

DIOCESE OF EL CAMINO REAL

**Manual of
Personnel Policies,
Procedures and Practices**

(Sixth Edition)

Prepared by the Personnel Committee
And
Approved by the Diocesan Board of Trustees

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TABLE OF CONTENTS

| | | |
|-----|--|----|
| 100 | INTRODUCTION | 1 |
| | 101 Equal Employment Opportunity Statement | 1 |
| 200 | EMPLOYMENT | 1 |
| | 201 New Positions Approval | 1 |
| | 202 Employment Procedure..... | 2 |
| | 203 Employment of Relatives..... | 2 |
| | 204 Salary Offers | 2 |
| | 205 Terminations | 3 |
| 300 | COMPENSATION | 4 |
| | 301 Employee Classifications..... | 4 |
| | 302 Position Descriptions | 5 |
| | 303 Salary Ranges | 6 |
| | 304 Merit Increases..... | 6 |
| | 305 Salary Administration | 6 |
| | 306 Performance Reviews | 8 |
| 400 | BENEFITS..... | 9 |
| | 401 Holidays | 9 |
| | 402 Vacation | 9 |
| | 403 Insurance Benefits..... | 10 |
| | 404 Retirement Benefits | 11 |
| | 405 Authorized Absence..... | 12 |
| | 406 Personal Absence | 13 |
| | 407 Medical Leave (without pay) | 14 |
| | 408 Parental Leave..... | 14 |
| | 409 Military Service | 15 |
| 500 | PERSONNEL ADMINISTRATION..... | 17 |
| | 501 Personnel Records..... | 17 |
| | 502 Anti Harassment Policy | 18 |
| | 503 Complaint Procedure | 19 |
| | 504 Disciplinary Procedure | 20 |
| | 505 Diocesan Access Rights and Use of Electronic Media | 22 |
| | 506 Management of Violence..... | 25 |
| | 507 Confidentiality | 26 |
| | 508 Smoking | 26 |
| | 509 Solicitation and Non-Disclosure | 27 |

Addendums

- A Performance Improvement Plan
- B Employee Evaluation Form
- C Good Security Practices – to be added
- D Contents Checklist for Employee Personnel Files – to be added

100 INTRODUCTION

This edition of the personnel policies, procedures and practices (“Policies”) was adopted by the Board of Trustees of the Diocese of El Camino Real (“Diocese”) on January 15, 2009, and it supersedes any and all previous policy statements of the Diocese. The Policies are to be reviewed annually by the Personnel Committee to ensure that they continue to reflect current legal requirements and that they are consistent with local, diocesan, and national trends. The intent is to provide the basis for clear understanding by all parties for reasonable and consistent working relationships with staff, and to provide guidelines for supervision. The Policies apply to all employees of the Diocese and to those of the missions coming under the jurisdiction of the Diocese.

The Policies are to be deemed a practical guide only and shall under no circumstances be construed to create a contractual relationship or support an argument that a contractual relationship exists.

The Diocese is committed to a working environment in which relationships are characterized by dignity, courtesy and respect. Further, the Diocese is committed to providing a clean, safe, and comfortable environment in which to work.

101 Equal Employment Opportunity Statement

The Diocese provides equal employment opportunities to all people regardless of race, color, ancestry, sex, sexual orientation, age, religion (unless required by the position and allowed by law), veteran’s status, mental or physical disability, national origin, or marital status. Personnel policies and practices of the Diocese are administered in accordance with federal, state, and local employment laws. It is the supervisor’s responsibility to ensure that all personnel actions are in accordance with this policy. The Diocese will reasonably accommodate an otherwise qualified individual who is known by the Diocese to have a disability, to the extent required by law.

200 EMPLOYMENT

All employees except temporary employees of the Diocese, whether clergy or laity, are employed under the legal principle of “employment at will.” As such, neither the Diocese nor the employee is bound to continued employment. Employees are free to terminate at will and may be terminated at the discretion of the Diocese, with or without cause. No employee of the Diocese shall be additionally paid as a consultant to the Diocese.

201 New Positions Approval

When a new position is to be filled, a brief description of the key duties and responsibilities should be reviewed by the Personnel Committee, which will assign a temporary salary range to the position. A final position description will

then be prepared by the Personnel Committee and given to the Board of Trustees for approval before any offer of employment is made.

202 Employment Procedure

New and/or replacement positions should be approved by the Board of Trustees *before* any offer of employment is made. Reference checks and background investigations, including criminal records check, verification of degrees, relevant licenses and certificates, and employment history will be completed for all candidates to whom an offer is contemplated. Offers of employment shall be conditioned on passing a drug test, and the applicant's having given proof of eligibility to work in the United States. Hiring offers shall be in writing and include salary, position, starting date, any special contingencies and relocation coverage, if applicable. Any and all employment agreements must be approved in advance by the Personnel Committee.

203 Employment of Relatives

The Diocese affords equal employment opportunities to all people regardless of their relationship to others employed by the Diocese, subject to the restrictions described below.

Relatives are defined as spouses, members of the same household, domestic partners, natural or adopted parents, grandparents, children, brothers, sisters, first cousins, aunts, uncles, nephews, in-laws, or step-relationships.

Adverse or preferential treatment of relatives is expressly prohibited in all personnel decisions and practices except as follows: one relative may not report directly to another or be employed in circumstances that otherwise pose difficulties for supervision, security, safety, or morale.

If during the course of their employment, employees marry or become relatives as defined above and work in a direct supervisory relationship with one another, the Diocese will try to reassign one of the employees to another position for which he/she is qualified. If no such position is available, then one of the employees will be required to leave the Diocese. The affected employees may make the decision as to which employee will leave. In the event that the affected employees cannot make the decision in a timely fashion, the Diocese will make the decision for them.

204 Salary Offers

All salary offers will be at or above the minimum of the rate range determined pursuant to Section 303. Offers above the midpoint should only be made in exceptional cases, after review with the Personnel Committee. The Bishop has the final authority on salaries (or the Standing Committee in the absence of a Bishop).

Salary offers will be stated in weekly or monthly amounts. Annual figures will *not* be used.

205 Terminations

- a) All assignments and continued employment are at will unless specifically described otherwise in a written agreement approved by the Bishop or, in the case of the employment of the Bishop, or in the absence of the Bishop, the Standing Committee. Separation can be initiated by the Diocese or the employee. All terminations require an exit interview using approved forms to the extent possible.

