

**PERSONNEL POLICIES
FOR THE PRESBYTERY OF HUNTINGDON, INC.**

**Adopted March 26, 1996
Amended August 23, 2007**

- P- 1.0000 Introductory Statement**
- P- 2.0000 Principles of Personnel Policies Administration**
- P- 3.0000 Categories of Employment**
- P- 4.0000 Salary Administration Policies**
- P- 5.0000 Employer Responsibilities**
- P- 6.0000 Employee Responsibilities**
- P- 7.0000 Employment Policies**
 - a. Paid Holidays and Personal Days**
 - b. Vacation**
 - c. Sick Leave**
 - d. Temporary Disability Leave**
 - e. Family Leave**
 - f. Leaves of Absence**
 - g. Study Leave**
 - h. Sexual Harassment**
 - i. Alcohol, Tobacco Products and Drug Use**
- P- 8.0000 Disciplinary Policies**
- P- 9.0000 Grievance Policies**
- P-10.0000 Separation Policies**
- P-1.0000 Confidentiality Policies**

P- 1.0000 1. Introductory Statement

- P- 1.0100 a. These policies are based on a commitment to the best use of God's gifts through the Presbytery's staff, in order to develop and maintain positive, cooperative, and mutually responsible working relationships among the Presbytery's staff, officers, and churches that will advance the Presbytery's goals.
- P- 1.0200 b. The employer is The Presbytery of Huntingdon, Inc., a legal not-for-profit corporation in Pennsylvania.
- P- 1.0300 c. These policies shall ordinarily be developed and amended through the Personnel Committee, and approved by action of the Presbytery on recommendation by the Presbytery Council (Form of Government G-12.0302). These policies are also subject to the provisions of The Constitution of the Presbyterian Church (USA).
- P- 1.0400 d. The Presbytery shall be guided by the policies of the Church's General Assembly, and any laws of the Federal government, the Commonwealth of Pennsylvania or the local government that may apply to the Presbytery as employer.
- P- 1.0500 e. These policies reflect current personnel practices of the Presbytery; however, they are not a contract of employment and the Presbytery reserves the right to modify these policies at any time.
- P- 1.0600 f. Employees may include exempt (salaried) and non-exempt (hourly wage) regular employees.

P- 2.0000 2. Principles for Personnel Policies Administration

- P- 2.0100 a. Employment practices shall be administered without discrimination as to race, sex, age, marital condition (married, single, widowed, or divorced) or disability (G-9.0104.a.). As long as a person's creed or religion is not contrary to the specific nature of the work of the Presbytery, that person may be eligible for employment.
- P- 2.0200 b. Employees shall have access to a Personnel Packet including the Presbytery Manual, Presbytery's Personnel Policies and other documents or statements pertinent to employment, staff position descriptions, and names, addresses and phone numbers of any persons or committees to whom they are accountable. None of the above materials shall be construed as a contract of employment.
- P- 2.0300 c. Position descriptions shall be required for all exempt and non-exempt positions, and shall be in accordance with these personnel policies.
- P- 2.0400 d. New non-exempt positions shall be established and vacant non-exempt positions shall be reviewed by the Presbytery Council; new exempt positions shall be established and vacant exempt positions reviewed by Presbytery before candidates are sought.

P- 2.0500 e. Position descriptions shall be reviewed as part of required performance reviews and at other times if the Presbytery so decides. Opportunity shall be given for the person filling the position to participate in suggesting any changes.

P- 3.0000 Categories of Employment

P- 3.0100 a. Regular employees in non-exempt positions are paid overtime wages for hours worked in excess of 40 hours a week, at a rate of one-and-one-half times the regular hourly pay.

P- 3.0200 b. Regular employees in exempt positions are not paid overtime for hours worked in excess of 40 hours a week and are expected to manage their schedules to have a minimum of one day off each week.

P- 3.0300 c. Part-time regular employees are employed for a minimum of twenty (20) hours per week, and not more than thirty-five (35) hours. Persons employed for less than twenty (20) hours per week are not regular employees, and therefore are not eligible for benefits.

P- 3.0400 d. Exempt staff shall be elected to office in accordance with the provisions of G-11.0303. Election may be for a five-year term with the option of election for additional terms, or for an indefinite term; performance reviews shall be held at least every other year under the supervision of the Personnel Committee.

