appreciation of differences is built into our hiring, development, and reward systems.

We make the commitment to comply with all state and federal guidelines relevant to equal employment opportunity and the provisions of the Americans with Disabilities Act (ADA) which are applicable to religious organizations.

We encourage people to develop self-awareness and learn more about the cultural history and characteristics of many different groups.

Any questions about this policy or reports of possible violations should be directed to the Archdiocesan Office of Human Resources.

Equal Employment Opportunity Policy

In the Archdiocese, it is our policy as an Equal Opportunity Employer that in the case of applicants otherwise qualified, no person shall be discriminated against in employment because of factors not relevant to performance.

Likewise, all salaries, wages, insurance, and pension programs shall be administered in accordance with this policy.

As followers of Christ, we have a moral and social obligation by our example to eliminate unjust discrimination in our offices and in the Archdiocese, for it is necessary that the Church itself be just, and not only an instrument of justice. We all must be personally committed to this policy if we are to help eradicate unjust discrimination.

Thus, as Christians and responsible community members, the Archdiocese is committed to make a positive effort to recruit, hire and retain individuals in order to achieve a work force profile reflecting our labor market. The goal of our efforts is to foster a more inclusive church in which men and women, young and old, people of color and various national origins, and persons with disabilities will work together, enriched by our differences, to serve the mission of the Archdiocese.

Decisions for hiring or promotion will be based upon qualifications, ability, and availability. It is the policy of the Archdiocese to comply with local, state and federal laws relating to discrimination. The law, however, does permit religious convictions to be considered in certain hiring or promotion decisions. The nature of the work performed in some positions requires that they are staffed by professed and practicing Catholics.

Any questions about this policy or reports of possible violations should be directed to the Archdiocesan Office of Human Resources.

Harassment Policy

The Archdiocese is committed to providing a professional work environment for our employees which is totally free from physical, psychological, or verbal harassment. This commitment continues our longstanding policy of fair and equal employment to every person, regardless of race, color, sex, national origin, age, marital status, veteran, and handicap status. The Archdiocese has an obligation to provide a work environment that is free from intimidation and harassment based on any of these factors.

Harassment can result from a single incident or from a pattern of behavior in which the purpose or effect is to create a hostile, offensive, or intimidating work environment. Harassment encompasses a broad range of physical or verbal behavior which can include, but is not limited to, the following:

- Physical or mental abuse
- Racial insults
- Derogatory ethnic slurs
- Unwelcome sexual advances or touching
- Sexual comments or sexual jokes
- Requests for sexual favors used as a condition of employment or affecting any personnel decisions such as hiring, promotion, or compensation.

Legally, employers and employees are liable for acts of harassment whether committed by supervisors or fellow employees. An employee can be held individually liable as a harasser and subject to the same penalties which may be imposed upon employers under Title VII of the Civil Rights Act.

The Archdiocese prohibits any form of harassment by employees, co-workers, and supervisors, and we view such actions very seriously. Harassment and other unacceptable activities that could become a condition of employment or a basis for personnel decisions, or which create a hostile environment are specifically prohibited. Any employee who engages in such harassment is subject to immediate discipline, up to and including discharge.

Any questions about this policy or reports of possible violations should be directed to the Archdiocesan Office of Human Resources. Complaints of sexual harassment should be directed to the Chancellor as required by the Sexual Misconduct Policy. The Archdiocese will promptly investigate any alleged harassment. Confidentiality will be maintained to the extent practical and appropriate under the circumstances.

Sexual Misconduct Policy

The Archdiocese does not permit or condone child abuse and other forms of sexual misconduct under any circumstances. The Archdiocese has issued a policy on sexual misconduct which provides a thorough explanation of these issues and the appropriate reporting procedures. You should carefully read this policy, sign the receipt form, and follow it closely if you become aware of a situation that may constitute child abuse or other forms of sexual misconduct. Copies of the policy are available through the Chancellor's Office.

Pay Practices

Archdiocesan Payroll

Lay employees who are paid through the Office of Accounting Services (OAS) receive checks on the 15th and the last day of the month. Direct deposit of pay-checks into the employee's checking and/or savings account is provided.

Reporting of Time Worked

Forms are supplied to supervisors to provide information regarding hours worked and absences. These forms must be returned to OAS at least seven days before the pay date.

Overtime/Compensatory Time

In general, overtime is discouraged, although sometimes necessary. Only non-exempt employees are eligible for overtime/compensatory time. Many employees are scheduled to work under 40 hours per week. Therefore, extra hours up to 40 hours per week are compensated at the regular rate of pay or equivalent time off. For all hours over 40 per week, overtime will be compensated at the rate of one and one-half times the regular rate of pay or, if approved, the equivalent number of hours times one and one-half may be taken off.