- b) Voluntary

Resignation is a voluntary permanent separation that the employee initiates. It is helpful to the Diocese to have early notice of an employee's intention to leave. Therefore, the Diocese requests that employees give at least 2 weeks' written notice of resignation. A voluntary termination shall also include an absence of 3 or more consecutive days without compliance with the attendance policies set forth in these Policies.

- c) Involuntary Without Cause

When an employee is terminated at the will of the Diocese, 4 weeks notice may be given when considered appropriate and feasible by the Diocese.

- d) Involuntary With Cause - Discharge

The discharge of an employee for poor conduct, poor attendance, poor performance, malfeasance, violation of Diocesan policies, or other willful failure to fulfill the requirements of the position is an action of serious consequence and should only be undertaken after documentation of the facts. Written warnings and/or suspension may be appropriate as an alternative depending on the results of the investigation (see Appendix A). In the event of grievous or extensive misconduct, a suspension without pay may be given while the matter is reviewed. No notice need be given, nor will severance pay be paid, if an employee is so discharged.

- e) Severance Pay

The Diocese does not have a formal severance pay policy. The Diocese may consider granting of severance pay to regular staff members when termination is initiated by the Diocese due to no fault of the employee (reference Section 205[c], Involuntary Without Cause). However, such discharge and compensation must have prior approval by the Personnel Committee and the Finance Committee.

- f) Unemployment Insurance
Diocesan employees are not covered by state unemployment insurance.
- g) Accrued Vacation
Terminating employees will receive payment for accrued vacation time as required in accordance with state, federal and local laws.
- h) Payment at Termination
An employee is entitled to immediate payment of salary and accrued vacation if terminated with cause by the Diocese (reference Section 205[d], Involuntary With Cause - Discharge). When an employee resigns, the Diocese will pay salary and accrued vacation within 72 hours of termination (reference Section 205[b], Voluntary). If the employee has given more than 2 weeks notice of resignation, the payment of salary and accrued vacation will be paid on the last day of work.
- i) Employees will receive information regarding cessation of benefits.

300 COMPENSATION

It is the Diocese's desire to compensate employees equitably with similar positions in commerce, industry, and non-profit organizations in the area contiguous to the Diocesan Office, but budget constraints may not always make this possible.

301 Employee Classifications

Each employee shall be classified into one of the categories listed below.

- a) Full-Time. These are employees hired to work a regular schedule of 40 hours per week and who are hired at the will of the Diocese without specified term of employment. These employees are entitled to the full range of benefits outlined in this manual.
- b) Part-Time
 1. Employees hired to work between 20 and 39 hours per week are entitled to benefits on a pro-rated basis as described in these Policies.
 2. Employees hired to work fewer than 20 hours per week are not entitled to benefits.

c) Temporary

Temporary employees are employees hired to work for a period of time less than 6 months in duration. They shall sign an employment agreement stipulating the complete terms of employment including duration, compensation, hours, place of work, job or project description, and supervisor identity. Temporary employees are not entitled to benefits.

d) Exempt and Non-Exempt

Exempt. These are employees designated as exempt from overtime and compensatory time rules according to guidelines in the Fair Labor Standards Act and applicable orders of the Industrial Welfare Commission.

Non-exempt. These are employees not exempt from overtime and compensatory time rules and to whom such rules apply.

Note: *The Personnel Committee will determine this exemption status as each position is described and evaluated.*

302 Position Descriptions

a) A position description shall be prepared for all positions on the Diocesan staff.

1. Position descriptions should be prepared with a summary statement of the key duties and responsibilities, level of supervision given or recommended, prerequisite education, skills, competencies, and/or experience for the job.

2. Each description will provide a brief listing of the primary responsibilities in priority order.

3. Position descriptions shall be submitted to the Personnel Committee for review prior to submitting the position description to the Board of Trustees for approval and prior to using the position description for employment or other purposes.

b) The Personnel Committee will be responsible for reviewing the position description and development of any additional data needed. The Personnel Committee will determine whether the position is exempt or non-exempt under the Fair Labor Standards Act (see Section 301d).

c) Position descriptions should be reviewed at least annually by the employee's supervisor and the Personnel Committee to ensure that the description is up to date and reflects the duties and responsibilities as performed by the employee.

303 Salary Ranges

A salary range for each position will be developed by the Personnel Committee based on comparison with similar positions in Monterey County, CA (or area of workplace) and available local wage and salary surveys. The salary range will be reviewed annually, based on local salary level movements and other applicable data. Any changes shall be submitted to the Board of Trustees for review and approval.

304 Merit Increases

- a) Each year the Personnel Committee will develop a merit budget recommendation. This will be a sum of salary dollars to be divided among the staff based on individual performance (reference Section 306, Performance Reviews). Since the increases are based on individual performance, employees may not all receive the same amount or percentage increase, and some or all may receive no increase at all.
- b) The merit budget recommendation will be submitted to the Board of Trustees for inclusion in the annual operating budget of the Diocese.
- c) The total amount of merit increases granted shall not exceed the amount approved by the Board of Trustees.

305 Salary Administration

- a) Working Hours
 - 1. A normal workweek consists of 40 hours.
 - 2. Normal Diocesan Office hours are from 9:00 a.m. to 5:00 p.m., Monday through Friday, except holidays.
 - 3. With the specific written approval of the supervisor, the working hours of an employee may vary from normal office hours, provided the normal workweek hours are fulfilled.
- b) Record Keeping
 - 1. Non-exempt employees are required to submit each week to the accounting office, through their supervisor, a time slip showing the hours worked each day. Time not worked will be explained on the slip, e.g., sick leave, vacation, etc., and the explanation must be signed off by the supervisor.
 - 2. At the end of each month in which leave is taken, exempt employees will submit a slip to the accounting office, through their supervisor, showing the extent and categories of such leave.

c) Overtime

The nature of this organization and its budgetary limitations require every effort to accomplish essential work without resorting to overtime.

1. Should non-exempt employees be required by supervisors to work beyond the scheduled 8 hour day and/or 40 hour week, the following shall apply:
 - a. Work performed in excess of 8 hours in a day and/or 40 hours in the work week (but not in excess of 12 hours in a day or in excess of 8 hours on the seventh consecutive day worked in a work week) will be paid at the rate of one and one-half the basic hourly rate.
 - b. Work performed in excess of 12 hours in a day or in excess of 8 hours on the seventh consecutive day worked in a work week will be paid at the rate of two times the basic hourly rate.
2. Non-exempt employees performing overtime work without authorization will be subject to disciplinary action. An employee in a non-exempt position may request in writing the opportunity to work additional time in order to make up for unpaid time during the same workweek. An employee who requests make-up time must make up the time within the same workweek as the unpaid time was taken. The employee will not be paid overtime for these make-up hours, except for hours worked in excess of 11 in one workday or 40 in one workweek.