P- 3.0500 e. Non-exempt staff shall be employed by the General Presbyter in consultation with the Personnel Committee upon authorization by the Presbytery Council. Employment shall be for an indefinite period unless otherwise determined in advance of employment, with performance reviews at least every other year under the supervision of the Personnel Committee. Individual working schedules shall be negotiated by agreement between each employee and the General Presbyter.

P- 3.0600 f. The first three months of employment of non-exempt regular employees shall be introductory, without benefits. At the completion of the introductory period, a performance appraisal shall be prepared by the employee's supervisor and discussed with the employee. If the introductory period is completed satisfactorily, regular employment may begin but is not guaranteed.

P- 4.0000 4. Salary Administration Policies

P- 4.0100 a. The Presbytery is committed to a salary administration policy providing fair compensation for work performed and incentive for personal growth, responsive to changes in the cost of living, and providing equitable compensation for the entire staff.

P- 4.0200 b. Compensation and benefits for each employee shall be reviewed annually in a personal interview conducted by the Personnel Committee, which shall make recommendations on any changes through the budget process of the Presbytery.

P- 4.0300 c. Employee compensation shall be based on equitable salary scales, with increments determined by local economic conditions and by performance reviews in which the employee shall participate.

- P- 4.0400 d. Any change in terms of call for an employee who is a Minister of the Word and Sacrament shall be approved by the Presbytery (G-14.0506).
- P- 4.0500 e. Authorized employee expenses incurred in performing work assignments shall be promptly reimbursed under an Accountable Reimbursement Plan.
- P- 4.0600 f. The Presbytery is not legally eligible to participate in the Unemployment Insurance program of the Commonwealth of Pennsylvania.

P- 5.0000 5. Employer Responsibilities

- P- 5.0100 a. To establish a staff structure, position descriptions, person descriptions and personnel policies that fulfill the goals of the Presbytery.
- P- 5.0200 b. To call or employ persons who are qualified and/or qualifiable to fill these positions.
- P- 5.0300 c. To establish work objectives for each person that are consistent with goals of the Presbytery.
- P- 5.0400 d. To provide adequate, equitable employee compensation and benefits for all eligible employees.
- P- 5.0500 e. To conduct required performance reviews for employees which encourage employees to share in evaluating their work in relation to the Presbytery's goals.
- P- 5.0600 f. To support employees in attaining their own career goals through study leaves.
- P- 5.0700 g. To establish and administer a system for resolving employee grievances promptly and fairly, with employees having the privilege of securing an advocate, who may be a co-employee (see P-9.0000).

P- 6.0000 6. Employees' Responsibilities

- P- 6.0100 a. To fulfill position and person descriptions to the best of their abilities in accordance with the Presbytery's program goals and personnel policies.
- P- 6.0200 b. To use study leaves as opportunities for personal growth, improved work performance and career advancement.
- P- 6.0300 c. To take the initiative in presenting employee views to the appropriate forums dealing with the personnel policies of the Presbytery.
- P- 6.0400 d. To suggest improvements in office operations.
- P- 6.0500 e. Honoraria received by an employee for services that are part of the employee's position description shall be remitted to the Presbytery; other honoraria may be retained as personal income.

- P- 6.0600 f. Full time employees shall not perform contract work or receive compensation from other employers without prior approval of the Presbytery Council on recommendation of the Personnel Committee. Part time employees may receive compensation or perform contract work from outside employers only when determined in consultation with the General Presbyter that the nature of the work is not in conflict with his/her Presbytery responsibilities.
- P- 7.0000 7. Employment Policies
- P- 7.0100 a. Paid Holidays and Personal Days
- P- 7.0101 (1) The Presbytery shall grant paid holidays to employees in accordance with a specific schedule established annually by the presbytery on recommendation from the Personnel Committee. Holidays will be pro-rated for part-time employees. The General Presbyter in consultation with the Personnel Committee chair must approve any exceptions to this policy.
Revised 8/07
- P- 7.0102 (2) The Presbytery of Huntingdon shall grant 2 personal days per year to employees. They are to be taken during the year and are not to be cumulative beyond the year. Arrangements shall be made in advance with the employee's supervisor; no reason need be given.
- P- 7.0200 b. Vacation
- P- 7.0201 (1) Full time regular non-exempt employees shall receive paid vacation days according to the following schedule:
 (a) after six months of service in the initial year, one work week;
 (b) beginning with the second year of service, two work weeks;
 ©)beginning with the sixth year of service, one additional working day for each additional year of service up to a maximum of 4 work weeks.
 Vacation time will be accrued at the rate of 1/12 of the employee's authorized annual leave per month.
Revised 12/01/04
- P- 7.0202 (2) Clergy shall receive vacation according to terms of call.
- P- 7.0203 (3) Vacation is to be used in the year in which it is accrued; under extenuating circumstances, up to 10 days may be carried over into the first six months of the following year with the prior approval of the General Presbyter. The Personnel Committee shall give such approval for the General Presbyter.