In compliance with federal law, compensatory time must be taken during the week in which it was earned. If the employee's schedule does not permit compensatory time to be used in the week in which it was earned, he/she will be paid for the overtime. It is the decision of the supervisor whether compensatory time or overtime is taken.

Exempt employees are not entitled to receive overtime pay or compensatory time. Due to the nature of their positions, exempt staff should expect occasional extra hours and irregular schedules, without additional compensation. Some flexibility in office hours is permitted for exempt employees with irregular work hours.

Voluntary Payroll Deductions

Through voluntary deductions in their pay, employees paid through Archdiocesan Central Payroll can invest in the Archdiocesan Retirement Savings Plan or United States Savings Bonds. They can also contribute to the United Catholic Appeal or the United Way. More information about these voluntary deductions is available through the Office of Human Resources.

Time Away From Work

Family and Medical Leave

In compliance with the Family and Medical Leave Act of 1993, eligible employees are entitled to 12 weeks of unpaid leave during each calendar year for one or more of the following reasons: (1) birth of a child; (2) adoption or foster care of a child (note that in either (1) or (2) the eligible employee may be either the father or the mother); (3) care of a spouse, child or parent because of a serious health condition; and (4) the employee's own serious health condition. Eligibility for leave for the birth, adoption or placement of a foster child expires 12 months from the birth, adoption, or placement of the child. Where two (2) spouses work for the Archdiocese, they will be allowed a total of twelve (12) weeks between them to take a family leave to care for a son, daughter, or parent.

To be eligible for leave, you must have been employed by the Archdiocese for at least twelve (12) months and worked at least 1250 hours during the preceding twelve (12) month period. When you return to work, you will return to your former job or to an equivalent position within the Archdiocese.

A minimum of thirty (30) days advance notice of intent to take leave must be given to your supervisor in writing when it is foreseeable because of (1) the expected birth of a baby; (2) the expected placement of a child for adoption or foster care; (3) planned medical treatment for a son, daughter, spouse or parent with a serious health condition; or (4) planned medical treatment in the case of the employee's own serious health condition.

In situations where it is medically necessary, leave may be taken on an intermittent or reduced schedule basis. Employees must attempt to schedule planned medical treatment – either his or her own or that of a seriously ill family member (spouse, child or parent) – so that it does not unduly disrupt the operation of his or her organization.

In any situation involving leave because of a serious health condition, either your own or that of an applicable family member, you are required to get a medical certification of the condition and the need for leave from the health care provider. If the leave extends beyond four (4) weeks, you must obtain re-certification of the condition and the need for continued leave after four (4) weeks and, if necessary, after eight (8) weeks of leave.

You may choose to substitute accrued paid sick days for unpaid family or medical leave in any of the situations listed above, which is cumulative to 12 weeks.

During your leave, the Archdiocese will continue your medical, life insurance, and disability benefits at the same level and under the same conditions as if you had continued regular employment. Employees on leave must report to their supervisor at least every four (4) weeks on their status and their intention to return to work. If you decide not to return to work, please submit a written letter of resignation as soon as possible within the leave period. To request Family and Medical Leave, please obtain a form from the Office of Human Resources.

The Archdiocese reserves the right to make fair and reasonable interpretations in situations not addressed by this general statement of policy, provided the interpretations are in accordance with the law.

Other Policies

Weapons

Firearms and other weapons are not permitted on Archdiocesan property.

Personnel Files

A personnel file is maintained for each employee, containing the employment application, resume, and the other pertinent documents. These files are confidential and as such are only open to the employee and the appropriate supervisor. Employee medical records are kept separately as required by law.

References

Supervisors and other staff members may respond to reference requests from prospective employers of current or former employees. State law protects individuals who give references from legal liability as long as they act without malice and avoid statements that are known to be false. Please refer any questions about references to the Human Resources Office.

Worker's Compensation

Indiana state law requires employers to provide certain benefits to employees who are injured on the job. The benefits include qualified medical expenses as well as payments in lieu of lost wages and in case of permanent disability.

The Archdiocese provides this program to employees at its expense. Employees who are injured on the job must notify their supervisors immediately. Supervisors must immediately report the injury through the Office of Management Services.

Unemployment Compensation

As a church, the Archdiocese is exempt from the state unemployment compensation insurance program.

Copyright Protection

Employees are expected to abide by copyright requirements and refrain from illegal reproduction of educational materials, computer software, printed music, and other copyrighted materials. Questions about this policy or reports of possible violations should be directed to your supervisor or the Office of Human Resources.