For example, if a full-time employee in a non-exempt position misses 2 hours of work on Monday for personal reasons, that employee could make up those 2 hours by working 10 hours on a later date during that same workweek. Make-up time requests must be in writing and require management approval.

Employees in a non-exempt position scheduled to work 8 hours a day and/or 40 hours per week who are required to work on a scheduled holiday will receive their regular hourly rate of pay for holiday pay, plus overtime pay at the above described applicable rate. Part-time employees in non-exempt positions who are required to work on a holiday on which they are regularly scheduled to work will receive their regular hourly rate of pay for the holiday, plus the applicable hourly rate of pay due based on the total hours reported for the holiday. Part-time employees in non-exempt positions who work on a holiday on which they are not typically scheduled to work will receive pay for hours worked.

When an employee in a non-exempt position travels to another location outside of normal working hours at the request of the Diocese, the actual time of travel is treated as normal work time and counts towards accumulation of 8 hours of work per day and 40 hours of work per week. If the travel occurs after a normal 8 hour day or 40 hour workweek, all of the travel time is paid at the applicable overtime rates.

3. Exempt employees are not eligible for overtime pay and are not normally entitled to compensatory time off. Under exceptional circumstances, and with the explicit approval of the Bishop or the person designated by the Bishop, in recognition of extraordinary efforts, time off may be granted.

306 Performance Reviews

The performance review is a communication and evaluation process aimed at evaluating accomplishments, assisting in goal setting and measurement, and developing a better mutual understanding between supervisor and employee of the major work to be done. A review also serves to affirm and to modify a position description, as well as to enhance the equity of salary determinations.

a) Performance Review Intervals

The supervisor should conduct a written performance review with each new employee at the completion of 3 months of employment, immediately after 6 months and 12 months of employment, and annually thereafter within 20 days after the anniversary date of employment. While formal performance reviews occur on an annual basis, positive or negative performance issues should be addressed in a timely manner.

b) Performance Review Form

Using the Performance Review Form approved by the Personnel Committee, the supervisor should meet personally with the employee and review the applicable job description and the employee's performance.

- c) During the performance review, the supervisor will provide a review of the performance since the last review, and articulate suggestions for improvement, as well as establish specific objectives or areas of emphasis to be pursued in the future. This is also the appropriate forum for the employee to clarify his/her expectations and objectives for the future.

- d) The Performance Review Form will be signed by both parties with comments added by either or both. The Performance Review Form will be placed in the employee's personnel file.

- e) See the Performance Improvement Plan in Appendix A to be used pursuant to Section 504.

400 BENEFITS

The following sections outline both the insured and granted benefits of the Diocese for all full-time employees. Insured benefits are outlined only and are governed by the policies and materials issued by the insurer.

401 Holidays

- a) The 11 official paid holidays of the Diocese of El Camino Real are:

| | |
|----------------------------|--------|
| New Year’s Day (January 1) | 1 day |
| Martin Luther King Day | 1 day |
| Good Friday | 1 day |
| Memorial Day | 1 day |
| Independence Day (July 4) | 1 day |
| Labor Day | 1 day |
| Thanksgiving Holiday | 2 days |
| Christmas Holiday | 2 days |
| Employee Birthday | 1 day |

The Diocese will not pay for unused holidays.

402 Vacation

The Diocese provides annual vacation with pay for the purpose of rest and relaxation from work. Full-time exempt staff receives 20 working days per calendar year, accrued on the basis of 1 2/3 days per month.

Full-time non-exempt staff will be given pro-rated vacations with pay in accordance with the Vacation Accrual Schedule below.

| VACATION ACCRUAL SCHEDULE – 40 hour week | | |
|--|----------------------------------|---------------------------------|
| During Service Year | Hourly Rate of Accrual per Month | Vacation Hours Accrued per Year |
| 0.5 | 6.6666 | 40 |
| 1.0 | 6.6666 | 80 |
| 2.0 | 7.3333 | 88 |
| 3.0 | 8.0000 | 96 |
| 4.0 | 8.6666 | 104 |
| 5.0 but less | 10.0000 | 120 |

| VACATION ACCRUAL SCHEDULE – 40 hour week | | |
|--|----------------------------------|---------------------------------|
| During Service Year | Hourly Rate of Accrual per Month | Vacation Hours Accrued per Year |
| 10.0 or more | 13.3333 | 160 |

- a) Regular part-time staff working over 20 hours a week will be given pro-rated vacation leave with pay in accordance with Vacation Accrual Schedule. After 6 months, an employee may take one week of vacation. Vacation is accrued from the date of employment.
- b) Temporary employees are not eligible for vacation.
- c) Holidays falling within an employee’s scheduled vacation will not be charged as vacation.
- d) Should an employee become ill for at least 3 consecutive days during a scheduled vacation period, the working days of illness may be charged as personal absence pursuant to Section 406 leave rather than vacation upon presentation of a doctor’s certificate to the employee’s supervisor.
- e) A minimum of 70 hours (if so available) vacation must be taken in each calendar year. When an employee has accrued 140 hours of unused vacation, accruals shall cease until the employee’s accrued but unused vacation is less than 140 hours.
- f) On termination, all accrued vacation will be paid, regardless of cause of termination.

403 Insurance Benefits

- a) Life Insurance

The Diocese provides \$10,000 of Group Life and Accidental Death Insurance for employees working on a regular schedule of 20 or more hours per week. Employees may purchase additional life insurance up to \$30,000 at the time of enrollment, at their expense. An employee may purchase supplemental life insurance amounts in \$50,000 increments up to a maximum of \$300,000. See informational booklet for details or contact the Diocesan Administrator.

- b) Medical and Dental Insurance

Medical Insurance is available for all full-time and part-time paid employees who work 20 hours or more per week and their eligible family members. There are several plan designs offered. Contact the diocesan

office for coverage and enrollment information on each plan design. See summary plan descriptions for detailed coverage information.

- c) Dental Insurance is available for all full-time and part-time paid employees who work 30 hours or more per week and their eligible family members. Contact the diocesan office for coverage and enrollment information on each plan design. See summary plan description for detailed coverage information.

- d) Disability

Long Term and Short Term Disability Insurance coverage is available for all full-time and part-time paid employees who work 30 hours or more per week. See summary plan descriptions for detailed coverage information.

- e) Long Term Care

Long Term Care Insurance coverage is available for all full-time and part-time paid employees who work 30 hours or more per week. See summary plan descriptions for detailed coverage information.

