

PRESBYTERY OF RIVERSIDE

POLICY CONCERNING ILLNESS, TEMPORARY AND PERMANENT DISABILITY, AND DEATH IN SERVICE OF TEACHING ELDERS SERVING CONGREGATIONS, AND OTHER "LEAVE OF ABSENCE" SITUATIONS

I. INTRODUCTION

Every session and pastor faces the potential of having to deal with questions concerning appropriate lengths of absence and the continuance of compensation in the event of illness, short or long-term disability. Also, many sessions and pastoral families face the potential of having to deal with questions relative to continued occupation of the manse by the spouse and dependents if the pastor should die "in service," or require extended leave for illness or be called to active military duty.

The benefit package afforded to every pastor through the Board of Pensions of the Presbyterian Church USA includes Disability Benefits. The Disability Plan is a self-funded church plan administered by the Board of Pensions. It is designed to provide pastors with a source of income should they become totally disabled. Generally, disability benefits are based on 60% of the greater of either the pastor's effective salary (excluding the portion of salary above \$90,000) or the appropriate church-wide median salary in effect when the pastor becomes disabled. The initial disability benefit never exceeds 100% of the pre-disability effective salary. When approved for disability status, benefit payments begin after a 90-day waiting period under this disability income program. Healthcare, death, pension, supplemental death benefits, and optional supplemental disability benefits coverage in effect at the time of disability continue during disability without further dues payments by the pastor or the church.

The Presbytery of Riverside provides this policy statement as a fair and structured basis for addressing the issues and concerns associated with pastoral illness/injury, short and long term disability, and matters of family leave. It is the intent of the Presbytery that this policy establishes MINIMUM STANDARDS. Exceptions based on unique circumstances should be determined by means of cooperative review and action of the session, Healthy Pastors and Congregations Commission (HPCC), and the pastor or pastor's spouse.

II. IMPLEMENTATION

Upon adoption this policy will become effective and binding immediately for all pastoral positions in effect as of that date and for all future pastoral positions until the policy is either amended or rescinded. In all cases this "Policy Statement" is intended to be in harmony with Article XI [Disability] of the Benefits Plan of the Presbyterian Church (U.S.A.) in effect at the time of this adoption.

III. DEFINITIONS

- A. *Illness/injury*: any condition, physical or emotional, which requires, or makes it prudent, that the teaching elder avoid the fulfillment of normal responsibilities.

- B. *Short-term disability*: any condition, physical or emotional, which requires, or makes it prudent, for the teaching elder to avoid the fulfillment of normal responsibilities for a period of thirty to ninety days.
- C. *Long-term disability*: any condition, physical or emotional, which requires, or makes it prudent that the teaching elder avoid fulfillment of normal responsibilities for a period longer than ninety days. The following definition of disability in the Benefits Plan shall apply:

The inability of a Member due to sickness or bodily injury to perform substantially all the material duties of his or her regular work or any other type of work that would afford a reasonably comparable level of income, and after a period of twenty-four (24) months of such disability, the inability of a Member due to sickness or bodily injury to perform any type of work for which he or she is fitted by education, training or experience, all of which conditions must be certified by the Board's medical counsel. (Benefits Plan, Article II, Sec. 2.1h)

- D. *Intermittent disability*: any condition, physical or emotional, which requires, or makes it prudent that the teaching elder to alternate between periods of being able to perform all or most regular responsibilities and periods of disability.
- E. *Death in Service*: the death of a teaching elder while called, contracted or appointed to serve a particular congregation or congregations.
- F. *Professional reimbursements*: Includes all categories of reimbursable expenses incurred in the course of performing professional (church related) activities. These include, but are not limited to: travel, materials and equipment, organizational dues, and other professional expenses.

IV. PASTORAL ILLNESS/INJURY

- A. The Session shall continue full compensation as approved in Terms of Call or Pastor Covenant, during leave for illness or injury lasting one to thirty days.
- B. At the Pastor's discretion, up to five days per year may be taken as leave from an illness, injury or personal reason. The pastor shall report a period of such leave to the Clerk of Session. Concerns about abuse of this leave provision shall be referred to the HPCC.
- C. Periods of leave for longer than five consecutive days shall be substantiated by a statement from the pastor's attending physician advising the avoidance of normal responsibilities. The statement shall be provided by the pastor to the Clerk of Session and the HPCC
- D. A teaching elder may not take study leave during leave for illness/injury, unless approved by session.