- P- 7.0204 Part-time regular employees are eligible for vacation. Vacation days are to accrue under the following schedule:
 (a) after six months of service in the initial year, one work week;
 (b) beginning with the second year of service, two work weeks;
 (c) beginning with the sixth year of service, an additional 1 day per year up to a maximum of four work weeks.
 Vacation time will be accrued at the rate of 1/12 of the employee's authorized annual leave per month. *Revised 12/01/04*
- P- 7.0300 c. Sick Leave
- P- 7.0301 (1) Full time regular employees shall be granted one day of sick leave per month of service; up to 90 days of sick leave may be accumulated.
- P- 7.0302 (2) Sick leave days are used only when an employee is unable to work due to accident or personal illness; routine medical or dental appointments shall not be charged to sick leave but employees are encouraged to schedule appointments outside of regular working hours when possible. If time off is required, arrangements shall be made in advance with the General Presbyter.
- P- 7.0303 (3) Whenever possible, employees shall notify the General Presbyter of absence on sick leave no later than 9:00 a.m. of the day of absence; at the discretion of the General Presbyter, he/she may require a statement from a licensed physician verifying sick leave
- P- 7.0304 (4) Sick leave is not accumulated while an employee is on leave of absence.
- P- 7.0305 (5) Unused sick leave shall be forfeited upon termination of employment.
- P- 7.0306 (6) Sick leave records for all employees shall be maintained by the General Presbyter.
- P- 7.0307 (7) Part-time regular employees are eligible for sick leave. Sick leave is granted at the rate of 1 day per month and can be accumulated up to 90 days.
Revised 9/23/03
- P- 7.0400 d. Temporary Disability Leave
- P- 7.0401 (1) All full time regular employees are eligible for temporary leave due to a medical disability, as certified by a licensed physician.
- P- 7.0402 (2) In case of a foreseeable disability the employee shall furnish certification at least 30 days prior to the beginning of the leave, stating a date beyond which it is not advisable for the employee to work.
- P- 7.0403 (3) The employee shall receive full salary and benefits for the period of temporary disability up to a maximum of 90 days, at which time an employee enrolled in the Benefits Plan of the Presbyterian Church (USA) shall apply for disability benefits under the Benefits Plan.

- P- 7.0404 (4) At the conclusion of a disability the employee shall furnish certification from a licensed physician that the employee is able to return to work and fulfill the duties of the position.
- P- 7.0500 e. Family Leave
- P- 7.0501 (1) All full time regular employees are eligible for up to 12 weeks of unpaid family leave during any 12 month period, for one or more of the following reasons as certified by a licensed physician:
- (a) the birth or adoption of and care for a child of the employee;
 - (b) the need to care for a spouse, child or parent in case of a serious health condition.
- P- 7.0502 (2) In case of a foreseeable family leave need, the employee shall furnish certification at least 30 days prior to the beginning of a leave.
- P- 7.0600 f. Leaves of Absence
- P- 7.0601 (1) Leaves of absence with pay shall be granted in these circumstances, in consultation with the General Presbyter:
- (a) up to 10 working days for jury duty, with possible extensions in exceptional cases with the approval of the General Presbyter; any compensation received from the Court shall be deducted from regular pay;
 - (b) three working days for the death of an immediate family member (spouse, child, parent, parent-in-law, grandchild, grandparent, sister, brother).
- P- 7.0602 (2) Unpaid leaves of absence, including leave for regular training periods or extended military duty with the U.S. Armed Forces, may be granted for periods of 10 or more working days; employees shall submit requests for leave in writing to the General Presbyter at least two weeks before the requested leave, giving reasons for the request. Each request shall be considered on its own merit; the response shall be determined by the General Presbyter and at least two members of the Personnel Committee.
- P- 7.0700 g. Study Leave
- P- 7.0701 (1) Full time regular exempt employees shall receive study leave according to their approved terms of call or employment.
- P- 7.0702 (2) Full time regular non-exempt employees may receive up to one week of paid study leave in order to improve their job skills for the benefit of both the employee and the Presbytery; such leave, including finances, must be approved by the Presbytery on recommendation from the Personnel Committee. Part-time regular employees may be eligible for paid leave in order to improve their job skills for the benefit of both the employee and the Presbytery; such leave, including finances, must be approved by the General Presbyter. Training which will enable an employee to perform their assigned position may be paid as part of their employment and will be authorized at the discretion of the General Presbyter.