- f) Worker's Compensation

All employees are covered by a diocesan policy for job related injuries or illness. The policy can be found in the Diocesan Office or in the office of Risk Management.

Note: The above programs are subject to change based on applicable tax laws and available church programs. Check booklets for current details.

404 Retirement Benefits

- a) Clergy pension rights and benefits are defined and governed by Title I, Canon 12, of the Canons of the Episcopal Church. The Diocese will contribute 18 percent of the qualified clerical employee's compensation to the defined benefits plan of the Church Pension Fund.
- b) The Diocese contributes 50% of the FICA for lay employees. The balance is paid by the employee to provide Social Security benefits at the time of retirement.
- c) In addition, the Diocese has a 403(b) plan available for use by lay employees. The Diocese will contribute 9% of the qualified lay employee's salary to this plan. The employee may contribute additional salary to his or her 403(b) plan within the allowable guidelines. See the Diocesan Financial Administrator for further information.

405 Authorized Absence

a) Jury Duty

Full-time employees who are legally summoned or subpoenaed for jury or witness duty will be paid the difference between jury pay and regular salary while on jury duty up to a maximum of 4 weeks. Mileage and other allowances will not be included in the calculation. Employees must notify supervisors of each summons or subpoena immediately upon receipt and are expected to return to work each day or portion of a day not engaged in witness or jury duty.

b) Bereavement Leave

Full-time employees, or part-time employees scheduled to work 20 or more hours a week, are eligible for funeral attendance leave with pay. All Bereavement Leave requires the approval of the employee's supervisor based on the following guidelines:

1. A maximum of 5 working days shall be granted to an employee when the death is a member of the employee's immediate family (parent, spouse, domestic partner, sister, brother, child, step-relative, grandparent, grandchild, mother-in-law, or father-in-law).
2. One working day may be granted to attend the funeral of a close relative not listed in #1, above.
3. One-half (½) day may be granted at supervisor discretion for the employee to attend the funeral of someone other than those listed above.
4. If additional time for travel is needed, personal time off must be used and arrangements are to be made with the employee's supervisor.

c) All employees are expected to minimize absences, whenever possible, by using personal time to attend to personal affairs and obligations.

d) Attendance Standards

The frequency, type, and length of absences or tardiness, along with the performance of the organization, are all factors that may be considered in the evaluation of attendance. Absences or instances of tardiness that negatively affect the employee's ability to fulfill his or her job responsibilities may be addressed by corrective action, up to and including termination.

e) Notification of Absence

An employee who must be absent from work, or who will be late in arriving for work, must notify his or her supervisor within one hour of his or her regular starting time. An employee who expects to be absent from work due to a planned medical leave of absence should notify his or her supervisor in advance of the planned leave.

Any absence without notification by the employee to his or her immediate supervisor may be grounds for corrective action, up to and including termination.

Three consecutive work days of absence without notification by the employee to his or her immediate supervisor will be considered a voluntary termination by the employee of his or her job (see Section 205 on Terminations).

f) Attendance Records

It is the employee's obligation to accurately and completely record attendance. Failure to do so may be grounds for termination. The Diocesan Administrator should keep copies of attendance records for reference.

g) Break, Meal Periods

Employees are entitled to a 15-minute break for every 4 hours of time worked. Additionally, employees are entitled to up to 30 minutes for a lunch break at a time agreed upon with the supervisor, unless the employee's work will be concluded in 5 hours.

406 Personal Absence

a) Personal absence is time off, with pay, granted for periods of illness, time required for doctor/dentist visits, and other personal business.

An employee unable to work because of illness, injury, or pregnancy must notify his or her supervisor immediately. If the employee is unable to notify the supervisor, he or she may appoint a designee to provide notification.

An employee who is absent 5 or more consecutive work days must provide a physician statement verifying his or her inability to work. This statement must be submitted to the Diocesan Administrator who will verify the statement (i.e. possibly contact the attending physician).

b) The Diocese may require an attending physician's statement for absences of less than 5 consecutive work days and reserves the right to require an examination by a physician of the Diocese's choice.

- c) Personal absence credits are accrued at the rate of 1 day per completed month of employment and may be accumulated to a maximum of 20 working days.
- d) Such annual leave may be taken up to 20 working days for personal illness, with medical certification. All other absences are limited to a maximum of 5 days (if all 20 days have not been taken due to illness) the time to be arranged with the supervisor so as to minimize work disruption as much as possible.
- e) No payment shall be made beyond the amount accrued.
- f) No payment for personal time accrued will be made on termination.

407 Medical Leave (without pay)

- a) Unpaid medical leaves of absence of up to 4 months may be granted for employees. Such medical leave may be granted for any non-occupational injury or illness, including pregnancy, childbirth, or related medical conditions. In the event of the birth or adoption of a child, an additional unpaid leave of 2 months may be granted if requested by the employee at least 30 days prior to start of leave.
- b) In the event of absence due to medical leave, the Diocese reserves the right to require written proof from a licensed physician of the beginning and ending dates of the employee's inability to work.
- c) Applications for medical leaves of absence should be submitted, when practical, at least 2 weeks before the start of the medical leave of absence.
- d) Health and life insurance benefits ordinarily provided by the Diocese, and for which the employee is otherwise eligible, will be continued during the medical leave at the employee's expense under the National Church Plan. The Administrator can provide the details of this plan upon request.
- e) Employees returning from medical leave will be required to provide a physician's release stating that the employee is fit to return to work.
- f) The leave period will not count as time worked for the purpose of calculating months served for vacation or personal absence accumulations.

408 Parental Leave

- a) Paid medical leave of up to 30 working days may be taken by a parent for the birth or adoption of a child.
- b) Such leave must be taken within 60 working days of such birth or adoption (adoption shall include the initial placement of a child in

preparation for adoption). Where practicable, notice of intent to take such leave must be given no later than 30 days prior to the start of such leave and preferably earlier than that time.

- c) If a parent receives disability payments for such birth and elects paid leave, the disability payment shall be turned over to the Diocese.
- d) If both parents are employees of the Diocese, only one may take such leave for a particular birth or adoption.

409 Military Service

All employees who are covered by the Veterans' Re-employment Rights Act ("Act") and other applicable laws and regulations will be granted leaves of absence in accordance with the provisions of that Act for active duty training periods and extended active duty in the U.S. Armed Forces. The person seeking such leave shall give 2 weeks prior notice to his/her supervisor unless such notice is precluded by military necessity or is otherwise impossible or unreasonable, all pursuant to provisions of the Act.