- E. When a period of leave for an illness/injury extends or would be expected to extend for more than seven days the pastor or the Clerk of Session is to inform the Presbytery Leader for Mission and Vision and/or the Chairperson of the HPCC as soon as practical but no later than the ninth day of leave.
- F. The HPCC shall:
 - 1. Consult with the Session to review the leave policy, determine session plans for covering pastoral needs during the leave, and respond to other concerns that session may have.
 - 2. Consult with the pastor to address needs or concerns of the pastor and his/her family and discuss plans for the resumption of normal responsibilities. This may include recommending that the pastor immediately submit an application for disability benefits to the Board of Pensions.
- G. When a period of leave for illness/injury extends beyond fourteen days the pastor shall provide, prior to resumption of responsibilities, to the Clerk of Session, the Presbytery Leader for Mission and Vision, and/or the Chair of the HPCC a statement from the pastor's physician certifying clearance to resume normal responsibilities. The physician will have been provided with the pastor's position description for review before certifying clearance.

V. PASTORAL SHORT TERM DISABILITY

The following provisions apply to any illness/injury that has an expected duration of up to ninety days:

- A. The Session shall continue full compensation as approved in Terms of Call or Pastor Contract, during leave for illness or injury lasting thirty-one to sixty days.
- B. Income received by the pastor from sources other than salary, including but not limited to the Benefits Plan, Workers' Compensation or disability insurance, shall be signed over to the church or churches being served during the time the church(s) is continuing full compensation. In no case shall the total income from sources provided by the church, the presbytery, and/or the Benefits Plan exceed 100% of the compensation stipulated in the pastor's terms of call or contract.
- C. The pastor shall provide his/her attending physician with a release of information form which will designate the Presbytery Leader for Mission and Vision and the Chairperson of the HPCC as persons to receive information concerning the pastor's condition and the prognosis for resuming normal responsibilities.
- D. If the disability period extends beyond sixty (60) calendar days, the session shall continue full compensation for the period of the 61st day through the 90th day. Leave during this time will be accounted as the pastor's vacation period. If the leave time exceeds available vacation time for that calendar year, session may continue compensation through the 90th day or

may, in consultation with HPCC, designate the time in excess of vacation time as unpaid leave; however, session will continue to provide use of the manse (including utilities), or housing allowance and pension/medical dues.

- E. A teaching elder may not take study leave during short term disability leave unless approved by session.
- F. The HPCC shall:
 - 1. Regularly consult with the session during the period of leave regarding worship and pastoral care issues, session plans for covering pastoral needs during the leave, and respond to other concerns that session may have.
 - 2. Regularly consult with the pastor regarding needs or concerns of the pastor and his/her family, the pastor's condition, and the probability of the pastor resuming normal responsibilities.
- G. At least two weeks prior to the 90th day of disability the pastor or her/his designee, the session and the HPCC shall consult regarding the advisability of the pastor continuing in the called/contractual relationship with the church.
 - 1. If the consultation results in the concurrence that the pastoral relationship shall continue beyond the 90th day of disability:
 - a. The session shall provide for the continued free use of the manse (including full utilities) and/or housing allowances at a value of up to 40% of effective salary as provided by the Benefits Plan;
 - b. The HPCC shall establish a schedule of regular consultations with the session and the pastor or her/his designee to re-evaluate the continuance of the pastoral relationship.
 - 2. If the consultation results in the concurrence that the pastoral relationship should be dissolved:
 - a. The pastor or his/her designee shall request the session to call a congregational meeting to vote on concurring with a request that Presbytery dissolve the pastoral relationship.
 - b. The pastor and family shall be permitted up to 30 additional days free use of the manse (including full utilities) or housing allowances from the date of the Congregation's action to concur with the request to dissolve the pastoral relationship.
 - c. The pastor and family shall be allowed to continue to reside in the manse, paying rent and utilities, for a period of up to 90 days from the date of Presbytery action to dissolve the pastoral relationship or 120 days from the date of the congregation's action to concur with the request to dissolve the pastoral relationship, whichever is longer.