Revised 9/23/03

- P- 7.0800 h. Sexual Harassment

- P- 7.0801 (1) The Presbytery shall not allow any form of sexual harassment within the work environment; any form of sexual harassment is unacceptable behavior and is subject to disciplinary action.
- P- 7.0802 (2) Unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature constitute sexual harassment when
 (a) submission to such conduct is either explicitly or implicitly made a term or condition of an individual's employment,
 (b) submission to or rejection of such conduct by an individual is used as a basis for employment, advancement, or remuneration affecting the individual, or
 (c) such conduct has the purpose or effect of interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.
- P- 7.0803 (3) Employees are strongly encouraged to report perceived violations promptly to the General Presbyter, or, if preferred, to the Personnel Committee; confidentiality of the complaint shall be assured and the complaint shall be reviewed promptly in accordance with the Grievance Policies of these Personnel Policies (P-9.0000).
- P- 7.0804 (4) Where it is determined that sexual harassment has occurred, disciplinary action, including dismissal when appropriate, shall be taken in accordance with the Disciplinary Policies of these Personnel Policies (P-8.0000).
- P- 7.0805 (5) The Presbytery shall take no adverse action against any employee who in good faith complains of sexual harassment, and shall make every effort to protect the complainant against any reprisal from another employee(s).
- P- 7.0806 (6) For the protection of both employees and the Presbytery, all non-exempt regular employees shall complete an amended version of Part VI of the Personal Information Form of the Presbyterian Church (U.S.A.) (see Appendix A). The completed form shall be kept in each employee's confidential personnel file in the Presbytery Office, and shall be accessible only to the General Presbyter and the Presbytery Solicitor, for specific cause as approved by those two persons.
- P- 7.0900 i. Alcohol, Tobacco Products and Drug Use
- P- 7.0901 (1) The possession or use of alcoholic beverages tobacco products or illicit drugs, or the illegal possession, use, or distribution of controlled substances as defined under the Drug Device and Cosmetic Act including the illegal possession, use, dispensing or distribution of prescription drugs, is not permitted within the work environment or on the employer's premises or in any place where the employee is engaged on official duties or on the business of the employer.
- P- 8.0000 8. Disciplinary Policies**
- P- 8.0100 a. Disciplinary measures may be taken in response to concerns in two areas.

- P- 8.0101 (1) Concerns open to correction, including but not limited to:
- (a) unsatisfactory performance,
 - (b) insubordination in the area of assigned duties,
 - (c) repeated unexcused absence or tardiness,
 - (d) repeated refusal to observe employer policies.
- P- 8.0102 (2) Concerns with the potential for immediate dismissal, including but not limited to:
- (a) neglect in the care and use of the Presbytery's property and/or funds,
 - (b) sexual harassment or misconduct,
 - (c) illegal, dishonest, or unethical conduct.
- P- 8.0200 b. Concerns open to correction shall be dealt with through the following process:
- P- 8.0201 (1) The employee shall be informed of an alleged problem by means of a written memorandum from the supervisor; in verbal discussion the problem shall be reviewed, and methods to alleviate the alleged problem and improve the employee's work performance shall be noted in writing. A report of these actions shall be kept in a confidential file, including a written response by the employee if the employee so desires.
- P- 8.0202 (2) If the alleged problem is not resolved within 15 days, it shall be reviewed by two members of the Personnel Committee, who may offer recommendations for corrective action.
- P- 8.0203 (3) If the alleged problem has not been resolved within 15 days after this review, there shall be a progress review with the same two members of the Personnel Committee, to hear the principal parties and seek agreements to improve the employee's performance; a letter stating these agreements shall be given to the employee within two working days of the progress review, with copies to the supervisor, the General Presbyter and the members of the Personnel Committee.
- P- 8.0204 (4) Alleged problems that are still unresolved may then result in termination of employment.
- P- 8.0300 c. Concerns with the potential for immediate dismissal shall be dealt with through the following process:
- P- 8.0301 (1) If unacceptable behavior requires the removal of an employee from the work place, the General Presbyter may suspend the employee, with pay, pending a review and evaluation of the circumstances by the Personnel Committee within five working days. Notice of the reason for the suspension shall be given to the employee in writing at the time of suspension.