Voluntary Enlistment

Category 1 – More than 180 Days Uniformed Service

Any employee who performs duty on a voluntary basis in a uniformed service for a period of more than 180 days falls into Category 1 (for the purposes of these guidelines). A military leave of absence, without pay, will be approved for the period of military service plus 90 days.

An employee who has satisfactorily completed military service must apply for reinstatement within 90 days after discharge to qualify for re-employment. A veteran who is confined to a hospital after discharge must apply within 90 days of release from the hospital, provided that such hospitalization is not for more than one year.

Category 2 – More than 30 but less than 180 Days Uniformed Service

Any employee who performs duty on a voluntary basis in a uniformed service for a period of more than 30 days but less than 180 days falls into Category 2.

Employees in this category will be granted a military leave of absence, without pay, for the service period plus 14 days.

Requests should be submitted through the supervisor to the Bishop for processing.

An employee who satisfactorily completes active duty must apply for reinstatement within 14 days after release from such training/duty.

Category 3 – Less than 30 Days Uniformed Service.

Any employee who performs duty on a voluntary basis in a uniformed service for a period of less than 30 days falls into Category 3.

It is not necessary to request a leave of absence for every weekend or weekly drill as long as the employee's supervisor is notified of regularly scheduled meetings that require absence from work. If any changes occur in scheduled meetings, the employee must notify his or her supervisor.

Managers are responsible for reporting absences due to military leave. For up to a maximum of 2 weeks per year, the Diocese will pay the difference between military pay and the employee's regular pay for regular, prescheduled annual training. To be reimbursed for military training service the employee must submit a copy of his or her military pay voucher to the Payroll Department.

Employees must report to work at the start of the next regularly scheduled work period after training, following a reasonable period of time for travel from the place of training. In the case of hospitalization due to an incident that occurs in training, the employee must report within a reasonable period of time for travel from the place of hospitalization, or within 2 years of the employee's release from training, whichever occurs first.

An employee who is hospitalized or convalescing from an injury incurred in, or aggravated by the performance of service in the uniformed services at the time scheduled for release, must apply for reemployment within the applicable time period after the necessary recovery, as specified in the applicable category above for reemployment application, or within 2 years from release, whichever occurs first.

Clarification of Benefits for Voluntary Enlistment (Categories 1-3 above)

Sick Pay

Employees on voluntary military leave of absence in Categories 1 & 2 are not eligible for personal leave benefits.

Vacation Accrual

Employees on voluntary military leave of absence in Categories 1 & 2 are not eligible for vacation accrual; Employees on voluntary military leave of absence in Categories 3 continue to accrue vacation as defined under the current Policy.

Group Health/Life Insurance

An employee on voluntary military leave of absence in Categories 1 & 2 may continue to participate in the health care plan under COBRA by paying 102% of the cost of coverage; life insurance coverage stops. Employees on voluntary military leave of absence in Category 3 continue to be covered by their current health and life insurance.

Reinstatement

An employee will be reinstated in any of the above categories with the same seniority status and pay s/he would have had if s/he had not entered military service, unless circumstances have so changed as to make it impossible or unreasonable to do so.

Retirement Plans

A person re-employed after uniformed service shall be treated as not having incurred a break in any employee pension benefit plan that may then be in force.

500 PERSONNEL ADMINISTRATION

This section includes policies, procedures, and practices to assist management and employees in maintaining a stable and communicative working relationship, and to provide formal steps in the solution of problems in the work place.

501 Personnel Records

- a) A personnel record is maintained for each current employee and kept for each former employee for the period required by state, local and federal law. Records indicate name, address, telephone number, pay rate, position and performance information, insurance records, and Form I-9. For former employees, records should indicate reason for termination and eligibility for rehire.
- b) Personnel files are confidential and are kept in locked file cabinets at the Diocesan Office. Access to information is restricted to legal administrative purposes. No files, or material within, may be removed from the office.
- c) Employees may review their personnel files at the site of the files and under general supervision of the Diocesan Administrator (or designated custodian of the files). Employees may also copy from their own files any documents on which that employee's signature appears. Employees may not remove original files or paperwork from the site where they are stored, but may add items upon approval of the Administrator.
- d) Response to request for information from outside sources should be limited to confirmation of most recent position and dates of employment. The Diocese may provide additional data, if necessary, but only if a written release is provided by the employee.
- e) The Diocese will cooperate with authorized representatives for federal and state governments only after proper identification is received. Investigators retained by the Diocese, a parish or other entity affiliated with the Diocese may review the file and make copies of information relevant to the investigation.

502 Anti Harassment Policy

- a) The Diocese of El Camino Real is committed to creating and maintaining a community in which all employees of the Diocese can work together in an atmosphere free of tension caused by demeaning or harassing conduct, including animosity engendered by inappropriate religious, racial, ethnic, age, disability, or sexual conduct or comments. The Diocese will not tolerate verbal or physical conduct by any employee related to or because of a protected category that harasses, disrupts or interferes with another person’s work performance or that creates an intimidating, offensive or hostile work environment. It is the intention of the Diocese to take whatever action may be needed to prevent, correct, and if necessary, discipline behavior that violates this policy.
- b) The Fair Employment and Housing Commission regulations define sexual harassment as unwanted sexual advances, or visual, verbal, or physical conduct of a sexual nature. It includes solicitation of sexual favors, unwelcome sexual advances, and creating or maintaining an intimidating, offensive, or hostile work environment, such as telling offensive jokes and engaging in offensive behavior in the workplace.
- c) Sexual harassment is specifically prohibited by the Diocese. It is the obligation of each person to report any conduct that violates these standards – whether the victim or not; whether the perpetrator is a supervisor, member of management, coworker, or business invitee; and regardless of the sex of the perpetrator.
- d) Other types of harassment are identified as verbal or physical conduct that denigrates or shows hostility toward another because of his or her race, color, religion, ancestry, sexual orientation, veteran status, pregnancy, medical condition, creed, gender, national origin, age, or disability. As with sexual harassment, this conduct is prohibited and should be reported immediately.
- e) The Diocese, ordinarily through the Diocesan Administrator, will conduct a prompt, thorough investigation of any complaint, protecting the identity of the complaining party, witnesses, and the individual alleged to have violated the policy, to the extent possible. A complaint made in good faith should not result in any retaliatory action. Appropriate action will be taken if a violation of policy has occurred, up to and including termination of employment.
- f) Procedure
 - 1. A person (the complainant) who believes that she or he has been harassed by another is encouraged to confront the offending party (respondent) and request that the harassing behavior cease. If the

harassing conduct by another continues, or if the complainant doesn't feel comfortable confronting the offending party, the complainant should immediately contact the Bishop or a person designated by the Bishop.