VI. PASTORAL LONG TERM DISABILITY

As noted in the Introduction, the Board of Pensions provides disability benefits. When approved for disability status; benefit payments begin after a 90-day waiting period under this disability income program. Healthcare, death, pension, supplemental death benefits, and optional supplemental disability benefits coverage in effect at the time of disability continue during disability without further dues payments by the pastor or the church.

During the 90-day waiting period required by the Board of Pensions, a pastor may not perform any work. Because the 90-day waiting period can be considered as the Short Term Disability period defined in Section V, above, a session may wish to purchase Short Term Disability coverage to cover the full compensation including pension dues that it is required to provide during this period. Should the church offer this benefit, it is recommended that the pastor's contract include a provision that the church is not required to make any compensation payments including pension dues in the event of an illness, injury or disability that prohibits the pastor from working for the 90-day period. The pastor is expected to file for and receive that compensation from the Short Term Disability Insurance policy.

If the disability continues beyond 180 days, the HPCC shall, in consultation with session, normally recommend to the Presbytery that the pastoral relationship be dissolved.

VII. PASTORAL INTERMITTENT DISABILITY

In cases of intermittent disability, the HPCC, upon the request of either the pastor or the session, shall consult jointly with pastor and session for the purpose of reaching a mutually acceptable resolution.

VIII. PASTORAL DEATH IN SERVICE

In the event of the death of the pastor while serving a congregation(s) under call, appointment or contract, the following provisions shall apply:

- A. The pastor's spouse and dependents, if residing with the pastor in the manse prior to the pastor's death, shall have free use of the manse, utilities included, or the continuance of any housing/utility allowances for a period of 60 days from the death of the pastor.
- B. From the 61st through no more that 180th day following the death of the pastor, the spouse and dependents may, with permission of session, continue to occupy the manse paying rent and utilities.
- C. The manse shall be vacated no later than the 181st day following the death of the pastor or sooner upon a 30-day notice from session indicating the manse is needed (between the 61st and 180th day) to house a succeeding pastor.

- D. The HPCC shall assist the pastor's family in applying for all benefits available to that pastor under the provisions of the Benefits Plan of the Presbyterian Church (U.S.A.). In addition, the HPCC and the Presbytery shall provide support to the session and congregation during this period.

IX. PASTORAL MILITARY LEAVE

- A. When a pastor has military obligations, the pastor and the congregation need to be clear on the details of those obligations and the requirements of both the Uniformed Services Employment and Reemployment Act of 1994 (USERRA) and the Board of Pensions Administrative Rule on Military Leave (Section 1, Rule#122). The following sections offer a summary of some of the issues that pastor/chaplains and congregations should consider. For further guidance, contact the Board of Pensions (1-800-773-7752 or www.pensions.org) and the Presbyterian Council for Chaplains and Military Personnel (202-244-4177 or www.pccmp.org).
- B. PNC Considerations. USERRA prohibits discrimination based on military service or application for military service. The decision to call or not to call a particular pastor should not be influenced by his or her military status. Once the decision to call has been made, any Terms of Call should include any time needed for training exercises; provisions for notifying the congregation and Presbytery when mobilization is possible; provisions regarding salary, housing, and the continued care of the pastor's family during the period of mobilization; and procedures for the return of the pastor post-mobilization, including what would happen in the event of the death or disability of the pastor.
- C. Financial Considerations
1. If the congregation provides a manse, the pastor's family will normally remain in it during the period of mobilization. If a housing allowance is provided, the pastor's family will receive that allowance until the military begins to cover living costs (no longer than 60 days). If there is a deficit between the military and congregational allowance, the congregation will provide the difference to the pastor's family.
 2. When a pastor returns to the congregation after mobilization, the terms of call should be calculated to reflect the experience of years served if he or she had remained in continuous service to the congregation.
 3. If the pastor returns to the church after mobilization, then last employing organization before mobilization (the church) is responsible for paying 11% pension dues for the period of the leave. The Board of Pensions will work with the congregation to establish a payment plan if a lump sum is not possible.
- D. Pastoral Leadership During and After Mobilization--USERRA guarantees that a person who is absent from employment due to military service and who is honorably discharged from service is entitled to job restoration. Therefore, the congregation should expect the return of the mobilized pastor and look for temporary pastoral leadership during the period of mobilization.
- E. Role of the Presbytery

1. During the period of mobilization, the mobilized pastor will remain a continuing member of the presbytery with permission to labor outside its bounds.
2. The presbytery, through the HPCC, will work with the congregation in finding someone to provide temporary pastoral leadership during the period of mobilization.
3. The presbytery, through the HPCC, will arrange pastoral care for the mobilized pastor's family and for the pastor once the mobilization has ended.