P- 8.0302 (2) A written report of this review, with any conclusions or recommendations, shall be given to the employee and the General Presbyter within five working days after the review. Outcomes may include but are not limited to:
(a) dismissal of a non-exempt employee;
(b) a recommendation for dismissal of an exempt employee;
(c) termination of the suspension and restoration of the employee to regular employment status;
(d) filing of an accusation against the employee under provisions of the Rules of Discipline of the Presbyterian Church (USA);
(e) For members of the Presbyterian Church (USA), dismissal as well as filing of an accusation is a possible outcome.

P- 8.0400 d. An employee shall have the right to defend his/her position with or without an advocate; use of an advocate shall be at the expense of the employee. However, the employer does not condone the unauthorized practices of law.

P- 9.0000 9. Grievance Policies

P- 9.0100 a. A complaint or grievance is an alleged violation of an approved personnel policy or practice, or of an applicable Federal or Commonwealth law not adequately dealt with in these policies or practices.

P- 9.0200 b. To deal promptly and fairly with all complaints or grievances, the following steps shall be taken:

P- 9.0201 (1) Prior to filing a written grievance, a complaining party shall discuss the concern with his/her supervisor; if not satisfied with the supervisor's response, the complaining party shall discuss his/her concern with the General Presbyter, who shall seek to resolve the issue in consultation with the principal parties to the grievance; if the General Presbyter is perceived to be part of the concern, the complaining party shall discuss his/her concern with two members of the Personnel Committee, who shall seek to resolve the issue in consultation with the principal parties.

P- 9.0202 (2) If informal efforts fail to resolve the concern a formal grievance may be filed by submitting a written statement to the Chairperson of the Personnel Committee within 60 days of the alleged grievance.

P- 9.0203 (3) The Personnel Committee shall, within 15 working days, review the grievance with the principal parties, make a determination of the grievance, and provide the principal parties with a written record of this determination. The determination shall include a place for the complaining party to indicate his/her acceptance or rejection of the decision.

P-10.0000 10. Separation Policies

P-10.0100 a. Separation shall include the termination of any employment or call relationship between an employee and the Presbytery and shall be in accordance with the provisions of G-9.0705.

P-10.0200 b. Voluntary Separation

- P-10.0201 (1) Exempt employees desiring to terminate employment shall give a minimum of one month advance notice in writing to the Personnel Committee.
- P-10.0202 (2) Non-exempt employees desiring to terminate employment shall give a minimum of 10 working days notice in writing to the Personnel Committee.
- P-10.0203 (3) Employees planning to retire should give a minimum of six months advance notice in writing to the Personnel Committee, in order to complete necessary Social Security and Benefits Plan arrangements.
- P-10.0204 (4) Employees retiring or seeking voluntary separation shall receive all earned pay including pay for unused accrued vacation and personal days; no compensation shall be given for any unused accrued study leave or sick leave.
- P-10.0300 c. Reduction in Staff
- P-10.0301 (1) Separation because of reduction in staff for budgetary reasons or for other circumstances through no fault of the employee is at the discretion of the Presbytery.
- P-10.0302 (2) Up to 26 weeks notice in writing or up to 26 weeks pay and benefits in lieu of notice, not including accrued sick leave or accrued study leave time or funds, shall be given to employees separated because of reduction in staff, according to the following scale:
- (a) up to 1 year of service, 2 weeks;
 - (b) 1 year up to 2 years, 4 weeks;
 - (c) 2 years up to 6 years, 8 weeks;
 - (d) 6 years up to 12 years, 16 weeks;
 - (e) 12 years up to 18 years, 20 weeks;
 - (f) 18 years and over, 26 weeks.
- P-10.0303 (3) The Presbytery shall make reasonable efforts to assist such employees in finding other comparable employment.
- P-10.0400 d. Involuntary Separation
- P-10.0401 (1) If, after following the policies in P-8.0000, involuntary separation is necessary, the following steps shall be taken:
- (a) for a non-exempt employee, termination shall be by action of the Personnel Committee;
 - (b) for an exempt employee, termination shall be by action of the employing/calling Presbytery, on recommendation from the Personnel Committee.
- P-10.0402 (2) Notice of termination shall be given to the employee in a meeting with the General Presbyter and at least two members of the Personnel Committee; the employee shall be given a written notice of termination at this meeting, giving specific reasons for termination.