2. The complainant will report the offensive conduct to the designated person. The Bishop, or the person designated by the Bishop, shall promptly and thoroughly investigate the facts, review the incident as a whole and consider the totality of the circumstances, including the context in which the alleged incident occurred. The investigation shall include interviews and a review of relevant documents. Findings shall be reported to both the complaining party and the alleged harasser, with whom the Bishop will then confer. Appropriate action which may follow this conference may include any of the following: 1) action to cause the cessation of the harassing behavior; or 2) other action deemed appropriate by the Bishop (e.g., counseling, probation, termination, etc.). The Bishop, or the person designated by the Bishop, may seek additional counsel from persons of his/her choice. The decision and action of the Bishop are final decisions for the Diocese.
3. In the event that the Bishop of El Camino Real behaves in a manner that is perceived as harassment by a person who is offended by that behavior, the complainant is encouraged to confront the Bishop and request that the behavior cease. Should the offensive behavior continue, the complainant is then to ask that the Diocesan Review Committee investigate the alleged action in accordance with the Canons of the Diocese. A copy of such request shall be sent to the President of the Standing Committee for information.

503 Complaint Procedure

The complaint procedure is a systematic process for the objective hearing and orderly handling of staff complaints concerning the application of policies and procedures governing personnel practices or working conditions. Although many potential complaints can be anticipated and prevented by supervisors who understand the basic principles of employer/employee relations, some situations may still arise concerning the aforementioned policies and procedures or working conditions.

It is the employee's right to make complaints known. Any employee who feels he/she has a complaint is encouraged to do so. The exercising of this complaint procedure will in *no way jeopardize the job of the complainant*. During the process the employee will be expected to perform his or her job duties as directed by his or her supervisor.

There are several ways to approach the informal complaint procedure which include:

- a) A face-to-face discussion with the supervisor.
- b) A written memorandum to the supervisor.
- c) In some cases, the employee and/or the supervisor may accede to have an agreed upon third person meet with them to try to work out an understanding satisfactory to both parties.
- d) In the event the employee cannot find amicable agreement, the matter shall be brought to the attention of the Bishop for resolution. The Bishop's decision shall be final. If the complaint involves the Bishop, the Personnel Committee or President of the Standing Committee shall substitute for the Bishop.
- e) There shall be written documentation of actions agreed upon, which will be filed in the personnel file.
- f) If a complaint is not settled, it should be formally presented, in written form, to the Bishop, or, in a case involving the Bishop, the Personnel Committee. Such complaint about the Bishop may be referred to the Diocesan Review Committee by the Personnel Committee.

504 Disciplinary Procedure

- a) In order to assure orderly operations and to provide the best possible work environment, The Diocese of El Camino Real expects employees to follow standards of conduct that will protect the interests and safety of personnel. It is not possible to list all the forms of behavior that are considered unacceptable in the workplace, but the following are examples of infractions of standards of conduct that may result in disciplinary action, including formal warnings, suspension, or termination of employment.
- b) To provide employees with some guidance concerning what constitutes unacceptable behavior, the following examples are provided:
 - 1. Falsification of or making a material omission on forms, records, reports, or work or laboratory notebooks, including time cards, employment application documents, expense reports, or other Diocesan records, no matter when such conduct is discovered.
 - 2. Actual or threatened violence toward another employee or a Diocesan visitor.

3. Insubordination, disruptive behavior, refusing to follow a supervisor's directions, or other disrespectful conduct to another employee, supervisor or manager.
4. Theft or embezzlement or unauthorized possession or removal of Diocesan, employee, or third party property, records, or other materials, including equipment, fixtures, or automobiles.
5. Possessing or bringing firearms, weapons (including knives), alcohol (except when authorized), illegal drugs or hazardous chemicals on or to Diocesan property.
6. Provoking a physical fight or fighting on Diocesan property.
7. Using profane or abusive language at any time while on Diocesan property.
8. Destroying or damaging Diocesan or employee property, records, or other materials.
9. Violating safety or health rules or practices, engaging in conduct that creates a safety health hazard, or failure to use appropriate personal protective equipment.
10. Unauthorized disclosure of confidential or proprietary information.
11. Violation of the Diocese's Use of Electronic Media Policy set forth in Section 505.4.a).
12. Violation of the Diocese's Substance-free Workplace Policy, including using or possessing, alcohol (except when authorized) or unlawful substances while on Diocesan premises as defined in Section 505 3.
13. Failing to observe work schedules, including required rest and lunch periods.
14. Failing to notify the appropriate supervisor when unable to report to work.
15. Falsifying absences.
16. Enabling or allowing an unauthorized person to enter Diocesan premises.
17. Smoking in non-smoking areas.

18. Refusal to permit a management representative to access Diocesan property, including desks, offices, lockers, or Diocesan vehicles.
 19. Discrimination against any person on the basis of any factor protected by law.
 20. Violation of the Diocese's policy against harassment.
 21. Committing acts that are fraudulent, dishonest, or illegal.
 22. Violating Diocesan policies or employee agreements.
 23. Failing to reimburse Diocesan overpayments, clear expense reports, or repay debts owed to the Diocese.
- c) The purpose of this policy is to provide for the compassionate and equitable handling of disciplinary and performance problems.
 - d) The immediate supervisor is responsible for taking immediate corrective steps in the event a performance or disciplinary problem arises.
 - e) In the initial step, the supervisor will discuss the problem with the employee informally and try to reach an agreement on the solution.
 - f) In the second step, the supervisor will document the problem in writing, using the form in Appendix B, review it with his/her supervisor, and determine appropriate steps to correct the problem, indicating what action will be taken if improvement is not noted.
 - g) The final step is an action step at which time the employee may be suspended without pay for up to 2 weeks or may be terminated (discharged).

505 Diocesan Access Rights and Use of Electronic Media

1. The Diocese believes that a workplace free of illegal drugs, alcohol, and other harmful materials is vital to the health and safety of its employees and to the success of its business. This statement does not apply to alcohol as used in the ordinary conduct of worship services or to the serving of alcohol for special events as approved in advance by the Bishop or the Diocesan Administrator.
2. The Diocese also needs to protect itself against the unauthorized removal of property, and to assure its access at all times to documents, records and files, whether on paper or on magnetic media, such as tapes and computer disks.