X. PASTORAL FAMILY LEAVE

Although the Family and Medical Leave Act of 1992 does not ordinarily apply to pastors and congregations, it shall serve as a model for Family Leave for the Presbytery, the Congregations and Ministers. While used as models, the Family and Medical Leave Act of 1992 and the American Disabilities Act are not binding upon the Presbytery, sessions, and Ministers, except as specifically stated in the Acts.

- A. Examples of Family Leave:
 1. Serious illness of member of pastor's immediate family
 2. Pregnancy of minister or spouse
 3. Child rearing emergency
 4. Adoption or foster care of child
 5. Bereavement
- B. Family leave may be granted by the Session, in consultation with the HPCC, for a maximum of twelve (12) weeks of unpaid leave. The Session shall continue payment of Pension/Major Medical dues during the time granted for family leave.
- C. Family leave may not be used to lengthen vacation time or study leave.
- D. Study leave may not be taken during time approved by the Session as Family Leave.
- E. *Pregnancy leave.* A female minister shall be granted pregnancy leave during the appropriate time of pregnancy and following delivery.
 1. The pastor shall submit a written request for pregnancy leave to the session and a copy to the Presbytery Leader for Mission and Vision and/or the Chairperson of the HPCC, ordinarily 30 days prior to the projected start date of the leave. The leave request shall include the pastor's anticipated date of return to normal pastoral duties after release by the attending physician following delivery.
 2. Pregnancy leave normally should consist of a minimum of eight weeks of leave.
 3. Any earned vacation time and compensation, for that calendar year, may be added to the eight weeks of pregnancy leave, with the concurrence of the Session.
 4. If the pastor intends to resume normal responsibilities but is unable to do so by the end of the agreed upon leave period, the pastor, session and HPCC shall consult about application of the short-term disability policy.
 5. A written authorization by the pastor's attending physician of the pastor's readiness to resume normal responsibilities shall be required and submitted to the Clerk of

Session with a copy sent to the Presbytery Leader for Mission and Vision and/or the Chair of the HPCC prior to the resumption of pastoral duties.

- G. *Child rearing leave*: Child rearing leave (time for the caring for a new born, a newly adopted or recently placed foster child) shall be offered equally to male and female pastors. Child rearing leave may be granted by the Session for a maximum of four weeks.
- H. *Bereavement leave* of up to fourteen days may be granted by the Session in the case of the death in the immediate family (spouse, child, step-child, parent, parent-in-law, sibling) of the pastor. Additional unpaid bereavement leave may be requested by the pastor and granted by session. Approval beyond a total of fourteen days, shall be communicated to the HPCC by the Clerk of Session.

XI. PRESBYTERY ASSISTANCE

- A. Presbytery, through its HPCC shall offer assistance in the scheduling of pulpit supply or temporary pastoral services during leave for illness/injury, short and long term disability, pregnancy, bereavement and military mobilization.
- B. If necessary due to length and timing of pastoral leave, HPCC shall appoint a moderator for session.

XII. EXCEPTIONS AND EXTENSIONS

- A. The session in consultation with the HPCC may extend the time frame for either/both leave and compensation by a three-fourths vote of the session, except where such extensions would change the Terms of Call. If changes in the Terms of Call are needed, the session may recommend such changes to the congregation for approval with final approval by Presbytery.
- B. The session and pastor in consultation with the HPCC may develop and propose “limited duty” and/or “accommodations” if an illness or injury would allow a partial return to service. Any such proposals which would be deemed a change in Terms of Call must be approved by the congregation and the Presbytery.

Approved by the HPCC: January 16, 2014
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