- P-10.0403 (3) Except for dismissal for cause, notice of dismissal or pay in lieu of notice of dismissal shall be given of two weeks for non-exempt employees and one month for exempt employees; no separation allowance shall be given except the cash equivalent of unused accrued vacation.
- P-10.0404 (4) On the final day of employment payment shall be made of all salary and benefits to which the employee is entitled, upon receipt of all Presbytery property, keys, and papers in his/her possession.
- P-11.0000 11. Confidentiality Policies**
- P-11.0100 a. All personnel records, with the exception of Section SC-VI of the Sexual Conduct Policy for employees who are Ministers of the Word and Sacrament, which is kept by the Stated Clerk of Presbytery, shall be kept in a separated locked file in the custody of the General Presbyter; shall be accessible to members of the Personnel Committee, and for good cause the Presbytery Solicitor shall have access to said records.
- Revised 9/23/03*
- P-11.0200 b. Employees shall be permitted access to their own personnel records and may submit in writing changes to correct factual information or to note their disagreement with any material in their own records.
- P-11.0300 c. The Presbytery shall not release any information from the personnel records to outside sources without the employee's written permission unless legally required to do so, or unless necessary to defend the employer from a claim of wrongful or improper conduct made by the employee or a claim made by some third person against the employer. The employee shall be told prior to disclosure when this is legally possible.

APPENDIX A

SEXUAL CONDUCT INFORMATION FOR REGULAR NON-EXEMPT EMPLOYEES THE PRESBYTERY OF HUNTINGDON

This page, with your original signature, **MUST** be returned with your Application for Employment. The following information related to sexual misconduct was mandated by the Personnel Policy of the Presbytery of Huntingdon. Please check one of the following.

_____ I certify by the signature below that no civil, criminal, ecclesiastical complaint has ever been sustained* or is pending* against me for sexual misconduct; and that I have never resigned or been terminated from a position for reasons related to sexual misconduct.

_____ I am unable to make the above certification. I offer, instead, the following description of the complaint, termination, or the outcome of the situation with explanatory comments.

The information contained in my Application for Administrative Positions on file in the Presbytery Office is accurate to the best of my knowledge and may be verified by the calling or employing entity. I hereby authorize the Personnel Committee to inquire concerning any civil or criminal records, or any judicial or ecclesiastical proceedings involving me as a defendant, related to sexual misconduct. By means of this release I also authorize

any previous employer, and any law enforcement agencies or judicial authorities or ecclesiastical governing bodies to release any and all requested relevant information related to sexual misconduct to the Presbytery.

I have read this certification and release form and fully understand that the information obtained may be used to deny me employment or any other type of position in the Presbytery. I also agree that I will hold harmless the Presbytery from any and all claims, liabilities, and causes of action for the legitimate release of any information related to sexual misconduct.

Signature _____ Date _____

Please type or print your name here _____

*Sustained: 1) In a criminal court, “sustained” means that there has been a guilty plea, a guilty verdict or a plea bargain; 2) In a civil court, “sustained” means that there has been a judgment against the defendant; 3) In an ecclesiastical case, “sustained” means that there has been a guilty plea and censure imposed, or finding of guilty with censure imposed, by a session or permanent judicial commission in the Presbyterian Church (U.S.A.) or an equivalent body of another church.
*Pending: 1) In a criminal court, “pending” means a criminal charge before a grand jury, in the process of being prosecuted, or in a case in which there is not yet a verdict; 2) In a civil court, “pending” means a case in which there has not yet been a decision or judgment; 3) In an ecclesiastical case, “pending” means an accusation is being investigated by a session or an investigating committee, or charges have been filed but have not yet been decided by a session or a permanent judicial commission; or an accusation or charges are in an equivalent state or process in a church other than the PC(U.S.A.).

Sexual Misconduct is the comprehensive term used to include: 1) child sexual abuse as defined in the Sexual Conduct Policy of the Presbytery; 2) sexual harassment as defined in the Presbytery’s Personnel Policy; 3) rape or sexual contact by force, threat or intimidation; 4) sexual conduct (such as offensive, obscene or suggestive language or behavior, unacceptable visual contact, unwelcome touching or fondling) that is injurious to the physical or emotional health of another; 5) sexual malfeasance defined as sexual conduct within a ministerial or professional relationship; sexual conduct includes unwelcome sexual advances, requests for sexual favors, and verbal or physical conduct of a sexual nature; this definition is not meant to cover relationships between spouses, nor is it meant to restrict church professionals from having normal, social, intimate, or marital relationships; 6) sexual abuse as found in *Book of Order* D-10.0401.