3. Accordingly, the Diocese has established this policy concerning inspections, searches, and access to property on Diocese premises. This policy applies to all employees. The computer storage systems, voice mail systems, and electronic mail systems are Diocesan property and are to be used for business purposes only. They are subject to inspection, search, and access at any time.
4. Guidelines – Certain terms pertaining to these guidelines are defined below:
 - a. “Prohibited materials” means firearms or other weapons, explosives and/or hazardous materials or articles; illegal drugs or drug-related paraphernalia; legal but unauthorized drugs, and alcoholic beverages which the employee is not authorized to have in his/her possession.
 - b. “Diocesan property” includes all documents, records, and files relating to the Diocese’s business, regardless of the mode of storage (paper, tape, computer disk); and all equipment and other property of any kind, whether owned, leased, rented, or used by the Diocese.
 - c. “Diocesan premises” include all premises and locations owned or leased by the Diocese, including parking lots, lockers, and storage areas.
 - d. “Reasonable suspicion” includes a suspicion based on specific personal observations, such as an employee’s manner, disposition, muscular movement, appearance, behavior, speech, or breath odor; information provided to management by law enforcement officials, security services, or by other persons believed to be reliable; or a suspicion based on other surrounding circumstances.
 - e. “Possession” means that the employee has the substance or item on his/her person or otherwise under his/her control.

5. Inspections and Searches – Access to Diocese Property:

The Diocese reserves the right to conduct an inspection or search at any time for Diocesan property on Diocesan premises.

Routine searches or inspections for Diocesan property may include an employee’s office, desk, file cabinets, computer or similar places where employees may place Diocesan property, whether or not those places are locked.

Because even a routine search for Diocesan property may result in the exposure of an employee's personal possessions, all employees are encouraged to refrain from bringing into the workplace any item of personal property that they do not wish to reveal to the Diocese.

Inspections or searches for prohibited materials may include an employee's office, desk, file cabinets, locker, or similar places where employees may place personal possessions, regardless of whether the places are locked or whether the employee is present. Inspections or searches for prohibited materials also may include an employee's vehicle when on Diocesan premises, or an employee's pockets, purse, briefcase, or other item of personal property that is worn or carried by the employee while on Diocesan premises. Searches of an employee's pockets, purse, briefcase, or other item of personal property worn or carried by the employee shall be conducted by requesting the employee to conduct a self-search, that is, by emptying pockets or other items in the presence of an observer.

Employees who refuse to cooperate during any inspection or search will not be forcibly detained or searched. However, the Diocese will base any disciplinary decision on the information that is available, including the basis for the search and the employee's failure to cooperate. The Diocese reserves the right to take appropriate action to prevent the unauthorized removal from Diocesan premises of Diocesan property.

6. Approval for Inspections:

- No approval for an inspection is necessary for a search to retrieve Diocesan property when an employee is unavailable.
- If a search is necessary because of a reasonable suspicion that employee(s) may be in possession of prohibited materials and in cases where an employee's personal property will be searched, approval for the search should be obtained from the Bishop or the Canon to the Ordinary or the Diocesan Administrator.

7. Access to Computer Storage Devices, Voice Mail, Electronic Mail:

The Diocese's computer storage systems, voice mail systems, and electronic mail systems are Diocesan property, to be used for business purposes only, and are subject to inspection, search and access at any time, including but not limited to, after an employee terminates from the Diocese.

The Diocese reserves the right to access any messages transmitted or recorded over its voice mail and electronic mail systems, notwithstanding the ability of employees, in some cases, to use codes, personal

identification numbers, or other techniques to restrict access to such systems. Likewise, the Diocese reserves the right to access any files, records, data, or other information stored on magnetic media which is Diocesan property, such as computer disks, even though the employee also may be using codes, personal identification numbers, or other techniques to restrict access. Employees should be aware that neither voice mail, neither electronic mail, nor data storage on magnetic media is confidential, and that there is no expectation of privacy with respect to such information.

No employee, without authorization, may access computer storage systems, voice mail systems, or electronic mail beyond what is reasonably necessary to enable the employee to perform the essential functions of his or her job.

8. Disciplinary Action:

Employees who possess prohibited materials in violation of this or any other Diocesan policy are subject to disciplinary action up to and including discharge, regardless of the Diocese's reason for conducting the search or inspection.

506 Management of Violence

Violence and/or threats of violence or other abusive or assaulting behavior by an employee against the life, health, well-being, family, or property of others, made directly or by implication, by words, gestures, symbols, intimidation, or coercion, shall be regarded as violating the fundamental rights of employees to a safe work environment and of the Diocese to operate its business in a safe and peaceful manner.

The Diocese has established a policy regarding violence and/or threats of violence by an employee against any other person. Such threats made while on Diocesan property or at Diocesan functions or under circumstances that may have an adverse impact on the Diocese's ability to do business, are unacceptable and grounds for immediate termination without any prior corrective action.

The following guidelines on violence and threats of violence are designed to inform managers of the procedures in place to deal with violent or potentially violent situations, as well as with employees who may be non-violent but who may be in crisis.

In the event of any hostile, violent, dangerous, disruptive, inappropriate, threatening, or questionable behavior that appears to pose an imminent threat to the health and/or safety of others, summon help immediately by calling whoever is in charge of the office at the time and 911. Stay on the line until all necessary information has been obtained.

Confidentiality and concern for the dignity of an employee who may be experiencing an emotional crisis are paramount, along with ensuring his or her safety and that of all others who may be involved. When possible, the individual who is experiencing an emotional crisis should be taken to a private area where he or she can be helped. Co-workers and other personnel should be dismissed from the immediate area. While taking precautions to minimize risk, do not leave the individual in crisis unattended.

If possible, the employee in crisis should be asked to seek medical help. Emergency response from 911 may be helpful here. The manager should not leave the employee alone. Ask the employee if there is a relative or friend who should be called; the employee's personnel file should contain the name of someone to call in an emergency.

507 Confidentiality

Diocesan property includes not only tangible property, like desks and equipment, but also intangible property, such as information. Of particular importance are confidential information and proprietary information. Proprietary information includes all information obtained by Diocesan employees during the course of their work. Confidential information is any Diocesan information that generally is not known to the public or to the industry. Personnel files, computer records, financial data, and trade secrets are examples of confidential information.

Given the nature of the Diocese's activities, protecting proprietary and confidential information is of vital concern to the Diocese and its employees.