Use of Alcohol and/or Drugs

Employees who are under the influence of drugs or alcohol on the job pose serious safety and health risks to themselves and to others as well. The possession, use, or sale of an illegal drug also violates the law.

The Archdiocese has a vital interest in maintaining safe, healthful and efficient working conditions for its employees. It believes that its own well-being is dependent upon the physical and psychological health of its employees. Accordingly, it is the expectation of the Archdiocese and inherent in the offer of employment that all employees present themselves to the worksite fit for duty.

The Archdiocese also recognizes that employees who experience problems of substance abuse need professional help to overcome these problems. It is the Archdiocese's desire to assist such employees in their efforts to seek counseling and treatment directed toward rehabilitation.

The policy of the Archdiocese is as follows:

Alcohol: Being under the influence of alcohol while performing Archdiocesan business is prohibited. The possession and consumption of alcohol on Archdiocesan property are prohibited except for approved events.

Illegal Drugs: The use, sale, purchase, transfer, possession or being under the influence of a controlled substance by any employee while on Archdiocesan property or while performing Archdiocesan business is prohibited.

Disciplinary Action: Violation of the above policy will result in disciplinary action, up to and including termination, or in requiring that such employee participate satisfactorily in a substance abuse assistance or rehabilitation program approved by federal, state, or local health authorities and by the Archdiocese.

Legal Drugs: The use or being under the influence of any legally obtained drug by any employee while performing Archdiocesan business or while on

Archdiocesan property is prohibited to the extent that such use or influence may affect the safety of co-workers or members of the public, the employee's job performance, or the safe, efficient and exemplary operation of the Archdiocesan organization. An employee may continue to work, even under the influence of a legally obtained drug, if management determines that the employee does not pose a threat to his/her own safety or the safety of others, and that the employee's job performance and the expectations of the exemplary behavior are not significantly affected by the legal drug. This policy will also allow for reasonable accommodation of employees using legally obtained drugs to treat health conditions, as required by the Americans with Disabilities Act.

Right of Inspection

Where an employee has demonstrated suspicion of theft or of possessing alcohol, illicit drugs, or weapons, or appears to be impaired by alcohol or drugs, or is suspected of other misconduct, the employee may be asked to open purses, briefcases, lunch containers, and similar private property to search. Refusal to cooperate may be treated as serious insubordination.

The Archdiocese has the right to search desks, lockers, and other office areas with or without employee approval. Refusal to cooperate in a search may be treated as serious insubordination.

Personal Conduct

As employees of the Archdiocese, we support our Mission not only through the performance of our specific responsibilities, but also by the way in which we model these values through our professional and personal behavior. Therefore, the conduct and lifestyles of all employees are expected to be in accordance with the values and teachings of the Catholic Church.

Confidentiality

Almost all employees naturally accumulate a great deal of confidential information concerning Archdiocesan matters, other employees, and persons who are served by the various programs of the Archdiocese. Such information should be kept private and should not be discussed except with persons having legitimate interest because of their jobs.

Gifts, Payments, and Favors

In order to avoid a conflict of interest, no employee may offer, exchange, or accept gifts, payments, or favors, either directly or indirectly, from any individual or organization which is conducting or soliciting business with the Archdiocese. Furthermore, acceptances, rejections, and recommendations shall not be tied to gifts, payments, or favors in any form, either directly or indirectly.

“Gifts, payments, and favors” include vacations, loans, expenses, consultant fees, stipends, direct gifts of objects or money, etc. The term “indirect” includes the offering or accepting of gifts, payments, or favors by a relative, a person acting on behalf of the employee, or a business entity in which the employee has an interest. These rules do not preclude the offering or accepting of Christmas remembrances, thank-you gifts, business meals, or occasional gifts of nominal value, none of which may exceed fifty (\$50.00) dollars. Any other exceptions to the policy require the prior knowledge and consent of the employee’s supervisor.

Electronic Communication

The Archdiocese maintains an electronic communication system (including voice mail, electronic mail, and the Internet) to facilitate communication and interaction. All messages composed, sent, or received on the electronic communication system are and remain the property of the Archdiocese.

The confidentiality of messages will normally be respected, but should not be assumed. For serious reasons, the Archdiocese reserves the right to review, audit, intercept, access, and disclose all matters on the electronic communication system at any time, with or without employee notice.

Employees should not attempt to gain access to another employee’s messages without the latter’s permission. Use of the electronic communication system for non-work-related purposes should be kept to a minimum. The access of pornographic or other inappropriate material is prohibited. Any questions about this policy or reports or possible violations should be directed to the Office of Human Resources.

Thank you for taking the time to review these policies. Please refer any questions to your supervisor or the Office of Human Resources at 317-236-1594 or 800-382-9836, ext. 1594.