Employees must not use or disclose any proprietary or confidential information obtained during employment with the Diocese, except as may be required by their Diocesan jobs. This obligation remains in effect even after an employee's employment relationship with the Diocese ends. In addition, all employees must observe good security practices. All employees are expected to keep proprietary and confidential information secure from outside visitors and all other persons who do not have a legitimate reason to see, know, access, or use such information.

508 Smoking

Pursuant to state and local law, employees, contractors, retailers, vendors, and other guests are not allowed to smoke in any building, outdoor eating area adjacent to a building, or enclosed area, or within 20 feet of an entrance to any building, outdoor eating area adjacent to a building, or enclosed area at any time. "Enclosed area" means (1) any area surrounded by 4 walls and a roof with appropriate openings for entry and exit or (2) any area not open to the sky due to a cover or shelter consisting of any impermeable or semi-permeable material or fabric.

509 Solicitation and Non-Disclosure

Any solicitation by employees or non-affiliated entities or people on Diocesan premises requires approval of the Bishop. In the case of an authorized solicitation on behalf of a charitable organization, employee contributions are entirely voluntary. No pressure shall be exerted upon any employee, by any other employee, regardless of position, to make a contribution.

Lists or other documents, such as the Diocesan telephone book, organizational charts, names and/or addresses of employees, may not be given or disclosed to anyone outside the Diocese, unless as a Diocesan necessity. In such a case, both a nondisclosure agreement and approval by the Bishop are required.

APPENDIX A PERFORMANCE IMPROVEMENT PLAN

Informal Performance Improvement Plan

When an issue surfaces, deal with it promptly. By being informal, objective and supportive, you can motivate your employee to overcome and resolve the issue.

Identifying the Problem and Taking Appropriate Action:

- Define the issue. Determine if the issue is a performance problem (the employee has not been able to demonstrate mastery of skills/tasks) or a behavior problem (the employee may perform tasks but creates an environment that disrupts the workplace).

Potential Performance Issues:

- Missed deadlines, poor quality work, not doing enough work, policy violation, etc.

Potential Behavior Issues:

- Attendance related issues (unscheduled absences, excessive absences, and tardiness), inappropriate behavior, insubordination, personality conflict, etc.
- Define the tasks or behaviors where improvement is required.
- What are the aspects of performance required to successfully perform these duties?
- Which skills need improvement?
- What changes need to be made in application of skills an employee has already demonstrated?
- What behaviors need modification?
- Establish the priorities of the tasks.
- What are the possible consequences of errors associated with these tasks?
- How frequently are these tasks performed?
- How do they relate when compared with other tasks?
- Identify the standards upon which performance will be measured for each of the tasks identified. Are they reasonable? Are they attainable?
- Establish short range and long range goals and timetables for accomplishing change in performance/behavior with the employee. Are they reasonable? Are they attainable?

Documenting a need for improvement can be:

- verbal only; and/or
- by written memo to the employee, with a copy kept in the supervisor's file or
- on the employee's annual written performance review

To increase the chances of a positive outcome:

- choose a private setting;
- focus on the specific issue rather than the person;
- ask the employee for help in creating a plan to resolve the issue; and
- gain the employee's commitment to resolving the issue.

Formal Written Performance Counseling:

- If performance, behavior or attendance shows no signs of improvement or continues to decline after informal counseling, or if something happens to cause the escalation of the performance counseling process, the supervisor will document the situation in a written formal counseling.
- Confer with your manager in any situation where the formal written performance counseling may be appropriate, and discuss the content of the written document with your manager prior to delivering it to the employee.

This performance counseling document will contain:

- A description of the nature of the employee's new or continued poor performance. Use specific examples and explain the business impact of the unacceptable performance or behavior;
- Reference to all prior discussions and plans regarding performance;
- A description of the performance expectations or the improved behaviors required, including measurements;
- Identification of time frame for improvement (usually 30-60 days) along with specific time frames for progress reviews of performance during this period;
- Specification that failure to improve behavior/performance could lead to further corrective action up to and including termination;
- Include a statement, (if appropriate) that the employee may be terminated before the end of the time frame specified if performance does not improve as required at certain intervals during the overall time frame;
- State that if the employee's performance improves but subsequently reverts to the unacceptable level once the employee completes this Performance Counseling period, the employee may be subject to further corrective action up to and including immediate termination;
- The employee as an acknowledgment signs this plan that the information has been discussed. An employee signature does not indicate agreement with the plan. If the employee refuses to sign, the manager should document the employee's refusal on the memo; and
- The manager retains a copy, gives a copy to the employee, and sends the original signed copy to the Diocesan Administrator to be placed in the employee's central personnel file.

Note: While an employee is on a Formal Written Performance Counseling, the manager should try to provide regular, timely and ongoing performance feedback to the employee throughout this period.

Termination:

- Termination may be initiated when an employee has failed to improve, or to sustain improvement as outlined in the Performance Counseling document. Terminations also may be initiated for serious violations of Diocesan policy.
- The Bishop or Canon to the Ordinary must concur with any termination and notice of termination before implementation. The manager typically communicates termination notice to the employee. Assure that the employee's final paycheck is ready at the time of termination.

**APPENDIX B
FORMAL PERFORMANCE COUNSELING DOCUMENTATION**

EMPLOYEE NAME
JOB TITLE
EXTENSION
DATE

DEPARTMENT
SUPERVISOR/MANAGER
NEXT LEVEL MANAGER

DESCRIPTION OF PERFORMANCE/BEHAVIOR ISSUE (SPECIFIC, INCLUDING IMPACT)

PRIOR DISCUSSIONS AND PLANS REGARDING THE POOR PERFORMANCE/ BEHAVIOR

DESCRIPTION OF THE PERFORMANCE EXPECTATIONS OR IMPROVED BEHAVIORS REQUIRED

TIME FRAMES FOR IMPROVEMENT ALONG WITH DATES FOR SPECIFIC PROGRESS REVIEWS DURING THIS TIME PERIOD.

CONSEQUENCES – Failure to improve performance/behavior could lead to further corrective action up to and including termination. (Employee name)_____ may be terminated before the end of the overall time frame if performance does not improve during the counseling period related to specified deadlines within the period. If your performance improves and subsequently reverts to an unacceptable level once you have completed this performance counseling period,, you may be subject to further corrective action up to and including immediate termination.

I HAVE READ AND RECEIVED A COPY OF THIS DOCUMENT:

Employee Signature

Date

Manager Signature

Date

EMPLOYEE COMMENTS:

EMPLOYEE COMMENTS: (continued)

APPENDIX C
GOOD SECURITY PRACTICES

APPENDIX D
CONTENTS CHECKLIST FOR EMPLOYEE PERSONNEL FILES